

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: AMENDMENTS TO RULES 9 AND 33  
RULES OF THE TENNESSEE SUPREME COURT**

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**No. ADM2024-01525**

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**JOINT COMMENT OF THE BOARD OF PROFESSIONAL  
RESPONSIBILITY AND TENNESSEE LAWYERS' FUND FOR  
CLIENT PROTECTION TO PROPOSED AMENDMENTS TO  
TENNESSEE SUPREME COURT RULES 9 AND 33**

The Board of Professional Responsibility and Tennessee Lawyers' Fund for Client Protection, pursuant to Supreme Court Order filed October 4, 2024, respectfully submit the following Comment to proposed amendments to Tennessee Supreme Court Rule 9 and Rule 33:

Tennessee Supreme Court Rule 9, Section 10.2(c) currently provides that the annual registration fee for each attorney shall be \$170, consisting of \$140 for the Board of Professional Responsibility (BPR), \$10 for the Tennessee Lawyers' Fund for Client Protection (TLFCP) and \$20 for Tennessee Lawyers' Assistance Program (TLAP). This attorney registration fee has remained constant since 2009, when the Supreme Court raised the attorney registration fee from \$105 to \$170.

Tennessee's annual registration fee of \$170 is one of the lowest assessed fees in the United States.<sup>1</sup> However, the \$400 professional privilege tax assessed to attorneys annually

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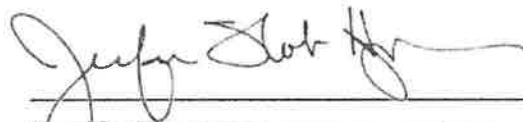
<sup>1</sup> American Bar Association Survey on Lawyer Discipline Systems, Chart VIII (2020-2021).

by the Tennessee Department of Revenue, conflates the Supreme Court's attorney registration fee, which would otherwise fall below the national average fee of \$432, excluding Oregon.<sup>2</sup>

The American Bar Association's Survey on Lawyers' Funds for Client Protection reflects only two jurisdictions have client protection assessments lower than Tennessee's current \$10 fee.<sup>3</sup> Since 2018, TLFCP has annually paid claims averaging \$378,174, exceeding TLFCP's average annual registration income totaling \$255,137.

To adequately finance the Supreme Court's boards and commissions, the BPR and TLFCP support the Tennessee Supreme Court's proposed amendments increasing the attorney registration fee from \$170 to \$270, with the Board receiving a \$85 increase to \$225, TLAP receiving a \$10 increase to \$30 and TLFCP receiving a \$5 increase to \$15.

RESPECTFULLY SUBMITTED,



Jennifer Hagerman (BPR No. 020281)  
Chair of the Board of Professional Responsibility  
of the Supreme Court of Tennessee

130 North Court Avenue  
Memphis, TN 38103

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<sup>2</sup> National Organization of Bar Counsel International Survey of Attorney Licensing Fees (2023).

<sup>3</sup> American Bar Association Survey of Lawyers' Funds for Client Protection (2020-2022).

Stacy  
Roettger

Digitally signed by Stacy  
Roettger  
Date: 2024.10.18  
18:14:41 -0400

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Stacy E. Roettger (BPR No. 017969)  
Chair of the Tennessee Lawyers' Fund for  
Client Protection

4823 Old Kingston Pike, Suite 100  
Knoxville, TN 37919

*Sandy Garrett*

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Sandy Garrett (#013863)  
Chief Disciplinary Counsel,  
Board of Professional Responsibility  
of the Supreme Court of Tennessee

10 Cadillac Drive, Suite 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](mailto:swright@tnbar.org), on this 21st day of October, 2024.

