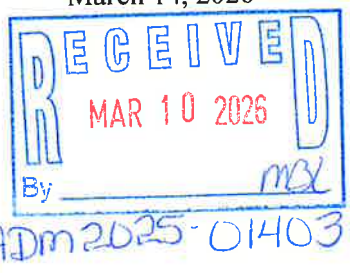
Re: ADM2025-01403
March 14, 2026



James Hivner, Clerk

Re: Regulatory Reform – ADM2025-01403

100 Supreme Court Building

401 7th Avenue North

Nashville, TN 37219-1307

Dear Chief Justice and Associate Justices of the Tennessee Supreme Court:

Statement of Interest

These comments are submitted by Linda Seely, who is currently employed as Pro Bono Counsel at Butler Snow, LLP. Ms. Seely served as Director of Pro Bono Projects for Memphis Area Legal Services and West Tennessee Legal Services (rural counties) from 1989 to 2016, where she worked directly with the underserved communities—including many of Tennessee's legal desert counties—that this Court's Order seeks to address. She is the current Chair of the Tennessee Bar Association's Access to Justice Committee, on which she has served for over 25 years. She is a former Director of the ABA Section of Dispute Resolution, currently serves as a Commissioner on the Tennessee Supreme Court's ADR Commission, and serves on the ADR Commission's Online Dispute Resolution project taskforce. These comments reflect both her professional experience and her personal commitment to expanding access to justice for all Tennesseans. These comments are her own and are not reflective of either the opinions or comments of Butler Snow, LLP, the Tennessee Bar Association's Access to Justice Committee or the Tennessee Supreme Court's ADR Commission. This information about Ms. Seely is provided solely for the purpose of establishing her professional and personal credentials and experience as an access to justice advocate.

These comments address only one of the regulatory reform proposals raised by the Court's Order: the establishment of a Community Justice Worker certification program. The remaining recommendations are based on Ms. Seely's extensive knowledge and experience with delivering legal services to the underserved. As such, she recommends the following: expansion and modernization of Tennessee's pro bono emeritus program under Rule 50A, simplification of court procedures in high-volume civil dockets with expanded use of mediation and alternative dispute resolution, and support and promotion of partnerships between law firms, legal services organizations, and corporate counsel. Each recommendation draws on Ms. Seely's direct experience with Tennessee's rural legal deserts, the legal aid community, the bar, and the ADR system.

I. Establish a Community Justice Worker Certification Program

A. The Problem: Tennessee's Legal Deserts Cannot Wait for Traditional Solutions

Having spent nearly three decades coordinating pro bono legal services across both urban Memphis and the rural counties of West Tennessee, the undersigned can attest that the statistics in the Court's Order reflect a lived reality. Tennessee has twenty counties with fewer than ten attorneys each. Tennesseans in those counties facing eviction, domestic violence, the loss of public benefits, or the death of a family member without an estate plan are not failing to access justice because they do not want help. They are failing to access justice because the help does not exist in the communities where they live.

Traditional solutions cannot close this gap alone. As former Legal Services Corporation President James Sandman has observed, the math does not work: every attorney in the United States would need to provide 180 hours of pro bono service annually simply to give each underserved household a single hour of legal help. Mr. Sandman's comments echo former Utah Supreme Court Justice Deno Himonas put it: "We're not going to volunteer our way across the justice gap." The Court's Order explicitly invites comment on whether legal services currently provided by lawyers could be competently provided by paraprofessionals. The answer, supported by a growing body of evidence from multiple states, is yes—for a defined set of high-volume civil legal matters.

B. Evidence from Other Jurisdictions

Alaska provides the most compelling proof of concept. Beginning in 2019 with Alaska Supreme Court approval, Alaska Legal Services Corporation launched a Community Justice Worker (CJW) program modeled on the state's Community Health Aide Program. CJWs are trained and certified in discrete areas of civil law such as SNAP benefits, debt collection defense, domestic violence protection orders, the Indian Child Welfare Act, and basic estate planning through primarily asynchronous online training complemented by hands-on mentoring under supervising attorneys. As of June 2024, over 400 CJWs had completed or were enrolled in training, working in more than 40 primarily rural and remote Alaska Native communities. Joy Anderson et al., Community Justice Workers: Part of the Solution to Alaska's Legal Deserts, Ala. L. Rev. 10 (2024).

The outcomes in Alaska are remarkable. During Alaska's SNAP crisis when the state's error rate in processing SNAP applications reached 87%, the worst in the nation, CJW volunteers closed nearly 500 cases, recovered .43 million in food security benefits, and achieved a 100% success rate in resolving client SNAP delay issues. Clients typically had benefits approved within ten days. This was accomplished not by licensed attorneys but by trained community members embedded in the communities they served.

Utah's regulatory sandbox has similarly enabled community justice worker programs through unauthorized practice of law (UPL) waivers. The Timpanogos Legal Center launched a Certified Advocate Partner Program embedding trained CJWs within municipal and county law enforcement agencies to help survivors of domestic violence with protective orders. Between June 2021 and June 2024, advocates assisted over 350 clients and provided over 840 services including 225 protective orders with 77% of clients residing in rural areas of Utah. Matthew Burnett & Rebecca L. Sandefur, A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States, 51 Fordham Urb. L.J. 1509 (2024). This is direct evidence that embedded, community-based advocates can bridge rural justice gaps in precisely the way Tennessee's rural counties need.

Washington State's Limited License Legal Technician (LLLT) program, though ultimately sunset for budgetary and administrative reasons largely unrelated to performance, demonstrated the viability of a more formal paraprofessional licensing model in family law matters. Stanford researchers evaluating the program found that LLLTs provided competent services at critical moments in clients' lives, reduced procedural errors, improved outcomes, and even generated new business for supervising attorneys by capturing a previously untapped market. Jason Solomon & Noelle Smith, The Surprising Success of Washington State's Limited License Legal Technician Program, Stanford Center on the Legal Profession (Apr. 2021). Texas, Oregon, Minnesota, New Hampshire, and other states have since implemented their own paraprofessional licensing frameworks.

C. Recommendation: A Tennessee Community Justice Worker Certification Program

The Court should establish a Tennessee Community Justice Worker (CJW) certification program modeled on Alaska's hub-and-spoke approach. Based on the undersigned's experience in West Tennessee's rural counties, the following design elements are recommended:

Certification authority. The Tennessee Supreme Court, through the Access to Justice Commission, should certify CJWs who complete approved training in defined subject-matter areas. Initial priority areas should be chosen for their high volume, procedural manageability, and critical importance to vulnerable Tennesseans and should include: public benefits (SNAP, Medicaid, TennCare appeals); eviction defense and housing; domestic violence protection orders; consumer debt and debt collection defense; simple wills and advance directives; and veterans' benefits.

Training and supervision. Training should be primarily asynchronous and online to maximize rural reach, with competency assessments and hands-on mentoring. CJWs must operate in affiliation with an approved legal aid organization or supervising attorney who assumes professional responsibility for oversight. This model which has already been proven to work in Alaska, ensures accountability without requiring physical proximity between supervisor and CJW.

Scope limitations. CJWs should be certified in discrete practice areas, not authorized to practice law generally. Their authorized activities should include providing legal information and advice within their certified subject area, assisting with forms and court filings, representing clients in administrative hearings with supervising attorney approval, and client counseling regarding legal rights.

Disciplinary oversight. CJWs should be subject to the jurisdiction of the Board of Professional Responsibility, and the supervising attorney's professional responsibility rules should extend to CJW conduct. This ensures meaningful public protection without replicating the full bar admission apparatus.

From the undersigned's direct experience in rural West Tennessee, the hub-and-spoke model holds particular promise. Haywood, Lauderdale, Hardeman, and similar counties have community anchors such churches, health clinics, libraries, county extension offices that could serve as deployment sites for CJWs. These are trusted institutions already embedded in communities that distrust outside intervention. In particular, I would point to the Faith and Justice Alliance of the Tennessee Supreme Court's Administrative Office of the Court as a means of expanding into the churches that are a key trusted institution in many legal desert

communities. A CJW program that recruits and trains local residents to serve their neighbors, supervised remotely by legal aid attorneys in Jackson or Memphis, is a realistic and replicable model for Tennessee.

The Court should consider piloting this program in two or three rural judicial districts in partnership with West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid of Middle Tennessee before statewide rollout, and should authorize the Access to Justice Commission to develop training standards and approve CJW training providers.

II. Expand and Modernize Tennessee's Pro Bono Emeritus Program Under Rule 50A

A. The Existing Program and Its Untapped Potential

Tennessee's pro bono emeritus attorney program under Supreme Court Rule 50A has existed since January 1, 2011. It allows retired attorneys defined as those who have practiced for at least five of the last ten years or for at least 25 years, to provide pro bono legal services through approved legal assistance organizations without maintaining an active bar license or paying annual dues. It is a sound foundational program.

The TBA's BarBuzz podcast recently highlighted this issue through a conversation among TBA Executive Director Sheree Wright, former TBA President Jim Barry, and retired attorney Carl E. Seely, who is personally known to the undersigned and to whom she has been married for over 30 years. That conversation illuminated a truth the access-to-justice community has long recognized: Tennessee has thousands of retired attorneys who possess decades of expertise in exactly the practice areas where low-income Tennesseans most need help in the areas of family law, housing, consumer debt, public benefits. Many of them, like Jim Barry and Carl Seely, are eager to remain professionally engaged and to serve their communities. The current Rule 50A, as written, does not make it easy enough for them to do so.

B. Current Limitations That Constrain Participation

Narrow organizational channel. Rule 50A requires that emeritus attorneys serve through "approved legal assistance organizations," currently defined primarily as LSC-funded entities. Tennessee's three LSC-funded organizations (West Tennessee Legal Services, Legal Aid of Middle Tennessee and the Cumberlands, and Legal Aid of East Tennessee) serve vast geographic areas but have limited capacity to absorb and supervise additional volunteers. Many rural counties lack an accessible LSC office, and the affiliation requirement effectively forecloses participation by retired attorneys who are not proximate to those organizations.

Administrative burden of the petition process. The current rule requires Supreme Court approval, which can be slow and is not electronically accessible. This administrative friction discourages participation by attorneys who might otherwise volunteer. In addition to the administrative burden, the costs of being a retired attorney attempting to provide pro bono or low bono legal assistance are substantial and should be removed.

Absence of CLE pathway. Emeritus attorneys who wish to remain substantively current in a specific practice area in order to serve effectively lack a purpose-built CLE track. Standard active-member CLE requirements are poorly suited to the needs of retired attorneys seeking to maintain competency in one or two focused areas.

C. Recommended Modifications to Rule 50A

Expand approved organizations. The rule should be amended to authorize emeritus attorneys to affiliate with a broader range of approved entities, including: court-based self-help centers and access to justice programs; local and county bar associations with established pro bono programs; accredited law school clinics; nonprofit legal services organizations not funded by LSC; and Rule 31 mediation programs in which the emeritus attorney is a listed mediator providing pro bono services. An expedited approval process through the Access to Justice Commission could ensure quality control without creating administrative bottlenecks.

Authorize limited direct service in legal desert counties. In counties with fewer than ten active attorneys per 10,000 residents, the Court should authorize emeritus attorneys to provide limited pro bono or low bono legal services directly to income-eligible clients without mandatory organizational affiliation, subject to notification to the Board of Professional Responsibility and compliance with all applicable ethics rules. This change would directly address the reality that many of Tennessee's most underserved counties have no LSC or other legal services provider office within practical reach.

Streamline and digitize the application process. The Court should delegate initial approval to the Access to Justice Commission with automatic approval absent objection within 30 days and should make the application available electronically through the Tennessee courts portal. The undersigned's experience coordinating pro bono volunteers confirms that administrative friction at the point of entry is a significant deterrent—especially for attorneys who have been out of practice and are uncertain about the process.

Create an emeritus-specific CLE track. The Tennessee Commission on CLE should create a focused emeritus CLE track perhaps 6 hours annually, concentrated in one or two subject-matter areas of the attorney's choosing made available at reduced or waived cost. This would enable retired attorneys to maintain the targeted competency needed to serve effectively without the burden of full active-member CLE compliance.

Retired attorneys represent a significant reservoir of legal talent that Tennessee is currently leaving largely untapped. Modernizing Rule 50A to remove unnecessary barriers to participation could mobilize hundreds of experienced practitioners in service of Tennessee's most vulnerable residents.

D. The Value of Emeritus Status Attorneys in Closing the Access to Justice Gap

Emeritus status attorneys offer a uniquely valuable resource for addressing the access to justice crisis. Unlike first-year volunteers, they bring decades of substantive legal expertise, professional judgment, and client-handling experience that cannot be replicated by training programs alone. A retired family law attorney who spent thirty years in practice can provide a domestic violence survivor with the same quality of advice that a law firm partner would charge

hundreds of dollars per hour to deliver. This depth of experience is precisely what low-income clients need and rarely receive.

Multiple states have recognized this value and have created or expanded emeritus attorney frameworks specifically to harness it. California's State Bar Rule 9.45 allows retired attorneys to provide pro bono services through qualified legal services projects and law school programs, and California has actively promoted the program as a workforce strategy for legal aid organizations. Florida's Rule 4-6.5 similarly authorizes retired attorneys to provide limited legal services through nonprofit programs and court-sponsored clinics. New York has created a Senior Lawyer Pro Bono Initiative, coordinated through the New York State Bar Association, that actively recruits and places retired attorneys in legal services settings throughout the state. Colorado, Illinois, and Virginia have each adopted rules modeled on the ABA Model Rule for emeritus attorneys, with the express purpose of expanding the pipeline of experienced volunteer counsel available to legal aid organizations.

The ABA itself has strongly encouraged states to expand emeritus programs as a strategic access to justice measure. The ABA's Standing Committee on Pro Bono and Public Service has identified emeritus attorneys as one of the most underutilized resources in the pro bono ecosystem and has urged state bars to remove procedural and financial barriers to their participation. The ABA Model Rule on Pro Hac Vice Admission and the Model Rule for Emeritus Attorneys provide a template that Tennessee's Rule 50A reforms could build upon directly.

Tennessee is well positioned to build on these models. The state has a large population of retired attorneys who are concentrated in urban centers like Memphis, Nashville, Knoxville, and Chattanooga but who have professional roots in, and connections to, rural communities across the state. A modernized Rule 50A that removes barriers to participation and provides a clear, simple path to emeritus service could convert that latent talent pool into an active, statewide network of experienced pro bono counsel.

E. Law Firm, Corporate Counsel, and Legal Services Partnerships as an Access to Justice Strategy

One of the most powerful and underutilized models for expanding legal services to low-income Tennesseans is the structured partnership between private law firms, corporate legal departments, and legal services organizations. These partnerships work because each party brings resources the others lack. Law firms and corporate legal departments have attorneys, training infrastructure, and malpractice coverage. Legal services organizations have client relationships, intake systems, substantive expertise in poverty law, and the community trust that comes from years of serving underserved populations. When these institutions collaborate through deliberate partnership rather than ad hoc referral, the result is a pro bono delivery system that is more robust, more sustainable, and capable of reaching far more clients than either could serve alone.

The undersigned has observed this model in operation through her work at Butler Snow, LLP, which has an active pro bono program that includes formal partnerships with legal services organizations in Tennessee and other states where the firm practices. Butler Snow's experience reflects a national trend: large law firms increasingly recognize that effective pro bono programs require organizational infrastructure, not just individual attorney volunteerism. The Legal Services Corporation has documented that law firm and corporate partnerships are among the highest-impact pro bono models, producing more hours of service per organizational investment than unstructured volunteer programs. The Pro Bono Institute's Law Firm Pro Bono Challenge, to which hundreds of major firms have committed, is built on the insight that institutional commitment to pro bono, anchored by partnerships with legal aid organizations, produces measurably better outcomes than reliance on individual goodwill alone.

Corporate legal departments represent a particularly significant and often overlooked resource. In-house counsel in Tennessee are employed by companies of all sizes across the state, including in mid-sized cities and regional markets where private firm pro bono programs are less developed. Many in-house attorneys are licensed to practice law but have limited or no mechanism for connecting their pro bono interest to legal services organizations that could use their help. The Association of Corporate Counsel's Pro Bono Leadership Award and the ACC Foundation's work promoting in-house pro bono reflect growing recognition within the corporate law community that in-house counsel have both the capacity and the ethical responsibility to contribute to access to justice. Tennessee's Access to Justice Commission should develop a specific initiative to engage in-house counsel statewide and to connect them with legal services organizations through a structured, supported framework.

Successful models for firm-corporate-legal aid partnerships include: matter-based placements in which law firm attorneys handle discrete matters referred by legal services organizations under the supervision of legal aid staff attorneys; secondment programs in which firm associates are placed with legal aid organizations for defined periods, typically three to six months, as part of their professional development; joint clinics in which firm and legal aid attorneys staff recurring community legal clinics together, combining the firm's capacity with the legal aid organization's client pipeline; and training partnerships in which firms provide substantive legal training to legal aid attorneys in exchange for co-counseling opportunities that give firm attorneys exposure to poverty law practice. Each of these models has been implemented successfully in peer states and each is replicable in Tennessee with modest investment in coordination infrastructure. One of the more successful partnerships has been when firms such as Butler Snow, LLP partner with members of the Association of Corporate Counsel in Tennessee to do "Free Legal Answers" clinics in partnership with the Tennessee Alliance for Legal Services.

The Tennessee Supreme Court and the Access to Justice Commission can accelerate the development of these partnerships by: formally recognizing law firms and corporate legal departments that commit to structured legal aid partnerships through a certification or recognition program similar to the Mediators for Justice designation; working with the Tennessee Bar Association to create a statewide pro bono partnership clearinghouse that matches firms and corporate departments with legal aid organizations based on geography and practice

area; and encouraging law schools to incorporate partnership-based pro bono models into their clinical education programs, creating a pipeline of attorneys who enter practice with experience in collaborative legal services delivery.

III. Simplify Court Procedures and Expand Access to Mediation

A. Courts Designed for Lawyers in a World of Self-Represented Litigants

As former Director of the ABA Section of Dispute Resolution and a current Commissioner on the Tennessee Supreme Court's ADR Commission, the undersigned is acutely aware of the intersection between court procedure, dispute resolution, and access to justice. Our civil justice system, as James Sandman, President Emeritus of the Legal Services Corporation, has observed, operates as "a lawyer-centric system created for a world where both parties are represented in most cases; a world that ceased to exist sometime in the last quarter of the last century." In more than 75% of state court civil cases today, at least one party lacks legal representation. Tennessee's courts were not designed for this reality.

IAALS' Uncomplicated Courts Initiative provides a timely framework for addressing this problem. Launched in late 2025, the Initiative is "creating the blueprint for courts to simplify their high-volume dockets and processes" through three integrated prongs: court process simplification, strategically targeted legal help, and user-focused technology. The Initiative's advisory committee includes Justice Shannon Bacon of the New Mexico Supreme Court, Justice Brett Busby of the Texas Supreme Court, and James Sandman himself. IAALS convened its first cohort of state courts in early February 2026. Tennessee should seek to participate in the next cohort.

B. Court Process Simplification

The Court, in partnership with the Access to Justice Commission and Tennessee's trial courts, should undertake a systematic review of procedures in high-volume civil dockets such as general sessions, unlawful detainer proceedings, debt collection, protective order hearings, and uncontested family law matters with the following objectives:

Plain-language forms. All standard court forms in high-volume areas should be rewritten in plain English, tested with self-represented litigants, and made available electronically. A person seeking a protective order in Tennessee should not need to hire a lawyer simply to understand what to file.

Remote appearance authorization. The pandemic demonstrated that routine procedural steps can be conducted remotely without compromising fairness. For self-represented litigants in rural counties who must take time from hourly jobs, arrange childcare, and travel long distances, mandatory in-person appearances for routine matters are a significant barrier. The Court should authorize and encourage, and perhaps even require, video appearances for preliminary and status hearings in civil matters statewide.

Court-based navigator programs. Trained but not necessarily licensed, court navigators can assist self-represented litigants with procedural questions, form completion, and wayfinding without constituting the unauthorized practice of law. These programs reduce procedural errors, improve case outcomes, and reduce the burden on court staff.

Tennessee should pilot navigator programs in high-volume trial courts, with priority given to courts serving counties with significant self-represented litigant populations.

C. Expanded Access to Mediation and ADR

As both a Commissioner on the ADR Commission and a member of its Online Dispute Resolution taskforce, the undersigned has a direct stake in the following recommendations. Tennessee's Rule 31 mediation program and the "Mediators for Justice" recognition program represent underutilized resources for expanding access to dispute resolution. The following expansions are recommended:

Presumptive mediation referral in high-volume civil dockets. In eviction proceedings, general sessions debt cases, and certain domestic relations matters, the Court should adopt rules that presumptively refer cases to mediation before trial, with opt-out available for good cause. Evidence from other jurisdictions consistently demonstrates that early mediation in these case types produces high settlement rates, reduces docket pressure, and results in outcomes both parties perceive as more fair than adversarial adjudication. The undersigned has seen this firsthand in dispute resolution work.

Online Dispute Resolution for low-value civil claims. The ADR Commission's ODR taskforce is already examining online dispute resolution platforms. For general sessions debt claims and other low-value civil matters—particularly in rural counties where travel to court is prohibitive—an ODR platform that allows parties to negotiate, mediate, and resolve disputes asynchronously online would be transformative. The Court should prioritize implementation of ODR in at least one pilot judicial district and commit to evaluation and statewide scaling if outcomes are positive.

Expand the pro bono mediation program. The Mediators for Justice recognition program is a meaningful first step, but the Court should work with local bar associations and the Tennessee Association of Professional Mediators to develop more structured pro bono mediation programs linked to legal aid organizations, court-based programs, and community dispute resolution centers. Community Justice Workers certified in defined areas could also be authorized to facilitate structured settlement discussions in administrative contexts.

Rural mediator access. In rural counties where Rule 31 mediators are scarce, the Court should authorize remote mediation as the default option and should consider reducing or waiving the Rule 31 listing fee for mediators who commit to serving rural counties or to providing a specified number of pro bono mediation hours annually in legal desert counties.

These ADR recommendations are particularly synergistic with the CJW recommendation above. A CJW trained in debt collection defense or housing matters, working alongside a pro bono mediator, can guide a self-represented litigant through a mediated resolution process in a general sessions debt case or an eviction matter far more effectively—and at far lower cost—than a full adversarial proceeding. These are not competing reforms; they are complementary components of a redesigned delivery system.

Finally, the Court should formally engage with IAALS' Uncomplicated Courts Initiative as a participating court system. This would provide Tennessee access to research, technical

assistance, peer networks, and funding support as it pursues court simplification—all at no cost to the Court. The Initiative explicitly contemplates that targeted legal help from CJWs and allied legal professionals, combined with user-focused technology, should be layered onto simplified court processes to maximize collective impact. Please see separate comment re use of ADR to supplement Access to Justice.

IV. Conclusion

The recommendations above are complementary and mutually reinforcing. A Community Justice Worker program can reach Tennesseans in rural communities that licensed attorneys rarely serve. An expanded and modernized pro bono emeritus program can mobilize the expertise of thousands of retired Tennessee attorneys who are currently disengaged from professional service. And simplified court procedures supported by expanded mediation, online dispute resolution, and court navigators can ensure that when Tennesseans do reach the legal system, they can navigate it without a law degree.

None of these recommendations requires abandoning the bar's core mission of protecting the public through competent legal representation. Each is carefully circumscribed to ensure public protection while expanding access. Each is supported by evidence from other jurisdictions. And each addresses a genuine gap that the undersigned has observed directly over more than three decades of work in Tennessee's legal aid, pro bono, and dispute resolution communities.

The Court's willingness to solicit these comments reflects an admirable commitment to confronting the access-to-justice crisis honestly. The undersigned respectfully urges the Court to act boldly, and to use its inherent authority over the regulation of the legal profession to build a system that reaches all Tennesseans—not just those who can find and afford a lawyer.

Please note that this comment is submitted by me and only by me. It does not reflect the opinions or comments from the law firm, Butler Snow, LLP and my affiliation with the firm is only provided to establish my credentials as an access to justice advocate. This comment reflects my own personal opinion, comments, and recommendations and the listing of my affiliations are provided solely for the purpose of establishing my credentials as an access to justice advocate.

Respectfully submitted,

Linda Warren Seely

Pro Bono Counsel, Butler Snow, LLP

Chair, Tennessee Bar Association Access to Justice Committee

Commissioner, Tennessee Supreme Court ADR Commission

Member, ADR Commission Online Dispute Resolution Taskforce

MaryBeth Lindsey

From: Linda Seely <lwseely@gmail.com>
Sent: Tuesday, March 10, 2026 2:19 PM
To: appellatecourtclerk
Subject: Re: Comments
Attachments: 2026_TN_Supreme_Court_Comment_Final_v3_ODR_CJW_librarians.docx; 2026_TN_Supreme_Court_Public_Comment_Linda_Seely_v4.docx

James Hivner, Clerk
Re: Regulatory Reform
100 Supreme Court Building
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Attached please find my comments as regards the Proposed Order of the Tennessee Supreme Court referencing Regulatory Reform and Access to Justice. Please note that:

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These comments are submitted by Linda Seely, who is currently employed as Pro Bono Counsel at Butler Snow, LLP. Ms. Seely served as Director of Pro Bono Projects for Memphis Area Legal Services and West Tennessee Legal Services (rural counties) from 1989 to 2016, where she worked directly with the underserved communities—including many of Tennessee's legal desert counties—that this Court's Order seeks to address. She is the current Chair of the Tennessee Bar Association's Access to Justice Committee, on which she has served for over 25 years. She is a former Director of the ABA Section of Dispute Resolution, currently serves as a Commissioner on the Tennessee Supreme Court's ADR Commission, and serves on the ADR Commission's Online Dispute Resolution project taskforce. These comments reflect both her professional experience and her personal commitment to expanding access to justice for all Tennesseans. These comments are her own and are not reflective of either the opinions or comments of Butler Snow, LLP, the Tennessee Bar Association's Access to Justice Committee or the Tennessee Supreme Court's ADR Commission. This information about Ms. Seely is provided solely for the purpose of establishing her professional and personal credentials and experience as an access to justice advocate.

Linda W. Seely

On Tue, Mar 10, 2026 at 2:14 PM Linda Seely <Linda.Seely@butlersnow.com> wrote:

Linda W. Seely

Pro Bono Counsel

Butler Snow LLP

D: (901) 680-7298 | C: (731) 217-8013 | F: (901) 680-7201

6075 Poplar Avenue, Suite 500, Memphis, TN 38119

P.O. Box 171443, Memphis, TN 38187-1443

Linda.Seely@butlersnow.com | vCard

X (Twitter) | LinkedIn | Facebook | YouTube

From: Linda Seely
Sent: Tuesday, March 10, 2026 2:13 PM
To: lwseely@gmail.com
Subject: FW: Comments

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I. INTRODUCTION

I commend the Tennessee Supreme Court for its thoughtful and forward-looking examination of regulatory reforms designed to expand access to high-quality legal services for all Tennesseans. The proposals concerning Community Justice Workers (CJWs), alternative pathways to licensure, and strategies to address legal deserts reflect an essential commitment to modernizing and democratizing the legal system in our state.

This comment urges the Court to formally incorporate mediation, community mediation centers, and Online Dispute Resolution (ODR) as central and not merely supplemental components of a people-centered justice system. This comment is primarily focused on the use of ADR professionals, however, other ancillary themes may be introduced although they will be more expansively considered in other comments. These ADR and ODR tools, when integrated with the proposed reforms, can significantly close Tennessee's justice gap, expand service delivery capacity, and provide simplified, accessible pathways for resolving common civil legal problems. Importantly, this comment also addresses the Court's proposal for Community Justice Workers, discussing how nonprofit staff, librarians, and mediators may appropriately serve in that role, and the ethical constraints and practical considerations that must be carefully observed.

The challenges are stark. Approximately 1.2 million Tennesseans qualify for LSC-funded legal aid, yet low-income Americans receive inadequate legal help for 92% of the civil legal problems that substantially affect their lives. Over twenty Tennessee counties have fewer than ten lawyers each, creating profound legal deserts. Mediation, ODR, and a thoughtfully designed CJW program can meaningfully bridge this gap as Tennessee has already demonstrated through its pioneering Medical Debt ODR Pilot.

II. MEDIATION AND ONLINE DISPUTE RESOLUTION AS ACCESS TO JUSTICE SOLUTIONS

A. Addressing the Justice Gap Through People-Centered Design

Traditional legal regulation attempts to balance public protection with affordability and accessibility. Procedural complexity, geographic inequities, and resource constraints prevent most Tennesseans from obtaining meaningful legal help. Mediation and ODR counteract these barriers by reducing procedural complexity and the intimidating learning curves faced by self-represented litigants; providing guided, plain-language pathways for dispute resolution; enabling asynchronous, 24/7 communication that accommodates work schedules and transient lifestyles; delivering party-driven processes that increase autonomy and dignity; and resolving disputes before they escalate into crises such as eviction, wage garnishment, or family instability. These principles align with the OECD Recommendation on People-Centered Justice and with the growing domestic scholarship recognizing that access to justice is fundamentally democracy work.

B. Serving Legal Deserts

For the more than twenty Tennessee counties lacking adequate legal representation, ODR and community mediation centers provide critical infrastructure. Specifically, they offer remote dispute resolution without travel requirements, mobile and circuit mediators able to serve multiple underserved counties, community-trained paraprofessionals who can assist with platform navigation, and equal access to statewide justice tools regardless of geography.

C. Cost Reduction Without Compromising Quality

The combination of pro bono mediators, paraprofessional support, and ODR technology expands service capacity at minimal cost, reduces court congestion, and accelerates dispute resolution timelines. Tennessee's Rule 31 credentialing infrastructure ensures professional quality is maintained. Mediation is not a replacement for legal services but functions as a complementary pathway that makes formal legal services more accessible and efficient.

III. TENNESSEE'S NATIONAL LEADERSHIP: THE MEDICAL DEBT ODR PILOT

Tennessee has already demonstrated exceptional, nationally recognized leadership through the Hamilton County Medical Debt Online Dispute Resolution Pilot, launched in 2020. This first-in-the-nation innovation directly addresses the access to justice crisis and exemplifies best practices of people-centered justice: simplicity, accessibility, guided navigation, and integration with human support.

A. Program Outcomes (Phase 2: 2022–2023)

- 27% engagement rate from guarantors previously unresponsive to four months of traditional collection efforts;
- 72% of engaged users successfully resolved their medical debts;
- $408,663.52 in total debt resolved, with $16,127 in financial assistance uncovered for families unaware of available aid;
- 30% of total invited debt resolved, significantly outperforming traditional collection agencies;
- Rapid engagement: most users responded within three days of the ODR invitation;
- Resolution averaging 22 days from engagement to closure, dramatically reducing long-term financial harm.

These results demonstrate that ODR materially improves outcomes and prevents the destructive downstream consequences of default judgments in areas of law such as wage garnishments, evictions, damaged credit, and the cycles of poverty they create.

B. Infrastructure for Expansion

Tennessee already possesses a strong foundation for statewide ODR expansion, including judicial sponsorship through Hamilton County General Sessions, an AOC-developed mediation platform adaptable to multiple civil areas, pro bono mediator networks with over 100 volunteers, the Rule 31 training and credentialing infrastructure, Legal Aid partnership for plain-language and accessible design, and multi-source funding models including SJI grants. This is precisely the infrastructure required to expand ODR into consumer debt, eviction, small claims, family law modifications, and other high-volume civil areas.

C. Additional Tennessee Mediation Resources

Beyond the ODR pilot, Tennessee's existing mediation infrastructure includes the Justice For All Initiative website, the Tennessee Faith & Justice Alliance's community-based mediation programs, Legal Aid organizations statewide, and community mediation centers across the state that maintain cadres of volunteer mediators. These volunteers are currently underutilized and could meaningfully expand access to justice for general sessions, juvenile court, and family law matters.

IV. NONPROFIT STAFF AND LIBRARIANS AS COMMUNITY JUSTICE WORKERS: TRUSTED PRESENCE, REAL CAPACITY

A. The Indispensable Value of Existing Community Trust

The most important and most often overlooked insight in the CJW literature is this: the best Community Justice Workers are not newly created from scratch. They already exist in legal desert communities. They are the public library director who has watched her patrons struggle for decades with eviction notices, child custody forms, and debt collection lawsuits they cannot understand. They are the domestic violence shelter intake coordinator who recognizes a protective order need before her client does. They are the community health worker who sees that a patient's housing

instability is a legal problem, not just a social one. They are the extension agent, the school counselor, the faith community leader, and the food bank volunteer coordinator.

Research consistently confirms that embedding legal help within existing trusted community relationships is not merely convenient it is transformative for access and uptake. The Burnett & Sandefur study in the Fordham Urban Law Journal (2024) identifies this as one of the ten essential insights for successful CJW programs: services delivered by people already known and trusted in the community achieve dramatically higher engagement rates than services delivered by outside professionals, however well-credentialed. Utah's Community Justice Advocates, embedded within existing community organizations, achieved a 90% success rate for protective orders higher than the statewide average including licensed attorneys precisely because clients came to them through relationships of trust rather than institutional referral.

For Tennessee's legal deserts, this principle is not theoretical. In a county with eight lawyers, none of whom handles family law, a person in crisis does not search for a new institution. They call the person they know. The CJW program the Court designs must be built around that reality, not despite it.

B. Nonprofit Staff as Natural Community Justice Workers

Tennessee's nonprofit sector is a largely untapped resource for access to justice that is already present in the communities where lawyers are absent. Social service nonprofits, domestic violence organizations, community action agencies, immigration services organizations, veterans' service organizations, and faith-based social service providers already serve the same populations who most need legal help. Their staff members are:

- Already trained in trauma-informed communication, which is essential when clients present with legal crises;
- Already embedded in referral networks that connect individuals with multiple services;
- Already trusted, removing the barrier of institutional unfamiliarity that deters vulnerable people from seeking help;
- Already co-located with the clients who need help, eliminating transportation and scheduling barriers;
- Already skilled at identifying needs their clients cannot articulate — a core competency for CJW work; and
- Already funded through organizational structures that can absorb CJW training and responsibilities without requiring the creation of new entities from scratch.

The Alaska CJW model,which has trained over 400 community members serving 40+ primarily rural Alaska Native communities with a 100% case resolution rate, achieves its success in large part because it works through existing community structures and relationships rather than around them. Utah's Timpanogos Legal Center embedded advocates within law enforcement and

government agencies, with 77% of clients coming from rural areas, precisely because those institutions already had the community's confidence.

The Court should design Tennessee's CJW framework to affirmatively favor nonprofit organizations with established community presence as the delivery vehicle for CJW services, rather than building a parallel infrastructure from the ground up. Embedding CJW functions within existing nonprofit organizations reduces overhead, leverages established trust relationships, connects CJW services to complementary social supports, and substantially reduces the cost of program implementation.

C. The Case for Librarians as Community Justice Workers

Public librarians deserve particular attention in the Court's design of a CJW program, for reasons that go beyond their obvious presence in almost every Tennessee community, including the most remote.

1. Librarians Are Already the De Facto Legal Help Desk for Legal Deserts

In legal deserts, the public library reference desk is often the first — and last — stop for people facing civil legal crises. Legal scholars, library professionals, and access to justice researchers have documented what librarians already know from experience: in communities without legal aid offices, self-help centers, or nearby attorneys, people in crisis turn to their librarian. They arrive with eviction notices, custody summons, debt collection suits, and immigration paperwork. As one practitioner has observed, it is a rare school paper or genealogy project that has life-or-death consequences, but legal matters are almost always urgent, and the people asking for help are more needful of assistance than almost anyone else who walks through the library's doors.

The Legal Services Corporation and OCLC have recognized this reality by creating dedicated training programs for public library staff, including the "Creating Pathways to Civil Legal Justice" course series developed jointly by LSC and WebJunction. The American Association of Law Libraries has conducted extensive training partnerships with public libraries across the country precisely because public librarians are already handling legal reference questions, often without adequate support, training, or protection.

2. Librarians Already Possess Core CJW Competencies

The skills that make an effective Community Justice Worker such as active listening, information navigation, plain-language communication, referral expertise, and the ability to identify the real problem behind the presenting question are foundational to professional librarianship. Librarians are trained in the reference interview, a structured approach to understanding a patron's actual need rather than their initial articulation of it. This skill is directly transferable to the CJW context, where a client's presenting concern ("my landlord is kicking me out") often masks a more complex legal situation requiring careful triage.

Librarians are also expert at evaluating sources, presenting information in accessible language, and connecting individuals to institutional resources and are all critical CJW functions. A librarian who

is trained and authorized as a CJW would not be learning an entirely new way of working; she would be practicing her existing skills with appropriate legal information support and a clearly defined scope of authorized assistance.

3. The Unauthorized Practice of Law Problem — and How CJW Status Solves It

There is a profound irony in the current situation of public librarians: they are already the primary legal help resource in many Tennessee communities, yet they operate under significant legal uncertainty. Librarians are frequently cautioned by their employers, by professional associations, and by their own instincts that helping patrons with legal questions risks crossing the line into unauthorized practice of law (UPL). Library policy statements across the country reflect this anxiety, often prohibiting staff from explaining legal procedure, interpreting statutes, or helping patrons fill out legal forms precisely the activities that could make the most difference for a person facing eviction or trying to file for custody.

This anxiety is not irrational. The line between legal information (permissible) and legal advice (reserved for licensed attorneys) is genuinely ambiguous in many practical situations. As a result, librarians often err on the side of doing nothing, leaving patrons with unmet needs despite the librarian's obvious ability and willingness to help.

CJW status would resolve this problem directly. By creating a defined, authorized scope of practice for trained Community Justice Workers, the Court would give librarians (and other nonprofit staff) the legal authorization to provide the categories of assistance they are already best positioned to provide: helping patrons identify their legal situation, navigate self-help resources, access ODR platforms, complete certain court forms, and obtain referrals to attorneys and legal aid. The CJW framework transforms the librarian's existing informal role into an authorized, supported, and quality-assured one to the enormous benefit of the communities they serve.

4. The Geographic Argument: Libraries Are Already There

Tennessee has 186 public library locations serving all 95 counties. In many of the state's legal desert counties defined as those with fewer than ten lawyers each, the public library may be one of the only publicly accessible institutions with reliable broadband internet, trained staff, a welcoming environment for vulnerable individuals, and regular hours. The AOC's ODR platform and self-help legal resources need a physical home in rural communities. Libraries are that home, and librarians are the natural guides for patrons who need help accessing and using those resources.

Several states have already recognized this, with programs placing self-help legal kiosks in rural public libraries, and with initiatives like LIFT Wisconsin partnering libraries with civil legal help tools specifically because libraries exist in every corner of the state, even the most remote, and are typically well regarded by the community. The Court's CJW program should explicitly recognize Tennessee's public library system as a primary deployment network for CJW services, particularly in legal deserts.

D. The Real Costs and Burdens: A Candid Assessment

Intellectual honesty requires acknowledging what CJW status would cost, in training, in time, in supervision, and in risk, particularly for librarians and nonprofit staff who are already stretched. The Court should design its CJW program with these realities clearly in view.

1. Training Costs

Meaningful CJW training is not free, trivial, or without opportunity cost. Alaska's program provides targeted, practice-area-specific training rather than broad legal education, which substantially reduces the burden. But even targeted training requires time away from primary duties, often in communities where staffing is already thin. For rural public libraries many of which are operated by one or two staff members with limited support even a modest training program represents a significant commitment of resources.

The Court should not design a CJW program whose training requirements can only be met by larger urban nonprofits with dedicated staff development budgets. Training must be accessible in format (online, asynchronous, self-paced where possible), affordable (free or heavily subsidized for participants), and appropriately scoped (focused on the specific categories of assistance CJWs are authorized to provide, not comprehensive legal education). The Alaska model's success in scaling from 60 to 400+ trained CJWs since 2019 is directly attributable to its targeted, community-accessible training approach.

2. The Burden on Librarians in Particular

The Court should be candid about a structural risk in designating librarians as CJWs: public librarians are already overburdened. Tennessee's rural public libraries, in particular, operate with limited staff, limited budgets, and an expanding list of community responsibilities that has grown to include social services navigation, technology assistance, workforce development, and mental health resource provision, in addition to traditional library services. Adding an authorized CJW function to this list without providing commensurate resources would be unfair to librarians and likely counterproductive to the program's goals.

Library directors and state library administrators must be partners in designing the CJW program, not merely recipients of a new mandate. Their input on workload implications, training accessibility, and institutional support needs is essential. The program should be opt-in at the institutional level, with libraries that choose to participate receiving meaningful support — not simply a new duty layered onto existing responsibilities.

Additionally, the Court should consider the emotional labor dimension of CJW work. Librarians who already serve as de facto social services navigators and mental health first responders in some communities bear significant stress. CJW training should include not only substantive legal information content but also self-care, boundary-setting, and secondary trauma resources, particularly for staff in high-need communities.

3. Supervision Requirements

Most successful CJW models incorporate attorney supervision as a quality assurance mechanism, and Tennessee's program should as well. However, supervision requirements must be designed

with legal deserts in mind. Requiring in-person attorney supervision would simply replicate the geographic barrier the CJW program is designed to overcome. Remote supervision models — through scheduled consultations, case review platforms, hotlines, and online mentoring — can provide meaningful quality assurance without requiring physical proximity. Legal aid organizations, bar association pro bono programs, and law school clinics are natural supervisory partners. The Court should provide regulatory clarity on what constitutes adequate supervision for CJWs, and should consider tiered supervision requirements based on the complexity of the assistance being provided.

4. Licensing and Administrative Overhead

Creating a new licensing category entails administrative costs: application processing, credential verification, license maintenance, complaint procedures, and disciplinary oversight. These costs should not be borne primarily by CJW candidates themselves, particularly if the Court intends to draw CJWs from nonprofit and public sector workers who are not seeking financial return from this work. Licensing fees, if any, should be minimal or waivable for nonprofit staff and public employees. Washington State's Limited License Legal Technician program despite ultimately being sunset for unrelated reasons demonstrated that the administrative cost of a paraprofessional licensing program can be remarkably low: the program cost only $7 per attorney per year to administer, representing less than 1% of the state bar's budget. Tennessee's program can be designed for administrative efficiency from the start.

E. Funding CJWs: A Multi-Source Strategy

The CJW program's long-term sustainability depends on diversified, sustainable funding that does not rely on any single source or require CJW host organizations to absorb all costs internally. Tennessee already has several funding mechanisms that could support a CJW program, and the Court's order creates an opportunity to direct attention to expanding them.

