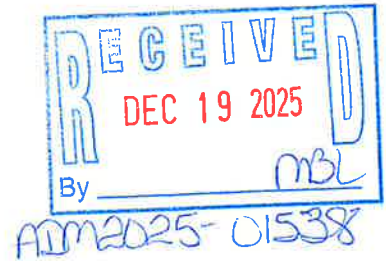


WADE B. COWAN
Attorney at Law
P.O. Box 50617
NASHVILLE, TENNESSEE 37205-0617
PHONE: (615) 390-6652
E-MAIL: wcowan@dlhnp.com

RULE 31 LISTED MEDIATOR



December 19, 2025

James Hivner, Clerk
Supreme Court of Tennessee
401 Seventh Ave., North, Suite 321
Nashville TN 37219

BY EMAIL

RE: No. ADM2025-01538; Petition to Amend Supreme Court Rule 21

Dear Mr. Hivner:

I am writing in strong support of the Petition to amend Supreme Court Rule 21 filed by Kent A. Halkett, Tennessee Lawyers Assistance Program, and Tennessee Alliance for Legal Services. I am in full agreement with all the premises set forth in the Petition and I wholeheartedly support amending the Court's rules to require at least one hour of CLE credit for mental health or substance abuse disorders programming in a three-year period.

Such programming is vital to educating members of the bar regarding causes and remedies for mental health and substance abuse disorders that can have pronounced negative effects on their engaging in the practice of law, assist them to begin and continue recovery, and protect the interests of their clients, litigants, and the general public. I am hopeful that the Court will grant the Petition and amend Rule 21 as requested.

Sincerely,

Wade B. Cowan

MaryBeth Lindsey

From: Wade Cowan <wcowan@dhrplc.com>
Sent: Friday, December 19, 2025 3:26 PM
To: appellatecourtclerk
Subject: No. ADM2025-01538; Letter in Support of Petition to Amend Rule 21
Attachments: WBC Letter on Petition to Amend SC Rule 21.doc.pdf

Warning: Unusual sender

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

Attached is my letter in support of the Petition to Amend Supreme Court Rule 21 in No. ADM2025-01538.
Thank you.

Wade B. Cowan
P.O. Box 50617
Nashville, Tennessee 37205-0617
(615) 352-2331
wcowan@dhrplc.com
wadebcowanlaw.com

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 8:52 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: No. ADM2025-01538; Letter in Support of Petition to Amend Rule 21
Attachments: No. ADM2025-01538; Letter in Support of Petition to Amend Rule 21

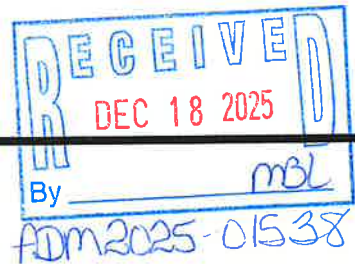
Please process the attached comment.

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: Blake, Karen <kblake@bakerdonelson.com>
Sent: Thursday, December 18, 2025 5:53 AM
To: appellatecourtclerk
Cc: Blair, Sam; Hicks, John; Turybury, Sheila; Oeser, Brett
Subject: Baker Donelson Comment RE: No. ADM2025-01538 IN RE: PETITION TO AMEND SUPREME COURT RULE 21

Warning: Unusual sender

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, expresses **strong support** for the proposed **amendment to Rule 21, Section 3.01(a)**, as suggested by the Tennessee Lawyer Assistance Program and Tennessee Alliance for Legal Services. The amendment would require that at least one hour of continuing legal education credit be dedicated to mental health or substance use disorders programming within a three-year period, included as part of the annual three-hour ethics/professionalism credit requirement.

At Baker Donelson, we understand the importance of fostering a work environment that prioritizes the physical, mental, and emotional well-being of our employees, recognizing it as fundamental to both personal and professional achievement. Our wellness initiative, BakerWell, is specifically designed to support the comprehensive health of all team members. This program provides a variety of resources and activities aimed at promoting overall well-being, including coaching, training, mental health and crisis support, stress management resources, and more. It is from this perspective that we would encourage this honorable Court to adopt the amendment.

We are confident that amending this rule would not only enhance awareness surrounding mental health concerns but also help reduce the stigma associated with seeking assistance, guiding individuals toward valuable resources. Moreover, such an amendment would reinforce compliance with RPC 1.1 and 1.3, which mandate competence and diligence within the legal profession.

Just as several states have implemented similar requirements for continuing education on substance abuse and mental health for their attorneys, Tennessee should demonstrate its commitment to the well-being of its legal professionals by adopting this important measure.

Karen Blake

Conflicts Attorney
on behalf of
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Cell (615) 337-9200
kblake@bakerdonelson.com
www.bakerdonelson.com

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:08 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Baker Donelson Comment RE: No. ADM2025-01538 IN RE: PETITION TO AMEND SUPREME COURT RULE 21
Attachments: Baker Donelson Comment RE: No. ADM2025-01538 IN RE: PETITION TO AMEND SUPREME COURT RULE 21

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

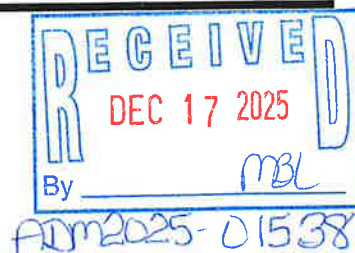
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

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MaryBeth Lindsey

From: Ann Jarvis-Pruitt <apruitt@detox Tenn.com>
Sent: Wednesday, December 17, 2025 2:42 PM
To: appellatecourtclerk
Subject: Docket #ADM2025-01538 Petition to Amend Rule 21



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I have been an attorney in Tennessee for over thirty years, and, until now, I have never submitted a public comment regarding a proposed rule change. The proposed amendment to Rule 21 hits home for me personally after losing our adult son to untreated mental health and substance use disorder. I have also witnessed professional friends and colleagues suffering from mental health and/or substance use disorder-wishing the stigma around these medical conditions did not factor so heavily into their decision to seek treatment.

In this season of my career, I am intentionally focusing my professional energy on supporting operations within the behavioral health/substance abuse treatment field. If there were one, single thing that we could do as a profession to ensure improved mental health and reduced instances of substance use disorder, I am certain we would do it. I know from my personal and professional experience that treatment can work, and asking for help is the extremely difficult, yet critical first step.

The tone at the top matters, and our Supreme Court's action to amend Rule 21 requiring one hour of mental health or substance use disorder legal education every three years is an important and meaningful step towards fostering a healthier legal profession.

Respectfully submitted,
Ann Pruitt

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MaryBeth Lindsey

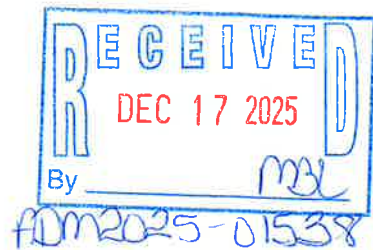
From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:15 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Docket #ADM2025-01538 Petition to Amend Rule 21
Attachments: Docket #ADM2025-01538 Petition to Amend Rule 21

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



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**In Re: PETITION OF THE TENNESSEE LAWYERS ASSISTANCE
PROGRAM TO AMEND TENNESSEE SUPREME COURT RULE 21**

No: ADM2025-01538

The Tennessee Commission on Continuing Legal Education (the Commission) has carefully considered the petition filed by Kent A. Halkett, Esq., Tennessee Lawyers Assistance Program (TLAP), and Tennessee Alliance for Legal Services (TALS) (the Petitioners) to add a requirement that all Tennessee-licensed attorneys with a CLE requirement complete one hour of CLE every three years that is accredited to provide “mental health and substance use disorders programming, that shall contain resource information on how to obtain assistance.”

The Commission fully acknowledges and shares the Petitioners’ concern regarding the prevalence and seriousness of mental health and substance use challenges within the legal profession. The Commission agrees that improving awareness, reducing stigma, and supporting attorney well-being are essential to maintaining the competence, professionalism, and integrity of the Tennessee bar.

After thorough review, however, the Commission believes there are more effective or flexible means to address these concerns without imposing a blanket mandatory CLE requirement. While CLE requirements play an important role in ongoing attorney education, mandating an additional requirement risks shifting focus toward compliance rather than engagement.

The Commission recognizes that multiple jurisdictions require the type of programming the Petitioners suggest, but also has learned that states such as Iowa, Montana, North Carolina, and Ohio reversed course on such specific programming in lieu of more flexible options that require ethics, professionalism, substance abuse, or mental health/wellness credits in some combination that meets specific attorney needs.

Tennessee has some of the most robust CLE requirements in the nation in terms of number of hours required, including ethics and professionalism, which already encompasses wellness, mental health, and substance abuse programming, among other topics. The Commission reviews the requirements regularly and will continue to recommend adjustments to meet the needs of the legal community.

The Commission feels strongly an off-cycle requirement creates an additional layer of compliance complication for attorneys who manage annual registration on their birthday, CLE in a calendar year, and the professional privilege tax due June 1.

