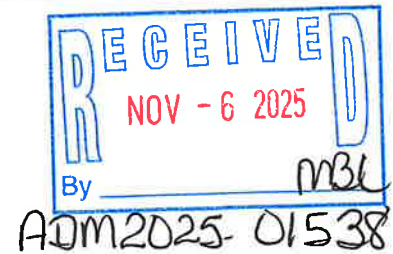


MaryBeth Lindsey

From: Kerr Law <kerrlawtn@gmail.com>
Sent: Thursday, November 6, 2025 9:48 PM
To: appellatecourtclerk
Subject: Public Comment: No. ADM2025-01538



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RE: Public Comment to "In re: Petition to Amend Supreme Court Rule 21", No. ADM2025-01538

I am writing, on my own behalf, in regard to the proposed amendment to S. Ct. R 21 seeking to add a one-hour CLE requirement related to mental health/substance abuse.

I do not, necessarily, object to the amendment, because there can never be "too many" mental health resources or "too much" mental health information/education. However, I do believe this is a proper forum in which to express my ongoing concern that many well-meaning attempts to address the grave issue of poor mental health and substance abuse in the legal profession are largely ineffective because they do not address some of the more global causes of these issues.

Proposed remedies, such as this amendment, seek to put the onus on the individual — an individual who (we assume in some cases) is already struggling with more than they can effectively handle. There is certainly a benefit to providing more education and resources to attorneys to individually address these issues. However, I strongly feel they are insufficient to effect substantive change. Such measures can even potentially be regressive or harmful by permitting those who can affect meaningful change on a global level to believe they have done their due diligence and can lay responsibility for this issue aside. To put it summarily — This feels like putting a bandaid on a bullet wound. (Or maybe a more pointed metaphor might be — it's like asking a shooting victim to hold a cloth against their own open wound.)

It concerns me that the responsibility continues to be laid solely at the feet of the already-struggling individual, instead of using our resources to address the issues, unique to this profession, which cause and/or exacerbate that individual's mental illness in the first place. The ABA - citing to the same study cited in the proposed amendment (see #12) - enumerated recommended remedial actions the profession and institutions should take to address these concerns.

(<https://www.americanbar.org/news/abanews/publications/youraba/2017/december-2017/secrecy-and-fear-of-stigma-among-the-barriers-to-lawyer-well-being/>) Among that list were the recommendations to: "Identify stakeholders and the role each of them can play in reducing the level of toxicity in the legal profession;" and "Take small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession." I do not, at this time, have fully articulated solutions to address these global causes. However, I hope our profession will continue to have meaningful conversations about this issue and that our Supreme Court and other professional institutions will continue to push larger change to make our profession one which is not such a noxious incubator for these ills.

I'll end by saying I do, sincerely, appreciate the attention to and attempts to remedy these ills. To reiterate — I believe there can never be "too much" help/education/support/etc. regarding mental health / substance abuse. Therefore, I support this measure. But I do so alongside a strong plea to our Supreme Court and others to continue seeking other - potentially more effective - solutions, in addition to this proposed amendment.

Thank you,

Shannon C. Kerr (she/her)

www.KerrLawTN.com

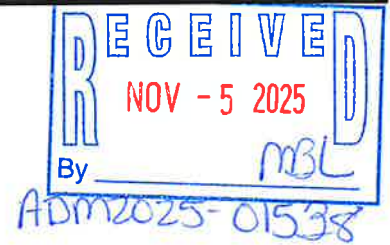
(615) 200-0108

KerrLawTN@gmail.com

235 3rd Ave. N., Franklin TN 37064

MaryBeth Lindsey

From: Lindsey Shepard <lshepard@grsm.com>
Sent: Wednesday, November 5, 2025 3:13 PM
To: appellatecourtclerk
Subject: Opposition to Proposed Amendment to Rule 21



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Dear Madam or Sir,

I write in opposite to the Supreme Court's proposed amendment to Rule 21 requiring 1 hr every 3 yrs of CLE for mental health or substance use. I oppose this amendment for the following reasons –

1. Logistical difficulties in tracking and compliance,
2. Obstacles to finding compliant courses, and
3. Increased compliance burden for those who maintain a multi-state practice.