By:

*Sandy Garrett*

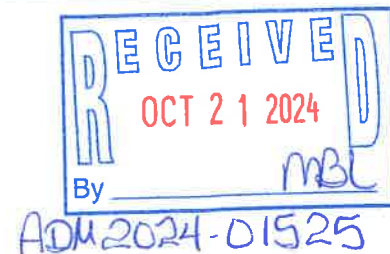
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Sandy Garrett (BPR No. 013863)  
Chief Disciplinary Counsel

**MaryBeth Lindsey**

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**From:** Audrey Calkins <audrey.m.calkins@gmail.com>  
**Sent:** Monday, October 21, 2024 10:55 AM  
**To:** appellatecourtclerk  
**Subject:** opposition to docket number ADM2024-01525



Good morning,

I am writing to oppose the proposed \$100 increase in my annual bar dues. Although I am an Assistant U.S. Attorney in the Western District of Tennessee, I write this opposition in my capacity as a private individual and an attorney licensed in Tennessee since 2011.

As an AUSA, I already pay for the \$170 registration and the \$400 privilege tax myself, out of my own pocket. (In contrast, when I was in private practice, my law firms paid for both my registration and privilege tax.) This means that I personally pay \$570 per year to be able to engage in my profession.

I am also licensed in Arkansas and Texas. Although I am inactive in those jurisdictions, I have to pay \$55 each year to Texas and \$100 each year to Arkansas to maintain my inactive status in those jurisdictions. (In private practice, when I had those licenses in active status, my law firms paid for those fees. I went inactive in those states upon joining the federal government to save money because I would be paying for them myself.) Thus, on the whole, I personally pay \$725/year to be able to practice law as an AUSA. Neither DOJ nor the federal government reimburse any of these costs, and I cannot write them off on my taxes.

The proposed increase would bring my total annual payments to \$825/year, out of my own pocket, to be able to continue to practice law as an AUSA. I find this proposed increase inappropriate and unjustified. The attorneys who have the lowest salaries--those representing indigent parties and those in public service like me--are the ones who pay this state's exorbitant fees out of their own pockets. If attorneys are in private practice, their law firms pay the increased fees, and their attorneys do not pay out of pocket (or are reimbursed).

If the BPR needs more money, the BPR should lobby the General Assembly for an increase in its funding, just as the TBA and Administrative Office of the Courts successfully lobbied for higher rates for attorneys who take indigent cases last year. Or the BPR could raise the registration fee for attorneys in private practice at large law firms only, which would be a more equitable distribution of costs. Finally, instead of increasing our registration fees, the BPR should also be lobbying the legislature to remove the burdensome and regressive privilege tax. Increasing the personal out-of-pocket burden on hardworking public servants is not the answer.

For these reasons, I oppose docket number ADM2024-01525.

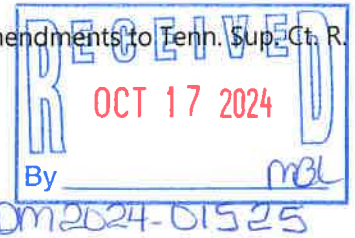
Thanks,

Audrey M. Calkins

**MaryBeth Lindsey**

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**From:** Darrell Julian <tenn.dui@gmail.com>  
**Sent:** Thursday, October 17, 2024 11:47 AM  
**To:** appellatecourtclerk  
**Subject:** docket number ADM2024-01525 RE: Proposed Amendments to Tenn. Sup. Ct. R. 9 & 33



Greetings to the Honorable justices of the Tennessee Supreme Court:

I write with deep respect and sincere gratitude for the critical role this Court plays in maintaining the integrity and effectiveness of our legal profession. As an attorney licensed to practice in Tennessee, I wish to address the proposed increase of over 58 percent in our annual licensing fees. While I fully appreciate that no such increase has been implemented since 2009, I have concerns regarding the impact this significant rise will have on two distinct but vulnerable groups within our profession: senior attorneys and newly licensed, young attorneys.

For many senior attorneys, especially those transitioning into part-time practice or approaching retirement, such a substantial increase in fees can be burdensome. I respectfully suggest that the Court consider implementing exemptions or reductions for senior members of the Bar who may no longer have the same financial capacity as they did earlier in their careers.

Similarly, for young attorneys who are just beginning their professional journeys, many are already facing the immense financial pressure of student loan debt, which has become a prevalent and significant burden. An increase of this magnitude could disproportionately affect their ability to maintain licensure and fulfill their career aspirations.