In lieu of a new mandatory CLE credit requirement, the Commission proposes to direct appropriate funding and collaborative support toward initiatives managed by TLAP that focus on sustained and meaningful engagement. These efforts could include workshops, peer-to-peer programming, confidential outreach, resource promotion, and other innovative methods to connect with attorneys at multiple points in their careers. The Commission believes such targeted initiatives will provide broader, more lasting benefits than a single mandatory CLE hour. This approach also will further this important objective more urgently, rather than experiencing a three-year lag in compliance.

The Commission reaffirms its commitment to supporting TLAP's mission and to advancing attorney well-being through education and outreach. It respectfully recommends that the Court not adopt the proposed amendment to Rule 21 at this time but instead permit the Commission and TLAP to develop, implement, and promote enhanced wellness programming using existing and future resources sponsored by the Commission.

The Commission welcomes continued dialogue with TLAP and the Court to ensure that attorney well-being remains a central pillar of professional development in Tennessee.

Respectfully Submitted,

TENNESSEE COMMISSION ON CLE

By: 

Julie Poe Bennett, BPR No. 015607

Chair, *Tennessee Commission
on Continuing Legal Education*

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:10 PM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: CLE Commission Comment to No. ADM2025-01538
Attachments: CLE Commission Response to TLAP Petition 12172025.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: Michele Wojciechowski <Michele.Wojciechowski@cle.tncourts.gov>
Sent: Wednesday, December 17, 2025 4:33 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: CLE Commission Comment to No. ADM2025-01538

Warning: Unusual sender <michele.wojciechowski@cle.tncourts.gov>

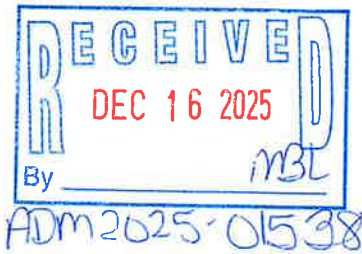
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Please find attached the comment of the Tennessee Commission on Continuing Legal Education in the above referenced matter.

Michele Wojciechowski

Tennessee Commission on CLE
1321 Murfreesboro Pike Ste 810
Nashville, TN 37217

CLE.TNCourts.gov
615-741-3096



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT
RULE 21

No. ADM2025-01538

COMMENT OF THE BOARD OF PROFESSIONAL
RESPONSIBILITY TO PETITION TO AMEND TENNESSEE
SUPREME COURT RULE 21

The Board of Professional Responsibility (the Board), pursuant to Supreme Court Order filed October 20, 2025, respectfully submits the following Comment to proposed amendments to Tennessee Supreme Court Rule 21, filed by the Tennessee Lawyer Assistance Program (TLAP) and Tennessee Alliance for Legal Services (TALS).

1. The study conducted by the American Bar Association / Hazelden Betty Ford Foundation (ABA/Hazelden) found that of the 12,825 attorneys participating in the study, 20.6 percent were problematic drinkers, with the highest rates of problematic drinking (32.3 percent) present for attorneys under the age of 30. Patrick Krill, Ryan Johnson, Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, *Journal of Addiction Medicine*, Vol 10, Issue 1, 46-51 (Jan./Feb. 2016). The ABA/ Hazelden study found that 19 percent of attorneys experience anxiety, 23 percent of attorneys experience stress and 28 percent of attorneys have depression. *Id.* The Study reported the two most common barriers to attorneys seeking treatment include: not wanting others to find out the attorney needs help and concerns about confidentiality/privacy. *Id.*

2. To address the ABA/Hazelden Study's concerns, a National Task Force on Lawyer Well-Being drafted recommendations for stakeholders including specific guidance for regulators, legal employers, law schools, bar associations, liability carriers and lawyer assistance programs. National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug.14, 2017). The Task Force recommended that all stakeholders acknowledge the problems and take responsibility. *Id.* at 12. The Task Force noted "for too long, the legal profession has turned a blind eye to widespread health problems...Lawyer assistance programs have made incredible strides; however, to meaningfully reduce lawyer distress, enhance well-being, and change legal culture, all corners of the legal profession need to prioritize lawyer health and well-being." *Id.*
3. The Task Force recommended regulators "expand continuing education requirements to include well-being topics." *Id.* at 26. The Task Force supported the 2017 ABA model continuing legal education rule, proposed by TLAP's petition, to require lawyers to earn at least one credit hour every three years for programming addressing the prevention, detention and/or treatment of mental health and substance use disorders. *Id.*

The Board supports TLAP's efforts to educate and assist Tennessee attorneys and judges on mental health and substance use disorders. Accordingly, the Board endorses the petition filed by TLAP and TALS to amend Tennessee Supreme Court Rule 21 requiring attorneys to complete one hour of continuing legal education in a three-year period for mental health or substance use disorders.

RESPECTFULLY SUBMITTED,

R. Culver Schmid

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

Sandy Garrett

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

Certificate of Service

I certify that the foregoing has been emailed to Sheree Wright, Esq., Executive
Director, Tennessee Bar Association, at swright@tnbar.org, on this 16 day of
 2025.

By: R. Culver Schmid

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

By: Sandy Garrett

Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Friday, December 26, 2025 9:24 PM
To: Kim Meador; MaryBeth Lindsey
Subject: FW: Comment of the Board of Professional Responsibility on Tennessee Supreme Court Rule 21
Attachments: BPR Comment on Petition to Amend Rule 21_Signed.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: Morgan Keach <mkeach@tbpr.org>
Sent: Tuesday, December 16, 2025 1:45 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: Sandy Garrett <sgarrett@tbpr.org>; R. Culver Schmid <cschmid@bakerdonelson.com>; Spangler, Jamie <jspangler@bakerdonelson.com>
Subject: Comment of the Board of Professional Responsibility on Tennessee Supreme Court Rule 21

Warning: Unusual sender <mkeach@tbpr.org>

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Good afternoon, Mr. Hivner,

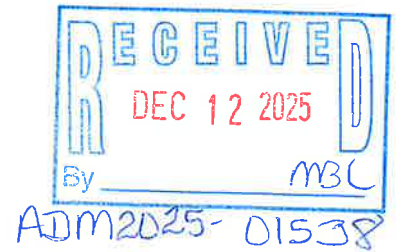
On behalf of Sandy Garrett, please file the attached Comment of the Board of Professional Responsibility to Petition to Amend Tennessee Supreme Court Rule 21.

Thank you,

Morgan Keach
Executive Assistant
Board of Professional Responsibility
of The Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Direct Dial: (615) 915-5132
Fax: (615) 367-2480
www.tbpr.org

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

BUTLER | SNOW



Date: December 12, 2025

Via email to: appellatecourtclerk@tncourts.gov
James Hivner, Clerk
Re: Tennessee Supreme Court Rule 21
401 Seventh Avenue, North, Suite 321
Nashville, TN 37219-1407

Re: In re: Petition to Amend Tenn. Sup. Ct. R. 21 — No. ADM2025-01538

To the Honorable Justices of the Tennessee Supreme Court:

I write to express my strong support for the petition to amend Tennessee Supreme Court Rule 21 to require that, every three years, Tennessee attorneys earn at least one hour of CLE in mental health or substance use disorders, counted within the existing ethics/professionalism (EP) requirement. This triennial credit is modest in scope yet significant in impact.

The petition—brought by Kent A. Halkett, the Tennessee Lawyers Assistance Program (TLAP), and the Tennessee Alliance for Legal Services (TALS)—aligns Tennessee’s CLE framework with best practices that recognize the connection between lawyer well-being and competent, ethical representation. Integrating this hour into EP helps normalize engagement with these topics, equips lawyers to recognize warning signs, and advances the public’s interest in a healthy, effective bar while minimizing administrative burden.

Proactive and preventive focus. Too often, crises in our profession are preceded by recognizable but unaddressed warning signs. A structured, recurring hour is a low-cost, high-yield preventive measure—prompting lawyers to check in on themselves and their colleagues and to learn how to connect with help before a concern becomes a crisis. It is precisely the kind of measured, proactive intervention that can reduce harm and, in some cases, prevent tragedy.

Elevating the culture and quality of the Tennessee bar. Professionalism is a living standard. By revisiting mental health and substance use topics on a predictable cadence, we reinforce a culture of civility, empathy, and responsibility. That culture supports better client service, more sustainable practice, and improved workplace climates across firms, courts, and agencies. This hour is an investment in the quality of Tennessee’s legal services.

*Neuhoff Building
1320 Adams Street, Suite 1400
Nashville, TN 37208*

JIN YOSHIKAWA
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jin.yoshikawa@butlersnow.com

T 615.651.6700
F 615.651.6701
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BUTLER SNOW LLP

Leading by example. The ABA's 2017 MCLE Model Rule contemplates a triennial mental-health/substance-use credit. So far, jurisdictions including California, Oregon, Minnesota, Illinois, Nevada, North Carolina, South Carolina, and Florida have adopted MCLE requirements or frameworks addressing lawyer well-being. Adopting this amendment would position Tennessee as another practical example for jurisdictions considering similar reforms.

For these reasons, I respectfully urge the Court to adopt the proposed amendment to Rule 21.

Thank you for the opportunity to comment.