I support increased education and resources for mental health and substance abuse. However, I do not believe this is the best way to support that objective.

Thank you for your consideration.

Lindsey M. Shepard
Partner



GORDON REES SCULLY MANSUKHANI

YOUR 50 STATE LAW FIRM™

D: 615.772.9013

E: lshepard@grsm.com | grsm.com

4020 Aspen Grove Drive, Suite 500, Franklin, TN 37067

vCard

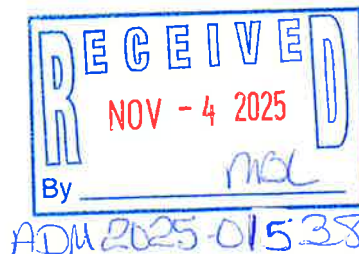
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MaryBeth Lindsey

From: kenthalkett (null) <kenthalkett@aol.com>
Sent: Tuesday, November 4, 2025 11:28 AM
To: appellatecourtclerk
Subject: Tennessee Supreme Court Rule 21



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To: James Hivner, Clerk
Re: Tennessee Supreme Court Rule 21
Docket No. ADM2025-01538

The Court will save lives by granting Petition No. ADM2025-01538.

I graduated from Vanderbilt Law School in 1981 and had a long, successful career. Nonetheless, afflicted with clinical depression, I attempted suicide in 2015. My goal in supporting the Petition is to prevent law students, attorneys and judges from going down such a self-destructive path.

Mental illness is a medical condition that has many warning signs and effective treatments. Helpful resources are readily available to those in the legal profession. However, as I experienced, most attorneys are unaware of such signs, treatments and resources. The Petition overcomes that shortcoming by amending Section 3.01(a) of Rule 21 to require at least one hour of continuing legal education credit for mental health or substance use disorders programming in a three-year period to be included in the yearly required three hours of ethics/professionalism credit. That CLE requirement will assure that the legal professionals in Tennessee are aware of the severe mental health challenges in the law and they will know that there are resources available to them or their colleagues in distress.

I have no doubt that mental health CLE programming will save lives based upon my own mental health journey and the overwhelming public response to my articles on this taboo topic. My article, "Mental Health in the Legal Profession: A Crisis, a Case Study and a Call to Action," was the cover story in the January/February 2021 issue of the Tennessee Bar Journal. On March 9, 2021, in its "Letters of the Law: Mental Health Article Resonates With Readers," the TBJ published over 40 letters responding to my article ("the most ever received about an article in the Tennessee Bar Journal"). Those letters were only the tip of the ice burg - the silent majority consisting of law students, attorneys, judges, law school professors and administrators, law firm employees/staff, journalists, psychiatrists and attorney spouses - those effected by the mental health problems in the legal profession. All of them appreciated the light being shown on this difficult topic. For example:

- Attorney: "... You'll likely never know, but lessons in what you have written and shared about things not easily shared will save lives."
- Judge: "... In my view an article like this truly has the power to change (and even save) lives."
- Law school professor: "... I have no doubt - none - that this will save some lives and it may help to make a dent on real plagues in our profession."
- Non-attorney: "...You may never know how many lives your effort will save, even if it doesn't get a wider audience. EVERY lawyer should read this!"

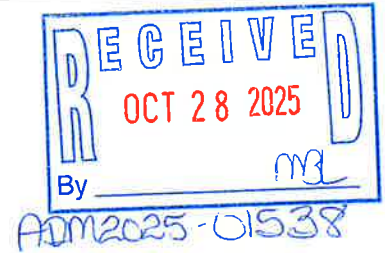
Every attorney will be exposed to such lifesaving information if the Court grants the Petition.

Thank you for your attention and consideration.