1. Tennessee IOLTA Funds

The Tennessee Bar Foundation administers the state's IOLTA (Interest on Lawyers' Trust Accounts) program, established by the Tennessee Supreme Court in 1984. IOLTA grants support Tennessee nonprofit organizations that provide civil legal services to the poor or work to improve the administration of justice. Since its inception, the program has contributed more than $32 million to Tennessee nonprofit organizations, with 39 law-related organizations receiving awards in 2025 alone. Critically, the Foundation's eligibility categories expressly include "organizations tangential to the legal system which seek to have direct, secondary, or eventual beneficial impact on legal processes (generally do not employ lawyers)", a description that fits CJW host organizations precisely.

The Court should explicitly encourage the Tennessee Bar Foundation to consider CJW training programs and host organization support as eligible uses of IOLTA grant funds, and should work with the Foundation to prioritize applications from organizations in legal desert counties. The recent launch of the Foundation's CITE Grant (Capital Improvements, Technology, and Efficiency) further suggests an appetite for innovation in access to justice delivery that CJW programs would squarely serve.

2. State Justice Institute Grants

The State Justice Institute has already demonstrated its support for Tennessee's access to justice innovation through its $50,000 grant funding the Medical Debt ODR Pilot. SJI's Technical Assistance Grant program and its broader project grant categories support exactly the kind of CJW training infrastructure, program evaluation, and community deployment that Tennessee's program would require. Tennessee should actively pursue SJI funding for CJW program development, leveraging the ODR Pilot's track record as evidence of the state's capacity for successful innovation.

3. Federal Access to Justice Funding

The U.S. Department of Justice's Office for Access to Justice has identified rural legal deserts and CJW-style programs as federal priorities. Federal funding opportunities available to support CJW programs include LSC Technology Initiative Grants for organizations integrating CJW services with legal aid delivery, Department of Labor Workforce Opportunities for Rural Communities grants that can support the workforce development dimensions of CJW training, and USDA Rural Development grants for organizations serving rural communities. The DOJ Office for Access to Justice has also developed a funding hub specifically identifying federal resources that can support legal assistance in rural areas, which should be a primary reference for organizations in Tennessee's legal desert counties seeking to fund CJW programs.

4. Library System Funding and LSTA Grants

For library-based CJW programs specifically, the Library Services and Technology Act (LSTA), administered through the Institute of Museum and Library Services (IMLS), provides formula funding to state library agencies that can be directed toward public services innovation. Tennessee State Library and Archives administers LSTA funds and has supported technology and community services initiatives through this mechanism. CJW training for librarians and the development of library-based legal help resources would be appropriate uses of LSTA funding, and the Court should encourage coordination between its CJW initiative and the Tennessee State Library and Archives to pursue this avenue.

5. Court Filing Fee Allocations

As recommended elsewhere in this comment, the Court should explore allocating a portion of civil filing fees to a dedicated access to justice fund that could support CJW program costs. This funding mechanism has the advantage of being directly tied to the civil justice system that CJWs are designed to support, and it provides a more stable funding base than grant programs subject to interest rate fluctuations or political cycles.

6. Host Organization Integration: The Low-Cost Model

Perhaps the most underappreciated funding insight from successful CJW programs is that the most efficient model is not to fund CJWs as standalone positions, but to fund the marginal cost of adding CJW responsibilities to existing positions in existing organizations. A domestic violence advocate who adds CJW training to her existing position does not require a new salary line — she requires training support, supervisory access, and perhaps a modest stipend or salary augmentation to reflect her expanded responsibilities. This marginal cost model, which Alaska and Utah have both leveraged successfully, dramatically reduces the per-CJW cost of the program and enables rapid scaling without proportional cost increases.

The Court's CJW framework should be designed to accommodate and encourage this model, including by ensuring that CJW authorization is granted to individuals (not only organizations) and that CJW scope of practice is portable across employment contexts.

V. COMMUNITY JUSTICE WORKERS AND THE ROLE OF MEDIATORS: OPPORTUNITIES AND ETHICAL CONSIDERATIONS

The Court's proposal to create a cadre of Community Justice Workers represents one of the most promising reform proposals before the Court. Research from Alaska, Utah, and Washington State consistently demonstrates that trained non-lawyer advocates can deliver high-quality, targeted legal services to populations that would otherwise go unserved. The central question addressed here is: can Rule 31 mediators serve as Community Justice Workers, and if so, under what conditions and constraints?

A. The Promise of Mediators as Community Justice Workers

Mediators possess skills and experience that make them exceptionally well-suited to serve in many CJW functions: deep understanding of conflict dynamics, communication barriers, and power imbalances; practical experience working with unrepresented parties in high-stress situations; training in identifying community resources and referral pathways; experience working in the spaces between formal legal proceedings and community needs; an existing ethical and credentialing framework under Rule 31 that provides public protection; and established relationships with courts, legal aid organizations, and community institutions. In the context of ODR and community mediation centers, mediators are already functioning in ways that parallel what the Court envisions for CJWs.

B. The Critical Ethical Distinction: Mediator vs. Advocate

However, the Court and any mediators considering CJW roles must carefully navigate a fundamental ethical tension. Under Tennessee Supreme Court Rule 31, and under the ABA/AAA/ACR Model Standards of Conduct for Mediators, a mediator's defining characteristic is neutrality and impartiality. This is not merely a procedural formality it is the ethical core of the mediator's role.

Rule 31's Standards of Professional Conduct require that mediators maintain impartiality toward all parties, defined as freedom from favoritism or bias in favor of or against any party, issue, or cause. Rule 31 also expressly prohibits a mediator from serving as attorney, advisor, judge, guardian ad litem, master, or in any related capacity in the same matter in which a mediation was conducted. ABA Formal Opinion 518 (October 2025), the most recent authoritative guidance on lawyer-mediator ethics, further clarifies that lawyer-mediators must not state that a proposed settlement is in a party's best interest, because doing so risks the party mistakenly believing that the mediator is acting as their advocate. Equally significant, Rule 31, Section 10(b)(3) prohibits a mediator from giving legal advice while serving as a mediator.

C. A Workable Framework: Two Separate, Non-Overlapping Roles

The resolution to this tension is not to bar mediators from CJW work, but to ensure that the two roles are kept scrupulously separate by case, by time, and by the mediator's own clear understanding of which role they occupy in any given interaction. A mediator who serves as a CJW for a particular person must recuse themselves from ever serving as the mediator in any matter involving that person. The most structurally sound model allows mediators to serve as CJWs in a domain entirely separate from their mediation practice. And the least ethically fraught CJW-adjacent role for mediators is as ODR platform navigators or community legal resource connectors roles that are facilitative and educational rather than representational, and which do not compromise mediator neutrality.

D. What Is Clearly Prohibited

Mediators serving as CJWs must not represent or advocate for a party in any matter they have mediated or will mediate; provide legal advice (as distinct from legal information) while operating under their mediator identity; hold themselves out as a neutral and as an advocate in the same matter or to the same party at the same time; disclose confidential mediation communications in their CJW capacity; or suggest to a party in mediation that a proposed settlement is or is not in that party's best interest (per ABA Formal Opinion 518).

E. Recommendations for Mediator CJW Participation

If the Court establishes a CJW program, it should expressly address the dual-role question, making clear that a mediator who serves as a CJW for a party is disqualified from mediating any matter involving that party; require CJW-mediators to maintain separate records and clear role disclosures in each interaction; consider adopting an advisory opinion addressing the circumstances under which a Rule 31 mediator may serve in CJW-adjacent functions; recognize ODR navigation as a particularly appropriate CJW function for mediators; and consider whether CJW work performed by mediators qualifies for pro bono CME credit under Rule 31.

VI. INTEGRATING MEDIATION AND ODR WITH THE COURT'S PROPOSED REFORMS

A. Paraprofessional Licensing (Question 6)

The Court asks whether legal services currently provided by lawyers could be competently provided by paraprofessionals. Research from Alaska, Utah, and Washington State strongly supports an affirmative answer for targeted, well-defined practice areas. Alaska's CJW program has trained over 400 community members serving primarily rural Alaska Native communities with a 100% case resolution rate. Utah's Community Justice Advocates have achieved a 90% success rate for protective orders — higher than the statewide average including licensed attorneys — largely because clients came to them through relationships of trust rather than institutional referral. Mediation-related paraprofessional roles, including Mediation Representatives, ODR Navigators, and community mediation center staff, offer particularly promising opportunities in medical and consumer debt, landlord-tenant disputes, small claims, uncontested family law matters, and foreclosure mediation.

B. Alternative Pathways to Licensure (Question 4)

Tennessee should allow experience gained in mediation centers, ODR programs, and legal aid mediation support to qualify toward alternative licensure pathways. Such work builds core legal competencies including conflict analysis, client communication, trauma-informed practice, and ethical issue-spotting. It also exposes aspiring attorneys to the practical realities of the justice gap — an experience that tends to produce lawyers committed to access to justice throughout their careers.

C. Non-Lawyer Ownership and Fee-Sharing (Question 7)

Community mediation centers have long operated successfully using multidisciplinary staffing models. Clarifying the permissibility of such structures for mediation service entities would encourage development of mediation centers, attract diverse funding sources, enable efficient organizational structures, and promote innovation in service delivery.

VII. QUALITY ASSURANCE AND THE EXISTING RULE 31 FRAMEWORK

A. Tennessee's Existing Protections

Tennessee already maintains robust quality assurance for mediation through Rule 31, including educational requirements (baccalaureate degree minimum), 40-hour general civil or 46-hour family mediation training requirements, character references and good standing requirements, continuing mediation education of 6 hours every two years including at least 1 ethics hour, mandatory availability for up to 3 pro bono mediations per year, and the "Mediators for Justice" recognition program for those providing 50+ hours of annual pro bono service.

B. Recommended Enhancement: CME Credit for Pro Bono Mediation

The most impactful single reform this Court could adopt to expand mediation's access to justice reach is to allow mediators to earn Continuing Mediation Education (CME) credits for pro bono mediation service. This follows models used in many states for attorney CLE credit and addresses a practical barrier: mediators who want to provide pro bono services must currently choose between fulfilling CME requirements and volunteering their time. The Court should amend Rule 31, Section 15(a) or adopt an ADRC policy allowing mediators to earn CME credit at a ratio such as 1 CME hour per 2 hours of qualifying pro bono mediation, capped at 25–40% of total CME requirements per biennium, with documentation through the existing ADR Portal.

C. Additional Quality Enhancements

The Court should also consider specialty certifications for specific practice areas with appropriate specialized training requirements; enhanced transparency through collection and publication of aggregate data on mediation usage, outcomes, and user satisfaction; mandatory disclosure by attorney-mediators that they do not represent either party; and screening protocols for intimate partner violence in family matters.

VIII. FUNDING AND SUSTAINABILITY

The Medical Debt ODR Pilot demonstrates viable multi-source funding models. For long-term sustainability, Tennessee should leverage civil filing fee allocations dedicated to access to justice funds, Tennessee Bar Foundation IOLTA grants (which have awarded more than $32 million to

Tennessee nonprofit organizations since 1984 and expressly support organizations tangential to the legal system that improve the administration of justice), State Justice Institute grants building on the ODR Pilot's track record, federal access to justice funding through DOJ, LSC, DOL, and USDA rural programs, LSTA grants administered through the Tennessee State Library and Archives for library-based CJW programs, public-private partnerships with recurring litigants who benefit from pre-suit resolution, and sliding-scale mediation fees at community mediation centers. The Court should also direct the Tennessee Bar Foundation to explicitly prioritize CJW program support in IOLTA grant cycles, particularly for organizations serving the state's legal desert counties.

IX. IMPLEMENTATION PRIORITIES

Immediate Actions

- Formally recognize the Medical Debt ODR Pilot as a proven model and commit to expanding ODR to additional counties and case types;
- Amend Rule 31, Section 15(a) or adopt an ADRC policy allowing CME credit for pro bono mediation service;
- Issue an advisory opinion addressing the ethical framework for Rule 31 mediators who wish to serve as Community Justice Workers, clarifying permissible and impermissible dual-role arrangements;
- Include mediation, community mediation centers, nonprofit organizations, and public libraries explicitly in any CJW framework adopted;
- Scale the AOC's ODR platform to additional counties, prioritizing legal deserts;
- Partner with the Tennessee State Library and Archives to develop library-based CJW deployment and LSTA grant applications;
- Direct the Tennessee Bar Foundation to prioritize IOLTA grants for CJW host organizations in legal desert counties; and
- Expand the "Mediators for Justice" recognition program with tiered awards to incentivize higher levels of pro bono service.

Priority Expansion Areas

- Family law: parenting plan modifications, child support adjustments, post-decree matters;
- Housing stability: eviction prevention and foreclosure mediation;
- Consumer and medical debt: expanding the ODR model statewide;
- Small claims: "Mediator of the Day" programs plus ODR options; and
- Legal deserts: ODR deployment and community mediation center development prioritized for counties with fewer than ten lawyers, with public libraries as primary CJW deployment sites.

X. CONCLUSION

The Tennessee Supreme Court stands at a pivotal moment. The combination of thoughtful regulatory reform, Tennessee's proven mediation infrastructure, and ODR innovation positions this state to become a national leader in people-centered justice. The evidence compiled in this

comment from the Medical Debt ODR Pilot's remarkable results to the national research on Community Justice Worker programs in Alaska, Utah, and Washington consistently points in the same direction: expanding who can help, and expanding how they help, produces better outcomes for Tennesseans while reducing burdens on courts and the legal system.

The most powerful insight for the Court's CJW program is also the simplest: the best Community Justice Workers already live and work in legal desert communities. They are public librarians, domestic violence advocates, community health workers, extension agents, and faith community leaders. They are already trusted. They are already present. They are already doing, informally and often anxiously, exactly what a CJW framework would authorize them to do formally and with appropriate support. The Court's task is not to create these helpers from scratch, but to recognize, train, support, fund, and authorize the ones who are already there.

With respect to mediators, the Court should enable their participation in CJW programs while providing clear guidance that the foundational ethical requirement of mediator impartiality must be scrupulously maintained. With this guardrail firmly in place, mediators, nonprofit staff, and librarians can and should be active participants in Tennessee's Community Justice Worker initiative.

I respectfully urge the Court to treat mediation, ODR, Community Justice Workers — including nonprofit staff and librarians — as central pillars of its regulatory reform vision, and as essential tools for ensuring that all Tennesseans can meaningfully access their own laws.

Respectfully submitted,

Linda Warren Seely
Attorney at Law, former Director of the ABA Section of Dispute Resolution and Rule 31 Listed Family Mediator

MaryBeth Lindsey

From: Linda Seely <lwseely@gmail.com>
Sent: Tuesday, March 10, 2026 2:19 PM
To: appellatecourtclerk
Subject: Re: Comments
Attachments: 2026_TN_Supreme_Court_Comment_Final_v3_ODR_CJW_librarians.docx; 2026_TN_Supreme_Court_Public_Comment_Linda_Seely_v4.docx

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

Attached please find my comments as regards the Proposed Order of the Tennessee Supreme Court referencing Regulatory Reform and Access to Justice. Please note that:

Statement of Interest

These comments are submitted by Linda Seely, who is currently employed as Pro Bono Counsel at Butler Snow, LLP. Ms. Seely served as Director of Pro Bono Projects for Memphis Area Legal Services and West Tennessee Legal Services (rural counties) from 1989 to 2016, where she worked directly with the underserved communities—including many of Tennessee's legal desert counties—that this Court's Order seeks to address. She is the current Chair of the Tennessee Bar Association's Access to Justice Committee, on which she has served for over 25 years. She is a former Director of the ABA Section of Dispute Resolution, currently serves as a Commissioner on the Tennessee Supreme Court's ADR Commission, and serves on the ADR Commission's Online Dispute Resolution project taskforce. These comments reflect both her professional experience and her personal commitment to expanding access to justice for all Tennesseans. These comments are her own and are not reflective of either the opinions or comments of Butler Snow, LLP, the Tennessee Bar Association's Access to Justice Committee or the Tennessee Supreme Court's ADR Commission. This information about Ms. Seely is provided solely for the purpose of establishing her professional and personal credentials and experience as an access to justice advocate.

Linda W. Seely

On Tue, Mar 10, 2026 at 2:14 PM Linda Seely <Linda.Seely@butlersnow.com> wrote:

Linda W. Seely

Pro Bono Counsel

Butler Snow LLP

D: (901) 680-7298 | C: (731) 217-8013 | F: (901) 680-7201

6075 Poplar Avenue, Suite 500, Memphis, TN 38119

P.O. Box 171443, Memphis, TN 38187-1443

Linda.Seely@butlersnow.com | vCard

X (Twitter) | LinkedIn | Facebook | YouTube

From: Linda Seely
Sent: Tuesday, March 10, 2026 2:13 PM
To: lwseely@gmail.com
Subject: FW: Comments

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Linda W. Seely

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Wednesday, March 11, 2026 12:23 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comments
Attachments: Re: Comments

Please process the attached comments.

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

LAW OFFICES OF

BANKS & JONES

2125 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-5855

TEL (865) 546-2141
FAX (865) 546-5777

WILLIAM R. BANKS (1928-2016)

ATTORNEYS
*T. SCOTT JONES
CHRIS W. BEAVERS
DONOVAN E. JUSTICE
BAYLEE M. BROWN
JORDAN D. DAVIS
**K. ABIGAIL JONES
DYLAN N. SHELTON
***CHAD M. TAYLOR, MBA
MATT R. KNABLE
KIMBERLY A. TROTTER

ADMINISTRATOR
ANN H. LANE, LPI & PARALEGAL

OF COUNSEL
BRENT S. SNYDER
DIRECT TEL. 264-3328

SUSAN E. HAAS
DIRECT TEL. 406-2810

JAMES A.H. BELL
DIRECT TEL. 637-2900

ANTHONY B. ROGERS
DIRECT TEL. 423-663-7034

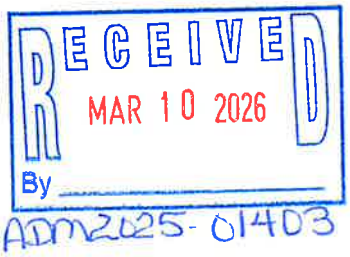
LEE EBLEN AIKENS
DIRECT TEL. 272-6454

*T. SCOTT JONES
TENNESSEE SUPREME COURT RULE 31
LISTED GENERAL CIVIL MEDIATOR

** K. ABIGAIL JONES
Licensed Tennessee and Alabama

*** CHAD M. TAYLOR
Licensed Tennessee and Florida

March 10, 2026



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

Via Email Only: appellatecourtclerk@tncourts.gov

Comment to the Tennessee Supreme Court — Order No. ADM2025-01403 (Issue 6: Authorization of Paraprofessionals to Provide Legal Services)

To the Honorable Justices of the Tennessee Supreme Court:

I respectfully submit this comment for the Court's consideration regarding proposals that would authorize paraprofessionals to provide legal services traditionally reserved to licensed attorneys. While expanding access to justice is an important and commendable goal, permitting non-lawyer paraprofessionals to engage in the practice of law raises substantial concerns regarding consumer protection, professional accountability, and the preservation of the independent legal judgment that has long defined the attorney's role within Tennessee's justice system.

The regulation of the legal profession has historically been grounded in the Court's responsibility to safeguard the public by ensuring that individuals who provide legal advice possess the education, training, ethical obligations, and professional accountability necessary to competently represent clients. Relaxing those standards by permitting paraprofessionals to perform legal services risks ***diluting these protections without meaningfully addressing the structural causes of the access-to-justice gap.***

I. Paraprofessional licensing risks creating consumer confusion and diminished professional accountability.

Legal matters that appear routine – particularly in areas such as family law, housing disputes, probate, and consumer protection – often involve complex legal doctrines, procedural rules, and collateral consequences that require careful legal judgment. The practice of law is not merely technical or administrative. It requires the exercise of ***independent professional judgment informed by legal education, experience, and ethical obligations.***

Licensed attorneys in Tennessee must complete a rigorous process before being permitted to represent clients. This process includes graduation from an accredited law school, successful completion of the bar examination, character and fitness review, compliance with continuing legal education requirements, and adherence to the Tennessee Rules of Professional Conduct. Attorneys are also subject to disciplinary oversight by the Board of Professional Responsibility and potential malpractice liability for professional negligence.

Even with regulatory safeguards, a paraprofessional licensing system cannot replicate the full scope of professional accountability imposed upon attorneys. Creating a category of limited-license practitioners risks establishing a ***two-tier system of legal service providers*** in which consumers may struggle to distinguish between fully licensed attorneys and individuals authorized to perform only certain legal tasks. When legal problems evolve beyond the paraprofessional's authorized scope, as they frequently do, the resulting confusion may expose clients to significant legal harm.

II. The justice gap is primarily an economic problem rather than a licensing problem.

The access-to-justice challenge in Tennessee is often framed as a shortage of legal service providers. In reality, the problem is more accurately described as a ***mismatch between the cost of legal services and the economic circumstances of many Tennesseans.*** As the Court's Order recognizes, individuals seeking assistance from Legal Services Corporation-funded legal aid organizations must earn at or below 125 percent of the federal poverty guidelines. In Tennessee, this threshold is approximately $18,825.00 annually for an individual and $39,000.00 for a family of four (4).

These eligibility thresholds are uniform nationwide and do not account for regional cost-of-living differences, including housing inflation, childcare expenses, and healthcare costs affecting many Tennessee households. As a result, many Tennesseans fall into what practitioners frequently describe as the "justice gap middle", individuals who earn too much to qualify for legal aid but cannot realistically afford private legal representation. The justice gap is therefore not primarily a consequence of regulatory barriers to entry into the legal profession; it is fundamentally a problem of economic affordability.

National research confirms that the justice gap is driven primarily by economic barriers rather than regulatory restrictions on legal practice. The Legal Services Corporation reports that low-income Americans received inadequate or no legal help for approximately ninety-two percent (92%) of civil legal problems that substantially affected them in a single year.[1] Research by the American Bar Association similarly recognizes the existence of a substantial segment of the population that does not qualify for legal aid yet remains unable to afford traditional legal services.[2]

Permitting paraprofessionals to provide legal services does little to address this underlying economic reality. Individuals who cannot afford attorney representation frequently cannot afford paid paraprofessional services either. As a result, paraprofessional licensing regimes risk creating a lower-cost tier of legal services without meaningfully expanding access for those most in need. What this risks creating is a second tier of legal service providers comprised of individuals with substantially less training and education entering a profession that has long been carefully regulated and entrusted with significant responsibilities. In the end, the Court's underlying objective – expanding meaningful access to justice –

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[1] Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* 48 (2022), https://www.lsc.gov/sites/default/files/images/TheJusticeGap-Report.pdf.

[2] American Bar Association, Report on the Future of Legal Services in the United States (2016).

remains unmet, while the stability and professional integrity of the legal community are unnecessarily weakened.

III. Experiences in other jurisdictions illustrate the limitations of paraprofessional programs.

Several jurisdictions have experimented with paraprofessional licensing initiatives, but the results have been mixed and, in some cases, unsustainable. Washington State implemented a Limited License Legal Technician ("LLLT") program designed to allow non-lawyers to provide certain family law services. Despite significant regulatory investment, the Washington Supreme Court voted to terminate the program in 2020 after determining that the model had produced relatively few licensed practitioners while imposing substantial administrative costs.[3]

Other states, including Utah and Arizona, have experimented with regulatory sandboxes and paraprofessional licensing initiatives. These programs remain experimental, and regulators have acknowledged that available data remain insufficient to determine whether such reforms have produced meaningful improvements in access to justice.[4]

Academic research evaluating regulatory innovation in the legal profession similarly concludes that evidence supporting paraprofessional licensing and related reforms remains limited. Scholars and policy organizations studying these initiatives have found ***no clear empirical demonstration that such regulatory changes meaningfully expand access to justice for underserved populations.***[5]

IV. Expanding paraprofessional practice complicates enforcement of unauthorized practice rules.

Tennessee's current regulatory framework provides a clear and enforceable boundary between licensed attorneys and those who are not authorized to practice law. Introducing paraprofessional licensing would require regulators to draw complex distinctions regarding what constitutes permissible legal assistance versus unauthorized legal advice.

In practice, such line-drawing problems make enforcement more difficult. Regulators must determine when a paraprofessional has exceeded the scope of permitted services and whether consumers received advice beyond what the paraprofessional was authorized to provide. These ambiguities increase the burden on disciplinary authorities while creating uncertainty for both practitioners and clients. Maintaining the current system – under which licensed attorneys are responsible for providing legal advice – preserves a ***clear and enforceable regulatory structure that protects the public.***

V. Liability and consumer protection concerns remain unresolved.

Licensed attorneys operate under a comprehensive framework designed to protect clients. Attorneys must comply with strict fiduciary duties, maintain trust accounts in accordance with professional rules, and remain subject to malpractice liability. A paraprofessional licensing system raises difficult questions regarding:

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[3] Washington Supreme Court Order No. 25700-B-639 (June 4, 2020) (sunsetting the Limited License Legal Technician program).
[4] *See, e.g.*, Utah Supreme Court Standing Order No. 15 (2020) establishing the Utah regulatory sandbox; Ariz. Sup. Ct. Admin. Order No. 2020-154 (2020) establishing Arizona's alternative business structure framework.
[5] Institute for the Advancement of the American Legal System (IAALS), Alternative Business Structures in the U.S.: *What We Know and What We Still Need to Learn* (May 14, 2025).

(1) whether paraprofessionals must carry malpractice insurance;
(2) how client funds would be protected;
(3) what disciplinary authority would oversee complaints; and
(4) what remedies consumers would have in the event of professional negligence.

Absent a regulatory structure equivalent to those governing attorneys, consumers may face significant limitations in obtaining redress if legal services are performed incompetently or negligently.

VI. Strengthening existing access-to-justice initiatives offers a more effective solution.

Strengthening existing access-to-justice initiatives offers a more effective solution. Tennessee already maintains a strong and well-developed access-to-justice infrastructure, including Legal Aid of East Tennessee; Legal Aid of Middle Tennessee and the Cumberlands; West Tennessee Legal Services; the Tennessee Alliance for Legal Services; and numerous pro bono initiatives administered through the Tennessee Bar Association and local bar associations. Strengthening these programs – through ***increased funding***, ***expanded pro bono participation***, and ***targeted incentives*** encouraging attorneys to practice in underserved areas – offers a more reliable and proven method of addressing unmet legal needs without compromising professional standards.

Given the significant consumer protection concerns associated with paraprofessional licensing, the uncertain results observed in other jurisdictions, and the availability of more effective approaches to expanding access to justice, these considerations strongly counsel against authorizing paraprofessionals to provide legal services traditionally reserved to licensed attorneys.

Protecting professional competence, independent legal judgment, and client trust remains essential to safeguarding both the public and the integrity of Tennessee's legal system. For these reasons, I respectfully urge the Court not to adopt rules authorizing paraprofessionals to provide legal services traditionally reserved to licensed attorneys.

As always, I remain,

Very truly yours,

BANKS & JONES

T. Scott Jones

TSJ/JDD

Enclosure:

LAW OFFICES OF

BANKS & JONES

2125 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-5855

TEL (865) 546-2141
FAX (865) 546-5777

WILLIAM B. BANKS (1929-2010)

ATTORNEYS
*T. SCOTT JONES
CHRIS W. BEAVERS
DONOVAN E. JUSTICE
BAYLEE M. BROWN
JORDAN D. DAVIS
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Comment to the Tennessee Supreme Court — Order No. ADM2025-01403 (Issue 7: Non-Lawyer Ownership / Alternative Business Structures)

To the Honorable Justices of the Tennessee Supreme Court:

I respectfully submit this comment for the Court's consideration relative to permitting non-lawyer ownership of law firms, investor profit-sharing, or any adoption of Alternative Business Structures ("ABS") that would relax Tennessee's longstanding prohibition on non-lawyer control of legal practices. Tennessee Rule of Professional Conduct 5.4 embodies a foundational principle of the legal profession – lawyers must exercise independent professional judgment ***free from external commercial influence***. That principle is not antiquated. It reflects the Court's longstanding determination that client protection, loyalty, confidentiality, and the lawyer's role as an officer of the court are incompatible with ownership or control by individuals who are not themselves bound by the same professional duties.

Proponents of ABS frequently assert that allowing non-lawyer ownership will enhance innovation and expand access to justice. However, empirical evidence from both national and international experiments fails to substantiate those claims. Instead, available data suggest that ABS regimes ***primarily facilitate capital participation in legal service delivery, not increased access to affordable legal representation for underserved populations***. Non-lawyer ownership, whether by accounting firms; legal-technology corporations; venture capital funds; or private equity investors, creates structural incentives to prioritize profitability, scalability, and return on investment over independent legal judgment and client-centered advocacy.

Critically, the core economic function of non-lawyer ownership is not to reduce the cost of legal services for individuals who currently lack access to counsel, but ***to permit outside capital to acquire,***

aggregate, and monetize legal labor. Venture capital and private equity do not invest to serve unprofitable markets; they invest to scale repeatable, revenue-generating work. As a result, ABS entities tend to concentrate in commercially viable practice areas, such as, compliance, transactional services, managed legal operations, and high-volume corporate work, rather than the individualized representation required by low- and moderate-income Tennesseans facing housing, family, consumer, or benefits disputes.

Arizona implemented an ABS licensing program effective January 1, 2021, and Utah launched a regulatory sandbox in 2020. Evidence from both jurisdictions remains preliminary and inconclusive. The Institute for the Advancement of the American Legal System (IAALS) reports that over 100 entities have launched under ABS or sandbox regimes, but regulators acknowledge that available data are insufficient to evaluate consumer outcomes or access-to-justice impacts.[1] In Arizona, only twenty-four (24) charges have been filed against ABS entities or compliance lawyers, and publicly available materials provide little information regarding client demographics, affordability, or whether underserved populations have meaningfully benefited. While ABS frameworks permit innovation and new market entrants, they have ***not*** produced measurable improvements in service accessibility for those most affected by the civil justice gap[2]

Arizona's licensing of KPMG Law US, LLC – the first Big Four accounting firm authorized to practice law in the United States under ABS rules – illustrates the structural concerns underlying Rule 5.4.[3] Although subject to audits, conflict restrictions, and governance oversight, KPMG Law US operates as a profit-oriented corporate subsidiary leveraging extensive infrastructure, technology platforms, and managed services. Decisions regarding client selection, service delivery, and resource allocation are necessarily influenced by commercial objectives. While KPMG is not a venture capital firm, its scale, ownership structure, and profit imperatives create pressures analogous to those present in VC- or PE-owned law firms. This model underscores that non-lawyer ownership inherently introduces ***competing incentives*** that may constrain lawyer autonomy and dilute traditional duties of loyalty, confidentiality, and zealous advocacy.[4]

International experience reinforces these concerns. The United Kingdom has permitted ABS since 2012. Regulatory evaluations show that while ABS status fostered operational efficiencies and innovation, benefits were concentrated in profitable commercial sectors, with limited demonstrated improvement in access to justice for underserved individuals.[5] The Legal Services Board has cautioned that commercial pressures associated with external investment can undermine professional obligations, including independence of judgment and commitment to the public interest.[6] Independent scholarship

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[1] IAALS, Alternative Business Structures in the U.S.: What We Know and What We Still Need to Learn (May 14, 2025), https://iaals.du.edu/blog/alternative-business-structures-us-what-we-know-and-what-we-still-need-learn

[2] Stanford Law School, Legal Innovation After Reform (2025), https://law.stanford.edu

[3] Ariz. Sup. Ct., Admin. Order No. 2025-43 (Feb. 27, 2025); Arizona Supreme Court, Arizona Supreme Court Authorizes KPMG Law US as ABS (Feb. 27, 2025), https://www.azcourts.gov/Portals/0/201/News%20Release%2020Arizona%20Supreme%20Court%20Authorizes%20KPMG%20ABS%20Certification%20FINAL.pdf

[4] Legal.io, KPMG Becomes First Big Four Firm Authorized to Practice Law in U.S. (Feb. 2025), https://www.legal.io/articles/5577817/KPMG-Becomes-First-Big-Four-Firm-Authorized-to-Practice-Law-in-U-S

[5] Solicitors Regulation Authority, Research on Alternative Business Structures (ABSs) (2014), https://www.sra.org.uk

[6] Legal Services Board (UK), Evaluation: ABS and Investment in Legal Services (2017), https://www.legalservicesboard.org.uk

similarly concludes that non-lawyer ownership shifts firm incentives toward profitability and scale, creating ***structural conflicts*** with core professional norms.[7]

These outcomes are consistent with the historical rationale underlying Rule 5.4, which provides that its limitations on fee sharing and ownership exist "to protect the lawyer's professional independence of judgment."[8]Allowing non-lawyers to own or control law firms risks introducing precisely the divided loyalties the rule was designed to prevent. Even robust regulatory oversight cannot eliminate the inherent tension between investor profit motives and the lawyer's fiduciary obligations to clients and the justice system.

Moreover – licensing, auditing, and supervising non-lawyer owners imposes significant regulatory burdens on courts and bar authorities. The experiences of Arizona, Utah, and the United Kingdom demonstrate that extensive oversight is required merely to mitigate, rather than eliminate, the risks posed by external ownership. Yet even with such safeguards, no persuasive evidence shows that ABS delivers meaningful access-to-justice gains sufficient to justify departing from Tennessee's established regulatory framework.

Rather than adopting ABS rules that would permit venture capitalists or corporate entities to own law firms, Tennessee can pursue proven methods of expanding access to justice ***without*** compromising professional independence. Strengthening legal aid funding, expanding modest-means panels, supporting court-based self-help and pro bono initiatives, and implementing narrowly tailored regulatory pilots with strict consumer protections offer measurable public benefit while preserving the core values embodied in Rule 5.4.[9]

Given the absence of empirical support for ABS as a solution to the access-to-justice crisis, the documented risks to lawyer independence and client protection, and the significant regulatory burdens associated with non-lawyer ownership, I respectfully urge the Court not to adopt rules permitting non-lawyer ownership or investor profit-sharing. Protecting professional independence remains essential to safeguarding both clients and the integrity of the legal system in Tennessee. Moreover, this change would not only undermine attorney independence, but it would also fail to meaningfully advance the very objective prompting its consideration – expanding access to justice in Tennessee's legal deserts.

As always, I remain,

Very truly yours,

BANKS & JONES

T. Scott Jones

TSJ/JDD
Enclosure:

[7] Lira, UK Alternative Business Structures for Legal Practice: Emerging Models and Lessons for the U.S., SSRN (forthcoming or working paper), https://ssrn.com

[8] Tenn. R. Sup. Ct. 8, RPC 5.4 cmt. [1].

[9] Stanford Law School, Legal Innovation After Reform (2025); IAALS, Alternative Business Structures in the U.S.: What We Know and What We Still Need to Learn, supra note 1.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 10, 2026 9:58 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Public Comment – ADM2025-01403 – Issues 6 and 7 – T. Scott Jones
Attachments: Public Comment Issue 7 – ADM2025-01403.pdf; Public Comment Issue 6 – ADM2025-01403.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: Jordan Davis <jordandavis@banksandjones.com>
Sent: Tuesday, March 10, 2026 9:21 AM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: T. Scott Jones <tscottjones@banksandjones.com>
Subject: Public Comment – ADM2025-01403 – Issues 6 and 7 – T. Scott Jones

Dear Mr. Hivener:

Please accept the attached comments of T. Scott Jones regarding Issues 6 and 7 under Tennessee Supreme Court Order No. ADM2025-01403 for the Court's consideration.

I am resubmitting the comments here without the prior CC list to ensure they are provided directly to the Clerk's Office.

Thank you for your time and consideration.

Respectfully submitted,

Jordan D. Davis
On behalf of
T. Scott Jones
Banks & Jones
2125 Middlebrook Pike

Knoxville, TN 37921
(865) 546-2141

LAW OFFICES OF

BANKS & JONES

2125 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-5855

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ATTORNEYS
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Very truly yours,

BANKS & JONES

T. Scott Jones

TSJ/JDD

Enclosure:

cc: ABOTA (nancywphillipsattorney@gmail.com; tenn@abota.org)
KBA (rhurt@arnettbaker.com; ubailey65@gmail.com)
TBA (ckgriffin@me.com; hbarcus@lewisthomason.com)

LAW OFFICES OF

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KNOXVILLE, TN 37921-5855

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DIRECT TEL. 637-2900

ANTHONY B. ROGERS
DIRECT TEL. 423-663-7034

LEE EBLEN AIKENS
DIRECT TEL. 272-6454

March 9, 2026

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

Via Email Only: appellatecourtclerk@tncourts.gov

Comment to the Tennessee Supreme Court — Order No. ADM2025-01403 (Issue 7: Non-Lawyer Ownership / Alternative Business Structures)

To the Honorable Justices of the Tennessee Supreme Court:

I respectfully submit this comment for the Court's consideration relative to permitting non-lawyer ownership of law firms, investor profit-sharing, or any adoption of Alternative Business Structures ("ABS") that would relax Tennessee's longstanding prohibition on non-lawyer control of legal practices. Tennessee Rule of Professional Conduct 5.4 embodies a foundational principle of the legal profession – lawyers must exercise independent professional judgment ***free from external commercial influence.*** That principle is not antiquated. It reflects the Court's longstanding determination that client protection, loyalty, confidentiality, and the lawyer's role as an officer of the court are incompatible with ownership or control by individuals who are not themselves bound by the same professional duties.

Proponents of ABS frequently assert that allowing non-lawyer ownership will enhance innovation and expand access to justice. However, empirical evidence from both national and international experiments fails to substantiate those claims. Instead, available data suggest that ABS regimes ***primarily facilitate capital participation in legal service delivery, not increased access to affordable legal representation for underserved populations.*** Non-lawyer ownership, whether by accounting firms; legal-technology corporations; venture capital funds; or private equity investors, creates structural incentives to prioritize profitability, scalability, and return on investment over independent legal judgment and client-centered advocacy.

Critically, the core economic function of non-lawyer ownership is not to reduce the cost of legal services for individuals who currently lack access to counsel, but ***to permit outside capital to acquire,***

aggregate, and monetize legal labor. Venture capital and private equity do not invest to serve unprofitable markets; they invest to scale repeatable, revenue-generating work. As a result, ABS entities tend to concentrate in commercially viable practice areas, such as, compliance, transactional services, managed legal operations, and high-volume corporate work, rather than the individualized representation required by low- and moderate-income Tennesseans facing housing, family, consumer, or benefits disputes.

Arizona implemented an ABS licensing program effective January 1, 2021, and Utah launched a regulatory sandbox in 2020. Evidence from both jurisdictions remains preliminary and inconclusive. The Institute for the Advancement of the American Legal System (IAALS) reports that over 100 entities have launched under ABS or sandbox regimes, but regulators acknowledge that available data are insufficient to evaluate consumer outcomes or access-to-justice impacts.[1] In Arizona, only twenty-four (24) charges have been filed against ABS entities or compliance lawyers, and publicly available materials provide little information regarding client demographics, affordability, or whether underserved populations have meaningfully benefited. While ABS frameworks permit innovation and new market entrants, they have *not* produced measurable improvements in service accessibility for those most affected by the civil justice gap[2]

Arizona's licensing of KPMG Law US, LLC – the first Big Four accounting firm authorized to practice law in the United States under ABS rules – illustrates the structural concerns underlying Rule 5.4.[3] Although subject to audits, conflict restrictions, and governance oversight, KPMG Law US operates as a profit-oriented corporate subsidiary leveraging extensive infrastructure, technology platforms, and managed services. Decisions regarding client selection, service delivery, and resource allocation are necessarily influenced by commercial objectives. While KPMG is not a venture capital firm, its scale, ownership structure, and profit imperatives create pressures analogous to those present in VC- or PE-owned law firms. This model underscores that non-lawyer ownership inherently introduces ***competing incentives*** that may constrain lawyer autonomy and dilute traditional duties of loyalty, confidentiality, and zealous advocacy.[4]

International experience reinforces these concerns. The United Kingdom has permitted ABS since 2012. Regulatory evaluations show that while ABS status fostered operational efficiencies and innovation, benefits were concentrated in profitable commercial sectors, with limited demonstrated improvement in access to justice for underserved individuals.[5] The Legal Services Board has cautioned that commercial pressures associated with external investment can undermine professional obligations, including independence of judgment and commitment to the public interest.[6] Independent scholarship

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[1] IAALS, Alternative Business Structures in the U.S.: What We Know and What We Still Need to Learn (May 14, 2025), https://iaals.du.edu/blog/alternative-business-structures-us-what-we-know-and-what-we-still-need-learn

[2] Stanford Law School, Legal Innovation After Reform (2025), https://law.stanford.edu

[3] Ariz. Sup. Ct., Admin. Order No. 2025-43 (Feb. 27, 2025); Arizona Supreme Court, Arizona Supreme Court Authorizes KPMG Law US as ABS (Feb. 27, 2025), https://www.azcourts.gov/Portals/0/201/News%20Release%2020Arizona%20Supreme%20Court%20Authorizes%20KPMG%20ABS%20Certification%20FINAL.pdf

[4] Legal.io, KPMG Becomes First Big Four Firm Authorized to Practice Law in U.S. (Feb. 2025), https://www.legal.io/articles/5577817/KPMG-Becomes-First-Big-Four-Firm-Authorized-to-Practice-Law-in-U-S

[5] Solicitors Regulation Authority, Research on Alternative Business Structures (ABSs) (2014), https://www.sra.org.uk

[6] Legal Services Board (UK), Evaluation: ABS and Investment in Legal Services (2017), https://www.legalservicesboard.org.uk

similarly concludes that non-lawyer ownership shifts firm incentives toward profitability and scale, creating ***structural conflicts*** with core professional norms.[7]

These outcomes are consistent with the historical rationale underlying Rule 5.4, which provides that its limitations on fee sharing and ownership exist "to protect the lawyer's professional independence of judgment."[8]Allowing non-lawyers to own or control law firms risks introducing precisely the divided loyalties the rule was designed to prevent. Even robust regulatory oversight cannot eliminate the inherent tension between investor profit motives and the lawyer's fiduciary obligations to clients and the justice system.

Moreover – licensing, auditing, and supervising non-lawyer owners imposes significant regulatory burdens on courts and bar authorities. The experiences of Arizona, Utah, and the United Kingdom demonstrate that extensive oversight is required merely to mitigate, rather than eliminate, the risks posed by external ownership. Yet even with such safeguards, no persuasive evidence shows that ABS delivers meaningful access-to-justice gains sufficient to justify departing from Tennessee's established regulatory framework.