Respectfully submitted,

Jonathan Allen, #41466
Greer Bryant, #40078
Liesel M. Carmen-Burks, #PHV87717
Elizabeth E. Chance, #13781
George V. Crawford III, #19350
John H. Dollarhide, #40041
Eric E. Hudson, #22851
David L. Johnson, #18732
Brady John, #40278
Richelle Kidder, #30786
Ashley J. Markham, #29959
Taylor B. Mayes, #19495
Glennis R. McWilliams, #41802
Taylor Kinard Nelson, #39344
Anita Modak-Truran, #32537
Cameron B. Rush, #39384
Linda W. Seely, #9679
Travis B. Swearingen, #25717
Andrew D. Tharp, #29422
Jin Yoshikawa, #38385
Mandy Haynes Young, #15472

Submitted in our personal capacities.

Affiliation shown on letterhead is for identification only.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Monday, December 15, 2025 10:45 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Public Comment – ADM2025-01538 – Rule 21
Attachments: Yoshikawa_Public_Comment_Rule21_ADM2025-01538.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: Colleen Casner <Colleen.Casner@butlersnow.com>
Sent: Friday, December 12, 2025 3:03 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: Jin Yoshikawa <Jin.Yoshikawa@butlersnow.com>
Subject: Public Comment – ADM2025-01538 – Rule 21

Warning: Unusual sender <colleen.casner@butlersnow.com>

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Dear Mr. Hivner:

Please find attached a public comment in **In re: Petition to Amend Tenn. Sup. Ct. R. 21, No. ADM2025-01538.**

Respectfully,

Colleen Casner on behalf of Jin Yoshikawa

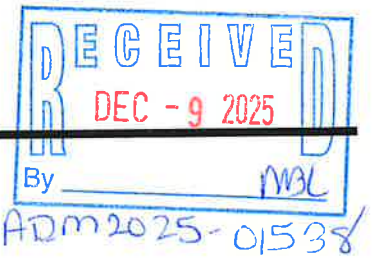
Colleen Casner
Legal Assistant, LTC4 Certified
Butler Snow LLP

D: (615) 651-6708 | F: (615) 651-6701
1320 Adams Street, Suite 1400, Nashville, TN 37208
Colleen.Casner@butlersnow.com | [vCard](#)

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MaryBeth Lindsey



From: Bill Harbison <BHarbison@srvhlaw.com>
Sent: Tuesday, December 9, 2025 9:32 AM
To: appellatecourtclerk
Subject: Comment Regarding Petition to Amend Tennessee Supreme Court Rule 21

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Dear Mr. Hivner,

I am writing about the proposed amendment to TN S. Ct. Rule 21 to require that Tennessee lawyers earn at least one hour of mandatory Ethics and Professionalism mental health and substance disorder programming every three compliance years. I am very much in support of this proposed amendment. In my work with the Tennessee Bar Association over four decades, I have seen how much of a problem these issues present for lawyers, and I believe that this step to increase awareness and treatment of the problem would be in the interest of our entire profession.

Please let the court know of my support.

Sincerely,

Bill Harbison

Sherrard Roe | Sherrard Roe
Voigt & Harbison

1600 West End Avenue, Suite 1750
Nashville, TN 37203

Bill Harbison

BHarbison@srvhlaw.com

Direct: (615) 742-4524 Main: (615) 742-4200

Fax: (615) 742-4539

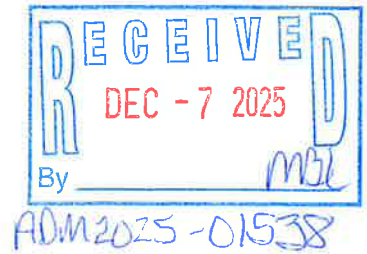
Sherrard Roe | V-Card | 

----- Sherrard Roe Voigt & Harbison, PLC Disclaimer -----

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MaryBeth Lindsey

From: Heather Scott <heather.scott@heatherscottlaw.com>
Sent: Sunday, December 7, 2025 1:07 PM
To: appellatecourtclerk
Subject: Comments on Proposed Change to Rule 21



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I am not in favor of the proposed change requiring Tennessee attorneys to take an hour CLE related to mental health and substance abuse every three years. CLE hours come with a price of either time or money and while mental health and substance abuse are serious issue for some attorneys, for those attorneys that do not face either of these issues, money and time would be better spent on an ethics subject related to the individual attorney's practice.

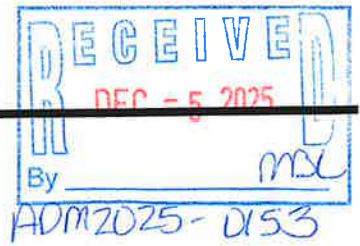
Instead, CLE providers should be encouraged to offer courses on both mental health and substance abuse to attorneys. Taking CLE courses on these subjects should be voluntary rather than mandatory.

Regards,

Heather Scott
Attorney
102 Richland Dr.
Shelbyville, TN 37160
615-604-0996
heather.scott@heatherscottlaw.com

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MaryBeth Lindsey



From: April Harris Jackson <april@galsnashville.com>
Sent: Friday, December 5, 2025 2:15 PM
To: appellatecourtclerk
Subject: Comments on Proposed Amendment for CLE (ADM2025-01538)

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Dear Clerk:

I am writing to inform you of my support for the amendment of the Rules to include one required hour of mental health and substance abuse education every three years.

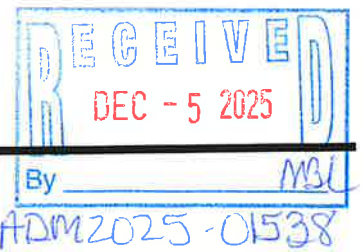


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Upcoming unavailability: December 19-January 2

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MaryBeth Lindsey



From: Jody O'Brien <jobrien@JODYOBRIENLAW.COM>
Sent: Friday, December 5, 2025 4:02 PM
To: appellatecourtclerk
Subject: Comment re: Proposed Amendment to Rule 21 re: Mandatory Mental Health/Substance Use CLE

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To the Honorable Justices of the Tennessee Supreme Court:

I write to respectfully oppose the proposed amendment to Rule 21 that would require Tennessee attorneys to obtain at least one hour of mental-health or substance-use-related continuing legal education within the existing ethics/professionalism requirement every three years.

I fully support the goals which I imagine underlie the petition: improving lawyer well-being, reducing stigma around mental health and substance use disorders, and promoting access to assistance. However, I do not believe that mandating this specific CLE content is the appropriate or effective way to achieve those goals. My concerns are as follows:

- 1. Mandatory participation in mental-health programming is unusually intrusive for a CLE requirement.**
Ethics and professionalism CLE traditionally focuses on conduct, standards, and obligations applicable to all lawyers. By contrast, mental health and substance-use programming addresses intensely personal issues that do not necessarily affect all attorneys and that some may reasonably prefer not to explore in a compulsory setting. Requiring every lawyer to attend such content risks blurring the line between professional regulation and personal autonomy.
- 2. Compulsory attendance is unlikely to reach the lawyers who are truly at risk.**
Lawyers in genuine distress often avoid settings that feel performative, public, or compulsory. Mandatory mental-health/substance abuse CLE may check a regulatory box without changing outcomes for those most in need of help. Voluntary, confidential, and stigma-free avenues for assistance are far more likely to connect with at-risk individuals than a mandated hour of programming.
- 3. Concerns exist about the burdens of engaging with assistance programs.**
Some attorneys have expressed, in anecdotal conversations within the profession, concerns about the practical burdens they faced when seeking help through TLAP or related channels, including extensive monitoring, counseling requirements, and burdensome costs that added financial burden, professional stigma, and stress during an already challenging period. While experiences vary and TLAP provides important services, these perceptions, and the real-life stories they are based upon, matter. Mandatory CLE messaging will not address the underlying deterrent that attorneys fear that seeking help will trigger onerous obligations. This proposed rule change does not address these structural concerns. Instead, it creates an additional regulatory requirement for attorneys without ensuring that Tennessee attorneys who need help will feel safe, supported, and financially able to seek it.
- 4. Existing rules already allow and encourage this type of programming without requiring it.**
Providers are free to offer high-quality CLE on lawyer well-being, and attorneys may voluntarily choose such programs. Many already do. TLAP has often presented an hour portion of CLE at many conferences or bar association meetings I have attended over the years. It is not lack of knowledge that is the deterrent to attorneys

utilizing these services. The Court can continue to encourage such offerings through education, communication, and support, without converting them into mandatory content that is not applicable to all attorneys.

5. A mandate may unintentionally contribute to stigma rather than reduce it.

By singling out mental health or substance use for a compulsory requirement, the rule may inadvertently reinforce the perception that these topics warrant special scrutiny by the licensing authority, and make attorneys experiencing these issues more likely to hide and not address it. I think that a better approach may be to integrate well-being content organically into broader professionalism initiatives, preserving attorney choice while normalizing the subject.

Nothing in this comment is intended to diminish the importance of lawyer well-being or the valuable work TLAP and TALS perform. However, mandatory CLE on mental health and substance use is not the most effective or least intrusive way to advance those goals. Encouraging voluntary engagement, improving accessibility of support services, and addressing perceived barriers to seeking help (including financial burdens and heightened scrutiny and judgment) would more directly benefit the attorneys who need assistance most.