Kent A. Halkett, Esq. (BPR No. 035565)

MaryBeth Lindsey

From: Anthony Berry <anthonyberryesq@gmail.com>
Sent: Tuesday, October 28, 2025 8:29 PM
To: appellatecourtclerk
Subject: Comment on ADM2025-01538



Warning: Unusual sender <anthonyberryesq@gmail.com>

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I would like to voice my opposition to the proposed amendment to Rule 21 that would require attorneys to receive one hour of continuing legal education in mental health or substance abuse disorders every three years.

First, it is enough that attorneys in Tennessee must complete 15 hours of continuing legal education every year. Adding an additional requirement that must be kept track of in three-year increments adds an unwanted burden that will doubtless serve as a pitfall for many who will simply forget this new and unusual requirement. The stress thereby added to our lives would surely offset whatever mental health benefits the Tennessee Lawyer Assistance Program seeks to promote by its endeavor here.

Furthermore, the purpose of continuing legal education is to keep oneself informed as to developments in the law or ethical strategies for practicing it. While maintaining one's mental health is important, it is not the place of the State to obligate anyone to be a captive and regular audience to opinions on it or advertisements for relevant services. It would be just as inappropriate for the State to obligate attorneys to attend a regular CLE on gym memberships, nutrition, or weight loss even though physical health is as important as mental health.

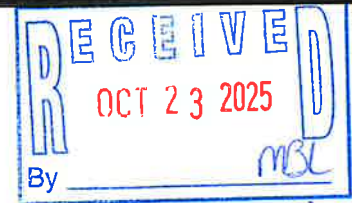
Finally, there exists no need for a new CLE requirement for Tennessee lawyers. The Tennessee Lawyer Assistance Program is already well known, and to the extent that it is not, the Tennessee Lawyer Assistance Program can find other ways to advertise itself than by burdening the entirety of the legal profession with another CLE to keep track of.

Thus, I would ask that the proposed amendment be rejected.

Sincerely,
Anthony Berry

MaryBeth Lindsey

From: John Butler <JButler@bvblaw.com>
Sent: Thursday, October 23, 2025 12:06 PM
To: appellatecourtclerk
Subject: ADM2025-01538



ADM2025-01538

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Mr. Hivner,

I am writing in response to the courts request for public comment on the above referenced proposed rule change. I support amending Rule 21, Section 3.01(a) to require at least one hour of the currently required three hours in ethics/professionalism programming be dedicated to mental health or substance use disorders every three years. I think anything we can do to reduce the stigma in the legal community surrounding acknowledging and seeking help for mental health issues and/or substance use disorders is potentially of great benefit to lawyers, the courts, and the public. I'm confident that a substantial percentage of lawyer misconduct (reported and not reported) stems from attorneys failing to address these issues before substantial harm has occurred.

Thanks for your consideration.

John W. Butler

Attorney at Law

Butler, Vines and Babb, P.L.L.C.

2701 Kingston Pike

Knoxville, TN 37919

Phone: (865) 244-3925; Fax: (865) 637-3385

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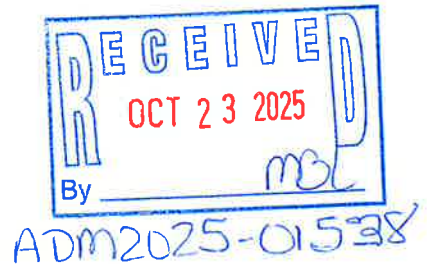


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MaryBeth Lindsey

From:
Sent: Thursday, October 23, 2025 11:49 AM
To: appellatecourtclerk
Subject: Me again!



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Dear Clerk,

I would also suggest a CLE on Social Media which is creating huge problems when decisions and actions are taken based on misinterpretation. Most attorneys are never there (and I understand that!) and don't understand the problems they create that have life altering consequences when legal decisions are made and actions taken without giving the "target" of the action an opportunity to provide context for a posting.