Rather than adopting ABS rules that would permit venture capitalists or corporate entities to own law firms, Tennessee can pursue proven methods of expanding access to justice ***without*** compromising professional independence. Strengthening legal aid funding, expanding modest-means panels, supporting court-based self-help and pro bono initiatives, and implementing narrowly tailored regulatory pilots with strict consumer protections offer measurable public benefit while preserving the core values embodied in Rule 5.4.[9]

Given the absence of empirical support for ABS as a solution to the access-to-justice crisis, the documented risks to lawyer independence and client protection, and the significant regulatory burdens associated with non-lawyer ownership, I respectfully urge the Court not to adopt rules permitting non-lawyer ownership or investor profit-sharing. Protecting professional independence remains essential to safeguarding both clients and the integrity of the legal system in Tennessee. Moreover, this change would not only undermine attorney independence, but it would also fail to meaningfully advance the very objective prompting its consideration – expanding access to justice in Tennessee's legal deserts.

As always, I remain,

Very truly yours,

BANKS & JONES

T. Scott Jones

TSJ/JDD
Enclosure:
cc: ABOTA (nancywphillipsattorney@gmail.com; tenn@abota.org)
KBA (rhurt@arnettbaker.com; ubailey65@gmail.com)
TBA (ckgriffin@me.com; hbarcus@lewisthomason.com)

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[7] Lira, UK Alternative Business Structures for Legal Practice: Emerging Models and Lessons for the U.S., SSRN (forthcoming or working paper), https://ssrn.com

[8] Tenn. R. Sup. Ct. 8, RPC 5.4 cmt. [1].

[9] Stanford Law School, Legal Innovation After Reform (2025); IAALS, Alternative Business Structures in the U.S.: What We Know and What We Still Need to Learn, supra note 1.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Monday, March 9, 2026 3:31 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Public Comment – ADM2025-01403 – Issues 6 and 7 – T. Scott Jones
Attachments: TSJ Comment – Issue 6 – ADM2025-01403.pdf; TSJ Comment – Issue 7 – ADM2025-01403.pdf

Please process the attached comments.

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: Jordan Davis <jordandavis@banksandjones.com>
Sent: Monday, March 9, 2026 2:21 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: nancywphillipsattorney@gmail.com; tenn@abota.org; rhurt@arnettbaker.com; ubailey65@gmail.com; ckgriffin@me.com; hbarcus@lewisthomason.com; T. Scott Jones <tscottjones@banksandjones.com>
Subject: Public Comment – ADM2025-01403 – Issues 6 and 7 – T. Scott Jones

Dear Mr. Hivner:

Please find attached the public comments of T. Scott Jones regarding Issue 6 and Issue 7 under Tennessee Supreme Court Order No. ADM2025-01403.

Thank you for your time and consideration.

Respectfully submitted,

Jordan D. Davis
on behalf of
T. Scott Jones
BANKS & JONES
2125 Middlebrook Pike
Knoxville, TN 37921
(865) 546-2141

MaryBeth Lindsey

From: Brandon Loggins <attorneyloggins@gmail.com>
Sent: Sunday, March 8, 2026 9:28 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01403 Comment Regarding Proposed Modification to Admission by Comity Requirements for Out-of-State Attorneys

Docket No. ADM2025-01403

Dear Clerk James Hivner:

I write to provide comment regarding the proposal to modify the requirements for admission by comity for attorneys licensed in other jurisdictions, specifically the suggestion that the rules be revised to allow attorneys who maintain active licensure in another state to qualify for admission even if they do not engage in the full-time practice of law.

I respectfully support modifying the current requirements to permit admission by comity for attorneys who are actively licensed and in good standing in another jurisdiction, regardless of whether their practice is considered full-time.

First, the purpose of comity admission rules is to recognize the professional competence and ethical qualifications of attorneys who have already been admitted and regulated by another state bar authority. An attorney who maintains an active license in another jurisdiction has necessarily satisfied character and fitness requirements, continuing legal education obligations, and professional responsibility standards. These safeguards ensure that the attorney remains accountable to a regulatory body and continues to meet professional standards.

Second, the requirement that an attorney demonstrate full-time practice of law can unnecessarily exclude qualified attorneys whose careers involve part-time practice, consulting, academic work, public service, or other hybrid professional responsibilities. Many experienced attorneys maintain active licenses while working in roles that are not traditionally categorized as full-time private practice. These attorneys nevertheless maintain legal competence and remain subject to professional discipline in their licensing jurisdiction.

Third, the modern legal profession has become increasingly mobile and interdisciplinary. Attorneys frequently transition between jurisdictions due to business demands, remote work, family relocation, or opportunities to serve clients across state lines. A rule that focuses on active licensure and good standing, rather than the number of hours devoted to legal practice, better reflects the realities of modern legal careers while still protecting the public.

Additionally, allowing attorneys with active licenses to obtain admission by comity promotes access to legal services by increasing the pool of qualified practitioners available to serve residents, businesses, and organizations within the state. This flexibility can be particularly beneficial in specialized practice areas where experienced attorneys may relocate or wish to serve clients within the jurisdiction.

Importantly, the proposed modification would not reduce professional standards. Attorneys would still be required to demonstrate active licensure, good standing, and compliance with character and fitness requirements. These safeguards sufficiently ensure that applicants admitted through comity remain qualified and accountable.

For these reasons, I respectfully encourage adoption of a rule modification that permits attorneys actively licensed and in good standing in another jurisdiction to obtain admission by comity regardless of whether their legal practice is full-time, provided all other character, fitness, and professional responsibility requirements are satisfied.

Thank you for the opportunity to provide comment on this important issue. I appreciate the committee's consideration of reforms that reflect the evolving nature of the legal profession while maintaining the high standards expected of attorneys.

--
Attorney Brandon J. Loggins
Office Phone 312-253-7363
Fax 312-229-8832
Licensed in Illinois, Georgia, and Tennessee

MaryBeth Lindsey

From: Kate Formway <Kate.Formway.1375440256@grassrootsmessages.com>
Sent: Saturday, March 7, 2026 3:28 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. Thank you for the opportunity to weigh in on this important issue. Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

The Court should also consider clear carveouts from Unauthorized Practice of Law rules for low-risk legal assistance, like helping individuals understand court processes and filling out paperwork, which should not be treated as the practice of law. Tennesseans who would receive this help are already protected by existing consumer protection laws, negating the need for the enforcement mechanism that comes with licensure.

Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Sincerely,

Kate Formway
Goodlettsville, TN

MaryBeth Lindsey

From: Mary Mayberry <Mary.Mayberry.1377322213@sendgrassroots.com>
Sent: Saturday, March 7, 2026 3:28 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

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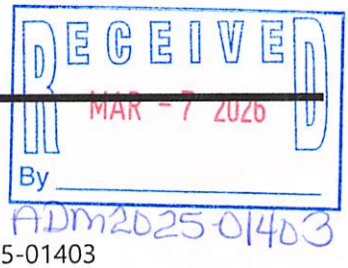
Sincerely,

Mary Mayberry
Crossville, TN

MaryBeth Lindsey



From: Jana Bishop <Jana.Bishop.1377247164@forgrassroots.com>
Sent: Saturday, March 7, 2026 3:28 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

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Sincerely,

Jana Bishop
Chattanooga, TN

MaryBeth Lindsey

From: Pasche Simmons <Pasche.Simmons.1375798032@sendgrassroots.com>
Sent: Saturday, March 7, 2026 3:28 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

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Sincerely,

Pasche Simmons
Nashville, TN

MaryBeth Lindsey

From: Melissa Smith <Melissa.Smith.1377996902@forgrassroots.com>
Sent: Saturday, March 7, 2026 3:27 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

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Sincerely,

Melissa Smith
Nashville, TN

MaryBeth Lindsey

From: Gwen Harrell <Gwen.Harrell.1381965479@grassrootsmessages.com>
Sent: Saturday, March 7, 2026 3:26 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

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Sincerely,

Gwen Harrell
Henning, TN

MaryBeth Lindsey

From: Ronda Price <Ronda.Price.1389358552@grassrootsmessages.com>
Sent: Saturday, March 7, 2026 3:25 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

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Please help us with this much needed service. I'm currently in a situation since my mother passed. I'm trying so hard to find legal counsel but I don't have the money attorneys are asking for

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

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Sincerely,

Ronda Price
Johnson City, TN

MaryBeth Lindsey

From: Crystal Shelton <Crystal.Shelton.1389477395@sendgrassroots.com>
Sent: Saturday, March 7, 2026 3:24 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

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Sincerely,

Crystal Shelton
Clifton, TN

MaryBeth Lindsey

From: Tyler Cole <Tyler.Cole.1390768491@sendgrassroots.com>
Sent: Saturday, March 7, 2026 3:22 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

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The Court should also consider clear carveouts from Unauthorized Practice of Law rules for low-risk legal assistance, like helping individuals understand court processes and filling out paperwork, which should not be treated as the practice of law. Tennesseans who would receive this help are already protected by existing consumer protection laws, negating the need for the enforcement mechanism that comes with licensure.

Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

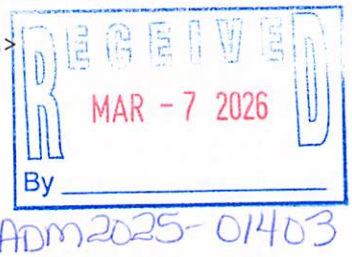
I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Sincerely,

Tyler Cole
Franklin, TN

MaryBeth Lindsey

From: Renee Graves <Renee.Graves.1412118254@forgrassroots.com>
Sent: Saturday, March 7, 2026 3:00 PM
To: appellatecourtclerk
Subject: Immigration Attorney's Comments on No. ADM2025-01403



ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am an immigration attorney, and expanding access to legal help is important because the low-profit/nonprofit services in our area are swamped and overworked.

I would want legal helpers to have oversight by a nonprofit or company and subject-matter training that can be done online in under 10 hours. I would want legal helpers to be able to assist with debt collection, family law, small claims and money disputes, housing, domestic violence and protective orders, public benefits and assistance, and reentry and civil legal consequences.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

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I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Renee Graves
Memphis, TN

MaryBeth Lindsey

From: Shirley Bondon <Shirley.Bondon.1412118517@sendgrassroots.com>
Sent: Saturday, March 7, 2026 3:00 PM
To: appellatecourtclerk
Subject: From African American Clergy Collective of TN: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am with the African American Clergy Collective of TN, and in my community, expanding access to legal help is important because there aren't enough attorneys and attorney fees are too high. I would want legal helpers to have oversight by a nonprofit or company, and I would want legal helpers to be able to assist with debt collection, employment and workplace law, small claims and money disputes, housing, domestic violence and protective orders, public benefits and assistance, reentry and civil legal consequences, wills and trust, and clearing title of property.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

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Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal

system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Shirley Bondon
Memphis, TN

MaryBeth Lindsey

From: Barbara Burns <Barbara.Burns.1412204420@forgrassroots.com>
Sent: Saturday, March 7, 2026 3:00 PM
To: appellatecourtclerk
Subject: Expand Legal Help: Comments on No. ADM2025-01403 from long-time resident/Order of the Eastern Star

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am a long-time resident and I am with the Tennessee Order of the Eastern Star. In my community, expanding access to legal help is important because some people are unable to afford legal help. I would want legal helpers to have subject-matter training that can be done online in under 10 hours. I would want them to be able to assist with debt collection, family law, domestic violence and protective orders, public benefits and assistance, and reentry and civil legal consequences.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

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I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal

system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Barbara Burns
Memphis, TN

MaryBeth Lindsey

From: Connie Marshall <Connie.Marshall.1412205103@forgrassroots.com>
Sent: Saturday, March 7, 2026 3:00 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

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I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Connie Marshall
Memphis, TN

MaryBeth Lindsey

From: David Engstrom <David.Engstrom@arlaw.com>
Sent: Friday, March 6, 2026 2:17 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01403 - Comments Pursuant to Order of the Tennessee Supreme Court re: Regulatory Reform of the Legal Profession
Attachments: TennesseeSupremeCourt_OrderSolicitingPublicComment_091625.pdf

Good afternoon, Mr. Hivner,

I am thrilled to learn of the Tennessee Supreme Court's Order soliciting comments from the community regarding potential regulatory reform of the legal profession, and I would love to provide my thoughts. While I am not in a position to offer thoughtful comments on all seven (7) issues raised by the Supreme Court in its Order, I would like to comment on the following:

3) 3-year law school: As a graduate of Georgetown University Law Center, it is my personal experience that 3L year served a more interest and curiosity driven purpose that did not exhibit the educational rigor of 1L and 2L years. Looking back on my legal education, I feel confident that my ability to practice law, to succeed as a professional, and to provide quality legal services to my clients was not significantly improved during my third year of law school; I would likely have been more than adequately prepared to counsel clients following my 2L Summer Associate experience. That being said, and while I understand the 3-year framework of law school extends beyond the State Bar level, I believe a State Bar endorsement of a 2-year law school model would be a good step in the right direction toward reducing the cost of a legal education. This, by the way, is coming from an attorney with over a quarter-million dollars of student loan debt.

4) Alternatives to examination: Currently, only 2 U.S. State Bars permit admission without examination (Wisconsin and Oregon). Wisconsin allows for "diploma privilege" for those graduates of in-state law schools, and I feel that to be a viable alternative to bar exam admission. If Tennessee law schools are to continue on a 3-year track, drawing on my comment above, a 3L focus on Tennessee-specific law would provide sufficient education of relevant material to permit automatic admission upon graduation.

5) Out-of-state attorneys: This is perhaps the issue on which I am most interested in commenting, as I am currently an out-of-state attorney (Virginia) pending Comity admission to the TN bar. I recently left Active-Duty service in the U.S. Army JAG Corps after 8 years of practice and joined Adams and Reese's Nashville office. I filed for comity admission in TN in February 2025 (nearly 13 months ago) and have not yet received a decision on my application. Understanding COVID-19 complications and significant movement to TN of out-of-staters has created a substantial backlog of applications, this wait-time has posed significant challenges for me. For instance, I have already had to refer out a potential client facing a minor criminal issue because I was not immediately able to appear in court on the client's behalf despite my extensive legal experience with criminal matters. I have also

foregone appearing in TN Court on behalf of other clients so as not to file numerous Pro Hac Vice motions that risk being denied after a point. As an attorney from an accredited law school, with 8 years of practice, and being actively licensed and in good standing in another state, I am capable of adequately representing my clients in TN courts pending issuance of my TN BPR number. Therefore, it is my position that Rule 10.07 should be amended to permit full practice pending admission (including appearance in court) upon a threshold showing of the proper education, experience, and active licensure.

While on the topic of experience, additional consideration may be given to reducing or eliminating the necessary 5 years of experience for Comity admission. When law school graduates are permitted to immediately represent clients in TN upon bar admission, why then would an attorney from another state not be afforded the same privilege? Learning and adapting to another state's laws and procedures is something any licensed attorney should be able to do – indeed, this is an achievement many law school graduates attain in a matter of weeks when studying for the bar exam. Practicing for 5 years in another jurisdiction does not necessarily make a candidate more qualified for this task. In the alternative, the TN Bar may consider offering a mandatory CLE-type Comity course designed to familiarize applicants with the nuances of TN law, regulation, and professional responsibility. Such a course may also be used to satisfy initial CLE requirements for the newly admitted applicants upon completion.

Furthermore, the cost of submitting a Comity application is likely prohibitive for some. In addition to the over $1,400 application fee, I was required to pay an additional $500+ for an NCBE character and fitness examination despite no history of disciplinary action in VA or TN (or any other state, for that matter) – something to which the Virginia Supreme Court and State Bar were able to attest in writing without any such examination. Simply permitting applicants to provide a certification that they have faced no adverse professional or criminal charges should suffice.

If it is the mission of the Sup. Ct. of TN to reduce the barriers to and cost of practicing law in Tennessee, revising out-of-state admission rules and streamlining that process would be a wonderful place to start.

Again, I am pleased to hear the TN Supreme Court is taking steps to make entry into the legal community more accessible and affordable for those interested in our ancient profession. I am available at your convenience to comment further on any of the matters addressed above. Thank you for the opportunity to be heard.

Regards,

David M. Engstrom, Esq.
Virginia State Bar No. 92220

DAVID ENGSTROM
Counsel

E: David.Engstrom@arlaw.com
O: 615.621.5119

Adams & Reese, LLP
1600 West End Avenue, Suite 1400
Nashville, TN 37203

adamsandreese.com

MaryBeth Lindsey

RECEIVED
MAR - 4 2026
By _____
ADM2025-01403

From: Sheryl <shurst@hurstimmigration.com>
Sent: Wednesday, March 4, 2026 12:37 PM
To: appellatecourtclerk
Subject: Regulatory Reform No. ADM2025-01403

Dear Sir or Madam:

I am writing to provide feedback on the proposed rule to permit non-attorney ownership of law firms and to permit paraprofessionals to practice law in Tennessee. I am an immigration attorney, and I know for a fact that adopting this proposal will lead to ineffective assistance of counsel on a broad scale, harming immigrants, immigrant communities, employers, and ultimately all Tennesseans. Immigration law is enormously complex, and the stakes are very high, with permanent banishment on the table in any given immigration legal matter.

We should not permit investors to pressure attorneys to compromise our ethics and professional judgment for profit. Likewise, we should not permit unskilled and undereducated paraprofessionals to claim expertise they could not possibly possess and unleash them on the unsuspecting public, especially in the immigration context. A small misstep in immigration proceedings can easily forever prevent a client from striving for their American dream. My office, for example, would face a steady stream of consultations with people we cannot help after some supposed paralegal ruins their lives by filing the wrong form or failing to screen for all relevant factors leading them to be placed in removal proceedings.

There may be areas of law, such as simple will preparation, or the like, that are amenable to a greater role for paraprofessionals. I don't really know as I have focused my practice since 2011 exclusively on immigration. But immigration law is most certainly not one of those areas. Again, I urge the courts of Tennessee not to adopt the proposed rule allowing non-attorney ownership of law firms and unsupervised paraprofessional insertion into the extraordinarily detailed, picky and consequential work of immigration attorneys.

Best regards,

HURST
Immigration

Sheryl Hurst
Immigration Attorney
Hurst Immigration, PLLC
PO Box 171266
Memphis, TN 38187
Phone and Text: (901) 682-4640
Fax: (800) 671 6515

PLEASE TAKE NOTE OF OUR NEW PHYSICAL ADDRESS. AS OCTOBER 1, 2023, OUR OFFICE HAS MOVED TO 11 S. IDLEWILD MEMPHIS, TN 38104. OUR PHONE NUMBER 901.682.4640 REMAINS THE SAME. OUR MAILING ADDRESS IS: PO BOX 171266 MEMPHIS, TN 38187.

WARNING: Unless you have a signed engagement letter with me, you should not consider information contained herein as legal advice and you should check with your own counsel before relying on this message.

CONFIDENTIALITY NOTICE: This transmittal is a confidential communication from Hurst Immigration, PLLC, or may otherwise be privileged. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error and that any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify our office at (901) 682-4640, and immediately delete this message as well as deleting all attachments, if any.

POR FAVOR, TOME NOTA DE NUESTRA NUEVA DIRECCIÓN FÍSICA. A PARTIR DEL 1 DE OCTUBRE DE 2023, NUESTRA OFICINA SE HA TRASLADADO A 11 S. IDLEWILD MEMPHIS, TN 38104. NUESTRO NÚMERO DE TELÉFONO 901.682.4640 SIGUE SIENDO EL MISMO. NUESTRA DIRECCIÓN POSTAL ES: PO BOX 171266 MEMPHIS, TN 38187.

ADVERTENCIA: A menos que tenga una carta de compromiso firmada conmigo, no debe considerar la información contenida en este documento como asesoramiento legal y debe consultar con su propio abogado antes de confiar en este mensaje.

AVISO DE CONFIDENCIALIDAD: Esta transmisión es una comunicación confidencial de Hurst Immigration, PLLC, o puede ser privilegiada. Si usted no es el destinatario previsto, se le notifica que ha recibido esta transmisión por error y que cualquier revisión, difusión, distribución o copia de esta transmisión está estrictamente prohibida. Si ha recibido esta comunicación por error, notifique a nuestra oficina al (901) 682-4640 y elimine inmediatamente este mensaje, así como todos los archivos adjuntos, si los hubiera.

Book time to meet with me

THE OHIO STATE UNIVERSITY Moritz College of Law

March 3, 2026

James Hivner, Clerk
Supreme Court of Tennessee
By email: appellatecourtclerk@tncourts.gov

RE: ADM2025-01403

Dear Clerk Hivner:

I commend the Supreme Court for its attention to the related issues of lowering barriers to entry into the legal profession, ensuring the availability of affordable legal services, ensuring the competency of the state's attorneys, and safeguarding the public. These are some of the most critical issues facing our profession today.

I co-directed one of the most widely cited studies of lawyering competence,[1] worked with the CLEAR committee on their report, and have advised several states on the development of new licensing exams or alternative pathways to licensure. Drawing on that expertise, I offer several comments on questions (4) and (5) in the Court's order.

Alternative Pathways to Admission

The development of alternatives to the traditional bar exam furthers all four of the objectives identified in the Court's order. These alternatives lower barriers to entry by allowing candidates to demonstrate their competence without taking time off from work to study for the bar exam, paying for expensive bar prep courses, and waiting several months for bar results to be released. Instead, candidates either demonstrate their competence while still in law school (as in New Hampshire's Daniel Webster Program and South Dakota's Public Service Pathway) or while employed by an approved attorney after graduation (as in Oregon's Supervised Practice Portfolio Pathway, Arizona's Lawyer Apprentice Program, and Utah's Alternate Pathway). In addition to greatly reducing the cost of admission, these pathways accommodate candidates with disabilities and those with family caretaking responsibilities.

Some of these pathways (such as the ones in South Dakota and Arizona) directly foster the provision of affordable legal services by requiring candidates to complete their supervised practice with government agencies, nonprofit organizations, or employers representing underserved communities (including those in rural areas). All of them indirectly foster affordable legal services by reducing licensing costs for candidates who may take low-paid public interest jobs or jobs in rural communities.

At the same time, these pathways improve attorney competency and public protection. The traditional bar exam cannot effectively test essential skills like legal research, client counseling, and negotiation. The NextGen exam, which Tennessee and other states have adopted, will not even test legal writing adequately: the exam has cut back dramatically on the time devoted to legal writing. The alternative pathways test for more knowledge and skills than the traditional exam does, and do so in rigorous ways. Both New Hampshire and Oregon, for example, have bar examiners review portfolios of redacted work product from each candidate. Bar examiners, not employers or professors, determine whether the candidate's work is minimally competent.

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[1] DEBORAH JONES MERRITT & LOGAN CORNETT, BUILDING A BETTER BAR: THE TWELVE BUILDING BLOCKS OF MINIMUM COMPETENCE (2020), https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf.

I worked closely with Oregon in developing their portfolio system, and currently facilitate their portfolio grading sessions, so I can attest to the rigor of the Oregon system. I have also attached a report recently released by the Oregon Supreme Court, which reviews the system's first year of operation. The Court may find the information in that report useful.

In addition to the states that have already adopted alternative pathways to licensure, I know of at least five others (Connecticut, Delaware, Minnesota, New Mexico, and Washington) that have created committees to explore these pathways. The National Center for State Courts and CLEAR Committee are also providing resources for states interested in these pathways. If Tennessee opts to explore alternative pathways to admission, it will have many programs and resources to draw upon.

Interstate Practice and Mobility

Restrictive comity rules are out-of-step with today's legal practice. Many legal matters and disputes cross state lines, and many lawyers move from state to state. Modern research tools, moreover, make the laws of any state readily available to practitioners in any corner of the country.

State bars play an important role in disciplining lawyers who practice within their territory, as well as in establishing procedures for assessing the minimum competence of new applicants. Once a state has admitted an applicant to their bar, however, other states should be willing to respect their peer state's determination of minimum competence. Failing to do so impedes mobility, suppresses competition, and deprives clients of affordable lawyers.

The CLEAR Committee felt so strongly about this issue that it included two recommendations related to improving interstate mobility. Recommendation 6.4 provides:

> To support score portability—a current reality of the profession, and the expectation of lawyers in an increasingly interconnected world—state supreme courts should explore how to accept other jurisdictions' determinations of competence, whether by innovative or bar exam pathways.

Recommendation 9.4 then underscores CLEAR's commitment to portability as an urgent issue:

> Because score portability is a critical issue to the longevity and spread of innovative pathways, CLEAR should develop and recommend model standards and rules to state supreme courts.

I encourage Tennessee to follow these recommendations to broaden access to the profession and benefit all clients within the state.

I hope these comments are helpful. Once again, I applaud Tennessee's interest in these important matters.

Sincerely yours,

Deborah Jones Merritt
Distinguished University Professor
John Deaver Drinko/Baker & Hostetler
Chair in Law Emerita

OREGON STATE BOARD OF BAR EXAMINERS

16037 SW Upper Boones Ferry Road, PO Box 231935, Tigard, OR 97281-1935
(503) 620-0222 or (800) 452-8260 • www.osbar.org

January 26, 2026

Sent via electronic mail to:
jennifer.l.fortier@ojd.state.or.us

The Honorable Meagan A. Flynn
Oregon Supreme Court
1163 State St NE
Salem, OR 97301

Re: Supervised Practice Portfolio Examination First Annual Report to the Oregon Supreme Court

Dear Chief Justice Flynn:

Oregon Supervised Practice Portfolio Examination (SPPE) Rule 20.5 requires the Board of Bar Examiners (BBX) to submit an annual report to the Court noting program statistics, insights from program reviews, and proposals for improvement. Additionally, every other year, the report must include data about the work done by applicants pursuing licensure through SPPE.

The SPPE program began admitting applicants in May 2024 and provisionally licensing applicants in July 2024. The first cohort to successfully complete the program was licensed in December 2024. As the program has been licensing applicants for a full year, the BBX respectfully submits its first annual report for the Court's consideration.[1]

II. PROGRAM STATISTICS

Number of Applicants

As of January 5, 2026, the Admissions Department had received applications from 205 SPPE candidates. Candidates cannot apply to the program until (1) they have received a job

[1] The data in this report were compiled by Sarra Yamin, Regulatory Counsel for the Oregon State Bar; Cassandra Dyke, SPPE Coordinator; and Professor Deborah Merritt, Distinguished University Professor Emerita at The Ohio State University Moritz College of Law. Professor Merritt is a volunteer consultant who has worked with the SPPE program since its inception. She has extensive experience in data analysis and assisted the California State Bar in evaluating their Provisional License program.

commitment from an Employer and Supervising Attorney, and (2) the Admissions Department has approved both the Employer and Supervising Attorney. The BBX and Admissions Department staff, however, conduct a complete Character & Fitness evaluation before issuing a Provisional License. The current status of the 205 SPPE applications received to date is:

- Pending review: 6
- Accepted into program (Provisionally Licensed):194
- Denied: 2
- Withdrawn prior to provisional licensing: 3

Number of Employers and Supervisors

The number of Employers and Supervising Attorneys approved for program participation, as of January 5, 2026, is:

- Approved Supervising Attorneys: 211
- Approved Employers: 182

Trends in Program Participation

The SPPE program attracted great interest during its opening weeks, with more than three dozen candidates applying during the first month. Since that initial surge, application rates have stabilized at an average of 8.7 applications per month, with predictable increases after graduation and the release of bar exam results. This table shows the number of applicants in each monthly cohort who received Provisional Licenses. Trends for overall application rates are virtually identical:

Cohort (By Date of SPPE Application)	Number of Applicants Who Received Provisional Licenses
5/15/24 – 6/14/24	37
6/15/24 – 7/14/24	14
7/15/24 – 8/14/24	10
8/15/24 – 9/14/24	13
9/15/24 – 10/14/24	8
10/15/24 – 11/14/24	14
11/15/24 – 12/14/24	10
12/15/24 – 1/14/25	10
1/15/25 – 2/14/25	9
2/15/25 – 3/14/25	4
3/15/25 – 4/14/25	8
4/15/25 – 5/14/25	13

Cohort (By Date of SPPE Application)	Number of Applicants Who Received Provisional Licenses
5/15/25 – 6/14/25	11
6/15/25 – 7/14/25	6
7/15/25 - 8/14/25	5
8/15/25-9/14/25	7
9/15/25-10/14/25	4
10/15/25-11/14/25	7
11/15/25-12/14/25	4
Total	194

Status of Provisional Licensees

Total Provisional Licensees issued as of January 5, 2026: 194

- Active Provisional Licensee: 114
- Suspended[2]: 26
- Licensed Attorney: 49
- Withdrawn[3]: 5

Admission Rates

To date, 49 Provisional Licensees have become licensed attorneys, for an admission rate of 25.4% (49 out of 193 Provisional Licensees).[4] However, that includes candidates who have been in the program for just a short time. It would not be realistic for them to have completed the portfolio requirements by this point. To correct for that, this table shows admission rates for the candidate cohorts described in the previous table:

Cohort	Number Applicants	Number Admitted	Percent Admitted
5/15/24 – 6/14/24	37	26	70.3%
6/15/24 – 7/14/24	14	7	50.0%
7/15/24 – 8/14/24	10	2	20.0%
8/15/24 – 9/14/24	13	4	30.8%

[2] Provisional Licenses may be suspended for many reasons, including the loss of a Supervising Attorney or other circumstances that do not reflect the Provisional Licensee's conduct or efforts toward program completion.
[3] Withdrawn applicants are not eligible to become provisionally licensed again without a new application. A Provisional Licensee may choose to withdraw for various reasons including admission via another pathway, or in response to a character and fitness hold.
[4] Six additional candidates have passed the portfolio portion of the SPPE, but have not yet satisfied the Professional Responsibility requirement, have withdrawn, or have been placed on an administrative hold.

Cohort	Number Applicants	Number Admitted	Percent Admitted
9/15/24 – 10/14/24	8	1	12.5%
10/15/24 – 11/14/24	14	2	14.3%
11/15/24 – 12/14/24	10	4	40.0%
12/15/24 – 1/14/25	10	2	20.0%
1/15/25 – 2/14/25	9	1	11.1%
2/15/25 – 3/14/25	4	0	--
3/15/25 – 4/14/25	8	0	--
4/15/25 – 5/14/25	13	0	--
5/15/25 – 6/14/25	11	0	--
6/15/25 – 7/14/25	6	0	--
7/15/25-8/14/2025	5	0	--
8/15/25-9/14/25	7	0	--
9/15/25-10/14/25	4	0	--
10/15/25-11/14/25	7	0	--
11/15/25-12/14/25	4	0	--
Total	194	49	

Another way to examine admission rates is to consider the percentage of candidates who gain licensure after a particular length of program participation. So far, the quickest time to licensure has been seven months. This table shows the percentages of individuals licensed at various lengths of program participation. Calculations are current as of January 5, 2026:

Months In Program	Number of Provisional Licensees	Number Licensed	Admission Rate
7	156	5	03.2%
10	128	16	12.5%
12	114	32	28.1%
15	80	43	53.8%
18	47	31	66.0%

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Time to Licensure:

For the 49 candidates admitted by January 5, 2026, the time between application to the SPPE program and license ranges from 7 to 18 months, with a mean of 11.8 months and a median of 12 months[5].

Grading

Graders assessed 1,333 pieces of work product between August 2024 and October 2025 (six grading sessions) with these outcomes:

- 1,080 of those submissions were Qualified (81.0%)[6]
- 156 were Not Qualified (11.7%)
- 97 were rejected as inappropriate for SPPE submission (7.3%)

These numbers include all types of work product (writings, negotiations, and client interactions).

During the same period, the office deferred at least 344 pieces of work product due to technical issues such as incomplete redaction. This number is an understatement due to limitations on the ability of the work product grading platform to track this data. Even using the underestimate of 344 pieces of deferred work product, the office has deferred about a fifth (20.5%) of all 1,677 pieces of submitted work product.

Provisional Licensees may resubmit deferred work product after correcting the technical issue, but the deferral process imposes a significant workload on the Admissions Office. Candidates were also dissatisfied with the deferral process because they typically had to wait for the next grading period to submit corrected work.

To address these concerns, the BBX approved two changes in the SPPE submission process that took effect for the January 2026 grading session. First, since the office had noted a particularly high deferral rate among Provisional Licensees participating in their first grading session,

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[5] The time to licensure calculation includes any periods of suspension or time awaiting provisional licensure or full licensure due to a character and fitness inquiry. Calculating only time in active provisional license status is not currently automated. Including any time in suspended provisional licensure status offers a calculation more reflective of the actual applicant experience. While longer time in the program can be reflective of the quality of an applicant's work (either because they require more submissions to achieve a complete portfolio, or because periods of suspension are due to loss of a job for poor performance), it could also be due to an extended absence for illness or a slower pace of submission of work product for grading.

[6] A submission is "Qualified" if graders conclude that it demonstrates minimum competence. "Not Qualified" submissions are those that do not meet the minimum competence standard. Graders may also reject a submission, which means that it does not meet the criteria for SPPE submission, although it may be competent work for the Employer. Writings are most often rejected because they do not include sufficient legal analysis to allow the grader to assess the candidate's minimum competence. Graders make all judgments by applying rubrics approved by the BBX.

Provisional Licensees may now submit only six pieces of work product for their first grading session. This allows Provisional Licensees to receive feedback on technical errors before burdening the office with a high number of submissions. Second, the office now reviews submissions for technical errors on a rolling basis, giving Provisional Licensees a chance to correct errors more quickly. These two changes worked well for the January 2026 grading session.

III. AUDITS OF COMPONENT SCORING AND REVIEW OF MINIMUM COMPETENCE STANDARD

SPPE Rules 20.1 and 20.2 require two annual reviews of sample SPPE work product by the BBX. One is a review of complete successful portfolios to assess whether the portfolios- taken as a whole- reflect minimum competence to practice law. If the BBX finds that the portfolios do not meet that standard, it will consider revisions to its rubrics of the SPPE rules. The BBX undertook this review first.

Professor Deborah Merritt, the SPPE's volunteer consultant, randomly selected four successful portfolios for the BBX's review. These portfolios included all three types of work product (written work, negotiations, and client interactions) and the corresponding cover pages and rubrics. The total portfolio length ranged from 78 to 167 pages. The BBX found that all four portfolios reflected the minimum competence standard.

The BBX next turned to the annual review of Not Qualified work product. The review was limited to written work product, because the grading process for client interactions and negotiations is more limited. For the latter submissions, graders review only the Supervising Attorney's completed rubric and information provided by the applicant about the experience. Only a small number are found Not Qualified or rejected for failure to comply with SPPE requirements.

Professor Merritt randomly selected five pieces of Not Qualified work product for the BBX to audit. In order to make the audit most valuable, she then selected comparison samples authored by the same Provisional Licensees that had received a Qualified grade. The comparison samples were specifically chosen because they were as close as possible in format or content to the Not Qualified companion piece.

The BBX felt that the sample Qualified work products demonstrated minimum competence and reflected better work than those found Not Qualified. Several BBX members, however, thought that an argument could be made for some of the work product graded Not Qualified actually being minimally competent work. They noted that licensed attorneys might produce comparable work in practice without failing their clients or inviting discipline. The BBX thus considered whether SPPE grading standards were too harsh.

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That discussion included the following points:

- While it is easy to agree that a work product is Not Qualified because it cites bad law, other areas of evaluation (such as organization) can be more challenging to fit within the binary Qualified and Not Qualified categories.

- BBX members noted a difference between bar exam grading and SPPE grading, particularly in assessment categories such as organization, grammar and spelling, or focus. This is not a reflection of a different standard for minimum competence, but a recognition of the different skills being tested. SPPE candidates are not under the constraints of time and resources (source materials, input from supervisors, etc.) inherent to the bar exam. Provisional licensees can select work product for submission that best reflects their abilities and can also refine that work product prior to submission.

- The assessment rubrics were created to limit the subjectivity of grading, but subjectivity cannot be eliminated entirely. For example, in the area of organization, the rubric defines a work product as falling below minimum competence if "The document is poorly organized, making it difficult for the reader to follow." Achieving minimum competence means "The document is well organized, although organization could improve in 1-2 places." The rubric acknowledges that even with the benefit of time and work product choice, competence is not perfection. Nonetheless, one reader may find a piece difficult to follow when another reader does not.

- The SPPE addresses writings in the "close to the line" category, as well as overall variation in grading, through several mechanisms: (1) calibration sessions at the start of every grading session, even for experienced graders; (2) the use of double graders for most written work; (3) conciliation sessions requiring thoughtful deliberation when graders disagree on the score for a submission; (4) assignment of each applicant's eight pieces of written work product to multiple graders; (5) permission for candidates who receive a Not Qualified or Rejected score to submit a replacement writing immediately and to have that replacement scored within about three months; and (6) preservation of all Qualified scores for three years. The latter two features make the SPPE more accommodating than the traditional bar exam for candidates. If a candidate narrowly misses passing the traditional bar exam, they must retake the entire bar exam and wait about six months for a new score.

- One might look at a work product found Not Qualified for the purpose of SPPE licensure and note that the same work product, from a licensed attorney, would not invite an allegation of incompetence under RPC 1.1[7]. This came up in discussion regarding one of the work

[7] RPC 1.1 competence is almost never defined by one-off mistakes, but can be found in an accumulation of errors sufficient to show an absence or suspension of reasonable professional skill and judgment. *In re Magar*, 335 Or 306, 320 (2003). SPPE graders are assessing individual work products (often only a few paragraphs).

products reviewed in the audit which was found Not Qualified in part because the applicant correctly identified a legal requirement, but clearly misread the format of the rule, resulting in the applicant misciting the subsection of the relevant rule. Here, the applicant has the burden to show that they are component, and the opportunity to submit their best work to demonstrate competence to the graders.

After this discussion, BBX concluded that the Not Qualified scores for work products closest to the line were reasonable, given the difficulty of reaching unanimity on the evaluation of written work product and given that a Not Qualified work product does not end the applicant's attempt at admission. The BBX believes that any extension of time in the program for work product found Not Qualified, though close to the line, is consistent with one of SPPE's strengths: that participants not only have the opportunity to demonstrate their knowledge, skills, and professional judgment, but to improve their abilities in the process. As a result, the BBX is not recommending amendments to the SPPE rubrics at this time.

V. REVIEW OF OTHER PROGRAM ELEMENTS

At least once a year, the BBX will gather input from Employers, Supervising Attorneys, and Provisional Licensees about their experience in the Program. In December 2025 bar staff generated two surveys. One was sent to Provisional Licensees. The other, sent to Supervising Attorneys, included questions specific to their personal experience as a supervisor and more general questions about the effect of participation in the SPPE on the Employer as an organization.[8]

Experts consider response rates of 30% or higher for email surveys as "excellent," and the response rates for both SPPE surveys exceeded that threshold:

	Target Population	Respondents	Response Rate
Provisional Licensees	206	94	45.6%
Supervising Attorneys	214	81	37.9%

Even with excellent response rates, selection bias can affect survey results. Without further analysis, for example, it is difficult to know whether Supervising Attorneys and Provisional Licensees in particular practice settings or regions of the state were more likely to respond to the survey than other participants. Program attitudes may also affect response rates.

[8] About half of the Employer contacts are also the listed Supervising Attorney. For those who are not Supervising Attorneys, there is no required level of engagement with the SPPE program or Provisional Licensee for the employer contact listed on the SPPE Employer application. Roles of the listed Employer contacts range from CEO to Office Manager. Supervising Attorneys appear best suited to provide comparable Employer feedback.

Participants who held particularly positive or negative views of the SPPE may have been more likely to respond than participants with moderate views.

Program Benefits

Provisional Licensees pointed to numerous benefits of participating in the SPPE. These included the ability to seek bar admission while earning a salary (83.2%), the ability to learn from an experienced supervisor (80.9%), and the ability to focus on serving clients in a chosen practice area (70.8%). More than four-fifths of Provisional Licensee respondents (83.2%) indicated that, if they were choosing a bar admission pathway again today, they would choose the SPPE. Only 6.7% indicated that they would take the traditional bar exam, with the remainder (10.1%) unsure.

Supervising Attorneys also identified numerous program benefits, although smaller percentages of them cited each benefit. The most cited benefits for Supervising Attorneys and Employers were enjoying mentoring a new lawyer (69.9%), helping a law graduate (49.3%), serving more clients or handling more matters (41.1%), and being encouraged to provide more feedback to new lawyers (32.9%).

Program Challenges

The greatest program challenges for Provisional Licensees were concerns about grading (33.3%), understanding portfolio requirements (32.2%), finding opportunities to lead negotiations (31.1%), finding appropriate written work to submit (28.9%), the length of time needed to complete the program (28.9%), and finding time to complete program requirements while practicing (26.7%). About one tenth of Provisional Licensees (11.1%) reported encountering no significant challenges.

The most common challenges cited by Supervising Attorneys and Employers were the length of time required for Provisional Licensees to gain admission (35.5%), difficulty finding appropriate work for portfolio submission (27.6%), and difficulty understanding program requirements (23.7%).

Only two Supervising Attorneys (2.6%) reported that clients were unwilling to work with Provisional Licensees, and just one (1.3%) reported that reticence from opposing counsel or a judge. One quarter of Supervising Attorneys (25.0%) reported that they and their Employer experienced no significant challenges at all.

One-fifth (20.0%) of respondent Supervising Attorneys indicated that they viewed Provisional Licensees "as a viable long-term staffing strategy for [their] organization," and 44.0% thought that the program might provide a viable staffing strategy "depending on [their current] experience." A little over a third of the Supervising Attorneys (36.0%) stated that their

participation was a "one-time arrangement" so they do not contemplate staffing positions regularly through the SPPE.

Supervision

Provisional Licensees reported a high degree of satisfaction with the supervision provided by their Supervising Attorneys. More than two-thirds (68.9%) characterized that supervision as excellent, and another 14.4% considered it good. Three Provisional Licensees (3.3%) found their supervision adequate, five (5.6%) termed it fair, and seven (7.8%) considered it poor. When asked how often they met with their Supervising Attorney, Provisional Licensees provided these estimates:

Frequency of Meetings	Number	Percentage
Daily	29	32.22%
Weekly	35	38.89%
Bi-Weekly	3	3.33%
Monthly	4	4.44%
Less than monthly	5	5.56%
As needed/irregular schedule	14	15.56%
Total Respondents	90	

The survey for Supervising Attorneys asked how many hours a week they devoted to **direct** supervision of Provisional Licensees. A majority of Supervising Attorneys (56.5%) reported spending four or more hours per week supervising Provisional Licensees, although a handful (5 Supervising Attorneys) reported less than an hour a week devoted to supervision:

Weekly Supervision	Number	Percentage
Less than 1 hour	5	6.41%
2-3 hours	29	37.18%
4-5 hours	14	17.95%
6-10 hours	19	24.36%
More than 10 hours	11	14.10%
Total Respondents	78	

When asked if they had adequate time to supervise Provisional Licensees, 87.2% of Supervising Attorneys reported that they usually or always had adequate time. Most of the remaining respondents reported that they sometimes had adequate time:

Adequate Supervision Time	Number	Percentage
Yes, always	30	38.5%

Yes, usually	38	48.7%
Sometimes	9	11.5%
Rarely	0	0.0%
No, never	1	1.3%
Total Respondents	78	

Only six Supervising Attorneys (7.9%), finally, cited "finding sufficient time to supervise Provisional Licensees" as a program challenge.