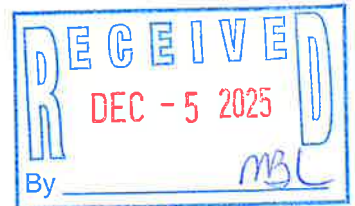
For these reasons, I respectfully urge the Court **not** to adopt the proposed amendment to Rule 21. Thank you for your time and consideration.

Respectfully submitted,

Jody E. O'Brien
O'Brien Law PLLC
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O'BRIEN

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19 DM 2025-01538

December 5, 2025

Via Email

Supreme Court of Tennessee
appellatecourtclerk@tncourts.gov

**RE: Comment to Proposed Amendment to TN S. Ct. Rule 21
Mental Health**

To the Supreme Court of Tennessee:

I respectfully submit the following comments regarding the Petition to Amend Supreme Court Rule 21, which suggests requiring at least one (1) hour of Continuing Legal Education (CLE) credit for mental health or substance use disorders programming in a three-year period, to be included within the ethics/professionalism credit.

For the last decade of my career, I've been chasing something the legal profession was never built to support: real work-life balance. Our industry has spent generations quietly expecting lawyers to perform a superhuman act—show up sharp, polished, and perfect every hour of every day, all year long. Anyone who has actually practiced knows that expectation isn't just unrealistic; it's harmful. We're human. And the sooner we acknowledge that, the better off our clients—and our profession—will be.

Very early in practice, I learned the hard truth: when a lawyer's mental or physical health falters, their advocacy falters with it. You cannot separate the two. We talk a lot about ethics, competence, diligence, and professionalism—but none of those ideals can be met by an attorney who is running on fumes. Over the years, I've made it a priority to invest in my own mental health, to develop the tools to manage stress and avoid burnout, and to model that behavior for the young lawyers I mentor and even the seasoned practitioners who sometimes need the reminder.

And after a decade of watching the toll that unaddressed stress takes on attorneys at every level, I can say this with conviction: we cannot meet our ethical obligations unless we are actively safeguarding our own mental, physical, and emotional wellbeing.

That is why I strongly urge the Court to consider going further than requiring just one (1) hour every three (3) years. This is not merely a procedural adjustment—it's a necessary step toward protecting attorneys, improving client representation, and strengthening the integrity of our profession.

As currently required, Tennessee attorneys must obtain a minimum of fifteen (15) hours of CLE credit each year, comprised of three (3) hours of ethics/professionalism (EP credit) and twelve

(12) hours of General credit. While the proposed amendment to Rule 21, following recommendations from the American Bar Association (ABA) Model Rule on MCLE, represents a meaningful step toward addressing attorney well-being, the gravity of the mental health crisis within the legal profession warrants a more proactive, continuous educational approach. Therefore, if Tennessee wishes to prioritize the health and sustainability of its legal professionals and the integrity of the justice system, I recommend removing one (1) hour of General CLE and replacing it with one (1) hour of Mental Health CLE to be completed each year.

The Need for Enhanced Mental Health Education

The statistics demonstrating the extent of behavioral health problems among legal professionals highlight the urgency of adopting an annual requirement:

- **Elevated Mental Health Concerns:** Attorneys experience substance use and mental health concerns at rates significantly higher than the general population.¹ Before the pandemic, studies showed that 28% of attorneys struggled with some level of depression and 19% exhibited symptoms of anxiety.² A 2021 survey of law students found nearly 40% experienced depression. More recently, survey data indicated that the rate of depression remained high at 33%, and anxiety rates were near 68.7%.³
- **Substance Abuse:** Attorneys screen positive for hazardous, harmful, or potentially alcohol-dependent drinking at rates much higher than other populations, such as 20.6% in a 2016 national study.⁴ The ubiquitous nature of alcohol in the legal professional culture demonstrates both its ready availability and social acceptability. *In fact, many of our various Bar functions and networking opportunities generally involve a happy hour or some form of alcohol.* While alcohol consumption is not improper, this only highlights the prevalence that it has within our profession, which can lead to its abuse.
- **Suicide Risk:** Suicide prevention is a critical priority in the legal profession.⁵ Studies report that suicide is the third leading cause of death among attorneys. Attorneys with high stress levels are twenty-two (22) times more likely to contemplate suicide than those with low perceived stress.⁶

These significant levels of distress impair an attorney's ability to perform competently, which directly affects client representation.⁷ An unwell attorney may struggle with core ethical obligations, including competence (ABA Model Rule 1.1) and diligence (Rule 1.3), leading to potential errors like missed deadlines, poor communication, and impaired judgment.

¹ <https://pubmed.ncbi.nlm.nih.gov/35735387/>.

² <https://cdn.ymaws.com/www.pldf.org/resource/collection/9772CB8C-669F-486A-88C4-A0A4E9DFA27C/50-State-Wellness-Survey-Final.pdf>.

³ <https://abovethelaw.com/2025/05/mental-health-may-be-improving-for-lawyers-but-severe-stressors-remain-and-theyre-getting-worse/>.

⁴ <https://judicialstudies.duke.edu/wp-content/uploads/sites/2/2019/02/The-Prevalence-of-Substance-Use-and-Other-Mental-Health-Concerns-Among-American-Attorneys-Patrick-R.-Krill-Ryan-Johnson-and-Linda-Albert-2016.pdf>.

⁵ <https://tlap.org/wp-content/uploads/2025/02/1.13.25-FINAL-2023-2024-Annual-Report.pdf>.

⁶ <https://www.psychologytoday.com/us/blog/psymon-says/202304/why-are-lawyers-at-greater-risk-of-suicide>.

⁷ <https://attorneytherapists.com/big-law-mental-health/>.
<https://www.americanbar.org/groups/litigation/resources/newsletters/ethics-professionalism/lawyer-wellness-ethics-go-hand-hand/>.

Systemic Causes and the Role of the Bar

The crisis is driven by systemic factors inherent to the profession, including the pressure-filled, competitive environment, and intensive time demands.^{8 9} Key issues contributing to mental well-being difficulties include the stressful nature of the work, intensive work/time demands, poor work-life balance, and high levels of pressure.¹⁰ Workplaces that value Financial Worth/Availability (productivity and revenue) over the human worth and professionalism of their attorneys report significantly worse health outcomes and higher stress levels among their staff.¹¹

Law firms and organizations are increasingly being called upon to address structural and cultural issues, rather than focusing solely on increasing the "resilience" of individual legal professionals.¹² The requirement of mandatory, yearly Mental Health CLE is an institutional intervention that can:

1. **Combat Stigma:** Many attorneys are reluctant to seek help due to the stigma surrounding mental health and the fear of professional repercussions.¹³ Requiring all attorneys to engage in yearly mental health programming can help normalize the issue and reduce this perceived stigma.
2. **Ensure Continuous Education:** Mental health programming addresses issues like depression, anxiety, grief, loss, stress and burnout.¹⁴ Continuous, annual education ensures attorneys are regularly reminded of these critical topics and available resources, fostering a culture of ongoing self-care, as opposed to episodic learning spaced three years apart.¹⁵ A lot can happen in three years.
3. **Provide Resources:** TLAP, the Tennessee Attorneys Assistance Program, offers consultation, referral, intervention, and crisis counseling to attorneys, judges, and law students.¹⁶ TLAP's mission specifically includes educating the bench and bar about the causes and remedies for impairments. Mandatory mental health CLE programs should, as the petitioners recommend, contain resource information on how to obtain assistance. Moreover, for attorneys who schedule and enroll in a TLAP program, they could be given the option to disclose enrollment (since services are confidential) to receive a one-time 1 hour of credit, further encouraging the use of TLAP's resources.

⁸ https://cdn.ymaws.com/www.pldf.org/resource/collection/9772CB8C-669F-486A-88C4-A0A4E9DFA27C/50-State_Wellness_Survey_-_Final.pdf.

⁹ <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>.

¹⁰ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9219783/>. <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>.

¹¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9219783/>.

¹² <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>.

¹³ <https://www.psychologytoday.com/us/blog/psymon-says/202304/why-are-lawyers-at-greater-risk-of-suicide>.

¹⁴ https://cdn.ymaws.com/www.pldf.org/resource/collection/9772CB8C-669F-486A-88C4-A0A4E9DFA27C/50-State_Wellness_Survey_-_Final.pdf.

¹⁵ <https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>.

¹⁶ https://cdn.ymaws.com/www.pldf.org/resource/collection/9772CB8C-669F-486A-88C4-A0A4E9DFA27C/50-State_Wellness_Survey_-_Final.pdf.

Comparative and Economic Justification

While the ABA Model Rule suggests a triennial requirement, several jurisdictions recognize the necessity of a more frequent commitment.¹⁷ For instance, Iowa requires one CLE hour of wellness or diversity and inclusion annually as part of its 15-hour requirement.¹⁸

The recommendation to shift one hour from the General CLE requirement to a dedicated Mental Health CLE hour annually ensures that this vital education is mandatory without increasing the total required CLE hours per year. Given the high rates of mental health issues and the associated risks—including increased attrition costs (which can easily cost a large firm \$400,000 USD for each associate who leaves) and potential malpractice claims—investing one (1) hour annually in the well-being and competence of the legal workforce is a prudent measure that supports both the integrity and the economic sustainability of the profession.^{19 20 21} The World Health Organization estimates that for every \$1.00 invested in treating common mental health disorders, there is a \$4.00 return on investment in improved health and productivity.²²

In conclusion, adopting an annual requirement for Mental Health CLE, replacing one (1) hour of General credit, is a necessary and proportionate response to the continuing crisis in attorney well-being, reinforcing the professional duty of self-care and ensuring the competency and diligence expected of all Tennessee legal professionals.