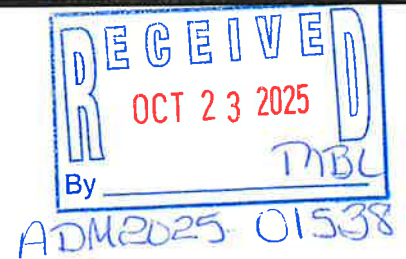
Respectfully,

Memphis TN

(where it is said that "Memphis Law" is practiced)

MaryBeth Lindsey

From: Robynn E. Moraites <robynn@nclap.org>
Sent: Thursday, October 23, 2025 1:18 PM
To: appellatecourtclerk
Subject: Docket number ADM2025-01538
Attachments: CLE New File Tracking.pdf



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Docket number ADM2025-01538

I'm writing in support of the proposed change in your CLE rules to require one hour of mental health/substance abuse training every three years. North Carolina adopted a similar mandatory rule in 2001 (1 hr/3 yrs). There was a dramatic rise in the number of both self-referrals and referrals of colleagues to NC LAP. As a general rule, the number of client files often tracks the number of CLE given in a year. We know that CLE is the most important outreach tool we have in North Carolina. We often say that we "bat 1000 at CLE" because we receive either a self-referral or colleague referral from every CLE talk that we give.

Back in 2017, I charted some graphs. They are attached. Slide one details North Carolina's active caseload and CLE presentations from 2011-2017. The Minnesota Program responded to requests for information, so their data is also reflected on the second slide. It documents a similar tracking: more CLE = more active LAP client files. The third slide shows the dramatic rise in the volume of active files after the enactment of a mandatory CLE rule in North Carolina.

North Carolina recently went through an overhaul of its CLE rules. The mental health/substance abuse rule was renamed the Professional Well-Being hour. Substantively the rule was expanded a bit to include broad topics like compassion fatigue, stress management, and resilience topics. As a provider of these CLE talks, we offer a menu of options which can be seen here: <https://www.nclap.org/continuing-legal-education/>. We strive to add a new program every couple of years and rotate out old programs. CLE event sponsors are not required to use NCLAP for the Professional Well-Being hour, but most do.

I'm happy to answer any questions.



NCLAP
NORTH CAROLINA
LAWYER ASSISTANCE PROGRAM

Robynn E. Moraites, Esq.