Quality of Work by Provisional Licensees

Supervising Attorneys were largely satisfied with the work performed by most Provisional Licensees. They reported that almost half (48.4%) of Provisional Licensees exceeded expectations, while another third (32.6%) met expectations. Less than a fifth (18.9%) fell below expectations. Employers responded to Provisional Licensees in the latter category by terminating their employment, which also suspended their eligibility to continue within the SPPE program. Eleven Supervising Attorneys (14.3%) reported that type of termination.

Reflecting their satisfaction with the work of Provisional Licensees, more than half of Employers (54.9%) had retained their Provisional Licensee after admission or "definitely" planned to do so. Another 7.0% intended to "probably" keep a Provisional Licensee after admission, and 14.1% were undecided. For the remaining 23.9%, performance concerns accounted for only a minority (36.4%) of negative decisions. Lack of an available position, financial concerns, or the Provisional Licensee's decision to leave were more common explanations.

VI. ADDITIONAL DATA

At least once every other year, the BBX will also gather data about the work that SPPE applicants are doing as well as bar complaints and malpractice claims against individuals licensed through the program. In addition to the data discussed above, the SPPE surveys offered insights into employer and client types, practice areas, salary, and other aspects of the SPPE experience and impact.

Practice Settings

Small law firms (2-10 attorneys) offered the most common workplace setting for SPPE participants, although all types of workplaces were represented. Both surveys requested information about employment setting, so this table reports responses from both Provisional Licensees and Supervising Attorneys. The percentages largely align, although it appears that Provisional Licensees working for a court, District Attorney's Office, Public Defender's Office, or

Corporate Legal Department were more likely than their Supervising Attorneys to complete the survey.[9]

Practice Setting	Responses from Supervising Attorneys	Responses from Provisional Licensees
Solo	18.5%	13.3%
Small Firm (2-10 Attorneys)	48.2%	47.8%
Medium Firm (11-50 Attorneys)	4.9%	4.4%
Large Firm (More Than 50 Attorneys)	2.5%	2.2%
Court	2.5%	4.4%
District Attorney's Office	3.7%	10.0%
Public Defender's Office	3.7%	8.9%
Other Government Office	2.5%	3.3%
Legal Aid/Nonprofit Organization	12.4%	10.0%
In-House Counsel/Corporate Legal Dept	1.2%	5.6%

Nature of Clients Served

Provisional Licensees served a range of clients, but the most common client types were low-income individuals and medium-income individuals. Once again, Provisional Licensees and Supervising Attorneys both provided information on the type of clients served by Provisional Licensees. The responses are comparable, although Provisional Licensees working in state or federal government offices were more likely to respond than Supervising Attorneys in those settings.[10]

Type of Client Served	Responses from Supervising Attorneys	Responses from Provisional Licensees
Small Businesses	20.2%	15.6%
Large Businesses	12.7%	10.0%
Nonprofit Organizations	16.5%	10.0%
Low-Income Individuals	60.8%	65.6%
Middle-Income Individuals	51.9%	47.8%
High-Income Individuals	26.6%	30.0%
State or Federal Government	8.9%	18.9%

Both surveys asked respondents specifically about service to clients in rural and other underserved areas of Oregon. More than a third of Supervising Attorneys (37.2%) responded

[9] The percentages for Provisional Licensees exceed 100 because some Provisional Licensees worked in more than one setting.

[10] The percentages in this table sum to well over 100 for both Supervising Attorneys and Provisional Licensees because many Provisional Licensees served multiple types of clients.

that Provisional Licensees served clients in rural or other underserved areas of Oregon either exclusively (10.3%) or as part of a broader practice (26.9%). An even larger percentage of Provisional Licensees indicated that they had served clients in those areas either exclusively (21.4%) or as part of a broader practice (42.7%).

Approved Supervising Attorneys are located in the following cities:

City	Supervisors
Albany	2
Baker City	3
Beaverton	11
Bend	8
Cannon Beach	1
College Park	1
Coos Bay	1
Eugene	12
Gearhart	1
Hillsboro	7
Jacksonville	1
Klamath Falls	1
La Grande	1
Lake Oswego	6
Lincoln City	1
McMinnville	1
Medford	8
Milton-Freewater	1
Milwaukie	1
Newport	1
Oregon City	6
Pendleton	2
Portland	77
Roseburg	7
Salem	16
Scottsdale	1
Seattle	1
Sherwood	1
Vancouver	1
The Dalles	1

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Practice Areas and Legal Tasks

The survey addressed to Provisional Licensees asked them to identify the two or three practice areas in which they most frequently worked. The most cited areas were:

Practice Area	Number of Provisional Licensees	Percentage of Provisional Licensees
Criminal Law	26	28.9%
Family Law	18	20.0%
Estate Planning/Probate	12	13.3%
Business/Corporate Law	11	12.2%
Civil Litigation	9	10.0%
Torts/Personal Injury	9	10.0%

Provisional Licensees identified a wide range of other practice areas including administrative law, contracts/commercial law, employment law, immigration law, civil rights law, landlord/tenant law, and more than a dozen other areas.

The most common legal tasks performed by Provisional Licensees were legal research and writing (reported by 58.9% of Provisional Licensees) and drafting pleadings and motions (reported by 44.4%). Other common tasks were client interviews (33.3%); client counseling (30.0%); and drafting contracts, wills, leases, and other transactional documents (23.3%). Eleven Provisional Licensees respondents (12.2%) participated in trials, and 19 (21.1%) appeared in court for other reasons.

Salary Information

SPPE Rule 2.2 requires employers to pay Provisional Licensees "at least the salary and benefits provided to other recent law school graduates." This rule, notably, does not require employers to match the salaries paid to newly licensed attorneys. Instead, they may pay rates appropriate for law school graduates who have not yet been licensed.

One-third of Provisional Licensees who responded to the survey (35.2%) reported receiving salaries of $20-30/hour (equivalent to annual salaries of $41,600-$62,400), and about another third (29.6%) reported salaries of $31-40/hour (equivalent to an annual salary of $62,401-$83,200). Others reported salaries below and above these ranges:

Salary Range	Number of Provisional Licensees	Percentage of Provisional Licensees
Less than $20/hour (or $41,600/year)	11	12.5%

$20 - $30/hour (or $41,600 – $62,400/year)	31	35.2%
$31 - $40/hour (or $62,401 – $83,200/year)	26	29.6%
$41 - $50/hour (or $83,201 – $104,000/year)	13	14.8%
More than $50/hour (or $104,000/year)	7	8.00%
Total Respondents	88	

These numbers suggest that many employers are, in fact, paying Provisional Licensees less than they pay newly licensed attorneys. The National Association for Law Placement (NALP) reports that the median starting salary for 2024 law graduates working in Oregon was $80,000 per year, and that 90% of those salaries fell between $50,000 per year and $158,000 per year.[11] Almost half the salaries paid Provisional Licensees in 2025 and 2026 fall below that range. Some of that difference may reflect part-time work by Provisional Licensees, but most of the difference is likely due to lower salaries paid to Provisional Licensees than licensed graduates.

Provisional Licensees did not complain about low salaries, although one noted that the length of time required to complete the program delayed their receipt of a higher salary. A dozen Supervising Attorneys (15.8%), conversely, identified the "pay requirement" as a program challenge. Based on their comments, however, at least some of these supervisors misunderstood the requirement as one to pay Provisional Licensees "at an attorney's wage."

Bar Complaints and Malpractice Claims

The Professional Liability Fund reports receiving no claims to date regarding any SPPE Provisional Licensee or attorney licensed through the SPPE. The Client Assistance Office has received one complaint about a Provisional Licensee which remains pending at this time.

XII. FURTHER PROGRAM DEVELOPMENT

The Board of Bar Examiners continues to take pride in Oregon's leadership and innovation in developing the SPPE pathway to attorney licensure. Multiple jurisdictions, including Washington, Minnesota, Colorado, and New Mexico have requested information and insight as they consider similar alternative pathways to licensure.

[11] *See* NALP, Jobs & JDs: Employment and Salaries of New Law Graduates—Class of 2024, at 125 (Oct. 2025). NALP provides the most reliable and comprehensive information available about career outcomes for new law graduates. Data from 2024 graduates is the most recent data available.

We are encouraged by the data that the program is successfully providing an accessible alternative for the assessment of applicant competence, and a strong foundation for Provisional Licensees in their future practice of law.

Since the program's launch, the BBX, with the support of Admissions staff and Professor Merritt have been active in efforts to spot points of confusion or difficulty and proactively make adjustments or clarifications. The BBX will continue those efforts with particular focus on the information obtained through the survey, the review of Qualified and Not Qualified portfolio materials, and the other data presented herein.

The addition of a full-time SPPE Program Coordinator, Cassandra Dyke, in January 2025 has been essential in improving the program. Among other improvements, that addition allowed BBX to transition to the rolling process for work product submissions described above. This change has improved the experience for Provisional Licensees, who are able to correct and resubmit work product more quickly. This also allows the BBX to more efficiently plan in advance for grading sessions and to close the submission window for that grading session when it has received the number of submissions it can reasonably grade. With these changes, we have been able to post all four anticipated SPPE grade release dates for the 2026 calendar year. This advanced notice should make it easier for Provisional Licensees and Supervising Attorneys to plan their work.

The platform used for submission and grading of SPPE work product has been specifically adapted for the program. Because the system has historically been used for bar exam essay grading, it has required ongoing modification to best meet the needs of this program. SPPE Program Coordinator Cassandra Dyke is actively working with the platform provider on those efforts and is currently working on development and implementation of a supervisor portal for that platform.

BBX will continue to track other aspects of the SPPE program, such as the pay provided to Provisional Licensees, the quality of supervision, the length of time required to complete the program, and the guidance provided to participants. The SPPE is a complex and rigorous program due to the guardrails built by BBX and the Court in creating the program. The Admissions Department already offers extensive training materials and responds to questions from individual applicants and Supervising Attorneys to help them navigate the nuances of the program. Department staff plan to continue upgrading those materials and making them as user-friendly as possible. With more than a year's experience administering the program, the Department is also able to set more informed expectations about the amount of time needed to complete the program successfully.

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Regulatory Counsel, Sarra Yamin, will be present on behalf of the BBX at the Court's public meeting on February 3, 2026 to answer any questions regarding this report. If there is additional information of interest to the Court, or areas for possible program adaptation the Court would like the BBX to address further, we look forward to that feedback.

Respectfully,

Anthony J. Rosilez

Dr. Anthony Rosilez
Chair, Oregon State Board of Bar Examiners

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Wednesday, March 4, 2026 9:33 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: ADM2025-01403
Attachments: Merritt on Tennessee Order.pdf; SPPE Annual Report, Final with Formatting.pdf

Please process the attached comment (with attached report).

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: Merritt, Deborah <merritt.52@osu.edu>
Sent: Tuesday, March 3, 2026 7:38 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: ADM2025-01403

Please see the attached letter addressing questions in the Court's order, as well as an attachment to the letter.
Thank you, Deborah Merritt

Deborah Jones Merritt

Distinguished University Professor

John Deaver Drinko/Baker & Hostetler Chair in Law Emerita

The Ohio State University Moritz College of Law

Cell: 614-361-6402

MaryBeth Lindsey

From: Betsy Foster <Betsy.Foster.1412210883@advocatesmessage.com>
Sent: Friday, February 27, 2026 5:30 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403 from TN resident

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am a Tennessee resident. I would want legal helpers to have oversight by a nonprofit or company, and subject-matter training that can be done in under 10 hours. I would want legal helpers to be able to assist with family law, housing, domestic violence and protective orders, and public benefits and assistance.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

The Court should also consider clear carveouts from Unauthorized Practice of Law rules for low-risk legal assistance, like helping individuals understand court processes and filling out paperwork, which should not be treated as the practice of law. Tennesseans who would receive this help are already protected by existing consumer protection laws, negating the need for the enforcement mechanism that comes with licensure.

Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Betsy Foster
Pleasant View, TN

MaryBeth Lindsey

From: Efi Nelson <Efi.Nelson.1412220658@yourconstituent.com>
Sent: Friday, February 27, 2026 5:30 PM
To: appellatecourtclerk
Subject: From Dream Streets - Expand Legal Help in Tennessee: Comments on No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am with Dreams Streets. In my community, expanding access to legal help is important because many of our people do not have easy and affordable access to legal aid!

I would want legal helpers to have oversight by a nonprofit or company, and I would want them to be able to assist with any civil legal matter.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

The Court should also consider clear carveouts from Unauthorized Practice of Law rules for low-risk legal assistance, like helping individuals understand court processes and filling out paperwork, which should not be treated as the practice of law. Tennesseans who would receive this help are already protected by existing consumer protection laws, negating the need for the enforcement mechanism that comes with licensure.

Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal

system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Efi Nelson
Nashville, TN

MaryBeth Lindsey

From: Sarah Herrick <Sarah.Herrick.1412221648@grsdelivery.com>
Sent: Friday, February 27, 2026 5:30 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403 from Dream Streets

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am an employee of Dream Streets. Expanding access to legal help is important because many community members we work with need legal assistance and can't access it.

I would want legal helpers to have oversight by a nonprofit or company, and subject-matter training that can be done online in under 10 hours. I would want them to be able to assist with any civil legal matter.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

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Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal

system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Sarah Herrick
Nashville, TN

MaryBeth Lindsey

From: Michelle Swart <Michelle.Swart.1412211010@advocatefor.me>
Sent: Friday, February 27, 2026 5:31 PM
To: appellatecourtclerk
Subject: Expand Legal Help in Tennessee: Comments on No. ADM2025-01403 from TN Parent

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court,

I am writing in response to the Court's request for comments on the regulation of the legal profession and Tennessee's access-to-justice crisis. I strongly endorse the Court's suggestion that people without law degrees could deliver legal services and support authorizing legal helpers to assist with basic civil legal needs. This is a smart, compassionate, and practical way to make justice more accessible.

I am a Tennessee parent. I would want legal helpers to have oversight by a nonprofit or company, and subject-matter training that can be done online in under 10 hours. I would want legal helpers to be able to assist with any civil legal matter.

Across our state, people struggle to access the legal assistance they need; lawyers are too expensive for most people, and many counties are classified as legal deserts because there just aren't enough lawyers to go around.

I urge the Court to focus on low-barrier approaches that expand access to basic help now. Authorized legal helpers could receive short, modular, and accessible subject-matter training, and work under the supervision of non-profits, libraries, community and religious centers, and legal businesses. Licensure that requires extensive training or costly credentialing risks recreating the lawyer-only bottleneck under a different name, while there are countless routine, low-risk legal needs that could be met today by a neighbor who has undergone a short online course.

The Court should also consider clear carveouts from Unauthorized Practice of Law rules for low-risk legal assistance, like helping individuals understand court processes and filling out paperwork, which should not be treated as the practice of law. Tennesseans who would receive this help are already protected by existing consumer protection laws, negating the need for the enforcement mechanism that comes with licensure.

Allowing legal helpers would put help directly where people need it—in libraries, churches, and community centers—and ensure that people are not shut out of our justice system simply because of where they live or how much money they have.

I'm grateful that the Tennessee Supreme Court is leading this effort to reform and modernize our legal system. I encourage you to authorize the delivery of legal services by legal helpers and continue exploring ways to ensure that every Tennessean can get the legal guidance they need, when and where they need it.

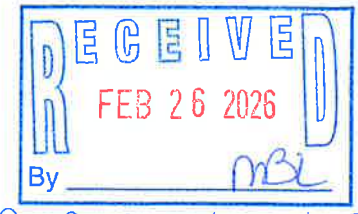
Thank you for the opportunity to weigh in on this important issue.

Sincerely,

Michelle Swart
Mount Juliet, TN

MaryBeth Lindsey

From: Rose Hernandez <rose@shipvisa.com>
Sent: Thursday, February 26, 2026 9:27 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403



Warning: Unusual sender <rose@shipvisa.com>
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Dear Sir or Madam:

I am writing to provide feedback on the proposed rule to permit non-attorney ownership of law firms and to permit paraprofessionals to practice law in Tennessee. I am an immigration attorney, and I know for a fact that adopting this proposal will lead to ineffective assistance of counsel on a broad scale, harming immigrants, immigrant communities, employers, and ultimately all Tennesseans. Immigration law is enormously complex, and the stakes are very high, with permanent banishment on the table in any given immigration legal matter.

We should not permit investors to pressure attorneys to compromise our ethics and professional judgment for profit. Likewise, we should not permit unskilled and undereducated paraprofessionals to claim expertise they could not possibly possess and unleash them on the unsuspecting public, especially in the immigration context. A small misstep in immigration proceedings can easily forever prevent a client from striving for their American dream. My office, for example, would face a steady stream of consultation with people we cannot help after some supposed paralegal ruins their lives by filing the wrong form or failing to screen for all relevant factors.

Responsible practice of immigration law is very difficult. I was an immigration paralegal, working for non-profits and private attorneys, for five years before I attended and graduated from Vanderbilt University Law School. I then worked as an associate for an experienced immigration attorney for seven years. All this was necessary to develop the knowledge, skills and judgment necessary to adequately prepare and file immigration cases on my own.

There may be areas of law, such as simple will preparation, or the like, that are amenable to a greater role for paraprofessionals. I don't really know as I have focused my practice since November 2007 exclusively on immigration. But immigration law is most certainly not one of those areas. Again, I urge the courts of Tennessee not to adopt the proposed rule allowing non-attorney ownership of law firms and unsupervised paraprofessional insertion into the extraordinarily detailed, picky and consequential work of immigration attorneys.

Best regards,

Rose Hernandez, Attorney
pronouns: she/her/ella
Saev Hernandez Immigration Practice, PLLC

1212 7th Ave N
Nashville, TN 37208

phone 615-647-8628 • fax 615-647-8627

ROBERT A. LANIER
635 WEST DRIVE
MEMPHIS, TENNESSEE 38112
(901) 452-4667

hentzau@comcast.net

February 14, 2026

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

Re; Regulatory Reform: ADM 2025-01403

Dear Sir:

This is in response to the invitation for comment on increase of access to quality legal representation. I am assuming that the Court is correct in their assumption that attorneys are not servicing rural areas in sufficient numbers, as metropolitan counties (Shelby at least) have always had a gross oversupply during my lifetime.

Of the proposals, I only have an opinion regarding two:

(1) Allowing non-lawyer ownership of law firms. I regard this as tantamount to making lawyers no longer independent professionals but rather employees, who will inevitably owe their loyalty to their employers or owners. It was bad enough when, in the 1960s, the US Supreme Court relegated lawyers to the category of merchants, who could advertise for clients, thus nullifying the progress toward professionalism which the early 20th Century slowly built. Thus, I oppose this proposal.

(2) No longer requiring the traditional three-year legal education for licensing. As all lawyers know, three years of law school hardly prepares students for actual practice. Thus, reducing the traditional learning process will necessarily produce persons who are actually not trained professionals. Therefore, I oppose this suggestion.

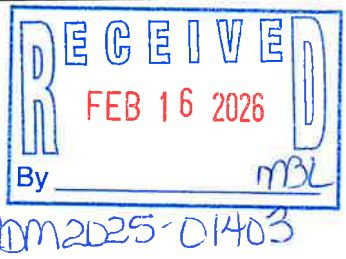
Respectfully submitted by

Robert A. Lanier

Circuit Court Judge, 30th Judicial District (retired)

MaryBeth Lindsey

From: Chuck Holliday <Chuck@gogetchuck.com>
Sent: Monday, February 16, 2026 3:25 PM
To: appellatecourtclerk
Subject: Public Comment on Proposed Regulatory Reforms



ADM2025-01403

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In response to the Supreme Court's September 16, 2025, order soliciting public comment on potential regulatory reforms, I respectfully oppose any measure that would permit non-lawyers to own law firms.

The Court's goal of expanding access to justice is important. No substantial evidence exists, however, that non-lawyer ownership or outside investment expands access to legal services for underserved populations. Indeed, since Arizona permitted non-lawyer ownership, personal injury and mass-tort litigation have become the predominant practice areas among Alternative Business Structure firms, with more than seven times as many such firms as in any other field of law. The reason for this is simple: The number one rule for a for-profit business is to return a profit to the shareholders. The vast majority of non-lawyer investors are motivated to maximize profits, which means chasing the most profitable cases, not the least profitable ones.

Lawyers, however, are trained from the first day of law school that a client's best interests sometimes have to take precedence over what's economically best for the lawyer. That is not to say that lawyers do not try to maximize profits, but they are required to do so within the guardrails of the Rules of Professional Conduct. Injecting profit-driven investors into law firms would only further discourage lawyers from devoting time and resources to pro bono or policy-changing cases. One does not need much of an imagination to envision how investors could put pressure on lawyers not to just return a profit, but to maximize profits, at clients' expense.

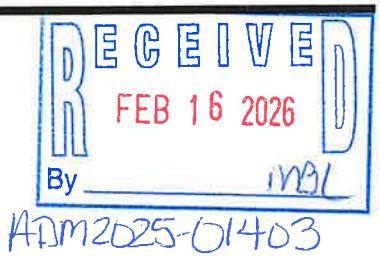
Allowing non-lawyers to control law firms also raises issues of client confidentiality and the attorney-client privilege. Data is money, and corporate owners no doubt would have strong incentives to mine clients' confidential data for marketing or cross-industry analytics, particularly where firm data is integrated into broader corporate or artificial-intelligence systems. Client's medical records could be scoured to suggest potential drug or medical procedures, or their financial records mined to pitch them products or services. Investor-owned law firms are far more likely to prey upon Tennesseans in a vulnerable legal position than they are to expand access to justice.

In short, the Court is considering the wrong tool for the problem it seeks to fix. Initiatives such as the unbundling of legal services, limited-practice professionals, and the incorporation of new technology, provide far more promise for closing the access to justice gap without jeopardizing core principles of the profession. Nonetheless, should the Court push forward with these changes, it should implement strong entity-level regulation, robust data collection, powerful consumer-protection rules, and meaningful incentives to encourage investment in representation for underserved legal problems.
Sincerely,

Charles L. Holliday
Attorney at Law
Holliday Law
125 Stonebridge Blvd., Suite A
Jackson, TN 38305
731-298-0003

MaryBeth Lindsey

From: Rebecca Blair <rblair@blair-law.com>
Sent: Monday, February 16, 2026 2:06 PM
To: appellatecourtclerk
Subject: Comments in Response to September 16, 2025 Order



ADM2025-01403

Warning: Unusual sender
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In response to the Supreme Court's September 16, 2025, order soliciting public comment on potential regulatory reforms, I respectfully oppose any change in reliance on ABA accreditation in setting minimum requirements for bar applicants and believe any modifications to the traditional law school path must be heavily vetted through our Tennessee law schools and introduced slowly and with extreme caution.

With regard to ABA accreditation, after research, I am unaware of any other reasonable alternative. Further, I have not identified any reasonable basis to doubt the ABA accreditation process.

On the issue of allowing alternatives to the traditional three-year law school path, perhaps I can see potential value in a modification that allows school-supervised internships during the third year of law school, including in underserved communities, but I cannot imagine allowing on the job training to usurp the entire law school experience.

Stepping away from the ABA accreditation process and from traditional educational training for Tennessee lawyers does not seem likely to ensure the competency of Tennessee's attorneys nor to safeguard the public.

Respectfully, I also oppose any measure that would permit non-lawyers to own law firms or share in legal fees. Though the goal of expanding access to justice is important, there is no evidence that non-lawyer ownership or outside investment expands access to legal services for underserved populations. Indeed, since Arizona permitted non-lawyer ownership, personal injury and mass-tort litigation has become the predominant practice area among Alternative Business Structure firms, with more than seven times as many such firms as in any other field of law. Tennesseans needing assistance with personal injury and mass-tort claims are not underserved as a class, and their ability to pay for representation is generally not a barrier because of contingency-fee structures. There is no empirical evidence showing that the introduction of Alternative Business Structures has improved access to justice in Arizona, and no reason to believe that for-profit investment would meaningfully assist the underprivileged or residents of so-called "legal deserts" in obtaining representation.

If anything, there is a tremendous risk of reducing access to justice among the most affected populations. Private-equity investment has led to widespread closures of rural hospitals in favor of consolidation in metropolitan areas. The same economic incentives would predict similar outcomes in the legal profession, as investors seek scale, efficiency, and higher margins, often at the expense of rural and low-profit communities. The poor would find it even more challenging to obtain cost-effective legal representation as investors chase the most profitable cases, not the least profitable ones. Moreover,

non-lawyer investors could restrict or discourage lawyers' ability to devote time and firm resources to pro bono representation, further reducing access to justice for those most in need.

There are other dangers to inviting non-lawyers to control law firms. Clients' confidential data could be exploited by corporate owners for marketing or cross-industry analytics, particularly where firm data is integrated into broader corporate or artificial-intelligence systems. Advertising controlled by non-lawyers could push ethical boundaries – or disregard them altogether. Investigating and enforcing ethical violations by non-lawyer owners would place significant additional strain on an already limited disciplinary and regulatory system.

While I applaud the Court's thoughtful consideration of innovative ways to improve access to justice, allowing non-lawyer ownership or fee sharing is not the answer and would undermine core principles of the profession.

Respectfully,
Rebecca C. Blair

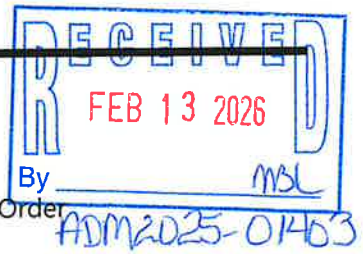
THE BLAIR LAW FIRM

Rebecca C. Blair
Phone: 615.953.1122
Fax: 615.953.1121
Email: rblair@blair-law.com

1608 Westgate Circle,
Suite 100
Brentwood, TN 37027

www.blair-law.com

MaryBeth Lindsey



From: Hunter Wright <Hunter@wlawfirm.com>
Sent: Friday, February 13, 2026 10:43 AM
To: appellatecourtclerk
Subject: Public Comment for TN Supreme Court's September 16, 2025 Order

Warning: Unusual sender
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good morning,

In response to the Supreme Court's September 16, 2025, order soliciting public comment on potential regulatory reforms, I respectfully oppose any measure that would permit non-lawyers to own law firms or share in legal fees.

Though the goal of expanding access to justice is important, there is no evidence that non-lawyer ownership or outside investment expands access to legal services for underserved populations. Indeed, since Arizona permitted non-lawyer ownership, personal injury and mass-tort litigation has become the predominant practice area among Alternative Business Structure firms, with more than seven times as many such firms as in any other field of law. Tennesseans needing assistance with personal injury and mass-tort claims are not underserved as a class, and their ability to pay for representation is generally not a barrier because of contingency-fee structures. There is no empirical evidence showing that the introduction of Alternative Business Structures has improved access to justice in Arizona, and no reason to believe that for-profit investment would meaningfully assist the underprivileged or residents of so-called "legal deserts" in obtaining representation.

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There are other dangers to inviting non-lawyers to control law firms. Clients' confidential data could be exploited by corporate owners for marketing or cross-industry analytics, particularly where firm data is integrated into broader corporate or artificial-intelligence systems. Advertising controlled by non-lawyers could push ethical boundaries – or disregard them altogether. Investigating and enforcing ethical violations by non-lawyer owners would place significant additional strain on an already limited disciplinary and regulatory system.

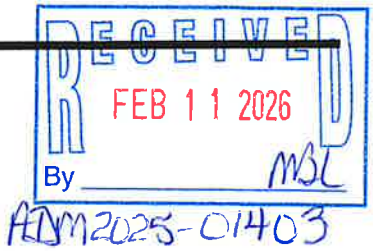
While I applaud the Court's thoughtful consideration of innovative ways to improve access to justice, non-lawyer ownership or fee sharing is not the answer and would undermine core principles of the profession.

Thank you.

Best regards,
Hunter G. Wright

Hunter G. Wright
Witherington Injury Law
51 Century Blvd., Suite 125
Nashville, TN 37214
Phone: (615) 679-4256
Fax: (888) 864-1882
hunter@wlawfirm.com
wlawfirm.com

MaryBeth Lindsey



From: John Harris <jharris@slblawfirm.com>
Sent: Wednesday, February 11, 2026 1:47 PM
To: appellatecourtclerk
Subject: Public Comments on non-lawyer ownership of firms

Warning: Unusual link
This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Dear Sirs:

The Supreme Court's September 16, 2025, order seeking public comment on potential regulatory reforms is of concern. I respectfully oppose any change that would permit non-lawyers to own law firms or share in legal fees.

While expanding access to justice is important, there is no evidence that non-lawyer ownership or outside investment expands access to legal services for underserved populations or interests. Indeed, since Arizona permitted non-lawyer ownership, personal injury and mass-tort litigation has become the predominant practice area among Alternative Business Structure firms, with reportedly more than seven times as many such firms as in any other field of law. Tennesseans needing assistance with personal injury and mass-tort claims are not underserved as a class, and their ability to pay for representation is generally not a barrier because of contingency-fee structures. I am unaware of evidence showing that the introduction of Alternative Business Structures has improved access to justice in Arizona, and no reason to believe that for-profit investment would meaningfully assist the underprivileged or residents of so-called "legal deserts" in obtaining representation.

If anything, there is a tremendous risk of reducing access to justice among the most affected populations. Private-equity investment has led to widespread closures of rural hospitals in favor of consolidation in metropolitan areas. The same economic incentives would predict similar outcomes in the legal profession, as investors seek scale, efficiency, and higher margins, often at the expense of rural and low-profit communities. The poor would find it even more challenging to obtain cost-effective legal representation as investors chase the most profitable cases, not the least profitable ones. Moreover, non-lawyer investors could restrict or discourage lawyers' ability to devote time and firm resources to pro bono representation, further reducing access to justice for those most in need.

There are other dangers to inviting non-lawyers to control law firms. Clients' confidential data could be exploited by corporate owners for marketing or cross-industry analytics, particularly where firm data is integrated into broader corporate or artificial-intelligence systems. Advertising controlled by non-lawyers could push ethical boundaries – or disregard them altogether. Investigating and enforcing ethical violations by non-lawyer owners would place significant additional strain on an already limited disciplinary and regulatory system.

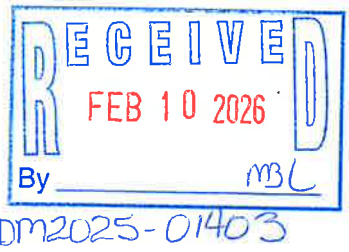
Thank you.

John I. Harris III

Schulman, LeRoy & Bennett PC
3310 West End Avenue, Suite 460
Nashville, Tennessee 37203
(615) 244 6670 Ext. 111
Fax (615) 254-5407
www.johniharris.com
www.slblawfirm.com

MaryBeth Lindsey

From: Wellford, Buckner <bwellford@bakerdonelson.com>
Sent: Tuesday, February 10, 2026 6:26 PM
To: appellatecourtclerk
Subject: Survey request from Supreme Court



ADM2025-01403

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In response to the Supreme Court's recent survey to the Bar about measures to increase the availability of quality legal services to the population, particularly in "legal deserts," I support consideration of innovative alternatives to a traditional 3 year legal education and law degree. Establishing guidelines and uniform standards that could be applied across a number of states, if not all, for paralegals meeting certain standards in a manner similar to how nurse practitioners increasingly provide a mechanism of increasing access to quality medical care, while still under the overall supervision of licensed attorneys, might be a step in the right direction. Increasing the ability of students to work with public interest law entities, possibly even private practice law firms under some circumstances, in their third year in lieu of taking law school courses a third year is another interesting concept.

The key would be making certain these more relaxed standards apply across state lines readily and that Tennessee is not bound to "admit" or license individuals to provide legal services in Tennessee who don't meet our State's own standards.

I am troubled by the inquiries about possibly "eliminating" (in addition to "modifying") ABA involvement in accreditation of law schools and further diminishing the role of the ABA, particularly since they appear in the first two questions. I am not a fervent follower of all things ABA but I also see states like Florida and Texas seemingly reducing or eliminating ABA involvement in their law schools or accreditation processes simply because of political concerns. I am particularly troubled that these actions follow the ABA's temerity in challenging through litigation the present Administration's unprecedented attacks on the rule of law including threats to punish private law firms who hire lawyers the Administration does not like, champion causes the Administration does not wish championed (statistics prove that the pro bono involvement of "Big Law" in immigration cases has slowed to a trickle) and as reported just today an attempt to encourage U.S. Attorneys across the country to identify and forward information about "activist" judges so that impeachment proceedings can be considered against them. Certainly the Tennessee Bar Association has not stepped forward to advocate for the rule of law under these circumstances, despite being asked. The Executive Committee declined to even debate the question after being requested to consider the issue by the Litigation Section, of which I am a member. I am proud of the ABA for doing what it is doing even as it sees its influence in the process of vetting federal judges eliminated and other measures taken to diminish its influence generally. Someone needs to defend the rule of law.

So color me skeptical about "modifying" the ABA's role in accreditation of lawyers and law schools in Tennessee, given the timing of all this. As I understand it the ABA is itself taking a look at this issue and I trust that process to play out.

My thoughts on this subject are expressed as a Tennessee licensed lawyer and fellow of the American College of Trial Lawyers (which has also spoken out publicly on these issues), not on behalf of the law firm where I am a shareholder.

Buckner Wellford

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MaryBeth Lindsey

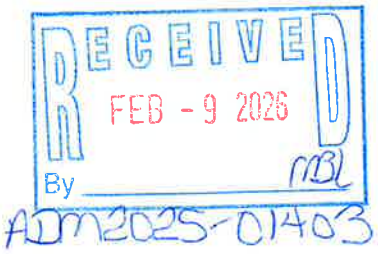
From: appellatecourtclerk
Sent: Thursday, February 12, 2026 2:50 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Survey request from Supreme Court
Attachments: Survey request from Supreme Court

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

ADM2025- 01403



RE: Comments re Reforms to Increase Access to Quality Legal Representation

Lowering the barrier to entry to the legal profession does NOT ensure affordable legal services to Tennesseans and is in fact harmful to the public.

I agree that there is an issue in that current attorneys do not serve the legal deserts or provide legal services that people need them but do not translate to dollars for the attorneys. Increasing the number of attorneys will not change that.

I can see where maybe if you are going to lower the barrier for entry, then those individuals that take advantage of a proposed lower barrier i.e. go to non-ABA or recognized law school can ONLY work in a legal aid setting or serve in certain legal deserts. In addition, those individuals should be prevented from being in the judiciary.

Non-lawyers owning law firms also doesn't seem to benefit anyone but the non-lawyer owners.

This is dangerous territory and will not go well if anything is changed. The only solution I can see is maybe paraprofessionals doing some of that work or require licensed attorney to take on a certain number of these matters for Legal Aid. Bottom line is no attorney will take on these matters unless required as the financial don't back that up.

If anything, the barrier to practice in Tennessee needs to be raised. Reciprocity should only be given to attorneys in States that allow same to Tennessee attorneys. The fact that California attorneys can waive into Tennessee is ridiculous.

MaryBeth Lindsey

From: R. Christopher Gilreath <cgilreath@stranchlaw.com>
Sent: Tuesday, February 10, 2026 11:06 AM
To: appellatecourtclerk
Subject: Comment on Permitting Non-Lawyer Ownership and Fee Sharing in Law Firms

In response to the Supreme Court's September 16, 2025, order soliciting public comment on potential regulatory reforms, I respectfully oppose any measure that would permit non-lawyers to own law firms or share in legal fees.

Throughout the history of our State, Tennessee law and public policy holds the inherent value and worth of citizens and companies to be worth protecting and fostering. Our system of laws holds central the inalienable value of human dignity, the sanctity of work, supporting those who support our communities and society. A fair and impartial legal system is central to that core value. It is rooted in ancient wisdom, Judeo-Christian traditions, the Magna Carta, and key principles inherent in the founding of Tennessee and the United States.

Inherent in maintaining our fair and impartial legal system is the role of the advocate: We allow private persons to advocate for the rights of others, and rely on advocates as "officers of the court" to honorably and ethically represent others within our legal system. It is a sacrosanct duty and privilege. Our laws are steeped in the core belief that every individual recognized by law has inherent worth to be honored, and for which our system of justice provides methods of accountability for those who harm others. This is true whether it is criminal act, contract, personal harms, and whether or not the individual is an adult or child. We hold the individual to be so important that we place safeguards on the Court system adjudicating the rights of individuals who "cannot" represent themselves: Minor settlement approvals, Workers' Compensation settlement approvals, Guardian Ad Litems, Class Action Certification requirements, Settlement approvals, Probate proceedings, Divorce referees. When the party affected is not directly represented in court, are all examples of these protections we hold as mandatory.

Non-lawyer ownership of law firms destroys part of the essential foundations protecting our justice system. Non-lawyers are not bound to abide by ethical practices and traditions that are part of the inherent support system of the Courts. Every day we drive on roads marking lanes with nothing but paint – it is the law and social custom that provides the basis for order – we all agree to drive on the right, and stay in our lane of travel. Ownership of law firms is another inherent part of our justice system that must be preserved by rejecting non-lawyer ownership of law practices. When firm owners are bound by our traditions, ethics, and principles, our system of justice is protected from "bad ideas". Removing that "guardrail" threatens the fair administration of justice. Why? Because it allows profit motives from the finance and business world free reign to become the driving purpose of representation, over and above the ethical and legal principles we hold as central to justice in Tennessee. It also permits out-of-state people and companies to own law firms, supplanting their business ideas for the values we hold as central in Tennessee. In fact, allowing non-lawyer ownership opens up the possibility of foreign companies, banks, and individuals who don't even subscribe to American values to own and direct law

firms. Because of how financially difficult it is to operate a law practice on one's own, practical costs have driven many lawyers to operate in law firms, increasing our system's reliance on firms, rather than individuals, making it even more important to protect lawyer ownership of firms.

Grocery stores exist, but do not guarantee all have access to high quality or healthy food. There are food deserts all over the United States and Tennessee. Non-lawyer ownership and the "promise" of increased capital flowing into law firms does nothing to guarantee greater access to justice – it simply allows capital to flow where capital chooses to go. Even now, larger law firms spend on lavish accommodations and offices, while public justice programs falter and struggle. This Court is left to plea each year for contributions for access to justice programs. Infusing non-lawyer capital into law firms does zero to advance access to justice – it simply infuses more sources of capital into an already imbalanced industry, exacerbating the same problems the Court hopes to solve.

Private-equity investment has led to widespread closures of rural hospitals in favor of consolidation in metropolitan areas. Corporate ownership of housing and REITs have led to housing shortages, inflated home ownership prices, a decline of first time home buyers, and a much older average age of home owners, all pointing to degradation of access to housing. More and more families are left to rent a home than buy one. Even then, private equity ownership of more and more homes drives up rent prices because of profit motive, further squeezing individuals out of the market. Where is there an example of private equity solving the imbalance of average incomes, home ownership, quality of life, or increased access to anything necessary? Our country is and always has been founded on the dual principles of private enterprise and equal justice. We allow private business decisions, but with guardrails designed to protect and preserve foundational rights and protections we all enjoy. Our justice system is central to that balance. Infusing private equity into law firms exacerbates already historic imbalances. It further divides our industry into "haves" and "have nots". 120 years ago, Tennessee was a national leader in the progressive move towards anti-trust, patterning its anti-trust law in favor of citizens in the same manner as the Sherman Antitrust Act of 1890. Private equity is a new version of the same ill.

Non-lawyer ownership and infusion of private equity in law firms increases the likelihood that law firms would sell client data for profit. Legal definitions of property and personal privacy lag innovations in technology. 20 years ago, no one would have thought that their internet browsing history or online shopping history would be marketable data to sell. Non-lawyers driving law firms would be incentivized to sell such data for profit, breaching inherent ethical responsibilities of lawyers, making law firms predators instead of protectors. Allowing such failure would make it more likely that law firms themselves would become castles protecting impropriety, criminality, shields against justice instead of supporting justice. We already have examples of those problems. Infusing non-lawyer ownership into our industry risks exacerbating those problems.

Ethical and principled ownership of lawyers in firms is an inherent part of our justice system that must be protected. Non-lawyer ownership of law firms is a wolf in very fancy sheep's clothing. It is an inherent risk to the destruction of our legal system without any corresponding value to increase access to justice. Likewise, if the Court was going to mandate that lawyers contribute to access to justice programs, it would have already done so. Infusing more money into law firms does nothing to produce greater access to justice, at the cost of removing the guardrails of ethical practice and the legal foundations of our system of justice.

Oppose permitting non-lawyer ownership of law firms and fee sharing. It's not the way to improve our justice system.

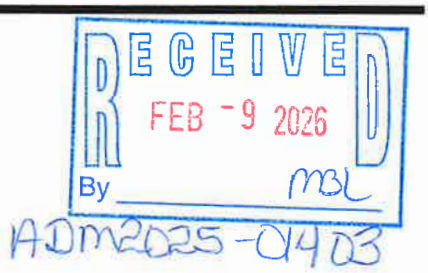
R. Christopher Gilreath
Member

SJG
STRANCH, JENNINGS & GARVEY
PLLC

P: (615) 254-8801 x149 | **F:** (615) 255-5419 | **E:** cgilreath@stranchlaw.com
A: 223 Rosa L. Parks Avenue, Suite 200 | Nashville, TN 37203

MaryBeth Lindsey

From: Clint Kelly <clint@kellyfirm.net>
Sent: Monday, February 9, 2026 2:41 PM
To: appellatecourtclerk
Subject: Non-lawyer ownership of law firms



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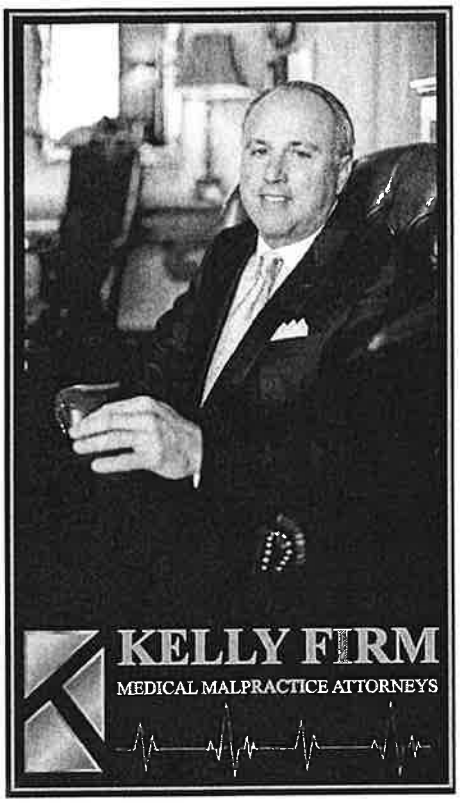
I respectfully oppose permitting non-lawyers to own law firms or share legal fees.