I also wish to draw your attention to the experience of Washington State, where the Washington State Bar Association (“WSBA”) has taken proactive steps to mitigate the effects of fee increases by providing free continuing legal education (CLE) courses in the form of monthly webinars. This model serves as a meaningful trade-off, offering attorneys valuable resources for professional development while also helping to ease the financial burden of higher fees.

I submit these thoughts with the utmost respect for the Court’s authority and discretion, and with the shared goal of ensuring that our legal system remains accessible and equitable for all members of the Bar. I hope the Court will consider these points as you move forward in deliberating this important issue.

Thank you for your time and thoughtful consideration.

Respectfully,

Darrell R. Julian,  
BPR # 025494

*“Never underestimate the difficulty of changing false beliefs by facts.”*

— Henry Rosovsky, Harvard economic historian

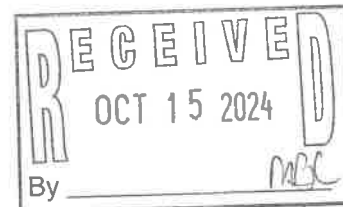
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**MaryBeth Lindsey**

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**From:** A Bridge <abri73b@gmail.com>  
**Sent:** Tuesday, October 15, 2024 1:26 PM  
**To:** appellatecourtclerk  
**Subject:** Docket number ADM2024-01525.



ADM2024-01525

Dear Supreme Court

The annual registration fee for lawyers should not increase from \$170 to \$270 because it disproportionately affects lawyers making less income than lawyers making a greater amount.

Tennessee's failure to have an income tax is the reason for any insufficiency of funds it experiences. Arkansas has an income tax and has a surplus of funds.

Increasing the payment for all or giving out the same tax to everyone does not proportionately affect the poor as it does the wealthy. An example would be that the income of someone making \$50,000 a year would be substantially affected if the price of gas increased by 50% changing there yearly gas expenditure from \$1,000 a year to \$1,500 a year, an increase from 2.5% of their income to 3.7% of their income compared to someone who makes \$500,000 a year where the total amount paid wouldn't amount to half of 1% of their income. The wealthy person wouldn't notice the change. Simply put, taxing everyone the same simply avoids taxing the people who have the majority of the money and simultaneously makes things harder for those barely scraping by.

The office of Professional Responsibility does not need additional funds because everyone is already terrified by the annual list of attorneys on suspension or who have been disbarred. Their constant presence and potential consequences of invoking their wrath is felt from law school until retirement from the profession.

Increasing the payment of attorneys that take appointments for indigent clients is a good thing, but it should not come from the appointed attorney. The increase should come from the people who are thriving with the most money because they have benefitted from the capitalist system.

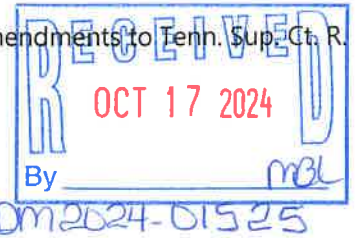
Best regards,

Anthony Bridgeforth  
Attorney at Law  
Bridgeforth Law Firm  
(901) 730-5555  
[abri73b@gmail.com](mailto:abri73b@gmail.com)

**MaryBeth Lindsey**

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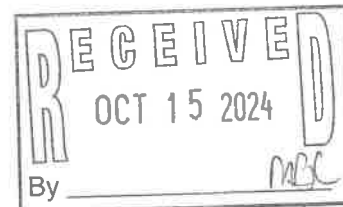
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Best regards,

Anthony Bridgeforth  
Attorney at Law  
Bridgeforth Law Firm  
(901) 730-5555  
[abri73b@gmail.com](mailto:abri73b@gmail.com)

**MaryBeth Lindsey**

ADM2024-01525

**From:** Chip Dawson <chip@charlesdawsonlaw.com>  
**Sent:** Tuesday, October 8, 2024 5:58 PM  
**To:** appellatecourtclerk  
**Subject:** ADM2024-01525



I am dually licensed, and the proposed increase in the annual registration fee brings Tennessee's fees closer to Alabama's (while still being lower). I support the increase because of the concomitant increase in the improvements that the allocations can make in all areas.

Thanks.