Executive Director

NC Lawyer Assistance Program

☎ (704) 503-9695

✉ robynn@nclap.org

🌐 nclap.org

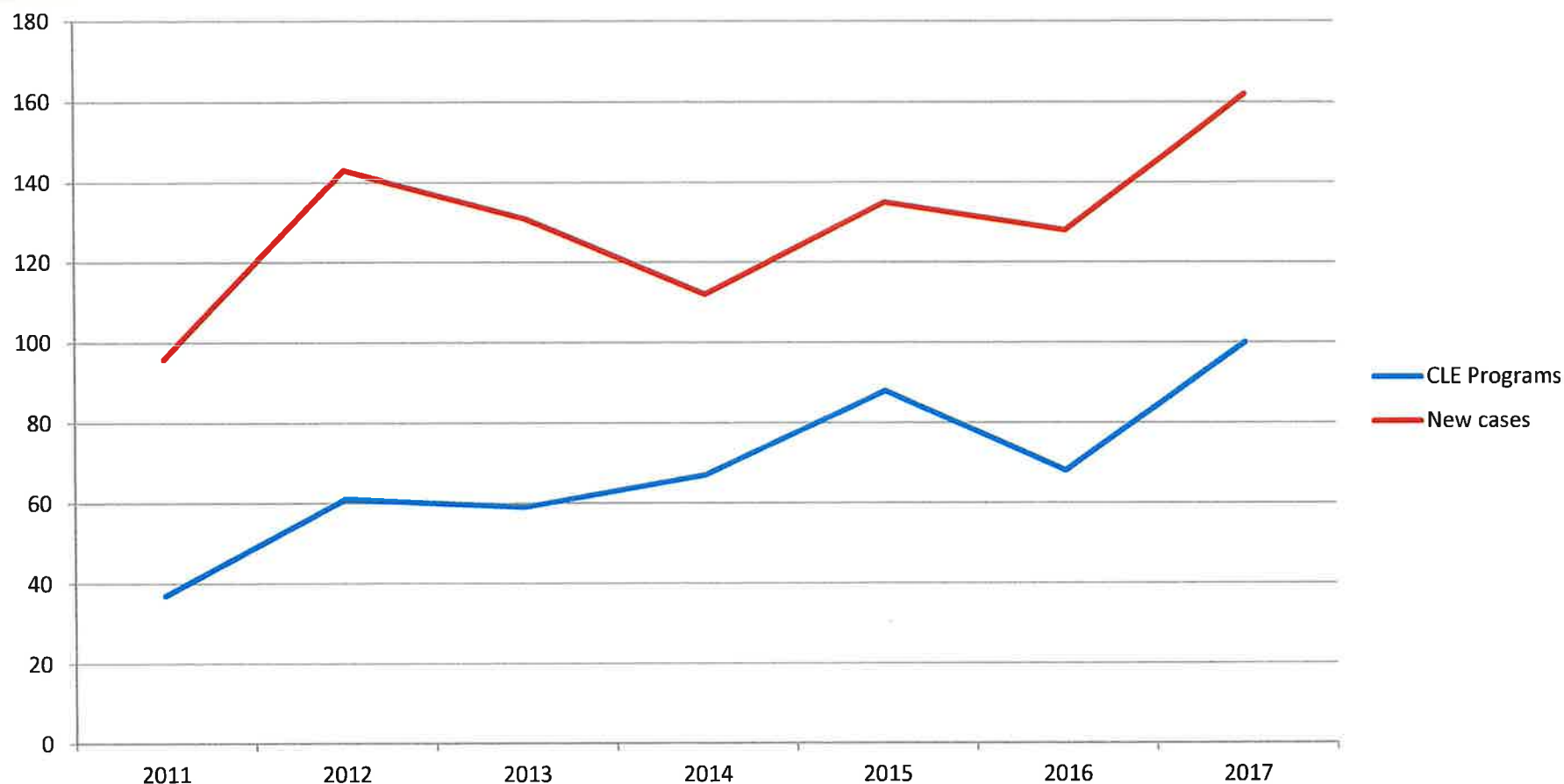
📍 312 Rensselaer Ave., Ste 100, Charlotte, NC
28203



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NC # of CLE & # of New Cases



Marketing/Outreach most crucial. The more lawyers hear about LAP, see us at events and CLE, get to know and trust us, the more willing they are to reach out for assistance or refer a friend in need.