No evidence of expanded access. Since Arizona allowed non-lawyer ownership, Alternative Business Structures have concentrated in personal injury and mass-tort litigation. These clients aren't underserved and already access contingency-fee representation. There is no evidence that shows improved access to justice in Arizona.

Risk of reduced access for the vulnerable. Private-equity investment has closed rural hospitals in favor of metropolitan consolidation. The same economics would likely apply here, as investors pursue scale and profit over serving rural and low-income communities. Non-lawyer owners could also discourage pro bono work, further harming those most in need.

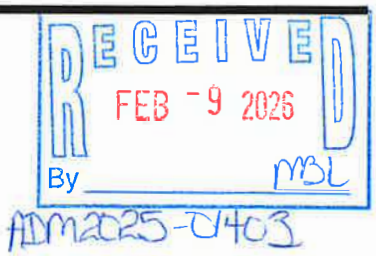
Additional dangers. Non-lawyer control creates risks including: exploitation of client data for marketing or AI analytics; ethically dubious advertising; and overwhelming our limited disciplinary system with enforcement challenges. It is not hyperbolic to suggest this could undermine the legal profession. Expanding access to justice is vital, but non-lawyer ownership would undercut professional principles without delivering meaningful benefit to underserved populations.



Clinton L. Kelly
629 East Main St.
Hendersonville, TN 37075
Office: 615.800.0000
Cell: 615.681.0508
clint@kellyfirm.net

MaryBeth Lindsey

From: Thomas Greer <tgreer@greerinjurylawyers.com>
Sent: Monday, February 9, 2026 2:11 PM
To: appellatecourtclerk
Subject: Non-Lawyer Owned Firms



ADM2025-01403

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To whom it may concern:

In response to the Supreme Court's September 16, 2025 order requesting public comment on potential regulatory reforms, I oppose any proposal that would allow non-lawyers to own law firms or share in legal fees.

Access to justice is a real concern, but there is no evidence that outside ownership solves that problem. Arizona's experience shows the opposite. Since non-lawyer ownership was allowed, Alternative Business Structure firms have concentrated heavily in personal injury and mass-tort work—more than seven times as many as in any other area of law. Those are not underserved practice areas. Personal injury and mass-tort clients already have access to lawyers through contingency-fee arrangements, so the ability to pay is not the barrier. There is no empirical evidence that these reforms have improved access to justice in Arizona, and no reason to believe for-profit investors would focus on the people or communities who actually struggle to find representation.

In fact, the likely result is reduced access for the people who need it most. We have seen what happens when private equity enters other service industries. Rural hospitals have been closed or consolidated in the name of efficiency and higher margins. The same incentives would apply in the legal profession. Investors will chase scale and profit, not low-margin cases in rural or underserved communities. That means fewer lawyers available to help the poor, not more. It also creates pressure to limit the time and resources devoted to pro bono work.

There are also serious risks to the profession and to clients. Corporate owners could use confidential client data for marketing or cross-industry analytics, especially if that information is folded into larger corporate or AI systems. Advertising decisions made by non-lawyers could push ethical boundaries or ignore them altogether. And policing ethical violations by non-lawyer owners would place additional strain on an already limited disciplinary system.

I appreciate the Court's willingness to explore new ways to improve access to justice. But allowing non-lawyer ownership or fee-sharing is not the solution. It threatens the independence of the profession and risks making access to justice worse, not better.

Thomas R. Greer | Greer Injury Lawyers, PLLC
6256 Poplar Avenue | Memphis, TN 38119
P. 901-680-9777 | F. 901-680-0580
tgreer@greerinjurylawyers.com | www.greerinjurylawyers.com

MaryBeth Lindsey

From: Melissa Weitzel <Melissaweitzel@mcmahanlawfirm.com>
Sent: Monday, February 9, 2026 1:49 PM
To: appellatecourtclerk
Subject: Public Comment: Proposed Regulatory Reforms (Order dated Sept. 16, 2025)

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I am writing to respectfully share my opposition to the proposed measures permitting non-lawyer ownership of law firms and the move toward alternatives to ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar. While the goal of expanding access to justice is vital, I believe these specific reforms will undermine the integrity of the profession without achieving their intended purpose.

As a practitioner, I am deeply concerned by the prospect of private equity and outside investors entering the legal field. We have seen this transition in other sectors, such as veterinary medicine, where private equity buyouts have shifted the focus from care to profit-maximization, leading to significantly higher costs for consumers. Law is a self-regulating profession built on ethical obligations; introducing owners who are not bound by these same ethical duties invites a "profit-first" mentality that targets vulnerable populations and treats legal aid as a commodity rather than a service.

True access to justice is not solved by corporate ownership, but by structural support. I suggest the following alternatives:

- **Funding & Fellowships:** Investing further in nonprofits and student loan assistance for attorneys dedicated to underserved communities.
- **CLE Reform:** Implementing specific pro bono requirements as part of the CLE process.

Furthermore, moving away from ABA accreditation threatens the value and rigor of a Tennessee law degree. As a first-generation attorney, I found the path to practice—from education to licensing—to be expensive and fraught with pitfalls. Rather than lowering standards, the state should focus on supporting graduates through the licensing process and lowering the financial barriers to entry for those committed to public interest.

Thank you for your time and consideration of these comments.

Respectfully,

R. Melissa Weitzel
Attorney, McMahan Law Firm
Email | melissaweitzel@mcmahanlawfirm.com
Phone | 423-265-1100
Fax | 423-266-1981
Office | 701 Cherokee Blvd. Chattanooga, TN 37405
Mailing | PO Box 11107 Chattanooga, TN 37401
(she/her/hers)

ROGER E. NELL
ATTORNEY AT LAW

February 3, 2026

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

RE: Tennessee Supreme Court Docket No. ADM2025-01403

To the Honorable Justices of the Tennessee Supreme Court,

I[1] will remain mindful of the issues upon which the Court requested comments and the goals to be accomplished by any changes to the rules.

To restate the goals:

A. To lower barriers to entry into the legal profession.
B. To ensure the availability of affordable legal services to Tennesseans.
C. To ensure the competency of Tennessee's attorneys.
D. To safeguard the public.

The issues under consideration:

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?

[1] Practicing attorney since 1990. Formerly admitted to Iowa and Florida bars in addition to Tennessee and federal and military courts. Leadership and management experience in military units from small combat units to Department of Defense-level organizations and 25 years experience as leader and manager in current role. Formerly in private practice before assuming duty as District Public Defender, 19th Judicial District. In current role, lead and manage 20 employees including the recruiting, hiring, and terminating of lawyers; manage three physical locations; and supervise a budget in excess of $3 million annually. Responsible for providing constitutionally effective assistance of counsel through my staff to thousands of clients annually. These are my comments based on 35 years of experience and not those of my colleagues or any organization of which I am a member.

I assume the thought here is that by allowing more than just ABA[2] accredited law school graduates to seek admission will increase the number of lawyers in Tennessee and thus increase the supply of legal services.

To begin with, it would be helpful to know how many more lawyers the Court thinks we need in Tennessee to meet the perceived need. My research reveals no widely accepted number of lawyers required in Tennessee or anywhere in the United States to provide needed services. Tennessee seems to be in the mid-range of lawyers per population of around 4 per 1,000 population. Undoubtedly, that ratio will be different county-by-county just as it is State-by-State. How many more do we think we need?

If a slight number of additional lawyers is needed, then slight tweaks in the existing system would suffice without lessening competence and still protecting the public. If a radical number of additional lawyers is needed, then radical changes would be required but at a greater risk to competence and harm to the public. As it stands, without a target number, any effort at increasing the number of lawyers to meet a perceived need is just a stab in the dark without the ability to accurately gauge the risk to maintaining competence and protecting the public.

Returning to the specific issue, how many non-ABA accredited law school graduates would actually seek admission to Tennessee if they were allowed? I am not sure there is a demonstrable correlation between requiring just ABA accreditation versus not that would increase the number of law school graduates seeking admission to Tennessee in a measurable or significant amount. On the other hand, it may open the flood gates to many including less competent individuals. In my estimation, particularly since there is no target number, the risk of permitting more[3] non-ABA accredited law school graduates to apply to the bar is not worth the few additional lawyers we might get.

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?

The comments above would apply to this issue, as well. I comment separately here because there is an aspect of economics in this issue that is more patent than in the previous two.

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[2] It matters not, for purposes of this discussion, whether the ABA's accrediting standards themselves or by comparison to another organization's standards are more or less palpable to us. The salient point is that allowing non-ABA accredited school graduates to seek admission creates a greater pool of potential applicants for Tennessee.

[3] I am mindful of Nashville School of Law whose graduates are permitted to apply to the bar through current Court rule.

Before discussing economics, though, we should again discuss numbers. From available data, it seems the additional number of potential applicants (let alone successful applicants) to the bar via an apprenticeship or reading law or other path would likely be too small to even bother with the changes needed to allow it.

The only statistic I could locate is from a 2017 Priceonomics article that suggests in a ten-year period only 1,142 (about 114 per year on average) apprentices sat for bar exams. Even assuming they all passed (they didn't, only 305 did, about 30 per year on average), not all of them would come to Tennessee. Opening that path to the Tennessee Bar to garner less than 30 additional lawyers per year will not achieve the Court's goals. It will, though, risk the competence of the bar as a whole and will not safeguard the public from incompetent lawyers.

Turning to the economics of the situation, if the assumption is that a less costly path to entry to the bar will result in less expensive legal fees, that is a bad assumption. It is the same erroneous assumption the Cato Institute made in a March 2024 article and the focus of the Priceonomics article mentioned above. They only focused on the upfront cost of becoming a lawyer not the recurring cost of running a competent law office.

The cost of education to become a lawyer and the cost of licensing are just the initial, nonrecurring costs of getting into the business. The monthly and yearly recurring costs of maintaining the business remain: rent, utilities, legal research tools, computers, IT services, support staff, office supplies, cost for CLEs, professional privilege tax, BPR fees, membership fees, bank fees, etcetera. Those input costs, as it were, remain high no matter what the costs of entry into the practice are and do not go down just because there are more lawyers. Those costs exist whether the lawyer is in solo practice, in an association of lawyers, or is a partner or employee of a firm.

Running a competent law practice is not cheap and fees for legal services must cover those costs and also provide a living for the lawyer and the lawyer's family.

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?

For the reasons stated above under issues 1-3, no.

There is another aspect to this issue that demands attention: the immense amount of time and work required on the part of a lawyer or firm to sponsor students or apprentices.

We have hosted interns in our office for most of my tenure. We have had undergraduate criminal justice students, undergraduate and graduate social work students, and law students. They have all been temporary – one to two months at a time.

The formal burden on us with respect to creating assignments, grading assignments, reporting to the schools, formal meetings, formal instruction settings, and the like has been minimal. Still, the amount of time we have to divert from our normal workloads to provide a meaningful internship is significant. They sit with us, follow us, beg us for tasks to do, pepper us with questions, ask for guidance and mentorship, all informally. And we have enjoyed it, truly. They bring an energy and rejuvenation to our office that is amazing. But, as enjoyable as it is, it takes a lot of time and effort – all in an informal way for a short period of time.

The burden must be immense for a formal apprenticeship or reading of law. A quick glance at the requirements in other States reveals a myriad of formal requirements, reports, examinations, weekly formal education times, and other additional burdens and not just for a month or two but for two to four years. I can say that I would not willingly shoulder that burden unless someone paid for additional staff members whose sole job would be to run that program. It might be a bad assumption on one's part that there would be sufficient lawyers and firms willing to undertake such an endeavor.

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?

Modifying the requirements for admission by comity is not needed. Efficiency and diligent efforts to process those applicants is needed.

From at least 1997, the Board of Law Examiners had nine members. In 2002, that number was reduced to five. It appears that all five current members are also practicing attorneys. They are paid $16,908 a year for their service as board members. Board service is a part-time endeavor for them.

The board has an executive director with an annual salary of $193,524 plus benefits. Available public records do not identify any other employees of the Board of Law Examiners. Anecdotally, I am told there are five other full-time employees.

The last four Tennessee bar exams had 262, 647, 244, and 710 examinees. The application process opens about two months before each exam and closes about six weeks before that exam and then there's the exam itself. Bar results are released about the time the next exam's application process opens. So, the board is closing out one examination and its applications about the time it is opening another

examination and its applications. There is likely some overlap, though, with applications that are carried forward for various reasons.

During those times, the six full-time employees handle hundreds of applications. Of course, there are more applicants than those who are permitted to sit for an exam. The board does not publish numbers of applications that are rejected or delayed.

Applicants applying for comity are year-round. The board apparently does not publish statistics related to those applications either. Six months' time is allocated to the required NCBE investigation, yet the board's website indicates that comity applications take up to fourteen months, sometimes more. The board refuses to communicate with comity applicants by phone and only allows email communication. The board has an automated email response that says, "we are an office of five" and that they shut down completely "during a bar examination" (which is an undefined period of time – just the exam days alone or days before and after, we do not know).

Given the push and short window to process applicants for the bar exams, and only five or six full-time employees, applicants by comity are probably "when-we-can-get-to-it" applicants. That would explain why the process takes more than a year and sometimes as many as two years to complete.

There is no good and just reason for that delay. Applications by comity ought to be verification drills that should not take one to two years to complete. I suspect, but do not know, that much of the work is accomplished by the NCBE investigation. What is left for the board itself to do is unknown. Whatever is left could likely have been accomplished during the time waiting for the NCBE report with some exceptions no doubt.

I was admitted by comity in 1997. We did not have the speed of email, online applications, and electronic communication that we do now. The whole process was done on paper and by U.S. mail. Yet my application only took six months to complete. In 2002, I hired an attorney who was licensed in three other States and who was seeking admission by comity. Again, that process was done on paper and it took far less than a year. I have again hired an attorney seeking admission by comity. She started that process in December 2024. The entire process is online. As of this writing (fourteen months later), we are still waiting final approval. That is hardly a unique experience and it is unacceptable.

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?

This delves into the definition of "practice of law" and what constitutes "unauthorized practice of law." The suggestion would be to redefine some things that are now

considered the practice of law, make them something other than that, so someone other than a lawyer could do it without committing the unauthorized practice of law. That, of course, would require statutory changes to Title 23, Chapter 3 and not just changes to the Court's rules.

Many other commentors have adequately argued why that is not a good idea. I will, as I must, address two comments regarding counsel for criminal defendants. One suggests that paraprofessionals would be sufficient to represent criminal defendants in criminal proceedings short of a trial itself. Another colleague suggests that creating a certification program through Tennessee College of Applied Technology (TCAT)[4] for retired POST-certified law enforcement officers would enable them to represent criminal defendants in all proceedings. Neither suggestion would satisfy notions of constitutionally effective assistance of counsel and would invite a waterfall of litigation.

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

No. Many others have expertly commented on the reasons not to go down that path. I would add one more that I have not yet seen mentioned – health insurance companies. We know the stories and have experienced them ourselves. While the insurance companies don't own a medical practice, the insurance companies do through financial coercion tell them how they can practice medicine. Why would we want to subject ourselves to that and why do we think that would safeguard our clients?

Goal of lowering barriers to entry into the practice of law.

Lowering barriers to entry into the practice of law in order to increase the supply of legal services creates greater risk of incompetent and unscrupulous individuals becoming lawyers without actually accomplishing the primary goal of access to affordable legal services.

We should not underestimate, ignore, or deny the intangible benefit of making it difficult for people to become lawyers. That is not a bad thing; it is not elitist; it is not protectionist. Many trades, professions, and jobs are tough to get into. From the outset, it tends to ensure that those who pursue that path really want it. It ensures that they are willing to work at it and that they are willing to be good at it. It ensures they have a lot of time, effort, and money at stake which hopefully makes them less willing to act badly. Any lowering of the difficulty in achieving admission to the profession dilutes that moral restraint against mis- and mal-feasance.

[4] TCAT are the Board of Regents schools that teach many skills such as welding, automotive mechanics, barbering and cosmetology, commercial driving, HVAC, mechatronics, practical nursing, truck driving, and the like. I am proud that my son-in-law is a graduate of their programs.

Lowering barriers increases the risk of harm to clients; increases the risk of claims against Tennessee Lawyers' Fund for Client Protection resources; increases the likelihood of more professional disciplinary actions; and increases the diversion of judicial resources to those problems. Not to mention that reducing barriers to the practice of law also reduces barriers to becoming judges and we need no lessening of competence and scruples on the bench.

Lowering barriers to entry into the practice of law will not increase legal services in rural Tennessee. Once admitted to the practice of law, lawyers go where they will. There is no certainty that new lawyers will disperse to and serve the rural areas of Tennessee. No, to the contrary, they will go where other lawyers have already gone – to where the jobs are and to where the money is – urban areas. Without financial incentives to serve "legal deserts,"[5] lowering barriers to entry will just increase the number of lawyers in markets that are already well served if not saturated.

The fundamental flaw underlying all of this is the notion that simply making more lawyers will drive down legal fees making legal services more affordable for clients. That might be true if, and only if, demand for services is also actually reduced. The dynamic at play is more complex than a middle-school understanding of supply and demand economics. More lawyers (i.e., more competition) does not *ipso facto* mean lower legal fees. So long as demand for services remains high, the marketplace will keep cost of services high even with more lawyers. Moreover, as noted above, it is expensive to run a competent law practice. More lawyers does not change that, either.

The Court should consider the following recommendations.

Recommendation: The Board of Law Examiners needs better management, more board members, and more full-time employees. The board's internal processes need to be reviewed and updated with a view to maximizing efficiency.

Recommendation: The Court could change the passing score on the bar exam but leave all other requirements the same. Research reveals that only 19 states, including Tennessee, require 270 on the UBE. All other States require a lower score (none lower than 260) or some other score on a different scale. A score of 270 (out of a possible 400 as I understand it or 67.5%) is not magical. Nothing supports a conclusion that a law graduate who scores 270 will be a competent practitioner but a graduate who scores 260-269 (or 65%) will not. I do not know how many more law graduates would be admitted to the bar each year with this change and I still don't know how many more lawyers the Court thinks we need. Any rate, lowering the

[5] Several models exist. South Dakota and North Dakota provide annual stipends to lawyers. Illinois State Bar Association provides private funds for an annual stipend. Nebraska funds student loan assistance. Other professions (teachers and nurses, for examples) have similar programs to draw professionals to underserved areas.

passing score will do less harm to the public than any of the other suggestions in the Court's call for comment.

Recommendation: We have six law schools in Tennessee. Many of those graduates leave Tennessee. Why? We need to do a better job of keeping our graduates in Tennessee. Likewise, we need to encourage Tennessee sons and daughters who go to law school out-of-State to return and enter practice here. That's easy pickin's or ought to be.

Recommendation: Increase appointed counsel compensation to at least $90 per hour, which is the current inflation adjusted equivalent of $40 an hour in 1994.

The abysmal compensation of appointed counsel in all cases is well known and recommendations for increasing the rate have been made for thirty years. Before 1994, the compensation rate was $20 per hour out-of-court and $30 per hour in-court. In 1994, the Court increased the compensation rates to $40 per hour out-of-court / $50 per hour in-court. These rates remained for 24 years until in 2018 the Court adopted a flat rate of $50 per hour, whether in or out of court. In 2024, the Court increased the flat rate compensation to $60 per hour.

In inflation adjusted dollars, $60 today is equivalent to $27.53 in 1994 dollars and $46.87 in 2018 dollars. The Court is not keeping up with inflation and lawyers are losing ground financially.[6] My overhead, not counting staff salaries, is more than $60 per hour based on a 2000-hour work year. Just to keep up with inflation, lawyers need $90 per hour.

Federal CJA panel rates are set at $175 per hour for attorneys. Current Rule 13 expert and investigator compensation rates pay everyone except investigators and mechanics (set at $50 per hour) more than appointed lawyers (ranging from $75 per hour for audio-visual-photo technicians to over $300 hour for physicians). A justice's base compensation is about $120 per hour plus benefits, the AOC director's base compensation is about $116 per hour plus benefits, and the board's director's base compensation is about $99 per hour plus benefits. It is odd that lawyers who now happen to be justices and directors value their own profession and colleagues so little.

More than anything else, raising the appointed counsel compensation rate will draw more attorneys, attorneys we already have, into appointed work in rural and urban areas. This, along with suggestions made by other commentors such as implementing a statewide court rule requiring local courts to allow remote appearances for many

[6] At the same time, the legislature has reduced the available work by changes to medical malpractice and workers compensation law. The court has encouraged people to proceed pro se in other cases further reducing the number of potential clients for attorneys. Changes to federal and state gift and estate taxation and changes to social security cases have also driven more work from attorneys.

procedural or non-evidence-taking hearings in civil matters, may achieve more than any other proposals while ensuring the goals of competency of Tennessee's attorneys and safeguarding the public.

Recommendation: Earmark the $10,000,000 a year paid by Tennessee lawyers in professional privilege taxes to the judicial system.[7]

The Court seems to be looking for ways to increase the number of lawyers in general and the number of lawyers in rural areas without spending any money to do so. Good luck. As demonstrated above, increasing the number of lawyers will not drive legal fees down nor will it cause lawyers to move to or provide services in rural areas.

Each active member of the bar pays $400 each year for the privilege of being a lawyer.[8] A quick search of the BPR website generated a list of just over 25,000 active lawyers licensed in Tennessee. My calculator says that's $10,000,000 a year paid by lawyers. I checked three times. Currently, by statute, that money goes into the State general fund for the legislature to appropriate anywhere or nowhere.

They want us to pay that (under penalty of having our licenses to practice suspended if we don't) – fine. Dedicate it to the justice system in addition to, not in lieu of, current appropriations.

Ten million dollars at $90 per hour buys 111,111 hours of legal services. Again, I checked my calculator three times. Perhaps the Court can earmark those funds in such a way to draw lawyers to "legal deserts" as it were, too.

Conclusion

Diluting educational requirements, diluting testing requirements beyond a slight lowering of an arbitrary passing score, redefining the practice of law to allow non-lawyers to perform certain tasks, and generally lowering the barriers into the practice of law in Tennessee work against the Court's goals of ensuring the competency of Tennessee's attorneys and safeguarding the public.

---

[7] While I'm slaying sacred cows, I should throw one more on the altar. A similar suggestion would apply to IOLTA funds that go to the Tennessee Bar Foundation. The last Form 990 filing available is from tax year 2024 which showed the Foundation had over $25,000,000 on hand. That is money from interest created on client funds that has been taken by Supreme Court rule and handed over to a private foundation that, in part at least, is to "support agencies that provide civil legal services to the indigent." In that year, the Foundation reported over $10,000,000 in revenue but only about $3 million was donated to all purposes leaving, again, $25,000,000 in the bank. There is a lot more money to be mined.

[8] As of this writing, there is a bill pending in the General Assembly that would reduce or eliminate the professional privilege tax for the remaining four professions of the original twenty-one subject to the tax. I whole heartedly support repealing that tax. However, should it remain in any amount, the revenue ought to be earmarked for the judicial system.

However, increasing the hourly rate for appointed work, increasing the amount of money available to pay for appointed work by earmarking funds, implementing rules that direct local judges to permit appearances remotely in non-evidence-taking matters, will achieve the Court's goal of ensuring that all Tennesseans have access to affordable quality legal services while also ensuring the competency of Tennessee's attorneys and safeguarding the public.

I appreciate the invitation and opportunity to join this important conversation and would enjoy further discussion of the matter. Until then, I remain

Very Truly Yours,

Roger E. Nell

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Wednesday, February 4, 2026 11:27 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comment on Regulation of Legal Profession - Tenn. Sup. Ct. Docket No. ADM2025-01403
Attachments: Rule Comment.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: Roger Nell <rogernell@bellsouth.net>
Sent: Wednesday, February 4, 2026 11:10 AM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Comment on Regulation of Legal Profession - Tenn. Sup. Ct. Docket No. ADM2025-01403

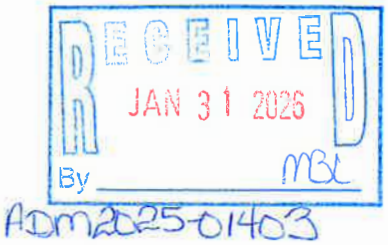
Mr. Hivner,

Attached, please find my comments in the referenced matter .

Roger Nell

MaryBeth Lindsey

From: Miller Leonard <millermleonard@gmail.com>
Sent: Saturday, January 31, 2026 7:22 PM
To: appellatecourtclerk
Subject: Regulatory Reform



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We desperately need competition in the legal education space. I have practiced for just shy of 30 years. Law school was relatively inexpensive when I graduated from law school in 1998. No longer.

We need to allow law schools to offer a two year LLB that cuts the last year from the JD. If folks want to go get a JD, they can do a third year.

Law schools have become a hoop. The sooner one is out of law school the better. They are incapable of teaching the practice of law. They skew to the left and are progressive, which is not why I went to law school. And, most of the doctrinal teachers never practiced.

Let's allow innovation. 2 years of law school with a focus on passiing the bar, not the Langdellian nonsense.

Law school has become cost prohibitive and detached from the practice of law. We have allowed this to happen as a profession. It's time to take our profession back from the academics and the ABA. In 50 years, the ABA and their academic companions have made law school insanely expensive without offering any better educational outcomes.

Yours,

Miller Leonard

(303) 907-9516 Phone

Miller Leonard, PC is no longer in business. If you are a former client, please indicate so in the heading of your email. If you are seeking legal services, Miller Leonard, PC is no longer accepting new clients.

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MaryBeth Lindsey

From: appellatecourtclerk
Sent: Monday, February 2, 2026 3:22 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Regulatory Reform
Attachments: Regulatory Reform

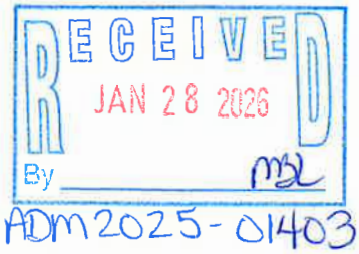
Please process the attached comment.

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

MaryBeth Lindsey

From: Dennis D. Brooks <ddbrooks@tndagc.org>
Sent: Wednesday, January 28, 2026 10:46 AM
To: appellatecourtclerk
Subject: comments re ADM2025-01403



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I appreciate the Court allowing me to comment on this topic of expanding legal services. I am a career prosecutor in the First Judicial District, so my input only concerns matters central to criminal practice. We have one particular county - Johnson - where there are very few lawyers and even fewer adept criminal lawyers. Our judges struggle to appoint anyone there as it borders two other states and the terrain makes it hard for lawyers in the region to serve there. So I know the problem, and it impacts us as a District.

Still, I have concerns about casting a wider net to make more people qualified in criminal defense. As a District, we have many lawyers in private practice, but the pool of people adept at criminal defense at a high level is limited. Nevertheless, I think some innovation could take place to allow more people to be admitted to some extent. For instance, there are many people in law enforcement who are bright enough to serve as legal counsel, and perhaps they could transition to that upon retirement. The only things they truly need are learning evidence rules and procedure; they've already been exposed to constitutional issues as well as some understanding of statutory construction. I'd imagine one could create a TCAT-type certification program that delves into evidence and procedure, and then previously POST-certified officers could be certified to provide criminal defense services. Such a thing could really boost the number of people able to represent defendants.

And even in areas where there are many lawyers, a person making a bond being denied appointed counsel have a very difficult time retaining private counsel. So these certified former officers could offer a lower cost solution for such people.

Thank you,
Dennis Brooks
Assistant District Attorney General
First Judicial District of Tennessee
BPR 018561

taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

MaryBeth Lindsey

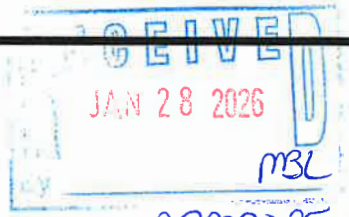
From: appellatecourtclerk
Sent: Thursday, January 29, 2026 10:35 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: comments re ADM2025-01403
Attachments: comments re ADM2025-01403

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

MaryBeth Lindsey



ADM2025-01403

From:	Rob Hendrix <robhendrix@gmail.com>
Sent:	Wednesday, January 28, 2026 11:30 AM
To:	appellatecourtclerk
Cc:	townhall@tnbar.org
Subject:	Regulatory Reform Comments Re: Docket No. ADM2025-01403

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Mr. Hivner,

I am writing to comment on the topics raised by the Supreme Court's September 16 Order, Docket No. ADM2025-01403.

1) I do not think Tennessee's reliance on ABA accreditation should change at all. The only issue I'm aware of is a political one Republicans in our state have taken up. It will fade with time. Reducing or removing the ABA accreditation standards would at best be a performative protest and at worst make Tennessee a legal backwater.

2) No alternatives to the ABA needed.

3) I think alternate pathways to bar admission, other than the bar exam, should be explored. Automatic admission upon graduating from a Tennessee public law school could be one of them.

4) I do not see any need to alter the current reciprocity rules, other than seeking more reciprocal relationships with other states.

5) Regulations of nonlawyer ownership or law firms or fee sharing should stay in place, or be strengthened. The only parties with financial interests should be lawyers and clients, or as close as is practicable.

Thank you for your consideration.

Cordially,

Robert S. Hendrix
Associate General Counsel, UnitedHealthcare
BPR 027296

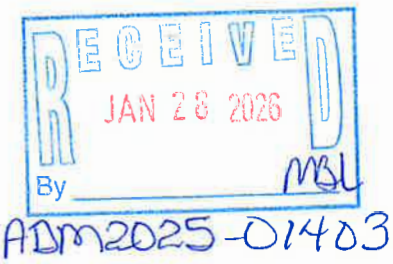
To: Tennessee Supreme Court c/o James Hivner, Clerk Re: Regulatory Reform

100 Supreme Court Building

401 7th Avenue North

Nashville, TN 37219-1307

appellatecourtclerk@tncourts.gov



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

No. ADM2025-01403

Dear Justices of the Tennessee Supreme Court:

I am a retired lawyer who is admitted to practice in the states of California and Texas, now living (since 2019) in Tennessee. Before I retired at the end of 2010, I practiced law for 30 years with the global law firm Latham & Watkins, mainly in its San Diego office. I graduated from the University of Texas School of Law in 1980. (I was fortunate to attend law school at a time when tuition was affordable; at UT from 1977-80, tuition and fees combined were less than $1,000/year.) In my retirement, I became a freelance writer who is a contributing editor at *Law & Liberty* and a blogger at *Misrule of Law*. I write frequently on legal topics, especially legal education. Here is a sample of my articles on this topic:

https://lawliberty.org/book-review/how-did-the-law-schools-become-lawless/

https://www.city-journal.org/article/reimagining-legal-education

https://www.city-journal.org/article/reimagining-legal-education-part-2

https://lawliberty.org/ideological-balance-is-essential-to-sound-pedagogy-in-legal-academia/

https://jamesgmartin.center/2024/10/the-aba-retreats-from-its-diversity-mandate-or-does-it/

https://amgreatness.com/2017/05/07/plain-talk-law-school-rot/

https://misruleoflaw.com/2018/02/10/looking-back-at-law-school-a-lawyer-ruminates-on-legal-education/

https://jamesgmartin.center/2024/01/the-american-bar-associations-coming-free-speech-intervention/

https://lawliberty.org/the-abas-long-march-continues/

https://www.city-journal.org/article/bar-wars

https://lawliberty.org/who-runs-the-legal-academy/

https://lawliberty.org/law-schools-need-a-new-governance-model/

https://misruleoflaw.com/2018/04/16/the-mask-slips-at-cuny/

https://misruleoflaw.com/2018/02/05/paging-professor-kingsfield/

https://lawliberty.org/american-legal-thought-in-a-nutshell/

https://lawliberty.org/beyond-janus-revisiting-the-unified-bar/

In addition to my interest in legal education (especially the role of the American Bar Association ["ABA"] in its role as "accreditor"), I am also a critic of the organized bar insofar as members in many states are required to support the bar's political activities through the payment of dues. In this regard, I was one of the plaintiffs in a lawsuit against the State Bar of Texas, *McDonald v. Longley*, alleging that using mandatory dues for such purposes violates the First Amendment. See:

https://www.americanbar.org/groups/bar-leadership/publications/bar_leader/2021_22/july-august/the-post-janus-world-a-look-at-recent-court-challenges-to-mandatory-bars/

https://www.abajournal.com/news/article/mandatory-bar-in-texas-violates-lawyers-first-amendment-rights-5th-circuit-rules#google_vignette

https://texasscorecard.com/commentary/texas-lawyers-fight-against-compelled-speech/

We obtained a partial victory in the Fifth Circuit. Texas has a "unified" bar, unlike Tennessee, where mandatory participation is limited to bar admission and enforcement of ethical rules. The rest of the bar's activities are voluntary. This is just one of the many features of the Volunteer State that I find congenial.

Even though I am not a practicing lawyer in Tennessee, I was prompted to submit public comments in response to the Court's invitation (No. ADM2025-01403) by two things:

First, the fact that the Texas Supreme Court has recently eliminated the monopoly role of the ABA in law school accreditation, which is the gateway to eligibility to take the bar exam in the Lone Star State (*e.g.*:
https://www.tba.org/?pg=LawBlog&blAction=showEntry&blogEntry=136615

https://www.txcourts.gov/media/1461882/269002.pdf); and

Second, the continuing—and escalating—political agenda of the ABA, which is both out of the mainstream of the American public and increasingly detrimental to the purpose of legal education, which to train competent lawyers in a cost-effective manner to perform useful legal services in an ethical manner. *E.g.*,

https://washingtonreporter.news/op-ed-eric-wessan-it-is-time-to-end-the-american-bar-association-monopoly/

I wholeheartedly support the recent action of the Texas Supreme Court and urge the Tennessee Supreme Court to follow suit. The ABA has moved far beyond setting minimum standards of "quality control" for law schools (such as ensuring adequate facilities, faculty quality, and sound curricula), and has in recent decades attempted to micromanage admissions to achieve racial quotas, require "social justice" in clinical programs, dictate DEI considerations in faculty hiring, restrict law school governance to give undue power to the faculty, impose speech codes, and *many* other things beyond any conceivable "quality control" purview.

In fact, the ABA's overreaching "minimum requirements" have driven up the cost of legal education, hampered meritocratic admissions and faculty hiring, and hindered the cost-effective transmission of practical legal skills—which is, in my judgment, the principal purpose of legal education.

An article I wrote for *City Journal* in 2019 favorably reviewed the model of legal education being provided by Lincoln Memorial University's Duncan School of Law in downtown Knoxville. What America needs, to ensure better access to affordable legal services, is *more* schools devoted to the mission of training lawyers to serve the public, and *fewer* social justice academies producing radical activists and fodder for the Big Law attrition mill. See, e.g., https://misruleoflaw.com/2018/10/16/white-shoe-social-justice-warriors-the-pro-bono-racket/

Before the ABA became "woke," its accreditation standards focused on requiring schools to have an adequate library and other basic facilities, a sound core curriculum, a reasonable faculty-to-student ratio, and the like. Under this model, law schools could operate in a cost-effective manner, allowing lower-middle-class students like myself to obtain a quality legal education without incurring huge amounts of debt. I reminisced about my law school days in 2018:

> As I look around UT in 2018, I see legal education being delivered that is substantially more expensive than it was 40 years ago. Does the bloated PC bureaucracy make students smarter? Does the emphasis on "inclusion" and "diversity" make them learn better? Has increased exposure to social justice improved educational outcomes? I think not.
>
> Forty years ago, without all these things, students graduated from UT with equal (or better) legal training, passed the bar exam, obtained judicial clerkships, entered law firms or government service, and practiced law at a high level. The main difference between then and now is a massive wealth transfer from students to faculty (and administrators) in the form of tuition increases, and the creation of a platform for the propagation of liberal dogma. This is nothing for alumni and taxpayers to celebrate.

The judiciary is in charge of the legal profession. Delegating control of legal education to the ABA has proven to be a terrible mistake. Get rid of the ABA's monopoly status, go back to

accreditation requirements that actually make sense—allowing law schools to teach without micromanagement or indoctrination—and don't force all schools to emulate (overrated) Ivy League institutions. The ABA has little or no interest in what the Court has described as its goals: "lowering barriers to entry into the legal profession and ensuring the availability of affordable legal services to Tennesseans, while also ensuring the competency of Tennessee's attorneys and safeguarding the public."

The Tennessee Supreme Court has the opportunity to join Texas and other states in moving away from ABA's centralized control of legal education, which has done nothing other than drive up costs, stifle intellectual diversity, and encourage pursuit of theoretical courses of little benefit to lawyers wishing to serve the public by providing the type of legal services ordinary people need.

I am primarily addressing issues numbered 1 and 2. I believe that law schools should be allowed to experiment with alternative formats; there is no magic to the current three-year arrangement (#3). I am not familiar enough with the state of the legal profession in Tennessee to comment on issues 5-7.

Thank you for the opportunity to comment. You are to be commended for undertaking this inquiry.

Sincerely,

Mark Pulliam

Franklin, TN

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Thursday, January 29, 2026 10:32 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comments re: No. ADM2025-01403
Attachments: Comments to Tennessee Supreme Court.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: markspulliam@gmail.com <markspulliam@gmail.com>
Sent: Wednesday, January 28, 2026 1:39 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Comments re: No. ADM2025-01403

My comments are set forth in the attached document.

Thank you.

Mark Pulliam
701 Legends Crest Drive
Franklin, TN 37079

858-750-8171

MaryBeth Lindsey

From:	appellatecourtclerk
Sent:	Thursday, January 29, 2026 10:34 AM
To:	MaryBeth Lindsey; Kim Meador
Subject:	FW: Regulatory Reform Comments Re: Docket No. ADM2025-01403
Attachments:	Regulatory Reform Comments Re: Docket No. ADM2025-01403

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

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602.325.8447

January 27, 2026

VIA EMAIL

Mr. James Hivner
Clerk of the Supreme Court
600 Dr. Martin Luther King Jr. Blvd.
Nashville, TN 37243

RE: PUBLIC COMMENT ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION (DOCKET NO. ADM2025-01403); COMMENT IN SUPPORT OF ALTERNATIVE BUSINESS STRUCTURES (ABS) AND MODIFICATION OF RPC 5.4

Dear Clerk Hivner and the Honorable Justices of the Tennessee Supreme Court:

Reliant Law Group PLLC ("RLG") submits this comment in strong support of regulatory reform in Tennessee, specifically endorsing the adoption of a framework for Alternative Business Structures ("ABS") like the model successfully implemented in Arizona. We believe such a change is essential to address unmet legal needs, foster innovation, and stimulate economic growth within the legal profession.

RLG is a direct example of the positive outcomes enabled by the ABS model. Our firm was formed following review and approval by the Arizona Supreme Court in 2023, operating under an ownership structure that intentionally incorporates both legal and executive expertise: two licensed attorneys (one of whom serves as our dedicated Compliance Officer) and two experienced business executives.

This hybrid structure enables us to achieve operational excellence and expansive consumer reach that would be impossible under the traditional Rule of Professional Conduct ("RPC") 5.4 framework.

I. Proof of Concept: The Reliant Law Group ABS Model

Since adopting the ABS structure, RLG realized significant benefits that directly serve the public interest and the economy:

1. **Enhanced Access and Competitive Pricing:** By integrating business expertise at the ownership level, we successfully applied innovative business practices and systems to our service delivery. This efficiency allows us to offer competitive pricing and meet an underserved need in the market with demonstrably efficient performance.

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2. **Accelerated Growth and Consumer Reach:** As quantifiable proof of our success in meeting consumer demand, RLG added **960 new clients in 2024**, and we are currently on track to acquire **more than 1,000 new clients in 2025**. This growth clearly demonstrates that the ABS structure can substantially increase the supply and accessibility of legal services.
3. **Investment in Technology and Productivity:** Our ownership structure facilitated necessary capital investment into technology. We developed and deployed proprietary systems that allow for greater speed and accuracy in the development of critical legal documents, streamlining the process for both our attorneys and clients.
4. **Significant Economic Stimulus:** Beyond client acquisition, our growth is driving economic benefit. We are continually creating high-paying, professional jobs and expanding our footprint through satellite offices. Our commitment to attracting and retaining top talent is evidenced by our average employee compensation, which is **38% higher than the reported average employee pay in Arizona.**

II. Conclusion and Interest in Tennessee

RLG's experience in Arizona demonstrates that Alternative Business Structures can successfully make legal services more accessible for consumers while simultaneously stimulating the economy through above-average wages and job creation—all while maintaining the integrity and compliance standards required by the State Bar.

We believe Tennessee's stated goals of ensuring access to affordable, quality legal services are achievable through the adoption of the ABS framework. We are actively interested in expanding our operations to Tennessee, given that one of our owners is a proud Vanderbilt University graduate with established professional relationships within the state.

We urge the Tennessee Supreme Court to proceed with the necessary modifications to RPC 5.4 to allow for the licensing of Alternative Business Structures, thereby replicating the proven success seen in jurisdictions like Arizona.

Sincerely,

/s/ Scott C. Ryan

Scott C. Ryan, Esq.
Partner and Compliance Officer

MaryBeth Lindsey

From:	appellatecourtclerk
Sent:	Thursday, January 29, 2026 10:32 AM
To:	MaryBeth Lindsey; Kim Meador
Subject:	FW: Public Comment for Alternative Business Structure Consideration
Attachments:	2026.01.27 Ltr to TN S Ct RE ABS Consideration.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: Janie Wills <jwills@reliant-gh.com>
Sent: Wednesday, January 28, 2026 11:39 AM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Public Comment for Alternative Business Structure Consideration

Hello,

We are writing to submit a public comment for consideration regarding potential regulatory reforms aimed at increasing access to high-quality legal representation in Tennessee.