Sincerely,



Christopher A. Beverly, Esq.

Attorney at Law

President Belmont University College of Law Alumni Council

Advisory Council Member for Troubadour Membership CMHOF

NBA, TBA, and ABA Member

¹⁷ <https://www.americanbar.org/events-cle/mcle/modelrule/>.

¹⁸ https://cdn.ymaws.com/www.pldf.org/resource/collection/9772CB8C-669F-486A-88C4-A0A4E9DFA27C/50-State_Wellness_Survey_-_Final.pdf.

¹⁹ <https://www.insidepractice.com/economics-health-wellbeing>.

²⁰ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9219783/>.

²¹ <https://attorneytherapists.com/big-law-mental-health/>.

²² <https://www.insidepractice.com/economics-health-wellbeing>.



Knoxville Bar Association

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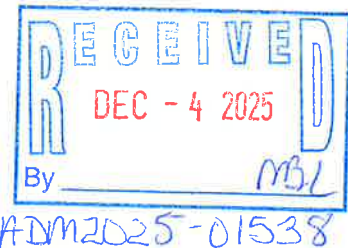
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Tasha C. Blakney

General Counsel
Adrienne L. Anderson



December 4, 2025

By Email: appellatecourtclerk@tncourts.gov

James Hivner, Clerk of Appellate Courts
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

RE: ADM 2025-01538

Dear Mr. Hivner:

The Knoxville Bar Association ("KBA") Professionalism Committee ("Committee") carefully considered the petition by TLAP and TALS to amend Rule 21 of the Rules of the Tennessee Supreme Court referenced in the Order above. The Committee presented a report with its recommendation on the proposed amendments at the November 19, 2025 meeting of the KBA Board of Governors (the "KBA Board"). After consideration, the KBA Board submits the following comment on the proposed amendment.

The petition proposes amending Section 3.01(a) of Rule 21 to require at least one hour of CLE credit for mental health or substance abuse disorders programming in a three-year period to be included in the yearly required three hours of ethics/professionalism credit. Every three years, at least one of the three ethics/professionalism credits will be for approved mental health and substance abuse disorders programming.

Although the Committee and the KBA Board certainly agree that lawyers should be aware of the resources available for mental health and substance use disorders, the KBA Board respectfully opposes the petition, on two main grounds. First, the KBA is concerned that including the requested hour of substance abuse related programming in the ethics and professionalism credits will unduly sacrifice or dilute continuing education on substantive legal ethics, especially since the amount of required ethics instruction has already been broadened to include credits for professionalism. In the KBA's view, it is important to maximize opportunities for attorneys to receive instruction in legal ethics. Second, the petition does not identify any empirical data suggesting that

one hour of instruction every three years would provide a significant or material improvement in awareness.

In short, the proposed amendment appears unlikely to provide significant benefit, but likely to dilute the opportunity for important instruction in ethics. The KBA Board respectfully asks the Supreme Court to deny the petition.

As always, the KBA appreciates the invitation to consider and comment on proposed rules changes.

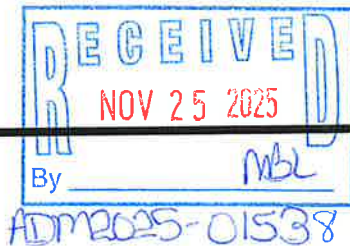
Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan D. Cooper". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan D. Cooper, President
Knoxville Bar Association

cc: Tasha Blakney, KBA Executive Director (via email)
Executive Committee of the Knoxville Bar Association

MaryBeth Lindsey



From: Jon Tynjala <jtynjala@mncl.org>
Sent: Tuesday, November 25, 2025 11:13 AM
To: appellatecourtclerk
Subject: Comment to Petition to Amend Supreme Court Rule 21 - No. ADM2025-01538

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To whom it may concern:

As stated in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* promulgated by the American Bar Association's National Task Force on Lawyer Well Being, "[t]o be a good lawyer, one has to be a healthy lawyer."

On behalf of Lawyers Concerned for Lawyers (MN), Minnesota's lawyer assistance program, I write to express our support for the Petition to Amend Tennessee's Supreme Court Rule 21 (Docket No. ADM2025-01538), that would require one hour of mental health/substance use continuing legal education every three years. Minnesota adopted a similar CLE requirement in 2024.

Programs that focus on issues around mental health and substance use can normalize conversations about mental health, thereby reducing the stigma around seeking help, and helping lawyers to recognize early warning signs in themselves and their colleagues. It also reinforces the importance of lawyer self-care and ensures that every attorney is made aware of resources that are available to them when a crisis arises. It allows for education and awareness of these issues that lawyers might not otherwise be exposed to absent this requirement.

The proposal aligns with the national trend to require similar courses, as is the case in Minnesota, and is amplified by the American Bar Association's recommendation that jurisdictions include at least one hour of mental health or substance use education within their CLE frameworks.

Thank you for your commitment to promoting and protecting the well-being of Tennessee's lawyers and the clients they serve. Please let me know if you have any questions.

Jon M. Tynjala, Esq.
Executive Director

LAWYERS CONCERNED FOR LAWYERS

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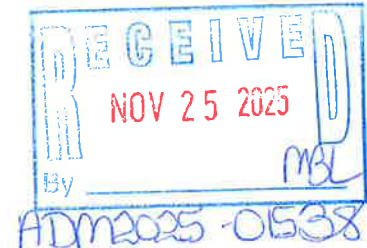
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BEN C. ADAMS, JR.
Direct Dial: 901-577-2307
Direct Fax: 901-577-0714
E-Mail Address: badams@bakerdonelson.com

November 25, 2025



Mr. James Hivner, Clerk
Re: Tennessee Supreme Court Rule 21
402 Seventh Avenue, North, Suite 321
Nashville TN 37219-1407

Re: No. ADM2025-01538

Dear Mr. Hivner:

I write in support of the proposed amendment to Section 3.01(a) of Rule 21 of the Rules of the Tennessee Supreme Court to require at least one (1) hour of CLE credit for mental health or substance use disorder programs every three (3) years as part of our ethics/professional credit obligation. Self and society awareness about and treatment for mental health related disorders are chronically deficient throughout the United States and have been for many years. As the CEO of a large firm for over 20 years, I am very familiar with the pressures that our profession imposes on lawyers and the resultant disorders. My father was a very successful attorney and eventually succumbed to alcoholism as well. My mother suffered from bipolar disorder off and on her entire adult life. The lack of understanding about these disorders, the stigma associated with them, the driven but private nature of professionals generally, and the need for continuing improvements and options for treatment are a compelling problem for professionals and society generally. I fully support this proposed amendment. Thank you for your consideration. If you have any questions or need further information, please contact me.

Sincerely,

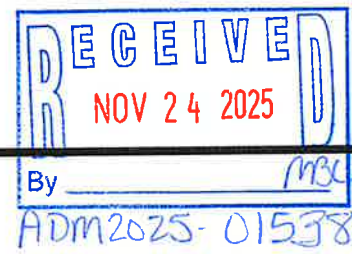
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CALDWELL & BERKOWITZ, PC

Ben C. Adams, Jr.
Chairman Emeritus

BAJ:jaw

4924-3294-7068v1
2616900-000036

MaryBeth Lindsey



From: Lipshie, Sam <slipshie@bradley.com>
Sent: Monday, November 24, 2025 2:17 PM
To: appellatecourtclerk
Subject: Comment regrading Petition to Amend Tennessee Supreme Court Rule 21

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

This email is in support of the proposed Amendment to TN S. Ct. Rule 21 to require that TN lawyers earn at least one (1) hour of mandatory Ethics and Professionalism mental health and substance use disorder programming every three (3) compliance years.

I have seen more than a few TN lawyers refrain from seeking help or counselling because of self-denial or fear of the stigma that used to be prevalent with seeking mental health assistance over my 44 years of legal practice. Everything reasonable should be done to improve the level of awareness among the TN bar to encourage those who need help to seek assistance through TLAP or private counselling, including the enactment of the proposed Rule amendment.