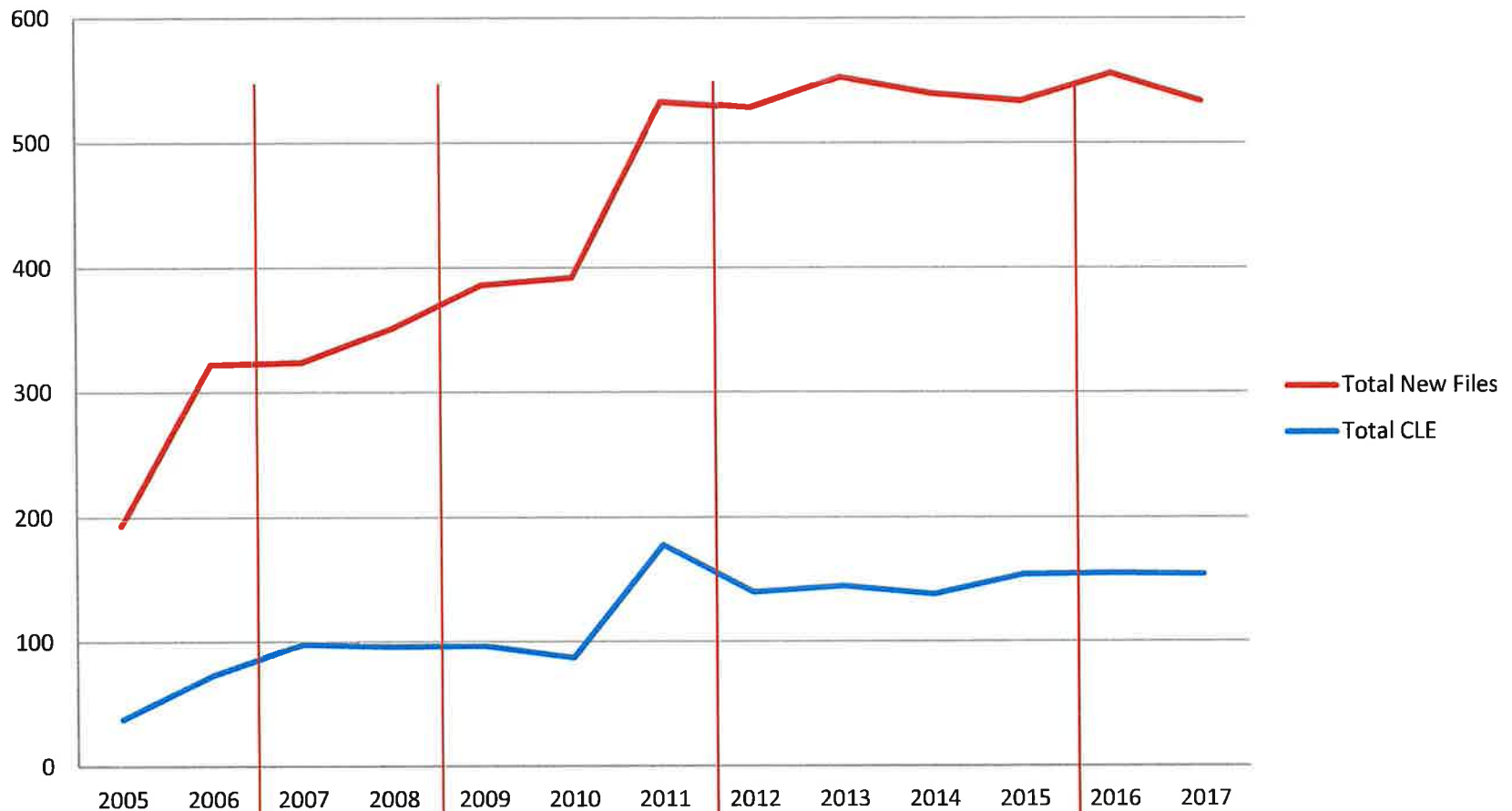
Smaller programs have no time or bandwidth to do outreach – too busy with direct services clinical work. If lawyers don't hear about LAP, they can't refer.