**Chip Dawson Attorney**  
**Law Office of Charles C. Dawson, Jr., LLC**  
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***Admitted in Alabama and Tennessee***

*LAW OFFICE OF CHARLES C. DAWSON, JR., LLC represents the rights of creditors throughout the states of Alabama and Tennessee.*

**MaryBeth Lindsey**

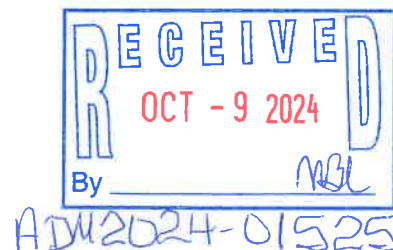
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**From:** Jeff Kohl <jeffrey.kohl@farmersinsurance.com>  
**Sent:** Wednesday, October 9, 2024 2:20 PM  
**To:** appellatecourtclerk  
**Subject:** Opposition to Increase in Annual Registration Fee Docket No ADM2024-01525

Mr. Hivner:

I oppose the proposed increase in the Annual Registration Fees. The sum currently assessed is already steep and instead of looking to increase revenue, the board should be looking to cut its expenses to stay in line with its current level of revenue.

Jeffrey R. Kohl  
#18072



**Jeffrey R. Kohl**  
*Managing Attorney-Tennessee*  
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**MaryBeth Lindsey**

ADM 2024-01525

**From:** Blake, Karen <kblake@bakerdonelson.com>  
**Sent:** Wednesday, October 9, 2024 7:39 AM  
**To:** appellatecourtclerk  
**Subject:** Comment on docket number ADM2024-01525



An increase in fees from \$170 to \$270—a \$100 increase—is **almost 60%!!** It's not clear why this increase is justified and is going to be difficult for some to pay, given current economic conditions. Please reconsider increasing it incrementally.

Thank you!

**Karen Blake**

Conflicts Attorney  
(Admitted to practice in TN, CA and GA)

**Baker, Donelson, Bearman, Caldwell & Berkowitz, PC**

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

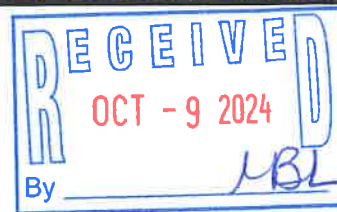


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MaryBeth Lindsey

ADM 2024-01525

**From:** Sarah Schnell <schnell@miamemphis.org>  
**Sent:** Wednesday, October 9, 2024 8:42 AM  
**To:** appellatecourtclerk  
**Subject:** Rules 9 and 33



To Whom It May Concern,

Simply, there should not be an increase in the annual registration fee. The idea of having more money for the Client Protection fund sounds good; however, it is not in the long run.

Being an attorney is not as profitable as it used to be, and the salary most newer attorneys get cannot take any more strain. Between insurmountable student loans, CLEs, our "privilege" tax, and the registration fee, we are being bled dry. The legal field is not a safe and financially fortuitous field any more. Please stop up charging us like it is.

Sincerely,

Sarah Schnell

(she/her)

Children's Project Staff Attorney

Mid-South Immigration Advocates | [miamemphis.org](http://miamemphis.org)

tel: (423) 225-5813 | fax: (901) 545-5680 | español: (423) 616-5314

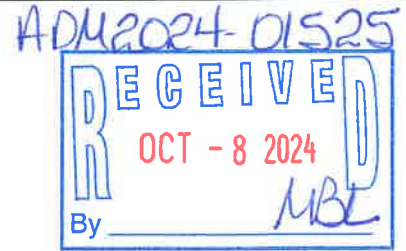
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## MaryBeth Lindsey

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**From:** Lisa Cothron <lcothron@nctc.com>  
**Sent:** Tuesday, October 8, 2024 6:15 PM  
**To:** appellatecourtclerk  
**Cc:** Lisa C. Cothron  
**Subject:** ADM2024-01525.



Honorable Court:

I am opposed to the proposed increase of the annual registration fee.

As a rural, sole practitioner, who has spent over 30 years with half my case-load being appointed cases, this is another action that would burden rural practitioners, and urban practitioners who carry a heavy load of indigent clients, with yet another expense. Perhaps there are very well paid lawyers and judges for whom \$270/year would be a pittance. But there are many non-well-paid lawyers that are representing poor people across this state, whether indigent or not, and for whom this is another example that they are not valued.