Sincerely,

Sam Lipshie



Sam Lipshie

Partner
e: slipshie@bradley.com w: bradley.com
d: 615.252.2332 f: 615.252.6332
Bradley Arant Boult Cummings LLP
ONE 22 ONE, 1221 Broadway, Suite 2400
Nashville, TN 37203
My Bio

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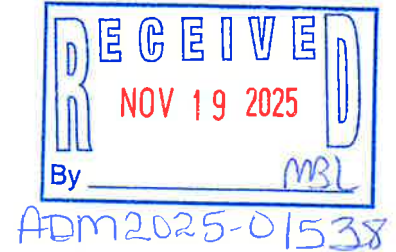
MaryBeth Lindsey

From: lbrown@tals.org on behalf of Laura Brown <lbrown@tals.org>
Sent: Wednesday, November 19, 2025 1:35 PM
To: appellatecourtclerk
Subject: Webform submission from: Submit Comment on Proposed Rules

Submitted on Wed, 11/19/2025 - 13:34

Submitted by: Anonymous

Submitted values are:



Your Name

Laura Brown

Your Address

50 Vantage Way, STE 250, Nashville, TN 37228

Your email address

lbrown@tals.org

Your Position or Organization

Tennessee Alliance for Legal Services

Rule Change

ADM2021-00308 Supreme Court Rule 13

Docket number

ADM2025-01538

Your public comments

To:

James Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407
RE: ADM2025-01538

Tennessee Alliance for Legal Services (TALS) supports ADM2025-01538- IN RE: PETITION TO AMEND SUPREME COURT RULE 21. TALS supports the request in the Petition and believes that implementing the CLE requirements will be a beacon of light and hope on the overlooked topic of attorney mental health and wellbeing. The required education will help attorneys better balance the pressures and challenges of being an attorney and in the end, save lives. The Petition does not increase the annual CLE hours required for attorneys but, rather, requires just one CLE credit hour every three years about attorney mental health and wellbeing.

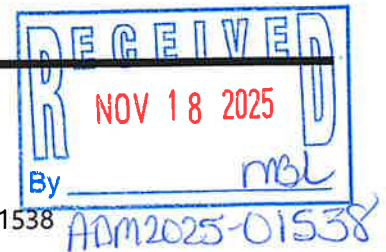
TALS has experience facilitating and conducting CLE sessions in the area of attorney of mental health

and wellbeing. Annually, TALS facilitates and sponsors its statewide conference, Equal Justice University (EJU), for over 300 attendees. TALS works hard to ensure that experts provide sessions at each EJU about attorney mental health and wellbeing. Historically, these sessions have been very well-received and well attended.

Additionally, TALS has extensive experience offering continuing legal education (CLE) sessions through monthly free CLE offerings on topics of interest to attorneys. TALS believes so strongly that this Petition has the possibility to change attorney lives that it is committed to providing four free CLE virtual sessions on attorney mental health and wellbeing every year. The virtual sessions would ensure attorneys will be able to complete the CLE requirement easily and efficiently from anywhere.

MaryBeth Lindsey

From: Dewey Branstetter <DBranstetter@srvhlaw.com>
Sent: Tuesday, November 18, 2025 12:31 PM
To: appellatecourtclerk
Subject: Petition to Amend Supreme Court Rule 21: No. ADM2025-01538



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Dear Mr. Hivner,

I am writing concerning the Petition to Amend Supreme Court Rule 21, Docket Number ADM2025-01538, which has been filed by Kent Halkett, the Tennessee Lawyers Assistance Program, and the Tennessee Alliance for Legal Services.

The proposed amendment would require lawyers to engage in one hour of mental health and substance use disorders programming every three years as part of their ethics/professionalism CLE requirements. I wholeheartedly support this proposed change to the CLE requirements for all lawyers. It does not add any additional CLE hours, nor is it an unreasonable burden on lawyers.

Kent Halkett and I were in the same law school class at Vanderbilt, graduating in 1981. We were friends in addition to being classmates, and he is one of the last people in our class who I would ever have expected to suffer from depression.

I have been incredibly impressed by Kent's willingness to advocate for mental health support for lawyers, and his personal story provides a face to a problem that too many other lawyers face. If you are not aware of his story, here is a link to an article that describes his journey:

<https://afcc-ca.org/a-biglaw-partners-journey-through-clinical-depression/>

I urge the Supreme Court to adopt this proposed change to the CLE requirements. The evidence of lawyers suffering from depression, substance abuse, and other mental health issues is overwhelming. As the Petition cites, suicide is the third leading cause of death among lawyers, compared to suicide being the 11th leading cause of death overall. Granting the Petition will not fix this issue, but if it helps one lawyer who is struggling with mental health issues, then it would be well worth it.

The Petitioners set forth a strong case, and I urge the Court to grant the Petition.

Thank you for allowing me an opportunity to state my support for the proposed amendment to Rule 21.

With best regards,

Dewey Branstetter

SherardRoe | Sherrard Roe
Voigt & Harbison

1600 West End Avenue, Suite 1750
Nashville, TN 37203

Dewey Branstetter

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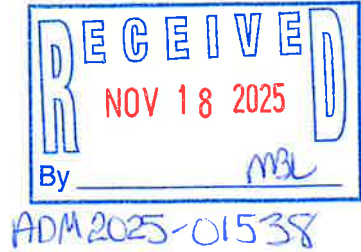
Sherrard Roe | V-Card | 

----- Sherrard Roe Voigt & Harbison, PLC Disclaimer -----

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MaryBeth Lindsey

From: Michael Dagley <mldagley@me.com>
Sent: Tuesday, November 18, 2025 10:32 AM
To: appellatecourtclerk
Subject: Petition to Amend Rule 21



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To Whom it May Concern,

I am writing to comment in SUPPORT of the Petition filed by Kent Halkett et al. to Amend Rule 21. I practiced law for 42 years and retired as a partner from Bass Berry & Sims in 2023.

Mr. Halkett is a good friend and classmate (VLS '81). I know his personal story. He has been extremely courageous in sharing his own experience with severe depression and has worked tirelessly to bring public awareness to the services available to members of our profession struggling with mental health issues.

In the last five years, I have lost to suicide three close friends and one former client who was General Counsel of a Nashville public company. Depression and similar mental health issues is a crisis for practicing attorneys.

We have tremendous resources available to members of our profession, but I understand that very few lawyers know of or use these excellent services. This lack of knowledge is easily remedied by the proposed Amendment.

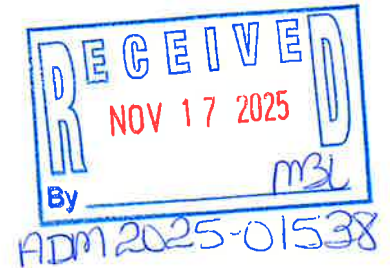
The Amendment will save lives. Requiring lawyers to take one hour of CLE every three years to learn about the risk of depression and mental health resources available is a very small price to pay. I urge the Court to adopt the Amendment.

Respectfully,

Michael Dagley
BPR 012896
(615) 500-4528
809 Wilson Blvd S
Nashville TN 37215

November 12, 2025

James Hivner, Clerk
Tennessee Supreme Court
Re: Tennessee Supreme Court Rule 21
401 Seventh Avenue North, Suite 321
Nashville, TN 37219-1407



Re: Opposition to No. ADM2025-01538

Dear Mr. Hivner:

I oppose Petition No. ADM2025-01538. Mental health and substance abuse are lifestyle and medical issues, not legal issues. The same can be said about a lawyer's physical and spiritual health. How a person handles stress, conflict, or disappointment and how a person interacts with others in the legal system are largely personal choices based upon many factors, including a person's religious beliefs, personality, character traits, morals, and personal goals and ambitions. Lifestyle modifications and medical treatment (however altruistic the motives) should not be the Tennessee Supreme Court's goal under Rule 21.

Requiring one hour of CLE on mental health or substance abuse most likely will not aid a lawyer who is struggling with mental health or substance abuse. For example, requiring three hours of ethics has not greatly impacted or deterred unethical attorney behavior. Those attorneys who engage in unethical practices will skirt the underlying goals by "watching" the online CLE webcasts without truly listening or learning from them. That is because a person's ethical behavior is an outward manifestation of a person's deeply rooted inward beliefs and morals. The same is true for a person who struggles with mental health or substance abuse problems. Participating in one hour of CLE will likely not benefit a lawyer with mental health or substance abuse problems unless the lawyer recognizes his or her problem. At that point, the lawyer is ready and willing to seek help and then – and only then – would participation in a CLE on mental health or substance abuse be of any help.

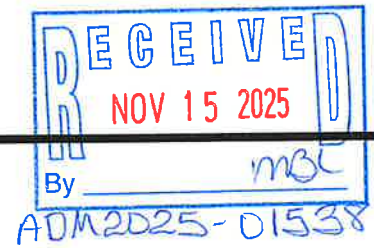
I have no opposition to voluntary CLE courses on mental health and substance abuse. The Tennessee Bar Association and various local bar associations already offer such courses. However, making these courses mandatory for all attorneys for the purpose of forcing some attorneys who struggle with these issues to attend is an overreach. The bottom line is that mandatory Continuing Legal Education should be just that – *legal*, not lifestyle or medical education. Straying from purely legal development courses is a slippery slope.

Sincerely,

Doug S. Hamill
TN Bar No. 022825

MaryBeth Lindsey

From: Davis, Delta <delta.davis@Vanderbilt.Edu>
Sent: Saturday, November 15, 2025 2:53 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01538 (petition to amend Rule21)



Warning: Unusual sender <delta.davis@vanderbilt.edu>

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Dear Mr. Hivner,

I'm writing in support of the petition to amend Rule 21 on Continuing Legal Education to require one hour of mental health/substance abuse programming every three years. This proposed amendment would not increase the current 15 hours/year requirement.