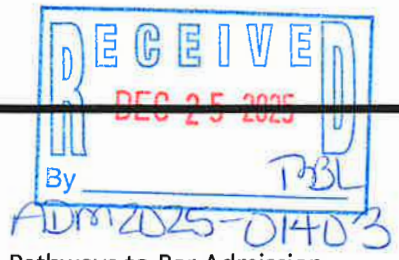
Attached to this email is a letter providing formal public comment in support of alternative business structures for the delivery of legal services.

Thank you for your time and attention.

Gratefully,

Janie Wills
Reliant Law Group, PLLC
Chief Operating Officer
Direct: (602) 325-8508
Office: (602) 325-8447

MaryBeth Lindsey



From: Ruben Leal <lealruben14@gmail.com>
Sent: Thursday, December 25, 2025 12:00 PM
To: appellatecourtclerk
Subject: Re: ADM2025-01403 – Comments on Alternative Pathways to Bar Admission

Warning: Unusual sender
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Dear Mr. Hivner,

I respectfully submit the following comments regarding potential alternative pathways for admission to the Tennessee Bar, in response to ADM2025-01403.

In considering reforms, I urge the Court to weigh options that both **lower barriers to entry into the legal profession** and **ensure access to affordable legal services for Tennesseans**, while maintaining the **competency of Tennessee attorneys** and safeguarding the public.

Proposal:
The Court could explore structured pathways that allow applicants through **supervised apprenticeships**, similar to the **Supervised Practice Portfolios for Examination (SPPE) program in Oregon**, which allows candidates to gain practical experience under supervision as part of the bar admission process.

Potential Benefits:

1. **Expanding Access to the Profession:** Alternative pathways could provide opportunities for capable, nontraditional candidates who demonstrate legal aptitude through practical experience rather than solely through formal education.
2. **Strengthening Public Service:** Requiring service with legal aid organizations can help address gaps in legal representation for underserved communities, advancing the Court's goal of ensuring access to affordable legal services.
3. **Enhancing Practical Competence:** Hands-on experience under the supervision of licensed attorneys equips candidates with essential skills in client advocacy, case management, and professional responsibility.

Safeguards:
To protect public confidence and ensure attorney competency, any alternative pathway should include:

- **Structured supervision** by experienced attorneys;
- **Clear evaluation criteria** to assess proficiency and ethical standards; and
- **Documentation and verification requirements** to ensure accountability.

By carefully designing alternative pathways, modeled on programs such as Oregon's SPPE, the Court can promote public-interest legal service and maintain the high standards expected of Tennessee attorneys.

Thank you for considering these comments.

Respectfully submitted,

Ruben Leal

MaryBeth Lindsey

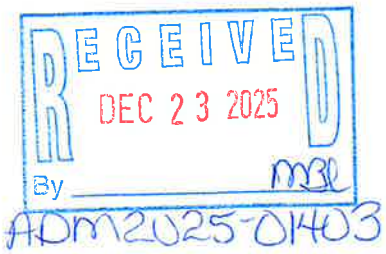
From: appellatecourtclerk
Sent: Friday, December 26, 2025 8:25 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: ADM2025-01403 – Comments on Alternative Pathways to Bar Admission
Attachments: Re: ADM2025-01403 – Comments on Alternative Pathways to Bar Admission

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

PURDUE GLOBAL
Law School



VIA EMAIL: appellatecourtclerk@tncourts.gov

Re: ***In re: Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation*, No. ADM2025-01403 (the "Order")**

December 23, 2025

To the Honorable Justices of the Tennessee Supreme Court:

I. Introduction

On behalf of Purdue Global Law School ("PG Law"), the nation's first fully online law school, I hereby submit this public comment for the Court's consideration. This comment relates most specifically to Items 1, 2, 3, and 5 on pages 4 and 5 of the Court's Order.

I would urge the Court to amend Tennessee Supreme Court Rule 7 so that graduates of a law school approved *either* by the American Bar Association (ABA), Tennessee, *or another national or state-level law school approving or accrediting body* would be eligible to sit for the Tennessee bar exam upon graduation, without requiring further review or approval by the Board of Law Examiners ("Board"), and even if that law school is not "based on in-person attendance," i.e., is online. In parallel, the Court could adopt a rule, similar to that adopted by the Indiana Supreme Court, that expressly reserves for the Court and/or Board the right to disapprove a law school for purposes of bar admission, notwithstanding the accreditation or approval it may otherwise enjoy. (*See* Appendix 1 for specific proposed amendments.)

Adopting these provisions would strike the optimal balance between (a) expanding access to legal services, particularly in critically underserved rural areas; (b) maintaining the high quality of legal education required to practice law in Tennessee; (c) facilitating affordable legal education and thus affordable legal services; and (d) minimizing the administrative burden on the Court and the Board to oversee law school accreditation.

The ABA Standards for Approval of Law Schools ("ABA Standards"), while well-intentioned, include provisions that create barriers to innovation and increase tuition. These costs get passed on both to law students and the graduates they would come to serve. A state accreditation model, such as that utilized in California, involves substantially similar quality assurance and consumer protection measures as those employed by the ABA. But notably, California will accredit fully online law schools, whereas the ABA currently does not. And California does not require that faculty be provided with tenure or that they devote a significant portion of their time and energies to scholarship.

As a result of this—and of advances in distance-learning technology—a state-accredited, fully online law school like PG Law can deliver an accessible, high-quality legal education for about one-third the cost of the average ABA-approved law school. Its faculty, curriculum, experiential offerings, and student outcomes compare favorably with many ABA-approved law schools. It no longer makes sense treat the mode of delivery of legal education as a proxy for quality.

Notably, an online law school's graduates are significantly more likely to practice in rural areas than traditional law school graduates. This should not be surprising: one of the best ways to get

more lawyers practicing in underserved areas is to make it easier for people already living in those areas to remain there while attending law school, by attending online. Non-traditional students with work or dependent-care responsibilities are far more likely than traditional students to seek a legal education online. They are also more likely to be receptive to taking employment outside the major urban markets. And with less law school debt, online law school graduates can better afford to take lower-paying government or public interest jobs, or open a solo practice or small law firm and help those in their communities.

Graduates of ABA-approved and non-ABA state-approved law schools alike, whether their education was in-person, online, or hybrid, should be given the same opportunity to *sit* for Tennessee's bar exam upon graduation. If they can pass that exam, as well as Tennessee's moral character screening process, they should be permitted to practice. And by expressly reserving for itself (or the Board) the right to block admission of graduates of any particular ABA or non-ABA law school, the Court would not be abdicating its oversight role. But allowing non-ABA state- or nationally-accredited law school graduates to pursue licensure upon graduation by default could make a meaningful difference in addressing the state's access to justice crisis.

By adopting these recommendations, Tennessee would not be alone in broadening access to the legal profession. Within the last year or so, half a dozen states have modified or are considering adjusting their bar admission rules so as to expand licensure opportunities for those who didn't attend an ABA-approved or campus-based law school. Now is the time for Tennessee to act.

II. Current Limits on Access to Bar Admission in Tennessee

To be eligible to sit for the Tennessee Bar Examination, an applicant must have "graduated with a J.D. Degree from a law school accredited by the ABA at the time of applicant's graduation, or a Tennessee law school approved by the Board." Supreme Court Rule 7, Section 2.02(a).

An attorney "who received a legal education in the United States or a U.S. Territory but is ineligible for admission because the law school attended does not meet" the requirement of either ABA or Tennessee approval, but who has "engaged in the active practice of law" for three of the last five years, can pursue admission by examination or transferred UBE score. Rule 7, Section 2.02(d) & (d)(3). Such an applicant must show that their law school was "approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee." Rule 7, Section 2.02(d)(1). However, even if they can make this showing, they are not eligible for licensure unless their legal education was "based on in-person attendance." *Id.*

The bar against online learning is not absolute, however. "Distance, on-line, or other instruction that is not in person will be accepted as part of the curriculum at an ABA-accredited or Tennessee-approved law school only to the extent permitted by the ABA for accredited law schools without approval of a substantive change, or up to 100% of the curriculum for law schools approved by the ABA to offer distance-learning programs." Rule 7, Section 2.02(e).

Thus, graduates of all 197 ABA-approved law schools in the country can sit for Tennessee's bar examination immediately upon graduation, regardless of whether their education was in-person, hybrid, or online. Graduates of *brick-and-mortar* state-accredited law schools outside Tennessee

may pursue licensure if they have been licensed elsewhere and practiced for several years. But graduates of *online* state-accredited law schools will *never* become eligible for licensure in Tennessee, no matter how rigorous their education was or how many years or even decades they may have practiced ethically and competently.

III. The Limits of Tennessee's Current Legal Education Infrastructure in Addressing the State's Access to Justice Crisis

The Court is well aware of the challenges low-income individuals face in obtaining needed legal services, particularly in rural areas, as reflected in the Order itself. The state's law schools face challenges in addressing the geographical disparities in access to legal representation.

All six of the state's law schools—including its only non-ABA law school—are located in the state's largest population centers of Nashville, Memphis, and Knoxville. Tennesseans in the northwest or southeast corners of the state may live over 100 miles, or a two-plus hour drive (not counting winter conditions) from the nearest law school. Moreover, not all of these law schools offer a flexible part-time program, and only one of them—Lincoln Memorial University Duncan School of Law in Knoxville—offers a hybrid program, which is still one-third in-person.[1]

For nontraditional students who are already working full-time or have kids in school, giving up their jobs and uprooting their families to attend law school is not a realistic option. And this is particularly problematic for addressing the justice gap, because nontraditional law students are more likely to provide legal services outside the major markets.

V. Online Law School Can Help Address the Access to Justice Crisis

Tennessee needs a way for more prospective law students to remain in their communities while attending law school, so that they can stay in their communities after graduation and provide legal representation there.[2] In short, Tennessee needs more opportunities for prospective law students to attend law school online.

Online law school doesn't just make it easier for people living in rural or remote areas to become lawyers; it makes it easier for them to afford to do so. Because the cost of operating a law school fully online is lower, tuition is lower. And because students do not need to move and can work while attending law school, they do not need to take out loans to cover living expenses. This means they can graduate with less debt, and can better afford to take lower-paying positions in rural areas or in fields of societal need.[3] Indeed, a number of PG Law online graduates have won awards for their commitment to access to justice.

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[1] *See* https://www.lmunet.edu/duncan-school-of-law/part-time-hybrid-program/ (visited December 22, 2025).

[2] If students do relocate from a rural area to a population center to attend law school, they may not return once they or their spouses find employment in their new location—which obviously does little to address the rural access problem.

[3] As a report from SMU Dedman School of Law found, "In 2020, law graduates with student debt owed an average of $160,000. In Texas, rural lawyers make approximately $20,000 less per year than urban lawyers. And if lower salaries cause rural attorneys to repay their debt more slowly, those attorneys will accrue more interest than their urban peers, effectively widening the rural income gap." *See* https://scholar.smu.edu/cgi/viewcontent.cgi?article=1009&context=deasoncenter at 10 (visited December 23, 2025).

Data from PG Law itself supports the notion that the online format can help put more lawyers in rural areas. Only 3% of California's population lives in rural areas, but an even smaller portion of its lawyers live in such areas—just 1.5%. However, among PG Law's California-based graduates, 4.5% live in rural areas. In other words, whereas lawyers in general are *under*represented in rural areas in the state, PG Law graduates are *over*represented there. (This internal analysis was conducted prior to the launch of our Rural Law Practice elective in 2023.)

There is similar data from neighboring Indiana, which began allowing PG Law's graduates to sit for its bar exam in July 2024. Whereas 30% of Indiana's population lives in rural areas, 37% of PG Law's Indiana students are in such areas. PG Law also analyzed enrollments in "legal deserts," i.e., counties that have less than one attorney per 1,000 residents. (The national average is four per 1,000). Whereas 22% of Indiana's population lives in a legal desert county, only 8% of the state's attorneys live in such counties. By contrast, 17% of PGLS' Indiana-based students are in legal desert counties.

An online law school could have an even greater impact in a state like Tennessee, where nearly 35% of the population is rural.[4]

VI. ABA Restrictions on Online Learning Restrict Access and Increase Costs

The ABA Standards for Approval of Law Schools limit law schools to offering no more than 50% of their program of legal education via distance learning.[5] Although an ABA-approved law school can seek ABA Council "acquiescence" to go beyond those limits,[6] the school must be a campus-based institution to seek and obtain ABA approval in the first place.

These limitations have a direct effect on law school tuition—which impacts both law school graduates (who must service their educational debt) and the clients they will serve (who pay higher rates as a result). There are now a number of ABA-approved law schools that offer hybrid online JD programs that exceed the 50% threshold; within the last few years, a handful have even received ABA acquiescence to offer fully online programs. However, these hybrid or online programs invariably cost about as much—or, in some instances, *more*—than their campus-based counterparts.

The total program tuition for PG Law's fully online JD program is $52,900.[7] By comparison, the average ABA total tuition cost of a JD program is $148,124, nearly three times as much.[8] The average program tuition for the ABA-approved hybrid or online programs is even higher, at

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[4] *See* https://worldpopulationreview.com/state-rankings/most-rural-states (visited December 22, 2025).

[5] *See* ABA Standards, Standard 306(d), *available at* https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2024-2025/2024-2025-standards-and-rules-for-approval-of-law-schools.pdf (visited December 23, 2025).

[6] *See id.*, Standard 306(d), Standard 105(a)(12)(ii), and Interpretation 105-1.

[7] *See* https://www.purduegloballawschool.edu/tuition (visited December 22, 2025).

[8] *See* ABA Required Disclosures, https://www.abarequireddisclosures.org/requiredDisclosure (visited November 21, 2025). This figure excludes the three ABA law schools in Puerto Rico.

$151,776, and is only slightly less than the average of those schools' campus-based programs, at $153,439. (*See* Appendix 2.)

The requirement that a law school have a physical campus before it can offer a fully online program prevents ABA law schools from offering *affordable* online legal education. Campus-based law schools won't want to (or can't afford to) cannibalize their campus-based programs, so they aren't incentivized to charge less for their online programs, even though those programs are far less costly to administer.

The ABA Council announced in late 2023 that it was considering amending the ABA Standards to permit fully online law schools to pursue ABA approval.[9] But there has been vociferous opposition from ABA deans,[10] and no further action has been taken on this proposal since it was first announced over two years ago. Yet states need not sit back and wait for the ABA to act.

VII. Other States Have Adopted or Are Considering Alternatives to ABA Approval

In the last year or so, half a dozen other states have allowed or have begun to consider allowing bar licensure for people who did not graduate from an ABA-approved law school, even if their law school was fully online.

First, as a result of PG Law's advocacy, in July 2024, the Indiana Supreme Court amended its bar admissions rules to open a path for graduates of non-ABA law schools who were eligible to sit for the bar exam in another state to sit for Indiana's bar exam upon graduation, by applying to the Indiana Board of Law Examiners ("IBLE") for a waiver of the ABA-education requirement.[11] Both the Indiana Supreme Court and the working group it established[12] carefully reviewed PG Law's curriculum, faculty, and outcomes before making this change. So far, all but one such PG Law petition that the IBLE has considered has been approved. In February 2025, five PG Law alumni sat for Indiana's bar exam for the first time, and 100% of them passed.[13] PG Law's overall pass rate on the Indiana bar exam currently stands at 73%, which is higher than the statewide average during the same period of 65%.

Second, Connecticut recently opened up licensure opportunities for PG Law graduates. Connecticut is one of a handful of states whose board of bar examiners is authorized to approve a non-ABA law school to sit for its bar exam. In October 2024, the Connecticut Bar Examining Committee ("CBEC") approved PG Law graduates who graduated in 2024 or later to sit for its bar exam.[14] This was the second time in Connecticut's history that it granted such approval (the first

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[9] *See* https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2024/24-Mar.-notice-comment-memo-outcomes-complaints.pdf.)

[10] *See* Karen Sloan, "Law deans oppose proposal to accredit online law schools," Reuters (Apr. 2, 2024), https://www.reuters.com/legal/transactional/law-deans-oppose-proposal-accredit-online-law-schools-2024-04-02/.

[11] *See* https://www.law.com/2024/02/16/students-from-non-aba-accredited-law-schools-can-sit-for-indiana-bar-state- supreme-court-rules/?slreturn=20241119153205.

[12] *See* https://www.in.gov/courts/files/rules-proposed-2023-Mar.-working-group-report.pdf.

[13] *See* https://www.in.gov/courts/ace/admissions/results/ (visited December 22, 2025).

[14] *See* https://www.abajournal.com/web/article/connecticut-allows-purdue-global-fully-online-law-school-grads-to-sit-the-bar-exam#google_vignette.

being for Massachusetts School of Law), and the first time that it granted such approval to a fully online school. The CBEC had formed a subcommittee to study PG Law's petition, and unanimously adopted the subcommittee's favorable recommendation of PG Law. PG Law graduates' pass rate on the Connecticut bar exam has been 48%, compared to the statewide average during the same period of 55%.

Third, in *Labrum v. Utah State Bar*, 554 P.3d 943 (Utah 2024), the Supreme Court of Utah granted PG Law alumna Linzi Labrum's petition for a waiver to sit for Utah's bar exam, notwithstanding the fact that Labrum's three years of practice fell well short of the state's ten-year-minimum requirement for graduates of non-ABA-approved law schools, and despite the state's categorical ban on admitting graduates of fully online law schools. She sat for Utah's bar exam in February 2025 and passed. In May 2025, the Court amended its rules to (1) eliminate the ban on graduates of non-ABA online law schools, and (2) reduced the years-of-practice requirement from ten years to five years.

Fourth, in March 2025, the Supreme Court of Florida established a working group to study whether it should allow non-ABA law school graduates to sit for Florida's bar examination upon graduation."[15] The resulting working group issued its final report on October 27, 2025.[16] The report did not recommend a particular course of action, but discussed the pros and cons of maintaining the status quo with the ABA (with the cons greatly outnumbering the pros), and laid out a dozen possible alternatives Florida might pursue, either alone or in combination.

Fifth, in April 2025, the Texas Supreme Court, similar to Florida, issued an order soliciting public comments on the question of "whether to reduce or end the Rules' reliance on the ABA, and on alternatives the Court should consider. On September 26, 2025, the Texas Supreme Court issued an order tentatively approving an amendment to the state's bar admission rules so that eligibility to sit for the Texas bar exam would be based on attendance at a Texas-approved law school, not an ABA-approved law school.[17] It also indicated its intention to create a pathway for non-ABA law schools (with no distinction made between campus-based and online schools) to apply for Texas approval.

Sixth, in July 2025, the Ohio Supreme Court established its own working group to consider moving beyond ABA approval as the sole educational criteria for bar exam eligibility.[18]

In all, at least 35 jurisdictions provide an avenue for graduates of non-ABA law schools to become licensed, including some that allow it immediately upon graduation. To my knowledge, aside from Tennessee, only Kentucky, West Virginia, and (for now) Texas still distinguish between online and campus-based program delivery in their treatment of domestic non-ABA law schools.

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[15] Supreme Court of Florida Administrative Order, Mar. 24, 2025, https://supremecourt.flcourts.gov/content/download/2448909/file/AOSC25-15.pdf.

[16] https://www.floridabar.org/the-florida-bar-news/final-report-of-the-workgroup-on-the-role-of-the-aba-in-bar-admission-requirements/.

[17] *See* https://www.txcourts.gov/media/1461357/259070.pdf.

[18] https://courtnewsohio.gov/happening/2025/LawSchoolAccreditation_071725.asp (visited December 22, 2025).

Thus, Tennessee would not be out of step in considering expanding pathways for licensure for those who did not attend ABA-approved or campus-based law schools.

VIII. State Accreditation Provides Adequate Quality Assurance and Consumer Protection

For nearly 90 years, the Committee of Bar Examiners of the State Bar of California has accredited law schools independently of the ABA. Since 2019, fully online law schools have been eligible to apply for California accreditation. (Prior to then, they were in California's "unaccredited registered" category by default, but their graduates were still eligible to sit for California's bar exam upon graduation.)

To date, at least three online law schools, including PG Law in 2020, have earned California accreditation. To be clear, these are not institutions that suddenly shifted to online learning as a result of the COVID-19 pandemic. Purdue Global Law School was founded 27 years ago, and has been fully online by design the entire time. One in nine ABA-approved law schools wasn't even in existence when PG Law opened its virtual doors in 1998.

The State Bar of California accreditation standards are substantially similar to the ABA Standards.[19] They include provisions designed to ensure consumer protection and transparency, financial and organizational soundness, appropriate admissions policies, faculty qualifications, minimum quantitative and qualitative curricular features, processes for continuous assessment and improvement, and minimum bar pass thresholds. California-accredited law schools submit annual reports, annually publish prescribed entering profile and outcomes data, and are inspected every five to seven years to ensure compliance with the state's accreditation rules.

At the same time, the California accreditation rules are notable for what they do *not* require—among other things, an expensive physical campus, as well as guaranteed job security for full-time faculty or a mandate that faculty spend a significant amount of their time on legal scholarship or committee work. This is why California-accredited law schools are able to offer high-quality programs of legal education while charging far less than ABA law schools.

PG Law, at least, provides a legal education that is comparable—if not superior—to what one can get at many ABA-approved law schools. PG Law requires more total hours of study than at most ABA schools (92 vs. 88). Its curriculum includes doctrinal, skills, and experiential courses and other electives; but it also includes things not featured at many traditional schools, such as required Family Law Practicum and Modern Law Practice courses. It utilizes a selective admissions process. Its faculty grade students on their absolute merits, not on a curve. The faculty have comparable qualifications and engage in more robust periodic evaluations than at most ABA schools, where the norm is to have limited, if any, review of teaching for senior faculty. Even with a non-traditional student body composed of part-time students, its bar pass rates are competitive with a number of ABA schools. Indeed, on two of the last three February administrations of the

[19] https://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title4_Div2-Acc-Law-Sch.pdf, Rules 4.160-4.163.

California Bar Exam, PG Law's first-time pass rate tied or exceeded the average first-time pass rate of *all* ABA-approved law school graduates.[20]

PG Law has been recognized by third parties for its innovation and commitment to access to justice. It has been included in *The Princeton Review*'s list of Best Online JD Programs each year since that list began in 2021; it is one of two non-ABA schools on the list (the other school, another California-accredited school, is a hybrid-online program). In 2018, a PG Law-led team won Wolters Kluwer's inaugural Leading Edge Prize for Innovation in Legal Education. And in 2019, PG Law won the ABA Brown Select Award for Legal Access for being the first online law school to participate (remotely) in a legal incubator. (Legal incubators are programs designed to help law school graduates launch and grow solo practices, with an emphasis on providing pro bono or at least "low bono" services to modest means clients). PG Law has had incubator participants from as far east as rural Ohio and as far west as Thailand.

In national survey data, PG Law graduates rate their education more highly than the average of all respondents (almost all of whom attended ABA-approved law schools) on a variety of metrics on which one would not expect an online school to outperform traditional schools. These metrics include training in critical thinking, legal research, and writing; in-class participation and training in oral presentation; preparation for ethical practice; quality of relationships with professors; quality of academic advising; and overall satisfaction.

Speaking of ethical practice, some might assume that even if graduates of non-ABA online law schools could pass the bar exam, they would commit ethical violations at a higher rate, and so pose a consumer protection risk. The data regarding PG Law, at least, does not bear out that assumption. According to the Annual Discipline Reports published by the State Bar of California for 2003-2020, the disbarment rate for California attorneys was 1.13%, and the overall discipline rate was 3.30%. PG Law graduates' disbarment rate was eight times lower than the state average—just 0.16%. Although their overall discipline rate of 3.99% was slightly higher than the statewide average, all but two of the PGLS graduates' suspensions constituted administrative discipline resulting from nonpayment of fees or MCLE noncompliance. And in the bulk of such cases, the graduates were already living out of state and had gone inactive years earlier, but merely hadn't taken the step of resigning their bar membership.

Opening up licensure to state-approved law schools does not just mean opening up Tennessee's bar to California-accredited schools. Connecticut,[21] Michigan[22] and Virginia[23] authorize their boards of bar examiners to approve a non-ABA-approved law school for their bar exams. (As noted above, Connecticut has already done so for PG Law.) Alabama[24] and Massachusetts[25] also

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[20] *See* https://www.calbar.ca.gov/admissions/applicant-resources/exam-statistics. Prior to November 8, 2023, Purdue Global Law School was known as Concord Law School at Purdue University Global. Note also that the State Bar of California does not publish information for cohorts smaller than 11 people.

[21] *See* Regulations of the Connecticut Bar Examining Committee, Article II-1(B).

[22] *See* Michigan Rules for the Board of Law Examiners, Rule 2(B).

[23] *See* Va. Code § 54.1-3926(1).

[24] *See* Rules Governing Admission to the Alabama State Bar, Rule IV.B.2(b).

[25] *See* Mass. Supreme Judicial Court Rule 3:01, § 3.13.

have rules or statutes that provide for state approval of non-ABA law schools. PG Law is not aware that any of them distinguish between state-accredited brick-and-mortar versus online law schools or categorically prohibit state-accredited online law schools from pursuing licensure. And as noted above, the Texas Supreme Court has indicated that it intends to create a path whereby non-ABA schools can apply for state approval.

Moreover, as a practical matter, if graduates of non-Tennessee state-approved law schools can pursue licensure in Tennessee, and there is no longer a categorical bar on state-approved online law schools, the increase in applicants is far more likely to come from Tennessee residents attending an "out-of-state" online law school than Californians or residents of other states looking to move to Tennessee.

IX. Online Study Can Be Far More Interactive Than "Correspondence" Study

Those who (like me) attended law school in a traditional, entirely in-person format may initially be skeptical that a fully online legal education can succeed not only in imparting knowledge of legal rules but also in providing effective training in legal skills and inculcating students in the norms and values of the legal profession. But in fact, modern distance learning technology, when coupled with a dedicated faculty and an innovative curriculum, can offer a highly impactful and effective legal education experience.

Because I am most familiar with PG Law, I can only offer it as an example. Most PG Law courses have one hour of live class per week. The typical student will have had approximately 430 hours of live class time over the course of their JD program. PG Law grades students not only on their class attendance but also on their participation during class. Attendance rates are typically 80% to 90% or higher.

The live classes on Zoom accommodate not just classic Socratic dialogue, but also solving problems assigned before or in class, breakout rooms for small group discussion or analysis, simulated oral arguments, and student presentations. Section sizes are capped at 50 for required doctrinal courses and 25 for most skills and electives courses. Certain experiential courses, like Trial Advocacy or ADR & Technology, have even lower caps.

Professors make themselves available to students outside of class as well. In addition to fixed or drop-in office hours, professors will schedule one-on-one video or phone calls with students upon request. A series of academic support workshops is offered to 1L students, and students in all years can schedule one-on-one meetings with a Professor of Academic Support. Upper-division students also provide mentoring to first-year students through the Student Bar Association. And bar takers meet individually and in groups with the Director of Bar Support.

Students can choose from a variety of electives, including not only Trial Advocacy and ADR & Technology but also other experiential offerings like Virtual Law Practice and Administrative Advocacy. They can earn academic credit for participating in in-person or virtual externships at law firms or other professional settings. They can earn a spot on PG Law's competitive moot court program, which participates in and has won awards at competitions against students from traditional brick-and-mortar law schools. And they can participate in the Criminal Law Clinic, which is supervised by a PG Law full-time faculty member who is admitted in state and federal courts in several jurisdictions. (A second clinic is in the planning stages.)

The curriculum is interactive in other ways as well. Every course includes one or more formative assessments on which professors give individualized feedback, sometimes in video form. Standard feedback time is generally five days. Professors record video lessons that students watch prior to the live classes, saving live class time for more dynamic activities. Each video is followed by an interactive learning activity so students can apply and reinforce what they just learned. These learning activities are ungraded, but students must earn at least 75% percent on them before the online learning management system will allow them to move forward to the next course component. The faculty have coordinated with each other to ensure that best practices such as spaced repetition, scaffolding, and active learning suffuse the entire curriculum, and they collaborate with curriculum specialists and technologists in the design or revision of each course.

PG Law also endeavors to create a robust academic environment through several live webinar series. The dean holds a quarterly Coffee with the Dean webinar for students and alumni, as well as a thrice yearly Distinguished Speaker Webinar that has featured faculty from Harvard, Stanford, UCLA, USC, and Northwestern, among other law schools. The school hosts a bi-monthly Continuing Legal Education webinar to which both current students and alumni are invited. The Dean of Students and the Director of Employment and Community Outreach hold seminars on career opportunities and other subjects of interest to students.

PG Law facilitates social and academic interaction among students. The "Fundamentals" orientation program includes a live webinar that gives students an opportunity to meet each other even before classes begin. 1L students are encouraged to, and often do, form study groups, much like at traditional law schools. Students can participate in the Student Bar Association, which itself holds virtual and live events; PG Law's chapter of the Phi Alpha Delta co-ed law fraternity; and a faculty-led book club. Full-time faculty also hold monthly "brown bag" lunches with small groups of students on a monthly basis.

PG Law facilitates in-person interaction as well. In addition to two live graduation ceremonies per year, the school hosts dozens of in-person mixers in cities across the country, which are open to any and all current students, alumni, faculty, and staff who happen to live in the area.

While the online experience is not identical to a campus-based legal education, it is far more interactive than what one might get at a "correspondence" law school of old. In this post-COVID era, categorically excluding (non-ABA) online law school graduates from ever practicing law in Tennessee impedes closing the justice gap with little corresponding consumer protection benefit.

X. The Court Should No Longer Require Non-ABA Law School Graduates to Practice Law in Another Jurisdiction For Years Before Sitting for Tennessee's Bar Exam

As noted above, a graduate of a (campus-based) non-ABA- or Tennessee-approved law school must be "authorized to practice law in another State" and practice full-time for at least three of the last five years before they can sit for the Tennessee bar exam. This requirement is of questionable benefit generally, and could be particularly problematic if the Court allows graduates of online non-Tennessee-approved law schools to pursue licensure.

A major benefit of opening a path to bar licensure for graduates of online, non-Tennessee, state-approved law school graduates is that people *already living in Tennessee*—particularly in underrepresented areas—can *remain* there and start representing people there. The years-of-

practice requirement could force these people to either *leave* Tennessee to garner the requisite years of practice or represent people from other states remotely. Texans who emigrate may not return, and even those who don't leave the state will be delayed in fulfilling their primary goal of representing other Texans.

Moreover, empirical evidence does not support the notion that the years-of-practice requirement promotes consumer protection. One study found that "[t]here is virtually no discipline in the first ten years of practice, then the rate of discipline increases in a roughly linear fashion."[26] It may well be that the only thing the years-of-practice requirement for non-ABA or noon-Tennessee law school graduates accomplishes is that it impedes lawyers from providing legal services to Tennesseans sooner.

XI. The Court Could Defer to the Judgment of National or State-Level Law School Accreditors While Reserving The Right to Disapprove An Accredited Law School

As noted above, at least half a dozen other states already have mechanisms in place to review and approve law schools regardless of ABA approval. Since the Court already permits admission on motion without examination for lawyers who have practiced for at least five years in other states (*see* Rule 7, Section 5.01), it is not that much of a stretch to grant "reciprocity" to other states regarding their decision to approve a law school's graduates to sit for their bar exam.

Like the ABA, state boards of bar examiners have every incentive to ensure that only graduates of high-quality law schools are eligible to sit for their state's bar exam. If anything, they arguably have a stronger incentive than the ABA, as they will be the ones to field ethics complaints from consumers in their state if law school graduates fail to practice law competently.

Deferring to the judgment of law school accrediting bodies in other states could be the default, but it need not be a *fait accompli*. The Court could expressly reserve for itself—or, if it wished, the Board—the right to disapprove any law school (whether ABA-approved or not) for admission to its bar exam. That way, the Court would have a "veto" and retain the final say as to who could apply for bar admission in Tennessee.

Here, too, the Court need not start from scratch. Purdue's home state of Indiana provides a useful example. That state's rules provide that, absent a waiver by the Indiana Board of Law Examiners of the ABA education requirement, an applicant for Indiana's bar exam must show that he or she

> [h]as obtained a JD degree (or its equivalent) from a law school located in the United States that at the time of the applicant's graduation was on the approved list of the Council of Legal Education and Admission to the Bar of the American Bar Association. (*The Indiana Supreme Court reserves the right to disapprove any school regardless of ABA approval.*)

Indiana Rules for Admission to the Bar and the Discipline of Attorneys, Rule 13 § 1(a) (emphasis added). Thus, the Indiana Supreme Court has made clear that it need not irrevocably defer to the judgment of the ABA itself as to which law schools' graduates may sit for the bar exam. There is

[26] Robert Anderson IV & Derek T. Muller, *The High Cost of Lowering the Bar*, 32 Geo. J. Legal Ethics 307, 312 (2019).

no reason this Court could not do the same, and expressly reserve the final say for itself regardless of whether accreditation is granted to a law school by the ABA or by another national or state law school approving body.

Deferring to the judgment of other states by default, while still retaining ultimate authority with the Court (or Board), strikes the appropriate balance between expanding licensure opportunities for non-traditional law school graduates who can help ameliorate the state's justice gap and ensuring appropriate oversight of the legal profession.

XII. Conclusion

By removing the categorical bar on non-ABA online law schools, Tennessee would enable its residents to pursue an affordable legal education entirely online. At the same time, the requirement of approval from a state or national accreditor focused on *law schools* (and not merely educational *institutions*) would ensure that bar applicants will have obtained an adequately rigorous legal education.

Of course, these state-approved law school graduates would still have to pass the bar exam itself, as well as Tennessee's character and fitness determination, before they could become licensed attorneys. Thus, there is little risk that unqualified or unscrupulous bar applicants would become licensed. At the same time, this change could make a material difference in addressing the state's access to justice crisis. And a reservation of rights to disallow any law school, regardless of accreditation or approval, maintains important oversight by the Court over entry into the legal profession.

PG Law is far from the only one advocating a shift away from a strict requirement of ABA accreditation to gain access to the legal profession. In connection with a bill proposed nearly two decades ago, Senators Jon Kyl and Orrin Hatch endorsed the remarks of Emory Law School professor George Shepard, who explained why requiring ABA accreditation became the norm, and how that both increases costs and limits access:

> During the Depression, state bar associations attempted to eliminate so-called "overcrowding" in the legal profession; they felt that too many new lawyers were competing with the existing ones for the dwindling amount of legal business. They attempted to reduce the number of new lawyers in two ways. First, they decreased bar pass rates. Second, they convinced courts and state legislatures to require that all lawyers graduate from ABA-accredited law schools. . . .
>
> The ABA's accreditation requirements increase the cost of becoming a lawyer. . . . [T]hey effectively raise faculty salaries; limit faculty teaching loads; require high numbers of full-time faculty rather than cheaper part-time adjuncts; and require expensive physical facilities and library collections. The requirements probably cause law schools' costs to more than double. . . .
>
> [T]he states themselves could liberalize their law-school accreditation requirements. This would directly reduce the cost of becoming a lawyer in all cases. . . . For example, law schools might be permitted to experiment with smaller libraries, cheaper practitioner faculty, and even shorter programs of two years rather than three, like

> business school. Or the requirements might be eliminated completely; students without a degree from an accredited law school would be able to practice law.[27]

I appreciate the Court's consideration of this rather detailed comment. I am passionate about helping to solve our nation's access to justice crisis. To that end, I would be happy to provide the Court with more information about PG Law and/or our state accreditation regime. As a graduate of Harvard Law School who spent twelve years on the tenure-track and tenured faculty at a brick-and-mortar ABA-approved law school before becoming the dean of PG Law in 2016, I may be able to provide a useful comparative perspective on both ABA versus non-ABA and campus-based versus online law schools. I can be reached at martin.pritikin@purdueglobal.edu.

Respectfully submitted,

Martin Pritikin
Dean and Vice President
Purdue Global Law School

[27] *See* Senate Report 110-51, Providing for Loan Repayment for Prosecutors and Public Defenders, at 13-17 (Views of Senators Kyl and Hatch), https://www.congress.gov/110/crpt/srpt51/CRPT-110srpt51.pdf (visited Dec. 23, 2025).

PURDUE GLOBAL
Law School

Appendix 1
Text of Proposed Amendments to Tennessee Supreme Court Rule 7
(proposed deletions in ~~strikethrough~~; additions in *underlined italics*)

Sec. 2.02. Legal Education Degree Requirements.

(a) Any applicant seeking admission must have completed a course of instruction in and graduated with a J.D. Degree from a law school *that, at the time of the applicant's graduation, was:*

(1) accredited by the ABA*;*

(2) ~~at the time of applicant's graduation, or~~ a Tennessee law school approved by the Board pursuant to section 17.01 of this Rule ~~at the time of the applicant's graduation.~~*; or*

(3) accredited or approved by another U.S. national or state-level law school accrediting or approving body and approved for its graduates to take the bar examination upon graduation in another state; provided, however, that the Supreme Court [and/or the Tennessee Board of Law Examiners] reserve[s] the right to disallow any law school from eligibility for admission to the Tennessee bar regardless of whether the school would otherwise satisfy this subsection (a).

(b) To be eligible to take the examination, an applicant must cause to be filed as part of the application a certificate from the dean or supervising authority of the school of law in which the applicant is enrolled or from which the applicant graduated, certifying that either the school ~~is accredited by the ABA or the school is a Tennessee law school that has been approved by the Board under section 17.01~~ *meets one of the subparts of Section 2.02(a)* of this Rule and that:

(1) the applicant has completed all the requirements for graduation, or

(2) the applicant will have the number of credit hours required for graduation by the date of the bar examination.

(c) Any applicant seeking admission by transferred UBE score under section 3.05, without examination under section 5.01, or as the spouse of a military servicemember under section 10.06 shall provide evidence of the J.D. Degree in the form required by the Board.

~~(d) An attorney who received a legal education in the United States or a U.S. Territory but is ineligible for admission because the law school attended does not meet the requirements of paragraph (a) above may be considered for admission by examination or transferred UBE score provided the attorney satisfies the following educational, licensing, and practice requirements:~~

~~(1) The attorney holds a J.D. Degree, which is based on in-person attendance, from a law school approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee.~~

~~(A) The applicant shall bear the cost of the evaluation of his or her legal education, as determined and as required by the Board, and the applicant shall not be eligible to sit for the bar examination until the applicant's legal education is approved by the Board.~~

~~(B) In evaluating the education received the Board shall consider, but not be limited to, such factors as the similarity of the curriculum taken to that offered in law schools approved by the ABA and that the school at which the applicant's legal education was received has been examined and approved by other state bar associations examining the legal qualification of non-ABA law school graduates; and~~

~~(2) The attorney has passed a bar examination equivalent to that required by Tennessee in the state in which the law school exists; and~~

~~(3) The attorney has been primarily engaged in the active practice of law, as defined in section 5.01(c) of this Rule, in one or more states or territories of the United States, or the District of Columbia, for three of the five years immediately preceding the date upon which the application is filed; and~~

~~(4) The attorney meets all other requirements contained in the Rules of the Supreme Court of Tennessee pertaining to Admission of Persons to Practice Law.~~

~~(e) No correspondence course will be accepted by the Board as any part of an applicant's legal education to meet the requirements of this Rule. Distance, on-line, or other instruction that is not in person will be accepted as part of the curriculum at an ABA-accredited or Tennessee-approved law school only to the extent permitted by the ABA for accredited law schools without approval of a substantive change, or up to 100% of the curriculum for law schools approved by the ABA to offer distance-learning programs. The ABA permits distance learning without approval of a substantive change as provided in Definitions 7 and 8 and Standards 306, 311, and 511 of the Standards and Rules of Procedure for Approval of Law Schools.~~

Appendix 2 – ABA-Approved Distance Learning JD Program Tuition (Comparative)[28]

Law School	Credits	In-Person Credit	Online Credit	In-Person Tuition	Online Tuition
Albany[29]	87	$2,206	$1,986	$191,982	$172,787
Arizona State[30]	88	$1,751	$1,751	$154,077	$154,077
Case Western Reserve[31]	88	$2,613	$2,613	$188,100	$188,100
Cleveland State[32]	90	$1,179	$1,179	$106,110	$106,110
Dayton[33]	90	$1,380	$1,500	$124,200	$135,000
Detroit[34]	90	$1,616	$1,616	$145,440	$145,440
Duquesne[35]	87	$1,015	$1,040	$88,347	$90,528
Hawai'i[36]	89	$1,560	$1,571	$138,816	$139,824
Lincoln Memorial[37]	90	$1,460	$1,460	$131,400	$131,400
Mitchell Hamline[38]	86	$1,929	$1,857	$165,900	$159,720
New Hampshire[39]	85	$1,729	$1,600	$147,000	$136,000
Northeastern[40]	83	$2,271	$2,270	$188,478	$188,448
Ohio Northern[41]	90	$1,437	$1,475	$129,300	$132,750
St. Mary's[42]	90	$1,497	$1,327	$130,806	$119,448
Seattle[43]	90	$2,061	$2,061	$185,490	$185,490
South Texas[44]	90	$1,499	$1,362	$134,880	$122,560
Southwestern[45]	87	$2,178	$2,178	$189,480	$189,480
Suffolk[46]	84	$2,236	$2,236	$187,830	$187,832
Syracuse[47]	87	$2,146	$2,234	$186,660	$194,358
Vermont[48]	87	$1,854	$1,854	$161,304	$161,300
Western New England[49]	88	$1,666	$1,666	$146,610	$146,640
AVERAGE	**87.9**	**$1,775**	**$1,754**	**$153,439**	**$151,776**
Purdue Global	**92**	N/A	**$575**	N/A	**$52,900**

[28] *See* https://www.americanbar.org/groups/legal_education/resources/distance_education/approved-distance-ed-jd- programs/. Includes hybrid and online programs. Part-time, non-resident campus tuition used where available. Program tuition usually equals 6 full-time or 8 part-time semesters. Where per-credit tuition was not listed, total program tuition divided by total credits was used as an estimate. All sites visited Apr. 18, 2025.
[29] https://www.albanylaw.edu/applications-admissions/cost-attendance.
[30] https://law.asu.edu/admission/tuition-fees.
[31] https://case.edu/law/admissions/jd-admissions/tuition-aid-scholarships.
[32] https://www.law.csuohio.edu/admissions/financing/tuition; https://onlinelearning.csuohio.edu/programs/online-jd- program.
[33] https://udayton.edu/law/admissions/financial_aid/jd_costs.php.
[34] https://law.udmercy.edu/admissions/financial-aid/cost-of-attendance.php.
[35] https://www.duq.edu/admission-and-aid/tuition-and-fees/graduate-tuition/law-grad-tuition.php.
[36] https://law. hawaii.edu/ admissions/tuition/.
[37] https://www.lmunet.edu/duncan-school-of-law/admissions/tuition-cost-of-attendance.
[38] mitchellhamline.edu/admission/tuition-and-financing/.
[39] https://www.unh.edu/business-services/tuition-fees/unh-franklin-pierce-school-law-tuition-fees.
[40] https://law.northeastern.edu/admissions/jd/tuition-and-budgeting/; https://law.northeastern.edu/admissions/flexjd/tuition-and-budgeting/.
[41] https://www.onu.edu/admissions-aid/financial-aid/tuition-and-fees.
[42] https://law.stmarytx.edu/admission/financial-aid/tuition/2025-2026/.
[43] https://law.seattleu.edu/student-life/student-services/student-financial-services/tuition-and-fees/.
[44] https://www.stcl.edu/admissions/tuition-and-fees/.
[45] https://www.swlaw.edu/admissions- financial-aid/tuition-fees.
[46] https://www.suffolk.edu/law/admission/tuition-aid/tuition-costs-student-budgets.
[47] https://law.syracuse.edu/financial-aid/cost-of-attendance/; https://law.syracuse.edu/financial-aid/cost-of-attendance-jdinteractive/.
[48] https://www.vermontlaw.edu/admissions/tuition-and-financial-aid/tuition-fees. (hybrid online is 10 semesters at $16,130 per semester).
[49] https://wne.edu/law/cost-and-aid/juris-doctor.