When those who are representing indigent clients are paid a REAL reasonable rate for their work, perhaps it would be more reasonable. Or perhaps, raise the rate for those attorneys who feel incompetent to take an appointed case, and relieve those who take five or more cases per year of the additional fee. Me, I have semi-retired, and no longer accept appointed cases, though I have two still that are seeking permanency. But my financial situation will never recover from the 30 years I spent thinking I was doing important work, but was essentially working for free. And this proposal does not make me happy.

## Lisa C. Cothron

Attorney at Law  
P.O. Box 14  
Lafayette, TN 37083  
T: 615.666.6887  
M: 615.633.2334  
LCothron@nctc.com

"... think it possible that you may be mistaken." Oliver Cromwell

**MaryBeth Lindsey**

ADM2024-01525

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Thanks.

**Chip Dawson Attorney**  
**Law Office of Charles C. Dawson, Jr., LLC**  
2105 Old Montgomery Highway, Suite 206, Pelham, AL 35124  
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***Admitted in Alabama and Tennessee***

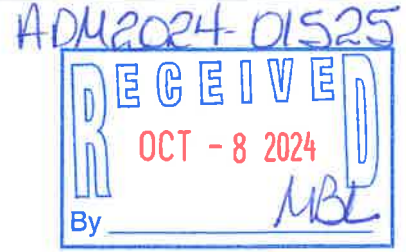
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## MaryBeth Lindsey

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**Karen Blake**

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(Admitted to practice in TN, CA and GA)

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Suite 2000  
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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

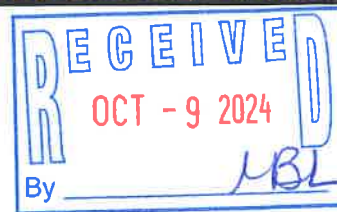


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**To:** appellatecourtclerk  
**Subject:** Rules 9 and 33



To Whom It May Concern,

Simply, there should not be an increase in the annual registration fee. The idea of having more money for the Client Protection fund sounds good; however, it is not in the long run.

Being an attorney is not as profitable as it used to be, and the salary most newer attorneys get cannot take any more strain. Between insurmountable student loans, CLEs, our "privilege" tax, and the registration fee, we are being bled dry. The legal field is not a safe and financially fortuitous field any more. Please stop up charging us like it is.

Sincerely,

Sarah Schnell

(she/her)

Children's Project Staff Attorney

Mid-South Immigration Advocates | [miamemphis.org](http://miamemphis.org)

tel: (423) 225-5813 | fax: (901) 545-5680 | español: (423) 616-5314

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**MaryBeth Lindsey**

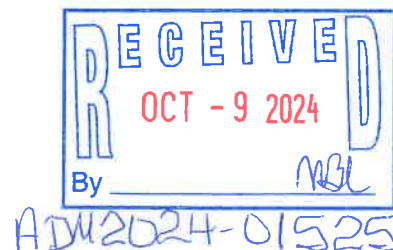
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**From:** Jeff Kohl <jeffrey.kohl@farmersinsurance.com>  
**Sent:** Wednesday, October 9, 2024 2:20 PM  
**To:** appellatecourtclerk  
**Subject:** Opposition to Increase in Annual Registration Fee Docket No ADM2024-01525

Mr. Hivner:

I oppose the proposed increase in the Annual Registration Fees. The sum currently assessed is already steep and instead of looking to increase revenue, the board should be looking to cut its expenses to stay in line with its current level of revenue.