MN # of CLE & # of New Files

Minnesota CLE and New File Ratio

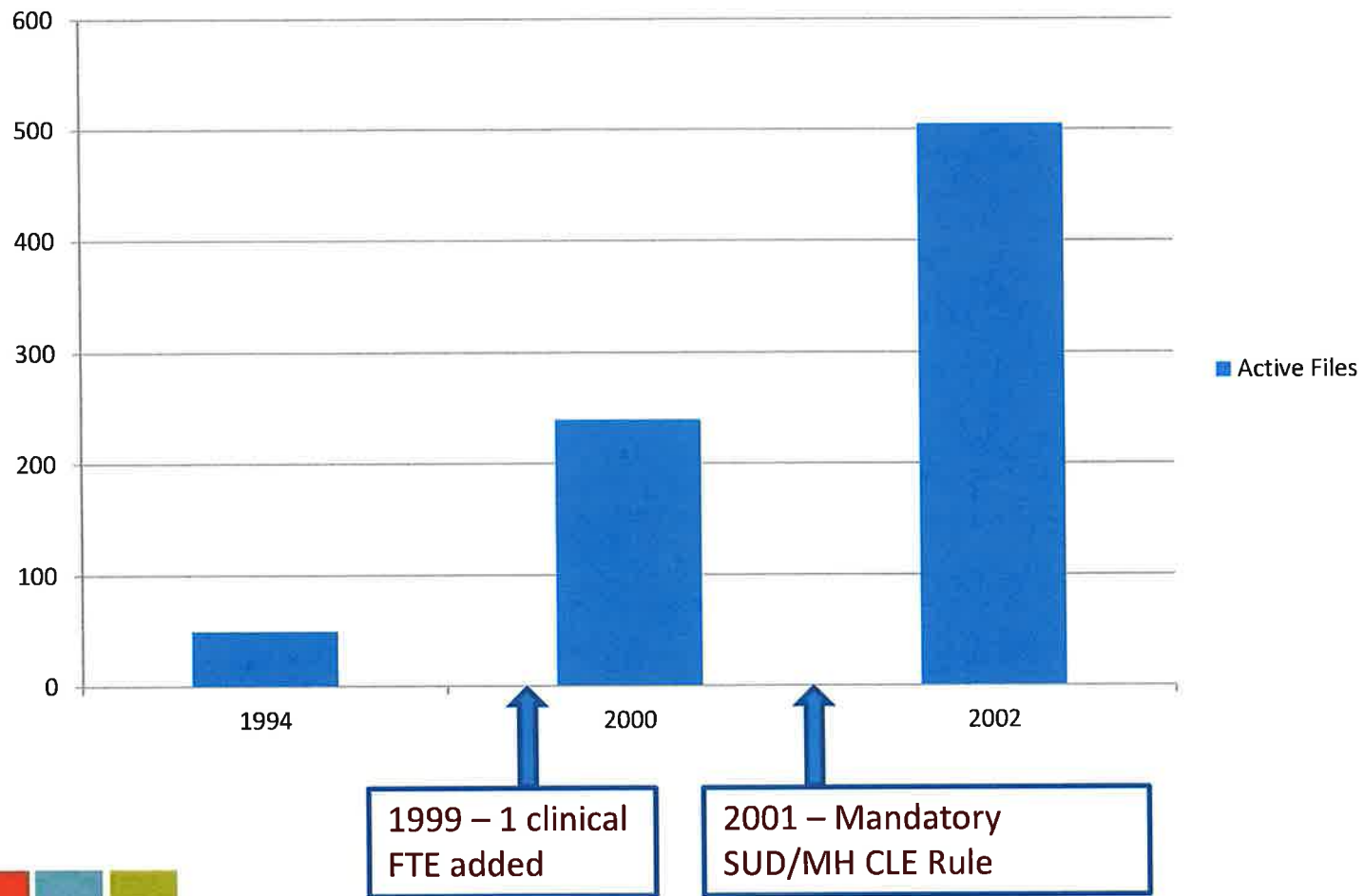


Total Staff: 2 2.5 3.2 3.5 4



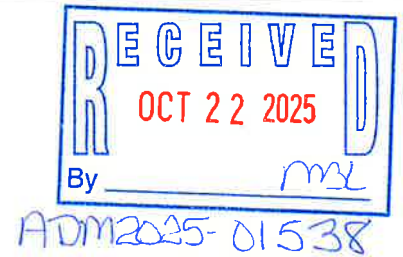
NC Before and After Mandatory CLE

Active Files



MaryBeth Lindsey

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To: appellatecourtclerk
Subject: ADM2025-01538



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Dear Court Clerk,

I am a retired attorney but have been living mental health hell with my grown daughter whose problem created a plethora of criminal, civil, and custody problems which have cost me the price of a house and continue to be resolved.

The mental health issue must be addressed. Not just for attorneys but also for their clients be they defendants or plaintiffs. There is a huge gap between the law and mental health. Mental health, as you surely are aware, is now a huge problem in our world and much injustice happens because of that gap.