MaryBeth Lindsey

From: Martin Pritikin <martin.pritikin@purdueglobal.edu>
Sent: Tuesday, December 23, 2025 4:48 PM
To: appellatecourtclerk
Subject: Public Comment on Potential Regulatory Reforms to Increase Access...(No. ADM2025-01403)
Attachments: Tennessee Supreme Court Public Comment.pdf

To the Clerk of the Tennessee Supreme Court:

Please see the attached public comments for the Court's consideration. Thank you.

Sincerely,

Martin Pritikin
Dean and Vice President
Purdue Global Law School
2029 Century Park East, Suite 400
Los Angeles, CA 90067
Email: martin.pritikin@purdueglobal.edu
www.purduegloballawschool.edu

MaryBeth Lindsey

From:	appellatecourtclerk
Sent:	Friday, December 26, 2025 8:33 PM
Cc:	MaryBeth Lindsey; Kim Meador
Subject:	FW: Public Comment on Potential Regulatory Reforms to Increase Access...(No. ADM2025-01403)
Attachments:	Public Comment on Potential Regulatory Reforms to Increase Access...(No. ADM2025-01403)

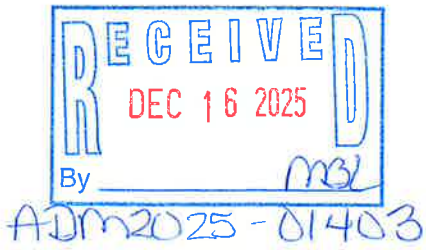
Please process the attached comment.

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

MaryBeth Lindsey

From: Roland Baggott <roland@baggottlaw.com>
Sent: Tuesday, December 16, 2025 3:24 PM
To: appellatecourtclerk
Subject: Comment on ADM2025-01403



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To the Justices of the Supreme Court of Tennessee:

Our legal profession has many challenges. Debasing the requirements to join the legal profession is not the answer to any of those challenges. The bar exam sets a base-line for competency. It is a minimum. Unfortunately, there are many lawyers who have met the minimum requirement for admission but nonetheless are not good at their jobs and lack core competencies to provide legal services. We do not need more dumb, under-educated lawyers. We do not need more stupid or lazy lawyers. Before you lower the standard, I think you should look at realtors. The barrier to entry for realtors is absurdly low. Once in, they all use the forms that are promulgated by Tennessee Realtors (f/k/a Tennessee Association of Realtors), but overwhelmingly do not know the content of those forms, how they work, or why certain provisions are present. The disparity between the individuals at the top of the real estate brokerage profession and the bottom is huge. Tennessee lawyers do not need more room at the top caused by adding a whole new, lower bottom. We do not need to be like realtors. We need to be better.

Technology has broken down barriers to geographic access. So, the "legal desert," although real from a physical standpoint, is readily crossed through innovative technologies such as the telephone, fax, email, SMS/text messages, and Zoom/Google Meet/Microsoft Teams. Mostly gone are the days when a face-to-face meeting is so necessary that it prevents potential engagement by a client. With limited, but notable exceptions, such as the execution of a will in front of two witnesses, many of the client-facing services that lawyers provide can be performed (and are performed) without being in the same room with the client. This "concern" about access is not a legitimate issue. More likely, the legitimate barrier is finding a lawyer who can serve rural areas that is competent to handle the legal issues that rural residents face. The number of attorneys who are well versed in Agricultural Law, such as farm subsidies, crop insurance, food supply regulations, and intellectual property (e.g. John Deere software that prevents farmers from repairing their own equipment), is small compared to the lawyers who are well versed in domestic relations. Finding the right lawyer—the one with core competencies in the subject matter--may be a challenge for rural residents. Regardless, lowering the minimum standards to become a lawyer is not a solution.

Law school is expensive. The universities treat their law schools as annuities. They do not provide sufficient funding through grants and scholarships. Many students graduate from law school with too much debt. The servicing of that debt is difficult, if not impossible, if the new graduate wants to go into a public service position right out of law school. This problem is not new. The solution to the problem, however, is not to eliminate legal education requirements to make it easier for someone to become a lawyer. Let the experiments being conducted in Washinton, Oregon, California and Vermont mature to

the point where there is real data that will show whether those experiments have succeeded or failed. Then, look at the data. I predict that the data will be mixed, at best.

Of the seven topics for comment, the only one that potentially has merit is No. 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." This topic, however, lacks completeness. It also needs to include consideration of modification of Tennessee's Unauthorized Practice of Law statutes, TCA 23-3-101 *et seq*. and RPC 5.5 to allow for easier multijurisdictional practice of law. Being able to access attorneys in other states who have the skillset and knowledgebase that my otherwise be rare (or just less available) within Tennessee, without automatically subjecting the out-of-state lawyer to possible discipline and criminal and civil penalties is worth exploring. For litigation, we already have the *Pro Hac Vice* process and rules that allow non-Tennessee lawyers to practice law in Tennessee subject to compliance with those rules. Tennessee could relax the licensure requirement as it relates to lawyers from other jurisdictions who have already met their own state's minimum competency requirement by passing that state's bar examination. The comity admission procedure that currently exists would then be reserved for attorneys who relocate to and have a physical location within Tennessee.

Do not lower the bar. Instead, find a way to raise the bar.

Roland W. Baggott III
Baggott Law, PLLC
4525 Harding Pike, Suite 105
Nashville, TN 37205
(615) 620-4580
(615) 620-4581 (fax)
roland@baggottlaw.com

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:19 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comment on ADM2025-01403
Attachments: Comment on ADM2025-01403

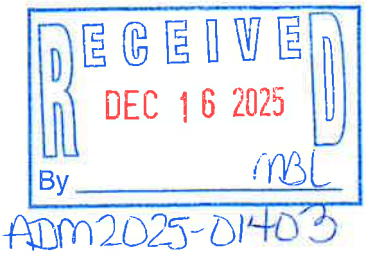
Please process the attached comment.

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

MaryBeth Lindsey

From: Bissinger, Fred <fbissinger@lawsonelectric.com>
Sent: Tuesday, December 16, 2025 8:37 AM
To: appellatecourtclerk
Subject: TN Supreme Court Order No. ADM2025-01403



ADM2025-01403

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To Whom It May Concern:
I am submitting the following comments in response to TN Supreme Court Order No. ADM2025-01403. By way of background, I have been practicing law since 1993, so I have substantial experience as an employment law defense attorney (private practice) and more recently as in-house counsel.

Reliance on the ABA: I am not an ABA member. To the limited extent I follow their publications, my impression is that they are primarily concerned with liberal political advocacy, which is not relevant to governing the practice of law. My observation is that the TN Supreme Court and TN Bar are sufficiently equipped to guide and manage the practice of law in TN without relying on the ABA.

Consider alternatives to ABA accreditation: I am not fully versed on the ABA accreditation process. However, as per above, I believe the TN Supreme Court and TN Bar are fully competent to determine the applicable accreditation standards for TN and which TN law schools deserve to be accredited.

Alternative pathways to the bar: As much as I disliked the bar exam process, after 33 years of practice I have come to appreciate its value in weeding out candidates who simply don't have the ability to meet the applicable standards. And while I understand that not everyone tests well, practicing law is a difficult, stressful, and complicated profession in which professional standards absolutely matter. Our professional credibility is based on our ability to perform and behave in accordance with the applicable standards. While there might be some reasonable alternative pathway to enter the practice of law (other than completing law school and passing the bar exam), I have no direct experience with such a process, and therefore, cannot comment on the viability of same. However, if TN adopts such an alternative pathway, it must contemplate appropriately rigorous standards. More importantly, regardless of the process, once standards are set, they should not be lowered or applied in an inconsistent manner. The abdication, lowering, or inconsistent application of standards will inevitably lead to bad outcomes (for those admitted to the practice of law who should not have been, for their clients, and the profession as a whole).

Consider modifying requirements for admission for those licensed in other states: I obtained my TN license in 1998 based on reciprocity with my PA license. It was (at the time) a relatively easy process. The requirement to have 5 years of practice and be in good standing with my PA license (and maybe my NJ license) was not rigorous. Assuming the end goal is to bring more qualified attorneys to TN, decreasing the 5-year practice requirement to 3-years might facilitate the process for out-of-state attorneys seeking admission in TN (without lowering applicable standards). Given the business and population growth in TN such a modification may make sense.

Non-lawyer ownership: My short answer is that permitting non-lawyer business interests to have an ownership stake in law firms is a very bad idea. Once law firms become a business opportunity for financial firms, especially PE firms, their singular focus on profitability will inevitably drive bad behavior and ethically challenged decision-making that does not align with our ethics rules. The result will be negative for the profession and our state.

I hope my input is helpful. Let me know if you have any questions.
Thank you.
Fred Bissinger
VP of Legal & Operations
Lawson Electric Co.
423.509.0743 – Direct
615 417 8828 – Cell
fbissinger@lawsonelectric.com

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:27 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: TN Supreme Court Order No. ADM2025-01403
Attachments: TN Supreme Court Order No. ADM2025-01403

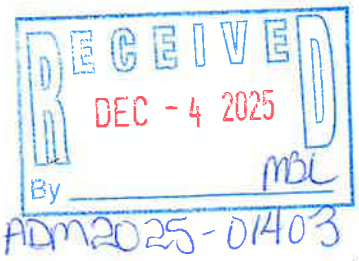
Please process the attached comment.

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

MaryBeth Lindsey

From: McCarty, Chris W. <CMcCarty@LewisThomason.com>
Sent: Thursday, December 4, 2025 9:26 AM
To: appellatecourtclerk
Subject: Comments RE: Docket No. ADM2025-01403 / Issue No. 7



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Good morning,

I want to thank the Court in advance for the opportunity to provide my written comments/thoughts on this important issue. I also want to confirm that my written comments/thoughts are purely my own, as I certainly do not speak on behalf of my firm and/or my partners.

Specifically, I wanted to take a moment this morning to provide my perspective on Issue No. 7 as set forth within the Court's Order related to IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TOINCREASE ACCESS TOQUALITY LEGAL REPRESENTATION:

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

A great deal of my practice focuses on employment law, which means I regularly deal with issues arising from those employed by private equity owned/managed entities. One particular issue involving private equity and employees has started coming up more and more within my practice, and it is an issue which both troubles me morally and worries me greatly when considering the thought of allowing private equity into the legal industry. The issue centers on pressures applied on those within the medical field from private equity's relentless pursuit of revenue.

Over and over again, I come across variations of the same story:

- Private equity purchases and/or begins to manage a medical practice;
- Private equity initially makes promises of improving patient care and reducing unnecessary overhead;
- Soon, however, medical providers start to feel direct or indirect pressure to increase revenue at all costs;
- And before anyone realizes how it happened, private equity pushes providers to encourage and perform unnecessary procedures.

Put simply, as part of a never-ending and never relenting pursuit of revenue, non-providers push providers into taking medically unnecessary – and sometimes dangerous – steps with their patients. Providers who question and/or resist such pressure are threatened with decreased pay, limited scheduling, and even outright termination. But you do not have to believe only my anecdotal thoughts/experiences on private equity's dangerous influence within the medical profession. Here is a

particularly disturbing portion of a 2024 article on this very subject as found in The Journal of the Missouri State Medical Association:

> As to dermatology, the aging American population makes dermatology practices an attractive target for private equity, and PE owns more than 10% of the dermatology market nationwide. But studies show that when PE takes over a dermatology practice, it subsequently generates a 5 to 17% increase in volume, while charging 3–5% more for routine appointments. PE also employs more physician assistants and nurse practitioners, rather than physicians.
>
> "Get that money!!" screamed an August 2020 memo sent to employees in Michigan of Pinnacle Dermatology, a chain of 90 dermatology practices owned by private equity. "Don't forget the August bonus incentive for all patients scheduled in August! That's the easiest money you can make," the hard-charging PE management insisted of dermatologists in those clinics. A physician who questioned management was terminated, and she then shared her concerns with NBC News, which included "overlooked diagnoses, lost patient biopsies, questionable quality control in the company-owned lab and overbooking of patients without sufficient support staff."[2]

Andrew Schlafly, *Thwarting the Harm Caused by Private Equity in Surgical Practices ... and Even in the NFL: Part 2*, The Journal of the Missouri State Medical Association (Nov-Dec 2024) (https://pmc.ncbi.nlm.nih.gov/articles/PMC11651258/).

I spend a considerable amount of time each year talking my clients out of costly and unnecessary litigation. I often do so – like most lawyers – at my own expense. I cannot count the number of times I have said something to a client like, "Look, if you want to keep pushing this, the only one making any money at the end will be me." When it is time to fight, I am happy to do so. When I know that fight is not really worth my client's time, money, and/or stress though, I will always advise either walking away or resolving the matter. I do not see that path as in any way abnormal or admirable; I see it as simply part of my ethical obligation to clients, just like so many other lawyers who practice here in Tennessee and nationwide.

What happens when a private equity employed office manager receives an internal report about the resolution of a large case I was handling? What if private equity budgeted X amount of fees for the remainder of the year flowing from that very case? Would I be questioned for recommending resolution? More disturbingly, would I be threatened about encouraging similar settlements during future cases?

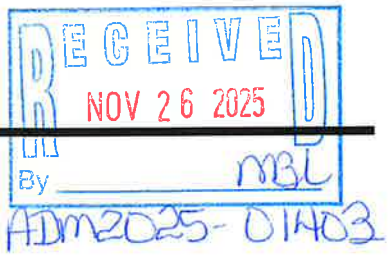
We all like to make money. I do not practice law for free. And, like all of us, I pay my bills and feed my kids by charging clients. At the end of the day though, I sleep just fine every night knowing I will never provide bad advice to a client simply because said advice would bring in more fees to me and my firm. That approach, I hope, continues to ensure that the *practice* of law will always outweigh the *business* of law.

Private equity threatens the practice of law. It threatens the very core of what we do and who we serve. I hope the Court will realize the same, and continue to enforce regulations prohibiting non-lawyer ownership of law firms or fee sharing with nonlawyers.

Thank you for your time,

Chris

Chris W. McCarty Attorney at Law
Lewis Thomason, P.C.
900 S. Gay Street| Knoxville, TN 37901
Tel: 865-541-5256 | Fax: 865-523-6529
Web Page | My Bio



Rachel Adams

From: Thomas West <thwest60@gmail.com>
Sent: Wednesday, November 26, 2025 12:39 PM
To: appellatecourtclerk
Subject: Administrative Order ADM2025-01403 -- Comments

Warning: Unusual sender
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Mr. Hivner, Appellate Court Clerk:

I am Thomas H. West, an attorney licensed in Tennessee whose license is currently inactive. I write to offer comment in the matter of the Supreme Court's administrative order ADM2025-01403.

This Court notes in its order that "As of 2020, Tennessee had twenty counties with fewer than ten lawyers each, while the five largest counties had thousands of attorneys." ¶ 8. One action the Court could do is issue an order encouraging trial courts to use technology, such as Zoom or Webex, to allow for remote hearings in cases, especially in civil cases. When I practiced in Davidson County, I would have been happy to handle a case in Claiborne County or Lake County if I could have handled a motion hearing by Zoom session. But I cannot do that if I must travel that long distance to appear in person. I practice family law. In my experience, most such cases settle through mediation or negotiated settlement with no need for trial. But motion hearings often are required. On several occasions, the recently retired Judge Phillip Robinson of Davidson County's Third Circuit allowed me to present a motion in paternity cases by phone from Overland Park, Kansas. But this was in Davidson County. Similar procedure would be helpful in rural counties, such as Grainger County or Dyer County. The Kansas Supreme Court recently entered an order encouraging the use of remote proceedings statewide. Kan. Sup. Ct. R. 103. In its press release in regard to its new order, the Kansas Supreme Court notes that, "Nearly 80% of Kansas attorneys live in five counties that contain about half of the state's population: Douglas, Johnson, Sedgwick, Shawnee and Wyandotte. The rest of the state is underrepresented, according to data from the American Bar Association." ¶ 7, https://kansasreflector.com/briefs/kansas-supreme-court-adopts-virtual-proceeding-rules-to-promote-efficiency-accessibility/. The Court went on to say that, "Judges would retain discretion to deny a party's request for a remote appearance under the rule, particularly if the request is untimely or if remote proceedings 'would undermine the integrity, fairness, or effectiveness of the proceeding, such as when highly sensitive, particularly dense, or exhibit-heavy testimony is expected,' the rule said. A court must not hold a remote proceeding if it could threaten or violate a person's rights under the Kansas and U.S. constitutions, privileged attorney-client communications are made difficult, public access is restricted, it interferes with a court's ability to produce an accurate record, or a party or the court cannot access technology needed." https://kscourts.gov/KSCourts/media/KsCourts/Orders/2025-RL-131.pdf.

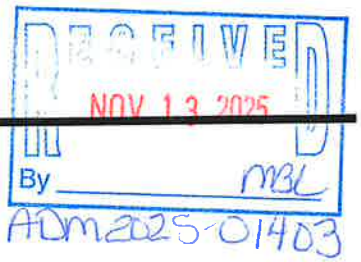
This is one action that could alleviate the state's legal deserts, and it is an action the Kansas Supreme Court has taken to address the legal deserts that exist in that state.

Sincerely,

Thomas H. West

BPR #: 027612
thwest60@gmail.com
Overland Park, KS

MaryBeth Lindsey



From: Gary Massey <gmassey@masseyattorneys.com>
Sent: Thursday, November 13, 2025 8:56 AM
To: appellatecourtclerk
Subject: No. ADM2025-01403 - Comments on Regulating the Legal Profession

COMMENT TO THE TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
RE: Question 5 - Non-Lawyer Ownership and Fee Sharing Regulations

FROM: Gary Massey, BPR 19490

DATE: November 13, 2025

I write to respectfully urge the Board to maintain and strengthen existing prohibitions against non-lawyer ownership of law firms and fee sharing with non-lawyers. Far from liberalizing these rules, the Board should vigilantly guard against current schemes designed to circumvent these essential protections.

I. THE PRACTICE OF LAW MUST REMAIN INDEPENDENT OF NON-LAWYER FINANCIAL INTERESTS

The prohibition against non-lawyer ownership exists to preserve the attorney's paramount duty of loyalty to the client. When non-lawyer investors hold ownership stakes in law firms, an inherent and irreconcilable conflict arises: attorneys owe fiduciary duties to both their clients and their investors. These duties inevitably clash when investor profits depend upon maximizing billable hours, settling cases prematurely to reduce costs, or declining to pursue meritorious but resource-intensive claims.

Unlike attorneys, non-lawyer investors bear no professional or ethical obligations to clients. They face no disciplinary consequences for placing profit above client interests. Permitting such ownership would fundamentally transform the practice of law from a profession serving justice into a commercial enterprise serving shareholders.

II. CLIENT CONFIDENTIALITY AND PRIVILEGE ARE JEOPARDIZED BY NON-LAWYER INVOLVEMENT

The attorney-client privilege and duty of confidentiality form the bedrock of effective legal representation. Non-lawyer owners would necessarily gain access to confidential client information in exercising their ownership prerogatives—reviewing financial performance, evaluating case strategies, and making management decisions. Yet these individuals lack the ethical training, professional obligations, and disciplinary oversight that govern attorneys' handling of confidential information.

Once privilege is shared with non-lawyer owners acting in their business capacity rather than as agents of the attorney, the privilege may be waived or compromised. This places clients' most sensitive information at risk and undermines the trust essential to the attorney-client relationship.

III. THE PROFESSIONAL JUDGMENT OF ATTORNEYS MUST NOT BE SUBORDINATED TO BUSINESS INTERESTS

An attorney's exercise of independent professional judgment is not merely preferable—it is mandatory under our Rules of Professional Conduct. Non-lawyer ownership creates a structural impediment to this independence. When business managers who lack legal training make decisions affecting case handling, resource allocation, or settlement recommendations based on profit margins rather than legal merit, the attorney's professional judgment becomes subordinate to commercial considerations.

This concern is not hypothetical. In jurisdictions that have experimented with alternative business structures, evidence suggests that investor-owned firms prioritize profitability metrics that may conflict with zealous client advocacy, including limiting time spent on cases, pressuring early settlements, and declining complex matters with uncertain outcomes.

IV. EXISTING PROHIBITIONS ARE ALREADY BEING CIRCUMVENTED THROUGH IMPROPER ARRANGEMENTS

The Board should be particularly concerned that sophisticated actors are already exploiting loopholes to achieve the economic equivalent of non-lawyer ownership while maintaining the fiction of compliance. Specifically, arrangements involving "managing agencies" or "administrative service organizations" purport to provide only clerical support and administrative services to law firms. However, these arrangements often result in the law firm paying substantially all of its profits to the managing agency in the form of inflated management fees.

This structure allows private equity investors and other non-lawyer entities to capture the economic value of law firm ownership while technically avoiding direct ownership or fee sharing. The managing agency, controlled by non-lawyers, effectively controls the law firm's finances and operations through its contractual leverage. These are not arms-length service relationships but rather ownership arrangements disguised as service contracts.

Rather than relaxing restrictions on non-lawyer involvement, the Board should clarify that such arrangements violate the spirit and purpose of existing rules and will be subject to disciplinary action. Management fees paid to non-lawyer entities must bear a reasonable relationship to the actual value of administrative services provided and cannot serve as a vehicle for profit-sharing prohibited by Rule 5.4.

V. ACCESS TO JUSTICE CONCERNS CUT AGAINST LIBERALIZATION

Proponents of non-lawyer ownership sometimes argue that outside capital could improve access to justice by providing resources to serve underserved populations. This argument fails on multiple grounds.

First, investor-backed firms seeking returns on capital will naturally gravitate toward profitable matters and clients, not toward serving those with limited means. Private equity investment in law firms will not produce pro bono services or expand access to justice—it will concentrate resources on high-value cases while abandoning modest matters and low-income clients.

Second, existing regulatory frameworks already permit lawyers to structure their practices to pursue capital and growth, including through large firm partnerships and professional corporations. Additional capital infusions from non-lawyers are unnecessary to serve clients effectively.

Finally, access to justice is better served by preserving public trust in the legal profession. Allowing profit-driven non-lawyer ownership risks undermining confidence in attorneys' independence and creating a perception that legal representation is a commodity rather than a professional service.

VI. THE MODEL RULES AND OVERWHELMING MAJORITY PRACTICE SUPPORT MAINTAINING PROHIBITIONS

Tennessee's prohibition on non-lawyer ownership and fee sharing aligns with ABA Model Rule 5.4 and the rules adopted in the vast majority of American jurisdictions. While a small number of states have permitted limited exceptions, these experiments remain largely untested, and their long-term implications for clients and the profession are unknown.

Tennessee should not abandon proven protections for speculative benefits. The prohibition on non-lawyer ownership has served the profession and the public well for generations. No compelling evidence suggests that change is necessary or beneficial.

CONCLUSION

I respectfully urge the Board to:

1. **Maintain** existing prohibitions against non-lawyer ownership of law firms;
2. **Maintain** existing prohibitions against fee sharing with non-lawyers;
3. **Clarify and strengthen** enforcement against arrangements that circumvent these prohibitions, including management service agreements that result in non-lawyer entities receiving substantially all law firm profits; and
4. **Issue guidance** establishing that management fees paid to non-lawyer-controlled entities must bear a reasonable relationship to the fair market value of actual administrative services provided.

The practice of law is a profession, not merely a business. Its regulation must prioritize the protection of clients and the administration of justice over the commercial interests of potential investors. I thank the Board for its consideration of these comments.

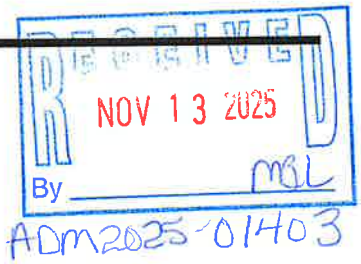
Respectfully submitted,

Gary Massey, Jr., 19490
423-697-4529

masseyattorneys.com

GARY MASSEY
INJURY LAWYERS

MaryBeth Lindsey



From: Michael Kuebler <mikek@kafirm.law>
Sent: Thursday, November 13, 2025 8:31 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

#1 and 2 – An enthusiastic YES
I graduated from Nashville School of Law which is not ABA accredited. I understand indirectly that to meet the ABA accreditation standards; the school would have to spend millions of dollars and that the issues were primarily centered around the size of the library. In my time at NSL, I went into the library one time because an assignment required me to do so. I think NSL has and continues to produce some very good attorneys despite falling below the antiquated and seemingly biased ABA standards.

Tennessee should establish their own accreditation standards and stop relying on the ABA. Going back to the "graduated from a regularly organized law school which has the approval of the Board of Law Examiners" language would be a major improvement.

#3 – Yes and No
While the J.D. programs could use some improvement designed to weed out unethical character, low critical thinking skilled individuals, and create better writers, I believe keeping the Juris Doctorate as the standard would be better.

This said, I have experience with internationally licensed attorneys who have graduated from their own countries law schools and even practiced for various times. The current rules create archaic and punitive hurdles to these individuals to even get a chance to sit for the bar. I would propose rules that allow a better pathway to transition to US law and an opportunity to sit for the exam. Eliminate the "equivalent of a three-year course of study" language and the subjective "substantial equivalent" language. The current rules require the Board to subjectively examine foreign schools and legal systems which has led to, I believe, bias driven decisions. The Board should be unburdened of this task.

A better solution for someone who has received a license to practice law in a foreign country may be to require them to work in a Tennessee law firm for one year and complete a one year online educational program with an established curriculum and testing standards.

#4 – Yes and No
First, an opinion on the UBE - I am NOT a fan. I have hired new attorneys who seem to know nothing about Tennessee law, and it significantly diminishes the service they can providing to clients. I must wonder if the UBE is part of a larger group think designed to steer the law to a uniform standard across all states as the end goal. Meanwhile, my observation is that the UBE is producing attorneys who are not equipped to practice law in this state.

As to admission in another state, I like Georgia's position (as I understand it). I believe they require all admissions to take the "state" portion of their bar exam. As much as I would like to get a Georgia license (I practice on their boarder), I personally do not want to take another exam at 57 years old. However, I know many who have. The hurdle is not that high.

Tennessee should adopt a similar program and alter the bar exam to the prior standards.

#5 – Yes, with limitations
I own in part, 11 businesses currently. Except, of course, for the law firm, I am moving the ownership of those businesses into a revokable trust which I cannot do for the law firm based on the current rules. This is true even though I would control the trust. So, some exceptions like for this situation would be beneficial.

Outside of this specific scenario, I believe having non-owners invest in and benefit from law firm ownership could be good and bad. For example, even if the attorney was required to be in control, I believe it would consolidate many firms into bigger unyielding firms which are purely profit centric rather than client centric. That would not be good. The benefit would be the ability of individuals to leave large firms by taking an investor to create a small or solo practice thus providing more affordable access. That would be good.

A final thought, my observation is that there seems to be a LOT of attorneys. I do not see or feel that there is a shortage of attorneys. The issue is affordability.

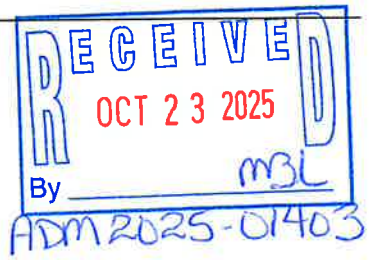
Thanks,
Michael T. Kuebler, Esq.
Kuebler and Associates, PLLC
6223 Airpark Drive, STE 105
Chattanooga, TN 37421
O: 423-285-6434
C: 423-595-1669
F: 423-206-9940
D: 423-206-9943
www.kafirm.law

The Law Office of Olivia Wann & Associates, PLLC

Olivia Wann
olivia@oliviawann.com

Andrea Craig
andrea@oliviawann.com

406 Church Street
Dover, TN 37058
P: (931) 232-4529
F: (931) 919-1314
www.oliviawann.com



October 20, 2025

The Honorable Justices
Administrative Office of the Courts
511 Union Street, Suite 600
Nashville, Tennessee 37219

Dear Honorable Justices of the Supreme Court of Tennessee,

I am writing to respectfully submit my public comment regarding the proposed alternative pathways to admission to the bar under the jurisdiction of the Tennessee Supreme Court. I appreciate the Court's efforts to explore innovative approaches to legal licensure; however, I must express my opposition to the implementation of these alternative pathways.

I have concerns about maintaining the integrity of the legal profession and ensuring consistent standards of competency. With that said, I believe indigent representation could be handled by non-licensed paraprofessionals in criminal matters with the exception of trial (i.e., bond hearings, plea, negotiations, etc.)

While I understand the intent behind these proposals, I believe that the current system of bar admission provides a rigorous and equitable process that ensures all admitted attorneys meet the high standards required to serve the public effectively.

I respectfully urge the Court to reconsider the adoption of these alternative pathways and to prioritize maintaining the integrity and uniformity of the bar admission process in Tennessee.

Thank you for considering my comments on this important matter. Please do not hesitate to contact me if further clarification or discussion is needed.

Sincerely,

Olivia Wann

Kim Meador

From: scott@scottdhallesq.com
Sent: Thursday, September 18, 2025 6:58 PM
To: appellatecourtclerk
Subject: Regulatory Reform No. ADM2025-01403

ADM2025-01403

1. Lowering barriers to entry into the profession results in lowering the standards for being a lawyer. Being a lawyer is difficult, event after 30+ years of practice and after attending a 3-year Law Curriculum at the finest law school in the Nation. Lowering barriers means lowering the quality of service.

Any lawyer should be embarrassed to suggestion such course of action. We have lost site of reality if we choose to lower our standards in Tennessee. Such would be a disservice to the community, including the legal community. Lowering the standards is rather despicable, especially considering the lofty ideals and standards the Supreme Court spews about the State when issuing its opinions on Disciplinary matters and at speaking engagements.

2. Ensuring availability of affordable legal services in the state while ensuring the competency of attorneys and safeguarding the public will be a complete failure when the Tennessee Supreme Court attempts "lower barriers to entry." Ease of entry into the "lawyer" profession means lowering the standards of service. If it means less to become a Tennessee attorney, then the Supreme Court will create less service, less professionalism, and less competency.

I'm honored to be an attorney, but the job is not for the faint of mind nor heart. It takes hard work to remain in private practice, and the challenges are faced daily for private practice attorneys. We cannot rely on a government check each week or every two (2) weeks. To maintain a functional law firm, attorneys must be the marketers, sales persons, psychologists, production workers, and then answer to the Supreme Court when the crazy client makes some unfounded disciplinary claim because the client didn't deserve any more than awarded at trial. Then the attorney goes without payment unless the attorney then assumes the role of collection agent (because the attorney is not on the government dole and has to earn money by serving clients).

Lowering barriers will result in more unsuspecting and unknowing clients losing their life, child, life savings, everything they had, etc., etc., etc., because the Supreme Court wanted to reduce attorney fees across Tennessee. Reduce fees and/or the

opportunity for the attorney to earn a living will reduce the number of qualified attorneys. Maybe it already too easy to be a Tennessee lawyer?

3. I'm not an ABA fan nor a "follow whatever the Northeast liberals decide to do" fellow, but there should be standards. Follow the ABA accreditation and/or create the Tennessee accreditation, but don't lower standards nor eliminate standards. "Standards" is what it means to be a lawyer.

Why not cause Tennessee to be the standard bearer. While Illinois and Massachusetts lower standards, Tennessee has the opportunity to maintain the legal tradition of a higher standard? How about higher "barriers"? I'm proud of my alma mater when I see that the LSAT scores and undergraduate GPA's surpass those of other law schools. Why would you want otherwise?

You get what you accept, and if you've been wearing a robe long enough to believe the high ground is lower standards, lower pragmatic barriers, and lower qualified attorneys in Tennessee, its about time to retire from the Supreme Court. As Jeff Foxworthy might say, "here's your sign."

4. "Alternative pathways for admission to the bar" equates to lower standards and lower quality legal representation. The Supreme Court should strive for a higher, more lofty ideals. What are you really looking for? Ask yourself that and be true to yourself.

5. **"Admission for those licensed in other states" has been a given for years in Tennessee. The Supreme Court has failed to police and/or enforce this admission standard. Attorneys moving from States that require every licensee to take the Bar Exam are admitted freely in Tennessee under the guise of "reciprocity."**

For many years, Florida has required the taking of the Florida Bar Exam by every attorney applying for licensing in Florida (i.e., no reciprocity), yet the Tennessee Supreme Court allows admission for applicants from Florida without taking the Tennessee Bar Exam. The Supreme Court has failed to honor their respective Oath by allowing "those licensed in other states" to receive a Tennessee license without more than a mere application. I worked hard (I believe) for my Tennessee law license and I'm extremely proud of my Tennessee Law License, but the Tennessee Supreme Court (or whomever polices this licensing method) has watered-down my Tennessee Law License for many years by ignoring the "reciprocity" standard.

6. If you really desire to destroy the legal profession, then allow non-lawyer ownership of law firms or fee sharing with non-lawyers. At this point I'm assuming that the Supreme Court sent this survey as a method for bolstering support for denying the suggestions made in the query.

Bring on the Charlatans. Non-lawyer ownership of law firms sounds disgraceful.

7. Replace lawyers with paraprofessionals? Let's have one seat on the Supreme Court for a paraprofessional. Enough said.

Scott D. Hall (BPR # 014874)
374 Forks of the River Parkway
Sevierville, Tennessee 37862
(865) 428-9900
scott@scottdhallesq.com
www.scottdhallesq.com

Kim Meador

From: Morgan Valentine <morganvalentine@gmail.com>
Sent: Thursday, September 18, 2025 6:37 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01403

Re: Public Comment on Proposals to Permit Non-Lawyer Ownership of Law Practices and Lowering Bar Admission Standards (Docket No. ADM2025-01403)

Dear Honorable Justices,

I write to respectfully oppose the proposals to allow non-lawyer ownership of law practices and to lower the requirements for admission to the bar in Tennessee. While I understand the stated intent may be to increase access to justice, I believe these changes will, in practice, diminish the quality, independence, and integrity of our legal profession and ultimately erode public trust in the justice system.

1. Risks of Non-Lawyer Ownership
Opening the door to non-lawyer ownership invites outside business and technology interests to prioritize profit over professional duty. We have seen the harmful consequences of this in the medical field, where corporate interests often dictate care, driving up costs while eroding the doctor-patient relationship. The attorney-client relationship, grounded in strict fiduciary duty, must not be subjected to the same pressures. A law practice's first and only loyalty should be to its clients, not to shareholders.

2. The False Promise of "Innovation"
Some argue that non-lawyer ownership will bring innovation—particularly from the technology sector. This is a misconception. Lawyers across Tennessee are already integrating new tools, including artificial intelligence, to serve their clients more effectively. Paralegals, legal assistants, and other non-lawyer professionals already collaborate closely with attorneys to realize productivity gains. The real effect of shifting ownership outside the profession is not to create new innovation but to divert the financial benefits of these efficiencies away from clients and attorneys, and into the hands of business owners and investors. Instead of consumers enjoying lower costs through reduced billable hours, those savings will be captured as profits for corporations.

3. Economic Harm to the Profession and the Public
Law is one of the last professions where individuals can still make a stable and respectable living without requiring generational wealth or years of residency training. Allowing corporate ownership will siphon earnings out of Tennessee attorneys' hands and into the accounts of outside investors. This threatens to push talented lawyers out of the state and reduce the availability of high-quality, committed practitioners. Citizens will suffer when the best attorneys leave for jurisdictions that protect their independence.

4. Lowering Standards Endangers Quality of Representation
Tennessee already has multiple pathways and affordable law schools for aspiring lawyers. Lowering the bar to entry will not meaningfully expand access but will reduce the quality of representation citizens receive. The law is complex, and Tennesseans deserve competent, rigorously trained advocates. Diluting professional standards risks turning the practice of law into a commodity, further undermining trust in our courts and attorneys.

5. Public Confidence at Stake
Faith in the legal system rests on the public's perception that lawyers are highly trained professionals who act with intelligence, integrity, and independence. If law firms become another profit center for corporate interests—or if bar standards are weakened—citizens will rightly question whether their attorneys are serving them or their investors. Public confidence, once eroded, is difficult to rebuild.

For these reasons, I strongly urge the Court to reject these proposals. Instead, efforts to increase access to justice should focus on strengthening legal aid programs, supporting pro bono initiatives, and leveraging technology in ways that keep lawyers—not corporations—in control of legal practice.

Thank you for your careful consideration of this matter. Protecting the independence, competence, and trustworthiness of the legal profession is essential to protecting the rights of every Tennessean.

Respectfully submitted,

Morgan Valentine,

Concerned Citizen

Kim Meador

From: Greta Locklear <gretalocklear@yahoo.com>
Sent: Friday, September 19, 2025 12:30 PM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

Warning: Unusual sender <gretalocklear@yahoo.com>
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How about doing away with the privilege tax? We definitely do not need to reduce the educational requirements for lawyers. If you expect lawyers to charge less perhaps law school should cost less. I am primarily a child welfare attorney and make very little money on court appointed cases and I feel like we should get free continuing legal education and that our student loans should be marked paid in full after so many years practicing child welfare law at such a low rate.

Thank you.
Greta Locklear

Sent from Yahoo Mail for iPhone

Kim Meador

From: Terry Cox <terrycox@coxelderlaw.com>
Sent: Friday, September 19, 2025 9:35 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

Thank you for allowing me to comment. The objective articulated in the order is laudable. I have long believed that the way to accomplish this goal is not by flooding the marketplace with more lawyers.

The goal can be accomplished by adopting a program of limited licensure. Our profession should self-restrict the areas of law in which one may practice. Far too many lawyers handle matters for which they are not sufficiently educated or experienced.

We should follow the historical model observed by physicians in which one may only practice within the narrow discipline for which one is certified.

Adopting limited licensure would keep every practitioner in his or her own "lane." The quality of practice in every legal discipline would improve and services would be delivered more efficiently and competently.

Disadvantaged persons will not receive more and better legal care if there are simply more lawyers holding licenses. Disadvantaged persons will receive more and better legal care if a segment of the legal practitioner community is licensed to practice in disciplines peculiar to the needs of this group of consumers.

Terry Cox

--
Sincerely,

Terry C. Cox
Attorney
149 South Rowlett
Collierville, Tennessee 38017
901-853-3500
901-853-3525 (fax)

Kim Meador

From: Lillian Burke <lpburke@peerlessmail.net>
Sent: Saturday, September 20, 2025 9:32 PM
To: appellatecourtclerk
Cc: Lillian Burke peer
Subject: Re: Docket # ADM2025-01403

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

No. ADM2025-01403

Mr. Hivner,

I am writing to comment on the proposal that TN should not require ABA certification for the practice of law.

I am a physician, now retired from practice, but am interested in supporting the rights of certain patients and physicians. As a retired person, it would be difficult for me to enroll in a full time program; therefore, I enrolled in Purdue Global law school.

Graduates can sit for the bar in California and in other states under various arrangements. In California, the Purdue passage rate is comparable to many ABA approved schools, though not as high as Harvard or Stanford. Last year, for the first time, Indiana allowed graduates to take the bar and all five passed. At least one graduate has practiced before the US Supreme Court, there are several who are judges and others who have made a good career for themselves.

In my law school cohort, there are several physicians and other medical professionals, including me, a retired OB GYN MD, and a well-published Neurosurgeon who is on the faculty of the leading institution. Most of the students are mid-career professionals. For all of us, it would be very difficult to attend class during the day. We have discussed that the educational quality is high.

Many students seem to come from rural areas and have families, which would make law school impossible. These students are more likely to practice in rural areas and provide good service.

We have classes every week with a lot of interaction- the maximum class size is usually about 30 and there is a lot of discussion, so our professors do get to know us well. We have access to the full academic library as well as Westlaw. It seems that they do deal with problematic students as they either moderate their conduct or disappear. Of course, these details are private. They have a relatively open admission policy but a lot of people do not make it more than 1-2 semesters. I don't think it is like predatory law schools as the total cost (4 year program) is about $54K, so it is also a lot less expensive. At my age, it would not be reasonable for me to spend $180K for legal education.

Purdue is not ABA accredited. The main sticking point is that there are no in person classes. In this day and age, it is not clear how that matters.

For these reasons, I believe that Purdue graduates should be allowed to sit for the bar in Tennessee.

That said, there is value to having an oversight professional group that sets standards. I do know that Purdue has worked actively with them. These groups are similar to those that certify hospitals, physicians, and surgeons, and I have personally seen how this improves care- though of course it can be stressful also.

I do believe that formal training is important. One can "pick up" quite a bit by working in the field, but there are some basics that everyone needs to know. Some of this education will only be needed in rare circumstances, but if you let in a lot of people with informal training, there will be risks of diluting the professional qualifications of those who serve as lawyers. Allowing people to train at a fully online school such as Purdue, would allow people to work as paralegals and still get the needed education. We have several paralegals in our class and they do benefit from the additional training.

Please take these observations into consideration as you consider options for opening the bar to additional types of training.

Feel free to contact me if I can be of further assistance to you.

Lillian Burke, MD
6521 Marina Dr.
Prospect, KY 40059
252 258 6978
LpBurke@peerlessmail.net

Kim Meador

From: Russell Fowler <rfowler@laet.org>
Sent: Sunday, September 21, 2025 8:15 AM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01403

First, thank you for considering my views on these important issues. Please note that in addition to practicing law since 1987, I regularly recruit, hire, and train new lawyers and I teach pre-law students at the University of Tennessee at Chattanooga (UTC). And, some of these issues touch on access to justice by low-income and rural Tennesseans and I have been in management of a Tennessee legal aid program serving 26 Tennessee counties since 1997.