I am in support of this proposed amendment because I believe mental health is extremely important, especially for lawyers practicing in the current environment. This requirement, though minimal, could potentially save lives and, at the very least, would certainly raise awareness of this important issue.

I believe the proposed amendment is in the best interest of our legal profession. I urge its adoption.

Thank you for your consideration.

Best,

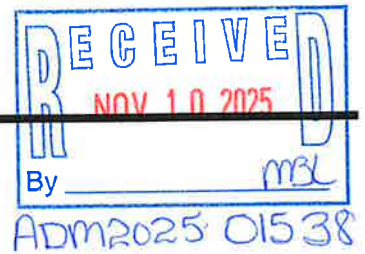
Anne

Delta Anne Davis

Senior Program Advisor, Energy, Environment and Land Use Program Vanderbilt Law School

(615) 400-7276

MaryBeth Lindsey



From: Amanda Bradley <abradley@hartzogsilva.com>
Sent: Monday, November 10, 2025 12:53 PM
To: appellatecourtclerk
Subject: docket number ADM2025-01538, comment on CLE rule change

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Dear Mr. Hivner,

I am writing to express my support for the proposed rule change to Rule 21 that would require attorneys to complete at least one hour of CLE in mental health or substance use disorders every three years. Substance abuse problems continue to disproportionately impact attorneys, and the same is true for mental health disorders. I support the change in the rules to require attorneys to address these concerns through a mandatory CLE at least every 3 years.

Thank you for collecting all of the opinions, and please let me know if there's anything else you need from me.

Respectfully,

Amanda L. Bradley

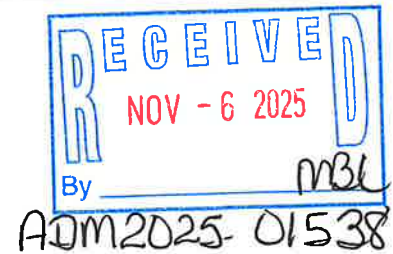
Hartzog & Silva, PLLC
123 Fifth Avenue North
Franklin, Tennessee 37064
(615) 790-1500

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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/secretcy-and-fear-of-stigma-among-the-barriers-to-lawyer-well-bei/>) 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

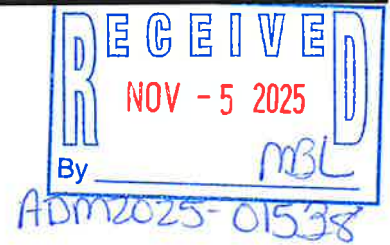
(615) 200-0108

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

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D: 615.772.9013

E: lshepard@grsm.com | grsm.com

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

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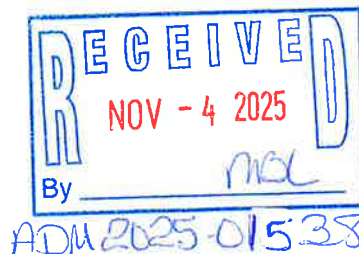
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MaryBeth Lindsey

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!"

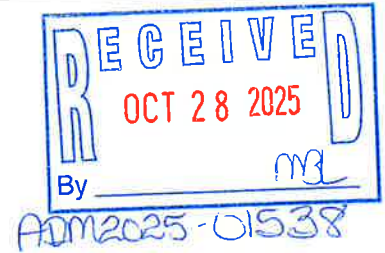
Every attorney will be exposed to such lifesaving information if the Court grants the Petition.

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.

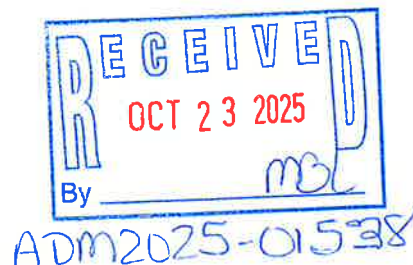
Finally, there exists no need for a new CLE requirement for Tennessee lawyers. The Tennessee Lawyer Assistance Program is already well known, and to the extent that it is not, the Tennessee Lawyer Assistance Program can find other ways to advertise itself than by burdening the entirety of the legal profession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

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

Sincerely,
Anthony Berry

MaryBeth Lindsey

From:
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.

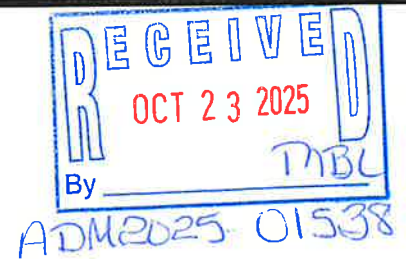
Respectfully,

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.



Robynn E. Moraites, Esq.

Executive Director

NC Lawyer Assistance Program

☎ (704) 503-9695

✉ robynn@nclap.org

🌐 nclap.org

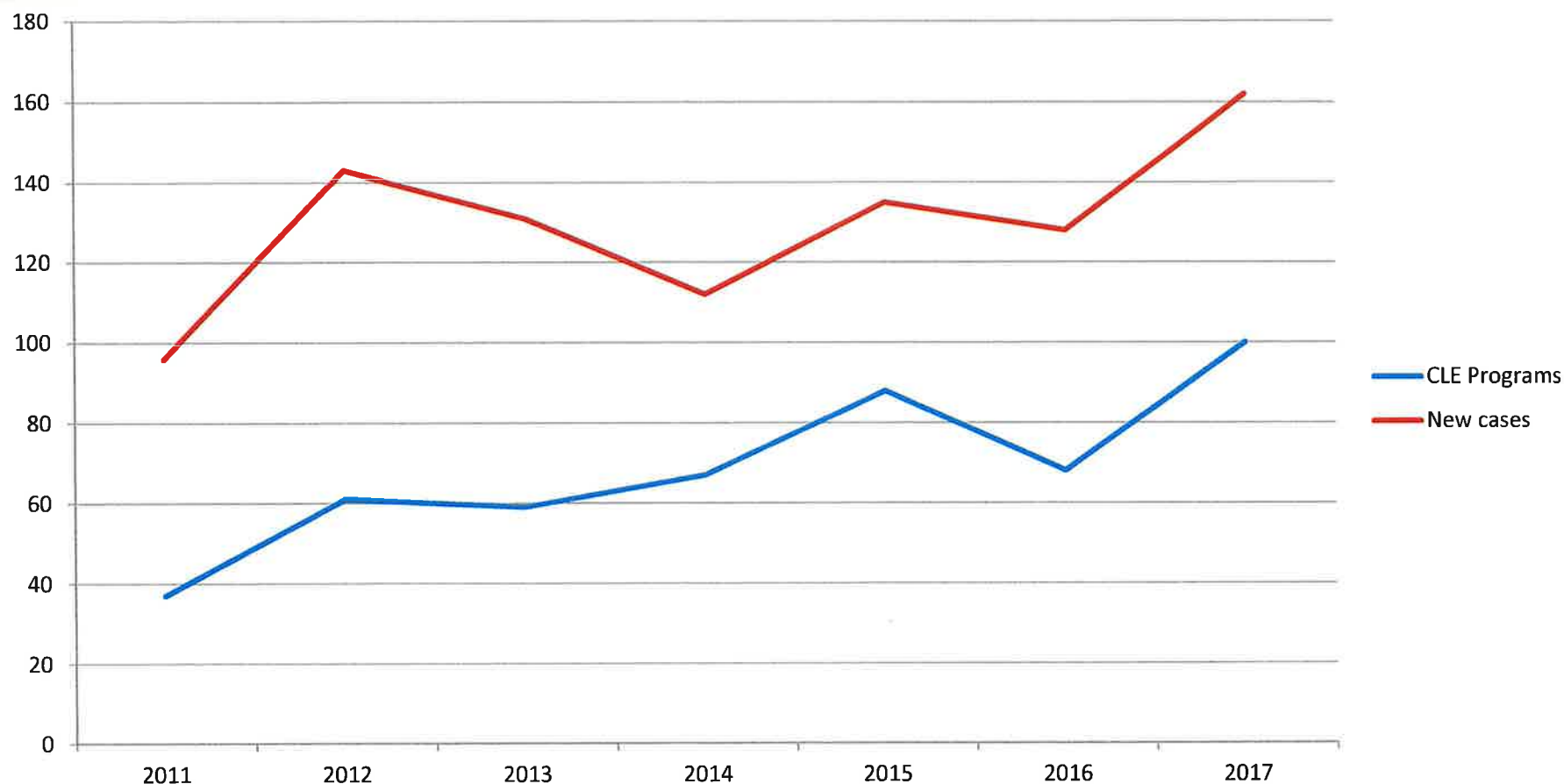
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28203



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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.