I suggest that one hour CLE a year is inadequate to assure that clients are considered in order to avoid the travesties of justice that I have experienced and that are happening at all socio economic levels. A person without resources is essentially kicked to the curb without an understanding of mental health problems by the bar.

The injustices include the juvenile court system which needs it as much as anyone. My experience has been that, if a drug problem, there is a path the court follows. If a mental health problem, it boils down to whether the judge and guardian ad litem have any understanding whatsoever of the dynamics. Add a contention-loving lawyer to the mix, who is more about control, winning, and earning fees and only the child gets hurt. I have seen too many instances wherein the attorney for the plaintiffs who got a Dependency and Neglect granted, was so stuck on showing off that the child's best interest was hurt and the mother's mental health continued to decline by being kept from her child.

All this being said, I know my comments may not be considered. After experiencing the legal system from the outside, I am glad that I chose to leave the legal profession. I lived 72 years with only going to court with a divorce. I lived the last 2 with nothing but civil, criminal, and custody lawyers, some of whom have made everything worse.

Please do not post my name anywhere with this comment. It would only exacerbate the difficulty of getting justice.

Memphis Tennessee

(Where it is said that Memphis practices Memphis law)

MaryBeth Lindsey

From: h.delughter@gmail.com
Sent: Wednesday, October 22, 2025 11:48 AM
To: appellatecourtclerk
Subject: Comment on No. ADM2025-01538



ADM2025-01538

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Good afternoon,

In response to No. ADM2025-01538, please, do not require one hour of mental health CLE.

That is simply another matter that attorneys must track, counterintuitively adding to their strain.

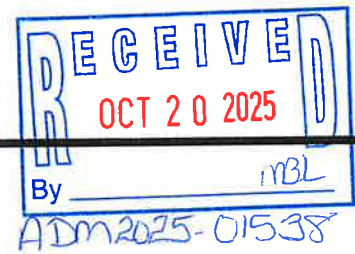
There is nothing wrong with current CLE courses including discussion of mental health, but that discussion does not need to be mandatory.

Additionally, mental health is already a well-known phrase and seemingly all members of the public are aware of it and of ways to seek assistance if desired.

Hardy DeLaughter
TN BPR 037248

MaryBeth Lindsey

From: Zachary Jones <zjones@martinjoneslaw.com>
Sent: Monday, October 20, 2025 6:27 PM
To: appellatecourtclerk
Subject: Comment on Proposed Amendment to Rule 21 (ADM2025-01538)



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Comment on Proposed Amendment to Rule 21 (ADM2025-01538)

Respectfully, the proposed amendment—though unimpeachable in intent—moves us further down a slippery slope within an already dense and expanding compliance regime. Once we carve out a mandatory hour for mental-health or substance-abuse content, why not also require stand-alone hours for technology competence, cybersecurity, financial literacy, civility, diversity and inclusion, physical wellness, domestic abuse, artificial-intelligence risk, speeding (and other traffic violations that cause injuries and fatalities on Tennessee highways), honesty, attorney advertising, and so on? Each is important. But compelled slices of curriculum for all of them would crowd out an attorney's professional judgment as to which CLE programs best serve their practice and would further—and unnecessarily—complicate Tennessee's CLE framework, especially for small firms and lawyers admitted in multiple jurisdictions.

Tennessee lawyers already have abundant access to ethics and professionalism CLE—including mental-health and substance-use programming—through the TBA and many other providers. The current framework empowers attorneys to select the ethics content most responsive to their practices and clients. Before adding a new mandate, the Court should ask: Is there credible evidence that compulsory attendance in these topics reduces impairment or improves outcomes? If the answer is uncertain, the wiser course is to preserve flexibility.

Tennessee attorneys' CLE resources are best devoted to programming that fits their individual needs, practices, and clients—not to navigating ever-more granular compliance dictates. Encourage these courses, spotlight them, even incentivize them; but do not make them compulsory.

Zach Jones (Tenn. Bar Reg. No. 34756)

Martin & Jones, PLLC

Partner

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Fayetteville, TN 37334

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