(1) Modify, reduce or eliminate reliance on American Bar Association (ABA) accreditation in setting minimum educational requirements for lawyers.

Tennessee should only end reliance on the ABA *if the ABA lowers or relaxes its standards*. In general, the educational quality of new lawyers has been in decline and we should do nothing to exacerbate that problem. For example, I have heard suggestions of reducing law school from three to two years. I believe that would do massive damage to the profession and to the public interest. I believe in more requirements not less. For example, we need to return to law schools requiring a course on equity and, to build respect for the profession, add legal history to the curriculum.

(2) Consider alternatives to ABA accreditation.

Only if the alternatives are *more* rigorous not less. New lawyer quality is already in decline as stated.

(3) Consider adopting alternative pathways for admission to the bar.

No. New pathways imply easier access to bar admission. We do not need to lower standards. We need to focus on higher quality of lawyers not higher quantity. Too many lawyers drives down quality and ethical standards and endangers the public. We do need to find ways to attract more lawyers to rural areas, but driving up the number of lawyers in general is not the way. Rural Tennesseans need more good lawyers not a lot of bad lawyers. And low-income Tennesseans need more good lawyers volunteering to help them, not more desperate lawyers ignoring or taking advantage of them.

(4) Consider modifying requirements for admission for those licensed in other states

No. I believe Tennessee's requirements are fair and logical, except the process is sometimes way too slow.

(5) Modify, reduce or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.

No. The practice of law is much more than a trade or business. In fact, as President Coolidge said, the law is "the highest of the professions." We should do nothing to undermine that great calling to public service and the furtherance of justice. Some things are more important than financial efficiency.

Again, thank you for considering my comments.

Respectfully submitted:

Russell Fowler
Director of Litigation and Advocacy / Managing Attorney
Legal Aid of East Tennessee
100 W. Martin Luther King Blvd., Suite 402
Chattanooga, TN 37402
Phone: 423-402-4764 / Toll Free: 800-572-7457 / Fax: 423-265-4164
www.laet.org

Kim Meador

From: The Migrant Alliance <themigrantalliance@gmail.com>
Sent: Tuesday, September 23, 2025 7:23 PM
To: appellatecourtclerk
Cc: service@americanbar.org
Subject: Public Comment – Review of ABA Accreditation Requirement for Bar Admission in Tennessee

Tennessee Supreme Court
Attn: Clerk of the Appellate Courts
401 7th Avenue North
Nashville, TN 37219-1407

Date: September 23, 2025,

Re: Public Comment – Review of ABA Accreditation Requirement for Bar Admission in Tennessee

Dear Honorable Justices of the Tennessee Supreme Court,

I am writing to express my support for Tennessee's consideration of alternatives to the requirement that bar applicants graduate from an American Bar Association (ABA)-accredited law school. As a Texas resident, single parent, civil rights advocate, and director of *The Migrant Alliance*, I applaud this Court for opening this critical conversation.

The ABA's current stranglehold on legal education not only promotes red tape and rigid bureaucracy, but it functions as a **gatekeeper that favors privileged applicants** while excluding countless talented individuals from low-income, minority, and working-class backgrounds. Law schools accredited by the ABA often leave students burdened with upwards of $150,000 in debt—an unconscionable barrier that deters qualified and committed individuals from entering the legal profession, particularly those seeking to serve underserved communities.

As a 44-year-old working professional and single parent, I have found it nearly impossible to participate in the traditional ABA-dominated legal education system. In response, I have decided to enroll in **Northwestern California University School of Law (NWCUSLAW)**—a fully online, California-accredited law school—which will qualify me to sit for the California Bar Exam. My intent is to practice immigration law, a federal practice area that allows lawyers admitted in one state to serve clients across the country. Tennessee—and other states—must recognize that federal legal practice and modern realities demand more accessible pathways to licensure.

It is also essential to acknowledge the harm caused by current **Unauthorized Practice of Law (UPL)** restrictions. These rules often prevent trained non-attorney legal professionals from delivering affordable legal services, particularly in areas like immigration, small claims, housing, and consumer disputes. These UPL rules are not about protecting the public, but about protecting the **legal monopoly cartel** that has benefited from exclusive control for decades—at the expense of our most vulnerable communities. This violates both the **First and Fourteenth Amendments** by suppressing the rights of legal advocates and the people they serve.

With the rise of **artificial intelligence**, new forms of legal assistance, and digital tools, the traditional legal profession is evolving rapidly. The bar admission process must evolve with it. Tennessee can lead by adopting a **modern, inclusive framework** that promotes quality legal services without clinging to obsolete standards.

The ABA's model is no longer fit for the future—it is rigid, exclusionary, and increasingly disconnected from the realities of modern American life. I urge the Tennessee Supreme Court to stand with reformers and break away from this outdated mold. We need a system that values **access, affordability, innovation, and the constitutional right to work.**

Thank you for your time and thoughtful consideration.

Sincerely,
Augusto J. Martinez
Director, *The Migrant Alliance*
1505 George Dieter Dr, Ste 109 #590
El Paso, TX 79936
Tel. (818) 272-6336
themigrantalliance@gmail.com

Augusto J Martinez, Director
The Migrant Alliance
1505 George Dieter Dr
El Paso TX 79936
Tel. 818-272-6336
themigrantalliance@gmail.com

Kim Meador

From: Mary Lambert <ShellsWorkBook@outlook.com>
Sent: Friday, September 26, 2025 11:11 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

ADM2025-01403

To whom it may concern:

I hope this message finds you well. I am writing to bring to your attention several ethical concerns regarding my recent custody case against the department of children services and the treatment I received as an indigent client with an ADA-accommodated diagnosis.

Throughout the proceedings, I was appointed seven different attorneys, each of whom eventually withdrew from my case. This constant turnover severely impacted my ability to effectively communicate and participate in my defense, especially given my struggles with CPTSD.

Moreover, despite reaching out to the ADA association within my local court system, I did not receive any response, leaving me without crucial support. Additionally, the conduct of the state's attorney involved in the termination of parental rights case was troubling. The attorney made defamatory statements and manipulated facts, which I reported to the Board of Professional Responsibility. Unfortunately, my concerns were not addressed, as I was considered the defendant rather than the client.

Given these circumstances, I am deeply concerned about the self-regulation of lawyers in Tennessee and the potential for ethical standards to be compromised. I respectfully urge your office to look into these matters to ensure that all clients receive fair and ethical representation, regardless of their circumstances.

Thank you for your attention to this critical issue. I look forward to your response.

Sincerely,
Mary Lambert

Kim Meador

From: Matthew Ryan <mryan@rma-law.com>
Sent: Friday, September 26, 2025 11:59 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

I am against this proposed reform, especially the following:

"...States have started experimenting with regulatory reforms aimed at increasing the supply of legal services and thereby lowering their costs. These reforms include the limited licensing of paraprofessionals to provide certain legal services, allowing non-lawyer ownership of law firms, and providing alternative pathways to licensure other than a traditional three-year legal education and successful completion of the bar examination."

This is not only good for the legal profession, but also the general public that needs legal help. **Let's see this proposal for what it really is, an attempt for non-lawyers to practice law in our state for profit, not helping those in need of legal assistance.**

Sincerely,

Matthew

Matthew H. Ryan, Attorney at Law
ROCHELLE, McCULLOCH & AULDS, P.L.L.C.
Lebanon Office:
109 N. Castle Heights Ave.
Lebanon, TN 37087
Direct Phone: 615-443-8753
Fax: 615- 443-3846
Mt. Juliet Office:
2745 N. Mt. Juliet Road
Mt. Juliet, TN 37122
Phone: 615-443-8787
Email: mryan@rma-law.com
Web: www.rma-law.com

RMA
ATTORNEYS AT LAW
Rochelle, McCulloch & Aulds, PLLC

Kim Meador

From: Jake Perry <jperry@rma-law.com>
Sent: Friday, September 26, 2025 11:29 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

Good morning. In response to the State Supreme Court seeking comments on the regulation of the legal profession, I would like to submit the following comments on specific topics:

(3) consider adopting alternative pathways for admission to the bar

While there is much debate on whether law school and the bar exam adequately measure a person's ability to be an effective lawyer, law school and the bar examination do at least provide some level of objective standards to ensure that a person admitted to the bar has a basic understanding of law. For this reason, the law school and bar exam model should remain in effect.

In lieu of law school, some state permit an apprenticeship program. According to an August 10, 2022 article by the Indianapolis Bar Association, in those states that permit an apprenticeship program in lieu of law school (whether fully or partially) did not perform as well on the bar exam compared to the their traditional law school counterparts. As stated in the article:

> There are . . . disadvantages to law school apprenticeships, notably, the bar passage rates. In all four states with true apprenticeship programs, the bar passage rate is lower among those who studied law in an apprenticeship rather than in law school. However, the difference in bar passage rate varies by state. Recent bar passage rates for participants in California's Law Office Study Program were not available.
>
> - Vermont: In 2021, 50% of those who took the bar after studying through Vermont's Law Office Study Program passed. The passage rate for those who graduated from an ABA accredited law school was 56%. From 2017 to 2019, 54% of those who sat for the Vermont Bar after studying through the Law Office Study Program passed. The bar passage rate for law school graduates during the same time frame was 64%. There are currently 46 people enrolled in the Law Office Study Program. The program typically has about 10-15 new participants annually, though not all complete the program.
> - Virginia: From 2001 to 2019, the bar passage rate for those who studied in the Law Reader Program was 19% while the overall passage rate was 68%. During this same time frame, 22,817 people passed the Virginia Bar; 32 of them studied through the Law Reader Program.
> - Washington: 30.8% of bar takers who studied law though the Law Clerk Program passed the July 2021 bar; the passage rate for those with a J.D. from an ABA accredited law school was 80.3%. However, the disparity is less extreme when only considering first-time takers, 57.1% of Law Clerks passed the July 2021 bar on their first attempt, while 83.7% of graduates from ABA accredited schools passed.
>
> New York and Maine offer programs in which participants must complete some law school at ABA accredited institutions but may complete their legal studies with an apprenticeship. New York requires students to complete at least the first-year law school courses, and the combination of time in law school and time studying through an apprenticeship must total four years. Maine requires that a student complete at least 2/3 of the academic requirements for graduation from an ABA accredited law school and at least a year of study in a law office. In New York, 20% those sitting for the 2021 bar who utilized the Law Office Study Program passed. 75% of test takers from ABA accredited law schools passed, and

the overall passage rate was 60%. Bar passage rates of participants in Maine's legal apprenticeship program were unavailable.

See Apprenticeship Alternatives to Law School - Government Practice News, https://www.indybar.org/?pg=GovernmentPracticeNews&blAction=showEntry&blogEntry=79791 (Aug. 10. 2022), *accessed* Sept. 26, 2026.

These data samples from other states exemplify that apprenticeship-path students objectively did not perform as well on the bar exam. This could be due to other factors (e.g., these students are more likely to choose an apprenticeship because they feel they do not perform well in school settings and/or are not good test takers), but the fact remains that there must be some objective standard to test competency, and the bar exam is the best we have for that. So, while this commentor is not necessarily opposed to allowing an alternative path to law school, the bar exam must remain in place to safeguard the profession. Further, there is strong evidence not to permit alternative paths to the profession based upon data samples that apprenticeship students did not perform as well on the bar exam.

Rather than do away with the schooling or the bar exam, a focus on streamlining the amount of school required would be a better approach. Currently, an attorney is required to obtain a 4-year bachelor's degree and attend 3 years of law school for a combined seven years of school. While some schools have developed 3+3 programs, this approach also requires that the student attend said school for the entire duration of their college career. There are likely means to streamline this process further as much of an undergraduate degree does not prepare one for the practice of law.

(5) modify, reduce or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.

Permitting non-lawyers to have ownership rights in a law firm is dangerous and will quickly erode our profession. While such measures are often framed as innovations aimed at increasing access to justice or promoting efficiency, they pose a serious threat to the foundational principles of our profession and the profession itself.

The legal profession is not merely a business. It is a vocation grounded in fiduciary duty, confidentiality, loyalty, and an unwavering commitment to the administration of justice. Lawyers are bound by ethical obligations that often require them to act against their own financial interests in service of a client's rights or the integrity of the legal system. Introducing non-lawyer ownership risks subordinating these duties to commercial pressures and investor interests. Non-lawyers are not subject to the same ethical codes, disciplinary oversight, or duty of candor to the court. Their priorities (i.e., return on investment, market share, cost-cutting, et cetera) may directly conflict with the lawyer's duty to provide zealous and independent representation.

Further, permitting non-lawyers to have ownership stake in a law firm begs for large-scale commercialization of our profession and the erosion of a quality product. Large companies could operate at a loss/break even in an effort to drive out competition. As competition from traditional law firms decreases, the prices of these non-lawyer owned firms will increase, and the consumer suffer. For example, if Legal Zoom were able to hire a team of lawyers to edit and mass sell contract forms, wills, etc., you could see a mass extinction of certain practice areas.

I urge you to oppose any measure that permits non-lawyers to own, control, or influence law firms. The long-term consequences of such a policy will be felt not only by attorneys, but by every citizen who relies on the legal system to protect their rights, resolve disputes, and uphold the rule of law.

Jacob L. Perry, Attorney
Rochelle, McCulloch & Aulds, PLLC
109 North Castle Heights Avenue
Lebanon, Tennessee 37087
Phone: 615-444-1433
Fax: 615-443-8775
E-mail: jperry@rma-law.com
Website: www.rma-law.com

RMA
ATTORNEYS AT LAW
Rochelle, McCulloch & Aulds, PLLC

Kim Meador

From: Cole, Daniel <DCole@chamblisslaw.com>
Sent: Friday, September 26, 2025 2:05 PM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

As a recent transplant from North Carolina and a patent lawyer these are my answers to the questions public comment was sought on:

1. The state should in no way modify, reduce, or eliminate reliance on the ABA for setting minimum educational requirements for lawyers. These requirements ensure that lawyers are competent – especially lawyers going into litigation in any form need to meet these standards. Lowering these standards would not increase affordability of competent legal services but only increase the number of incompetent lawyers in the state.

2. Neither should the state consider any accreditation services other than the ABA – doing so would only have the same affect as 1 above.

3. I also do not support alternative pathways for admission to the bar. The bar exam, even the newer multistate version, does not test nearly all the skills required for a lawyer. Going to a competent law school though accredited by the ABA still though does teach them. Critically the method of thinking lawyers must adopt to ethically do what we do. Coming from science, and working in higher education before going to law school I can say this is a method of thought not used by either of these professions. I expect it is a very particular mode of thought not used by any other profession. It is however required.

4. I have a unique perspective on this as I just entered in April of this year. I found the process lengthy, expensive, and confusing. Largely however I understand the need for it. Though I think having to send to Tennessee all of the information I sent to the NC bar and UNC law again was a bit much – certainly proving I have worked for the five years required and sending notices of good standing and any disbarment or compliant information I have was completely understandable and should not be changed.

5. I am of mixed feelings on this question. While I do believe this might go along way to decreasing legal prices by increasing the number of independent lawyers (If I could find investment I might very well go independent), however I worry it would make the profession make legal decisions based on money even more than it does now. In North Carolina I had several bosses who made me write patents that both of us knew were extremely likely to fail rather than advising the clients not to waste their time and money. That the lawyer I work for now seeks to settle and attempts to convince clients and opposing counsel to do so when it is in everyone's best interest but they might rather fight, as opposed on ginning up conflict to ring up large bills, amazed me. I would want to make sure this kind of behavior continues and is encouraged.

On the other more general questions I expect (given what I am learning about the politics of Tennessee) you are not going to like my answers. I do not think there is a less costly alternative to the traditional three-year law school curriculum – maybe apprenticeship but that would likely again only give a very specific workman like knowledge of the law and not the overall understanding that law school gives. I think this would be a mistake. North Carolina has a law school at UNC that is publicly funded as UNC is publicly funded. Tennessee has seems to have two – one associated with the University of Tennessee and one associated with the University of Nashville. This is great! Expanding the support of these institutions and increasing the number of attending students who choose to stay in Tennessee would likely go a long way to increasing the local law supply and thus decrease costs. For rural areas increasing tele-support may help – but I expect a lot of people will still want to meet with lawyers in person so the lack of business in these smaller communities will continue to be a problem.

As for legal services that can be performed by paraprofessionals ... honestly knowing what I know about complications and traps for the unwary that litter law I wouldn't even want a paralegal to write a simple will for a single person who wants to leave everything they have to a single charity. Maybe simple traffic court cases – first time speeding tickets? Cases where someone is pleading guilty maybe a lawyer doesn't need to be present when they agree to the guilty verdict? (should still certainly be able to argue mitigating factors verbally in court). I may be very wrong here though as I practice no criminal law and took only the most basic crim law class in law school.

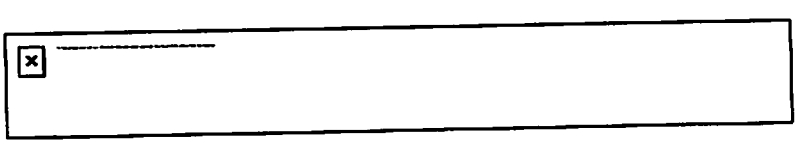
For both criminal and civil law in Tennessee increased support to indigent defense and increased support for legal aid is likely the best option to increase access to justice.

Hope the above is helpful thank you for collecting opinions.

Daniel Cole
Registered Patent Attorney

Chambliss, Bahner & Stophel, P.C.
Liberty Tower
605 Chestnut Street, Suite 1700
Chattanooga, TN 37450

P (423) 757-0261
F (423) 508-1261
dcole@chamblisslaw.com | www.chamblisslaw.com



Kim Meador

From: Brendan Hernandez <brendan.hernandez@proton.me>
Sent: Friday, September 26, 2025 2:50 PM
To: appellatecourtclerk
Cc: brendan.hernandez@proton.me
Subject: Comments: No. ADM2025-01403

Comments: No. ADM2025-01403
To: Tennessee Supreme Court

Very often when a state Supreme Court asks for comments, it usually places more heavy weight on the written comments made by law school Deans and large legal professional associations. My hope is that the Tennessee Supreme Court places greater weight on comments from individuals, who are aspiring lawyers, who actually experience the awful drawbacks inflicted on us by the American Bar Association (ABA).

To keep my written comments succinct, I believe the Texas Supreme Court should immediately implement the following:

1. The Texas Supreme Court should totally ban the involvement of the ABA in any aspect of 'accreditation' of laws schools in the state. The ABA has become a cartel which primarily focuses on decreasing the quantity of lawyers in the state, to economic benefit those who currently practice law in the state. Simply put, the less lawyers in the state, the more the existing lawyers get paid. It's gross, unjust, and should be seen for what it is.

2. Multiple alternative pathways should be created by the Texas Supreme Court for the practice of law in the state. This should include abolishing the 'bar exam' (of which the ABA has massive influence) in place of practice oriented approach, and providing strong recognition for law school legal education in itself. Currently, law students take over 25 separate exams during their law school. This is more than enough testing to ensure that a candidate to practice law understands basic concepts of law.

3. As referenced above, the Tennessee Supreme Court should totally abolish the bar exam, in favor of multiple pathways to practice law in the state without the requirement to take a bar exam. The bar exam has proven to be a lousy impediment to bringing high quality lawyers into the professional. Great 'exam takers' do not equate to great lawyers - great lawyers are those that have a passion for law, their clients, and justice.

4. The Texas Supreme Court should allow foreign law graduates (particularly those from common law jurisdictions) to participate in any alternative pathway(s) that are created for the practice of law in the state. If a foreign law graduate holds an LLM from a reputable U.S. law school (whether gained online or in-person), they should be eligible to participate in the state alternative pathways to practice law.

My hope is that the Tennessee Supreme Court thinks about the individuals that the ABA continues to hurt. The ABA is a Washington DC based organization that cares only about its funding and its own left-leaning political agendas. The organization clearly takes steps to indirectly curtail the practice of law by conservatives and Republicans.

Many of these individuals are those who do not have the time or focus to even write comments to the Supreme Court on this matter. However, I can vouch for their deep concerns that the ABA has turned into a politically controlled association designed to keep new lawyers from entering the legal profession - not only in Tennessee, but across the nation.

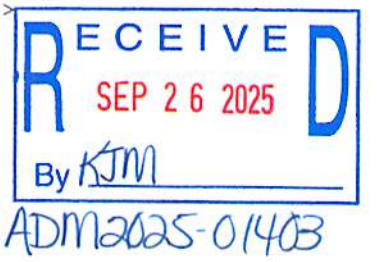
The leadership of the Court should be commended for its aggressive and timely concern about this issue, and my hope is that the Court takes immediate and aggressive reform actions to ensure that the ABA can no longer de facto control the legal profession in the United States.

Sincerely,

Brendan Hernandez

Kim Meador

From: Brendan Hernandez <brendan.hernandez@proton.me>
Sent: Friday, September 26, 2025 2:50 PM
To: appellatecourtclerk
Cc: brendan.hernandez@proton.me
Subject: Comments: No. ADM2025-01403



Comments: No. ADM2025-01403
To: Tennessee Supreme Court

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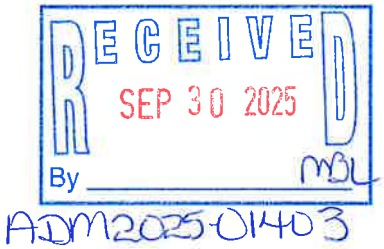
The leadership of the Court should be commended for its aggressive and timely concern about this issue, and my hope is that the Court takes immediate and aggressive reform actions to ensure that the ABA can no longer de facto control the legal profession in the United States.

Sincerely,

Brendan Hernandez

William T. Jackson, Jr.
1200 Broadway, Apt 2604
Nashville, TN 37209
wtjackson1979@gmail.com
224-387-9574



September 30, 2025

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

Re: Public Comment on the Regulation of the Legal Profession and Pathways to Admission to the Tennessee Bar – No. ADM2025-01403

Introduction

The Tennessee Supreme Court's review of professional regulation is both timely and essential to expanding access to justice across the state. I respectfully submit this comment as a law student currently in good standing at Purdue Global Law School, where I maintain a 3.2 GPA. I expect to graduate December 2026, and I plan on taking the bar exam immediately thereafter.

As a Tennessee resident, my personal goal upon graduation is to practice law in Tennessee and provide legal services to indigent, veteran, and immigrant populations. I have firsthand experience having helped a homeless Nashville resident get back on their feet and navigate the legal system in Davidson County. I attend Church of the City in Franklin and am well aware of the challenges facing single mothers, foster children and veterans in our community as a result of our local programs.

Because I already own a successful business, I am financially independent and uniquely positioned to provide services pro bono or at minimal cost to clients in need. However, under Tennessee's current rules, I am not eligible to sit for Tennessee's bar exam, as Purdue Global Law School is a fully online law school and is not currently eligible for accreditation by the American Bar Association. (I cannot even transfer in a UBE score from another jurisdiction, because Purdue Global Law School is not "based

on in-person attendance.") This says nothing about the quality of the legal education I am receiving or my qualifications to practice law in Tennessee.

ABA Accreditation and Minimum Educational Requirements

I encourage the Court to reconsider its exclusive reliance on ABA accreditation as its criteria for bar exam eligibility. (Tennessee's rules contain a narrow exception for graduates of certain "Tennessee law schools," but this would not apply to me or numerous other graduates of an online law school like Purdue Global.) While the ABA's role in legal education is important, it should not be the sole measure of competency. Programs such as Purdue Global Law School provide rigorous training at significantly lower cost than many ABA institutions.

Restricting admission to ABA graduates excludes qualified, service-driven individuals who are committed to filling Tennessee's justice gap. Allowing graduates of state-accredited programs like Purdue Global to sit for the Tennessee Bar would expand the pool of attorneys prepared to serve the public.

Alternatives to ABA Accreditation

The Court could recognize several alternatives that balance accessibility with quality:

- **State-Accredited Law Schools**: Acceptance of graduates from state-accredited schools such as Purdue Global, which is accredited in California and approved for the bar exam in Indiana and Connecticut, would expand opportunity without sacrificing rigor.
- **Tennessee-Specific Accreditation or Review**: Under TSC Rule 7 Tennessee already has an exception for certain instate schools that are not ABA accredited. In the interest of expanding access to legal services for all Tennessee citizens this exception should be expanded to include any legal education program that provides requisite training and facilitates passing the Tennessee bar exam.
- **Competency-Based Measures**: Applicants should be assessed by their demonstrated knowledge and skills rather than institutional accreditation alone. Oregon is one example of a state that has recently adopted a non-bar-exam pathway to licensure.

These reforms would ensure competence while allowing committed future lawyers like me to contribute to the profession in Tennessee.

Less Costly Alternatives to the Traditional Model

The three-year, ABA-accredited law school model often results in student debt exceeding $200,000, placing representation of modest means clients out of reach for many. The COVID-19 pandemic fundamentally reshaped higher education, including legal education. During the pandemic, nearly every law school in the United States—including those accredited by the ABA—shifted to online or hybrid instruction for extended periods. This experience suggests that in the right circumstances, rigorous, interactive legal education can be delivered effectively in a virtual environment.

Purdue Global Law School, unlike institutions that adopted online platforms out of necessity, has operated successfully in the online space for decades. Its pedagogy has matured to include structured live instruction, rigorous assessments, interactive discussions, and simulated practice experiences that prepare graduates for the profession.

Post-pandemic, the stigma once attached to online education has largely disappeared. Employers and regulators alike now recognize that quality education can be delivered virtually. Programs like Purdue Global provide accessibility and affordability for nontraditional students, including working professionals, parents, and individuals who might not otherwise have the opportunity to pursue law. These are often the very students most committed to returning to their communities to provide affordable legal services—precisely the populations Tennessee needs to reach in order to reduce its justice gap.

Admission of Attorneys Licensed in Other States

Mobility between jurisdictions is increasingly necessary in today's economy. I encourage the Court to consider reducing barriers for attorneys in good standing in other states to be admitted in Tennessee. If someone has obtained licensure in another state, that should provide a sufficient indicium of reliability to allow them to pursue licensure in Tennessee, even if they attended a non-ABA law school, and even if that law school was online. This reform would expand the pool of lawyers available to Tennesseans, particularly in underserved areas, and would further the Court's commitment to access and affordability.

Conclusion

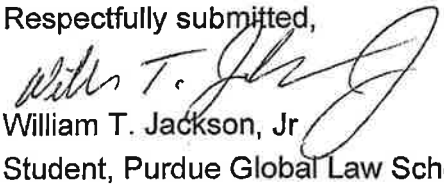
I have had as a personal goal to earn a JD degree and to practice law since I completed my career in the U.S. Air Force. I have become closely connected to Tennessee since moving here in 2020 and have seen up close the challenges that a significant portion of our citizenry faces in trying to navigate the legal system. Veterans, the indigent, foster children and families, and immigrants all struggle to access justice and this potential modification to credentialling standards in our state could go a long way toward helping the situation.

My request is simple and deeply personal: I ask the Court to recognize the education provided by Purdue Global Law School, and by extension, to allow graduates of state-accredited, non-ABA institutions to seek admission to the Tennessee Bar.

As a business owner with financial independence, I will not rely on law practice as my sole source of income. Instead, I intend to devote my career to providing affordable, and often pro bono, legal services to indigent, veteran, and immigrant Tennesseans.

By reforming bar eligibility standards, the Court would not only open the profession to individuals like me, but also directly advance its stated mission of ensuring affordable access to justice across the state.

Respectfully submitted,



William T. Jackson, Jr
Student, Purdue Global Law School

MaryBeth Lindsey

From: bill@pivotaltalentsearch.com
Sent: Tuesday, September 30, 2025 12:57 PM
To: appellatecourtclerk
Subject: DOCKET # ADM2025-01403 - PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION
Attachments: RESPONSE TO ORDER SOLICITING PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION.pdf

Warning: Unusual sender
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good afternoon,
Please see attached for my response to the request for comments.

Regards,

Bill Jackson
Chief Operating Officer | **Pivotal Talent Search**
224.387.9574| bill@pivotaltalentsearch.com

Tennessee Supreme Court

Public Comment on Regulatory Reform of the Legal Profession
Docket No. ADM2025-01403

Submitted by:
Curtis S. Berkley
3958 Gordon Smith Rd.
Knoxville, TN 37938
(865)803-3423
cberkley@wintn.com

October 01, 2025

Executive Summary

Core Recommendation
Adopt an alternative pathway to full bar admission based on:

1. Foundational Legal Education – completion of a core curriculum in basic legal principles (Constitutional law, contracts, torts, criminal law, civil procedure, and ethics) through state-approved programs, apprenticeships, or distance learning.

2. First-Year Competency Examination ("Baby Bar") – demonstration of mastery of fundamentals prior to supervised practice.

3. Supervised Practice – two years under the direction of a licensed Tennessee attorney or judge, with reporting and oversight.

4. Portfolio Review – submission of work products for evaluation by the Board of Law Examiners to confirm competence, ethics, and character.

Positions on Specific Issues
• ABA Accreditation: Oppose exclusive reliance. Approve multiple educational avenues so long as core principles are taught.
• Admission of Attorneys from Other States: Oppose. Reciprocity will not increase service to the indigent or underrepresented.
• Non-Lawyer Ownership / Fee Sharing: Oppose. Such measures would primarily advance corporate interests, not access to justice.
• Paraprofessional Licensure: Oppose. One is either a lawyer or is not; partial licensure creates inequity and public confusion.
• Less-Costly Alternatives: Strongly support via the proposed core curriculum + Baby Bar + supervised practice + portfolio model.

Conclusion
Tennessee should modernize its regulatory framework to expand opportunity without diluting standards. The proposed pathway ensures a sound educational foundation, verified knowledge,

extensive supervised training, and competency-based evaluation—without requiring three years of law school or a single high-stakes exam.

Respectfully submitted,
Curtis S. Berkley

Curtis S. Berkley
3958 Gordon Smith Rd.
Knoxville, TN 37938
(865)803-3423
cberkley@wintn.com

October 01, 2025

Clerk James Hivner
Re: Regulatory Reform, Docket No. ADM2025-01403
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219
Email: appellatecourtclerk@tncourts.gov

Re: Public Comment on Regulatory Reform of the Legal Profession
Docket No. ADM2025-01403

Dear Clerk Hivner and Honorable Justices:

I respectfully submit this comment in response to the Court's September 16, 2025 Order (Docket No. ADM2025-01403) inviting public input on reforms to the regulation of the legal profession.

I am a fifty-two year old, one hundred percent disabled veteran and small business owner. From a young age, I aspired to the practice of law, but military service and life circumstances led me in a different direction. Today, as I seek ways to serve my community—especially fellow veterans who are among the most vulnerable and least represented—the existing system of legal education and licensure is simply inaccessible. Three years of full-time law school without income, followed by months devoted exclusively to preparing for the bar exam, is not possible for Tennesseans like me.

The current barriers exclude many qualified, motivated individuals who could competently and honorably serve the people of this state. I therefore write in strong support of meaningful reform, and in opposition to reforms that, in my judgment, would dilute the profession or misdirect its focus.

1. Core Curriculum, Baby Bar, Supervised Practice, and Portfolio Review

I propose the following pathway as an alternative to the traditional law school route:

1. **Foundational Legal Education:** All candidates should complete a core curriculum in fundamental subjects—constitutional law, contracts, torts, criminal law, civil procedure,

and ethics. This education may be delivered through state-approved programs, distance learning, apprenticeships, or non-traditional institutions.
2. **First-Year Competency Examination ("Baby Bar"):** Passage of a Baby Bar would confirm mastery of foundational principles before practice begins.
3. **Supervised Practice:** Candidates would then complete two years of structured, supervised practice under an experienced Tennessee attorney or judge, subject to reporting and oversight.
4. **Portfolio Evaluation:** At the conclusion of supervised practice, candidates would submit a portfolio of legal work—motions, pleadings, client communications, ethical analyses—for review by the Board of Law Examiners. Admission to the Tennessee Bar would be based on demonstrated knowledge, skills, character, and integrity.

This pathway preserves rigorous standards while removing unnecessary financial and structural barriers. It ensures an educational foundation, verifies knowledge, provides extensive supervised training, and evaluates competency through demonstrated legal work.

2. Opposition to Admission of Attorneys from Other States

I oppose relaxing admission standards for attorneys licensed elsewhere. If Tennessee lawyers often decline to serve the indigent and underrepresented, there is little reason to believe that lawyers from outside the state would voluntarily fill that gap. Reciprocity does not solve the access-to-justice crisis within Tennessee, and it risks diverting opportunities away from Tennessee residents who are committed to serving their own communities.

3. Opposition to Non-Lawyer Ownership and Fee-Sharing

I also oppose non-lawyer ownership of firms or fee-sharing arrangements. Such reforms will inevitably attract corporate enterprises motivated primarily by profit, not by public service. They would generate more corporate-style lawyering while doing little, if anything, to address unmet needs among indigent or underrepresented Tennesseans.

4. Opposition to Paraprofessional Licensure

Finally, I oppose creating paraprofessional or "limited" lawyer categories. The public deserves clarity and equity: one is either a lawyer, fully authorized and accountable, or one is not. A two-tier system risks public confusion, inequities in representation, and potential abuses. The solution lies not in creating partial lawyers, but in broadening genuine pathways to full licensure for those willing to serve.

Conclusion

The Court's initiative presents an opportunity to modernize the profession in a way that expands opportunity without sacrificing competency or integrity. By adopting a pathway based on core legal education, a Baby Bar, supervised practice, and portfolio evaluation, Tennessee can prepare attorneys who are fully competent and deeply committed to service, while rejecting measures that would dilute the profession or misdirect reform efforts.

Respectfully submitted,
Curtis S. Berkley

MaryBeth Lindsey

From: Curtis Berkley <CBerkley@wintn.com>
Sent: Wednesday, October 1, 2025 11:26 AM
To: appellatecourtclerk
Subject: Regulatory Reform, Docket No. ADM2025-01403
Attachments: Tennessee Supreme Court.pdf

Dear Clerk Hivner,

Attached please find my public comment in response to the Tennessee Supreme Court's September 16, 2025 Order (Docket No. ADM2025-01403) regarding regulation of the legal profession. I appreciate the Court's initiative in seeking public input and respectfully submit my recommendations for consideration.

A formal letter of the same will follow this email.

Thank you for your attention to this matter.

Respectfully,
Curtis S. Berkley
3958 Gordon Smith Rd.
Knoxville, TN 37938
(865)803-3423
cberkley@wintn.com

MaryBeth Lindsey

From: eric@sitlerlaw.com
Sent: Wednesday, October 1, 2025 6:00 PM
To: appellatecourtclerk
Cc: Johnny C. Garrett; rep.william.lamberth@capitol.tn.gov
Subject: Re: Public Comments on Regulatory Reform (ADM2025-01403)

To: James Hivner, Clerk
Tennessee Supreme Court

Re: Public Comments on Regulatory Reform (ADM2025-01403)

Dear Clerk Hivner and Honorable Justices of the Tennessee Supreme Court:

I submit this comment in response to the Court's Order dated September 16, 2025, soliciting feedback on potential regulatory reforms designed to expand access to justice while maintaining the integrity of the legal profession. After careful consideration, I write in **support** of reforms numbered **1, 5, and 7**, and in **opposition** to reforms numbered **2, 3, 4, and 6**.

I am in support of:

1. Reducing Reliance on ABA Accreditation

The Court should modify its reliance on ABA accreditation as the exclusive measure of a law school's adequacy. While accreditation serves as a quality benchmark, it is also costly and slow to adapt to innovations in legal education. Tennessee's Board of Law Examiners is capable of establishing rigorous standards tailored to the needs of Tennesseans. This reform would expand opportunities for schools to innovate, reduce costs, and increase pathways for competent graduates without sacrificing quality.

5. Promoting Interstate Practice and Mobility

Encouraging greater reciprocity and easing barriers for attorneys licensed in other states will strengthen Tennessee's legal community. Interstate mobility benefits both lawyers and clients, particularly in border regions and underserved rural areas. It also ensures that Tennessee remains competitive and welcoming to legal professionals, thereby expanding access to legal services statewide.

7. Reevaluating Non-Lawyer Ownership of Law Firms

Carefully reducing restrictions on non-lawyer ownership and fee sharing has the potential to foster innovation and expand resources for client services. Outside investment could lower costs, increase technological development, and improve service delivery, especially for middle- and low-income Tennesseans. With proper safeguards to preserve attorney independence and client confidentiality, this reform could meaningfully address the justice gap.

I am in opposition of:

2. Alternatives to ABA Accreditation

While I support reducing strict reliance on ABA accreditation (Issue 1), I oppose replacing it with untested or vague alternatives. Accreditation—whether ABA or state-approved—remains essential to protect the public from diploma mills or programs offering inadequate training. Without a structured, vetted system, the risk of underprepared attorneys harming clients is too great.

3. Less Costly Alternatives to Three-Year Law School

Although affordability is a critical concern, shortening or diluting the traditional curriculum undermines preparation for practice. The three-year program ensures that graduates gain the analytical, procedural, and ethical grounding necessary for competent practice. Cost concerns should be addressed through tuition reform, scholarships, and state-supported aid—not by lowering the quality or duration of legal education.

4. Alternative Pathways to Licensure (e.g., Apprenticeships or Legal Aid Service in Place of Exams/Education)

While experiential learning is valuable, substituting apprenticeships or limited service for formal education and examination risks producing practitioners unprepared for the wide-ranging demands of modern practice. Bar examinations and rigorous education remain vital for ensuring minimum competence across diverse areas of law. These pathways should supplement—not replace—the traditional requirements.

6. Expansion of Paraprofessional Roles

I oppose transferring core legal functions to paraprofessionals. While well-intentioned, this creates a two-tiered system of justice where low-income clients may be relegated to second-class representation. The practice of law requires not only technical knowledge but also ethical judgment and accountability under professional rules. Paraprofessional licensing could dilute public trust and lead to inconsistent outcomes for vulnerable clients.

In conclusion

I urge the Court to pursue reforms that **lower unnecessary barriers (Issues 1, 5, 7)** while preserving the rigorous standards that protect clients and ensure the competence of Tennessee attorneys (Issues 2, 3, 4, 6). Thoughtful reform should expand access without compromising the professionalism and integrity of the Bar.

Thank you for considering these comments.

Respectfully submitted,

Eric W. Sitler
Attorney at Law
PO Box 36
Hendersonville, TN 37077
(615) 824-3229

Kim Meador

From: eric@sitlerlaw.com
Sent: Wednesday, October 1, 2025 6:00 PM
To: appellatecourtclerk
Cc: Johnny C. Garrett; rep.william.lamberth@capitol.tn.gov
Subject: Re: Public Comments on Regulatory Reform (ADM2025-01403)

To: James Hivner, Clerk
Tennessee Supreme Court

Re: Public Comments on Regulatory Reform (ADM2025-01403)

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In conclusion
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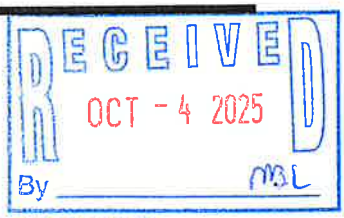
Thank you for considering these comments.

Respectfully submitted,

Eric W. Sitler
Attorney at Law
PO Box 36
Hendersonville, TN 37077
(615) 824-3229

MaryBeth Lindsey

From: Christopher Dee Jefferson <jeffe007@proton.me>
Sent: Saturday, October 4, 2025 2:07 AM
To: appellatecourtclerk
Subject: Subject line: Comment on Law School Accreditation Reform



ADM2025-01403

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I write as a licensed atty in Alabama to express my support that y'all eradicate the ABA from any reference in rules or application. As an organization they are useless and seek to only cause strife and cost increases in the legal system. I have been stopped in KY from being able to motion in without exam, even with reciprocating agreements, because I graduated from a non ABA school. Your state too requires me to go back to law school all over again even though I have been an atty in Alabama for almost 15 years if I wish to get a TN license. Even crazier is I am pro hac vice in TN since 2023 but due to your ABA rule, still not able to motion in without exam; yet I have practiced with other TN attys and beaten them in court. The system is broken and purposely exacerbated the costs that in the end hurt not only potential attys, but people like my clients. Enough is enough.

Chris Jefferson /CDJ
2567701175
26321 Jones Springs Dr.
Athens, Al 35613

Kim Meador

From: Ellen <isueforu@aol.com>
Sent: Tuesday, October 7, 2025 7:52 AM
To: appellatecourtclerk
Subject: ADM2025-01403

Warning: Unusual sender <isueforu@aol.com>

You don't usually receive emails from this address.
Make sure you trust this sender before taking any actions.

I am writing pursuant to an order soliciting comments. I am opposed to any action by the Supreme Court to reduce requirements for admission to the Bar. I believe such action will not serve the purpose it seeks to achieve, i.e. lower cost access to justice. I believe that such action will result in the targeted groups being taken advantage of and will also result in increased claims and complaints with the Board of Professional Responsibility.

"The court said the goal of the effort is to lower barriers to entry into the profession and ensure availability of affordable legal services in the state while ensuring the competency of attorneys and safeguarding the public." How on earth can this be implemented, achieved and policed? And at what cost? How will the quasi-lawyer's fees be set and policed? We should be elevating the legal profession, not the opposite.

Sincerely,
Ellen E. Fite, Esq.

Kim Meador

From: Gibson, John W, III <john.w.gibson@Vanderbilt.Edu>
Sent: Sunday, October 12, 2025 3:59 PM
To: appellatecourtclerk
Subject: Comment on ADM2025-01403

Dear Mr. Hivner,

I write as a law student at Vanderbilt and a current ABA student member. I support the Court's consideration of ending reliance on the ABA and exercising independent authority over professional standards.

As an aspiring legal professional, I've been discouraged by the ABA's increasingly political posture, especially its continued defiance of the U.S. Department of Justice and multiple state attorneys general, including Tennessee's, regarding its unlawful DEI-based discrimination. These actions undermine the ABA's credibility as a neutral steward of legal ethics and professional development.

I joined the ABA hoping for practical resources and a commitment to legal excellence. Instead, I've seen an organization more focused on ideological signaling than serving the needs of the legal profession. Tennessee has an opportunity to lead alongside states like Texas and Florida in developing an alternative framework that reflects constitutional values, respects state sovereignty, and restores trust in the rule of law.

Sincerely,

John Gibson
J.D. Candidate
Vanderbilt University
336-500-7627 | john.w.gibson@vanderbilt.edu