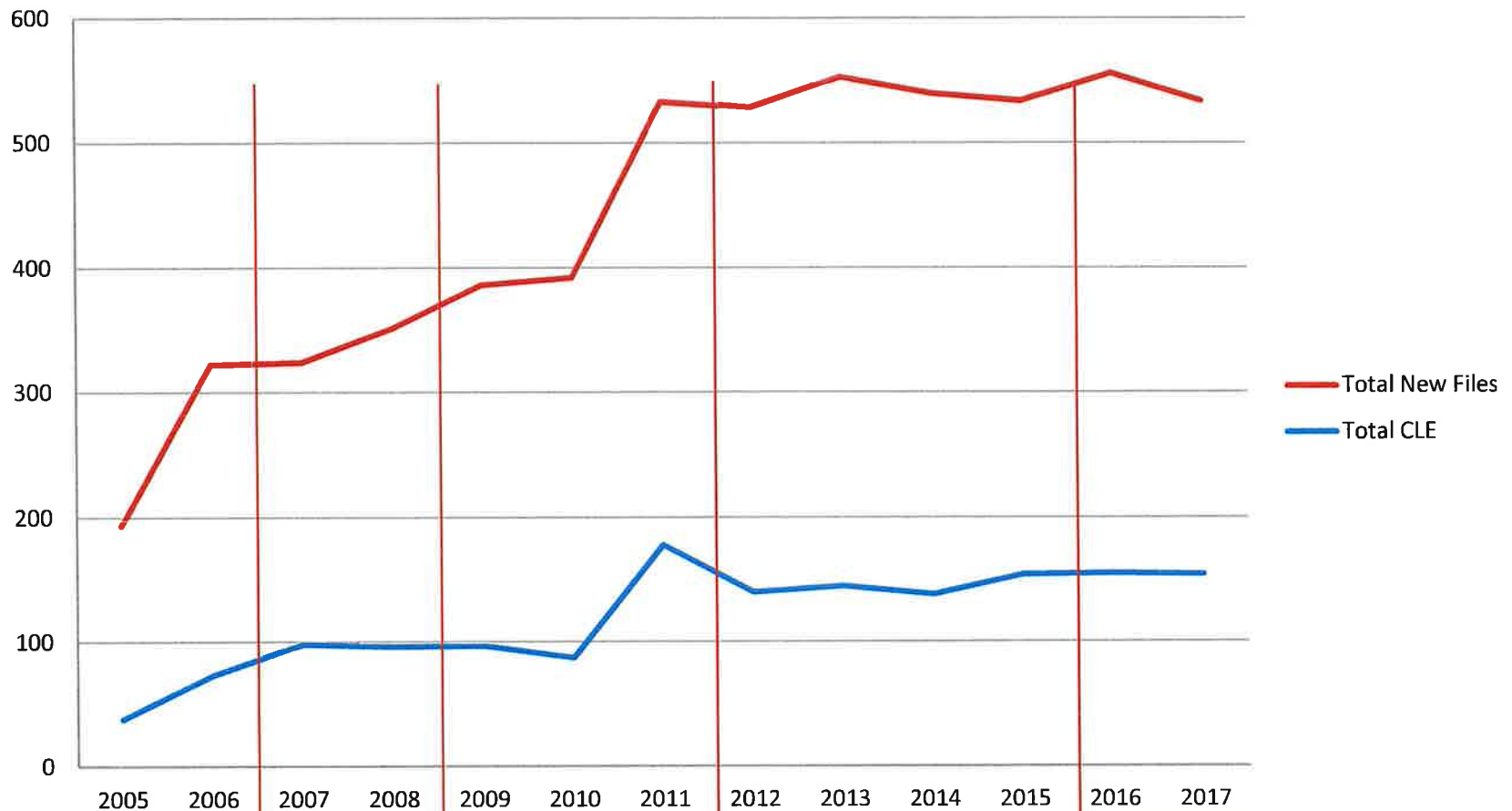
Smaller programs have no time or bandwidth to do outreach – too busy with direct services clinical work. If lawyers don't hear about LAP, they can't refer.





MN # of CLE & # of New Files

Minnesota CLE and New File Ratio

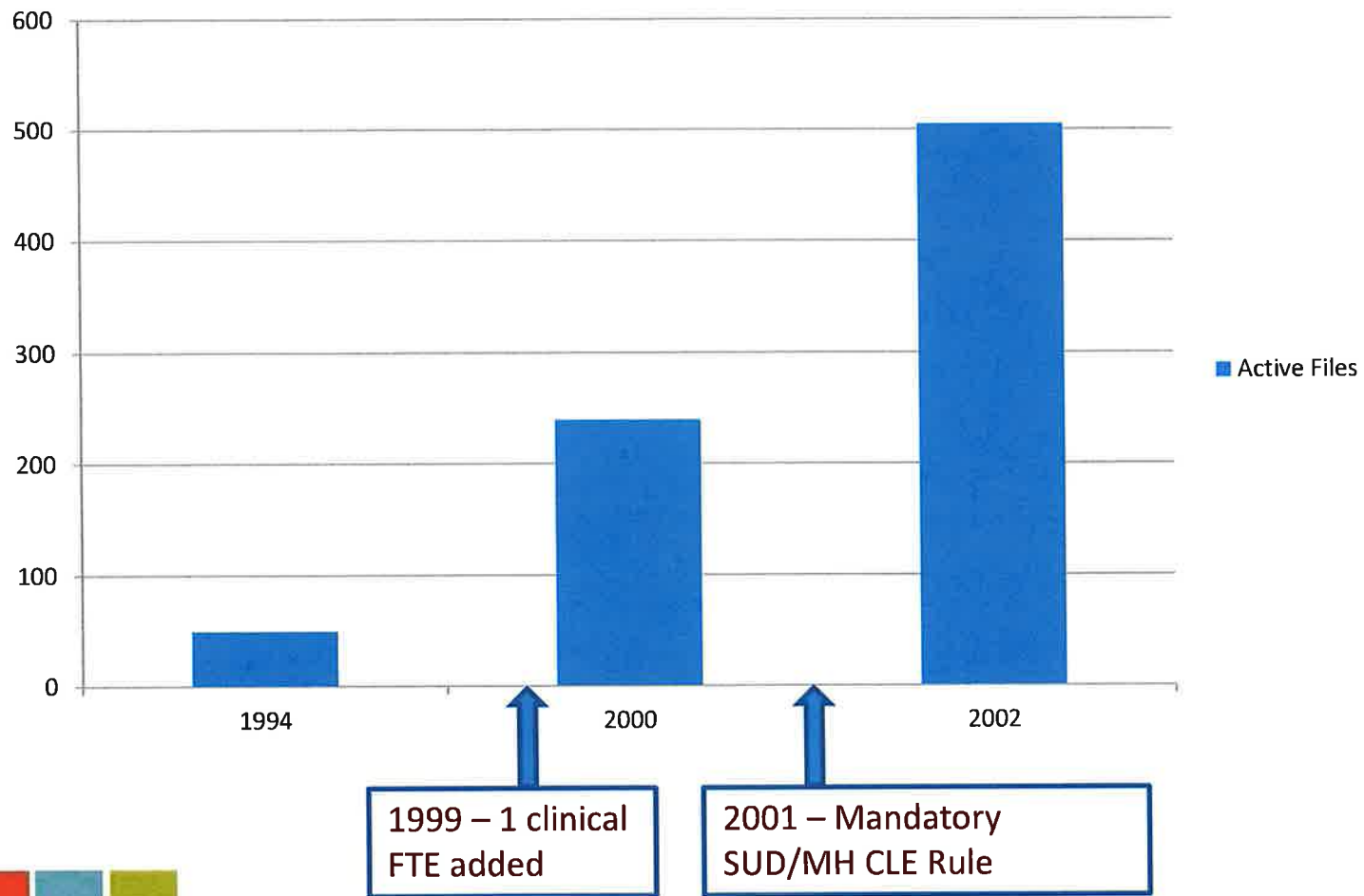


Total Staff: 2 2.5 3.2 3.5 4



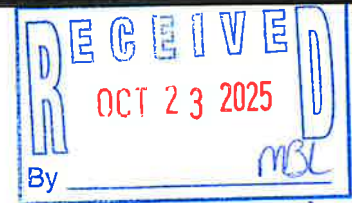
NC Before and After Mandatory CLE

Active Files



MaryBeth Lindsey

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

[See my Virtual Business Card](#)

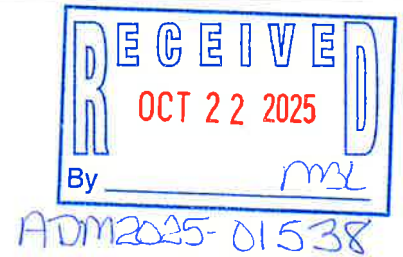


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MaryBeth Lindsey

From:
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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.

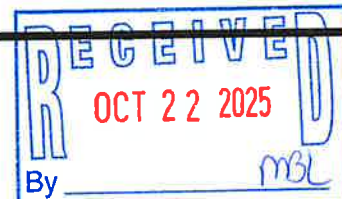
Please do not post my name anywhere with this comment. It would only exacerbate the difficulty of getting justice.

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

Warning: Unusual sender <h.delughter@gmail.com>

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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.

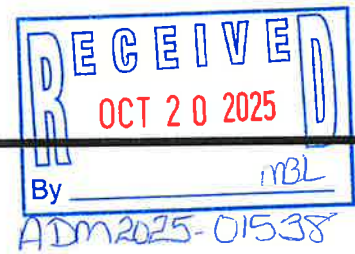
There is nothing wrong with current CLE courses including discussion of mental health, but that discussion does not need to be mandatory.

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.

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