Jeffrey R. Kohl  
#18072



**Jeffrey R. Kohl**  
*Managing Attorney-Tennessee*  
Law Offices of Jeffrey R. Kohl  
Not a Partnership  
Employees of Farmers Insurance Exchange and Affiliates  
Office (615)370-7002  
Cell (615)268-0180

Mailing Address:  
P.O. Box 258829, Oklahoma City, OK 73125-8829

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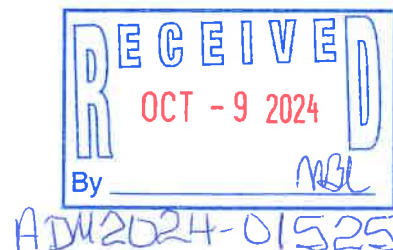
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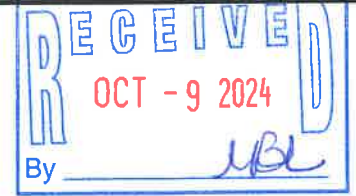
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**MaryBeth Lindsey**

ADM 2024-01525

**From:** Blake, Karen <kblake@bakerdonelson.com>  
**Sent:** Wednesday, October 9, 2024 7:39 AM  
**To:** appellatecourtclerk  
**Subject:** Comment on docket number ADM2024-01525



An increase in fees from \$170 to \$270—a \$100 increase—is **almost 60%!!** It's not clear why this increase is justified and is going to be difficult for some to pay, given current economic conditions. Please reconsider increasing it incrementally.

Thank you!

**Karen Blake**

Conflicts Attorney  
(Admitted to practice in TN, CA and GA)

**Baker, Donelson, Bearman, Caldwell & Berkowitz, PC**

200 E. Broward Blvd.  
Suite 2000  
Fort Lauderdale, FL 33301

Cell:615-337-9200  
Profile: <https://www.bakerdonelson.com/karen-blake>

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



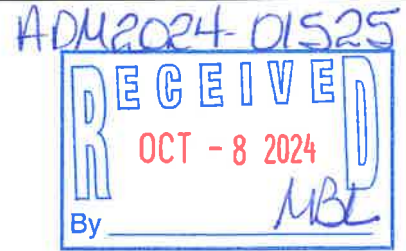
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## MaryBeth Lindsey

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**From:** Lisa Cothron <lcothron@nctc.com>  
**Sent:** Tuesday, October 8, 2024 6:15 PM  
**To:** appellatecourtclerk  
**Cc:** Lisa C. Cothron  
**Subject:** ADM2024-01525.



Honorable Court:

I am opposed to the proposed increase of the annual registration fee.

As a rural, sole practitioner, who has spent over 30 years with half my case-load being appointed cases, this is another action that would burden rural practitioners, and urban practitioners who carry a heavy load of indigent clients, with yet another expense. Perhaps there are very well paid lawyers and judges for whom \$270/year would be a pittance. But there are many non-well-paid lawyers that are representing poor people across this state, whether indigent or not, and for whom this is another example that they are not valued.

When those who are representing indigent clients are paid a REAL reasonable rate for their work, perhaps it would be more reasonable. Or perhaps, raise the rate for those attorneys who feel incompetent to take an appointed case, and relieve those who take five or more cases per year of the additional fee. Me, I have semi-retired, and no longer accept appointed cases, though I have two still that are seeking permanency. But my financial situation will never recover from the 30 years I spent thinking I was doing important work, but was essentially working for free. And this proposal does not make me happy.

## Lisa C. Cothron

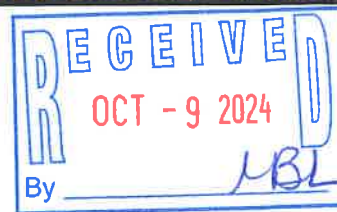
Attorney at Law  
P.O. Box 14  
Lafayette, TN 37083  
T: 615.666.6887  
M: 615.633.2334  
LCothron@nctc.com

"... think it possible that you may be mistaken." Oliver Cromwell

MaryBeth Lindsey

ADM 2024-01525

**From:** Sarah Schnell <schnell@miamemphis.org>  
**Sent:** Wednesday, October 9, 2024 8:42 AM  
**To:** appellatecourtklerk  
**Subject:** Rules 9 and 33



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Sincerely,

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**MaryBeth Lindsey**

ADM2024-01525

**From:** Chip Dawson <chip@charlesdawsonlaw.com>  
**Sent:** Tuesday, October 8, 2024 5:58 PM  
**To:** appellatecourtclerk  
**Subject:** ADM2024-01525



I am dually licensed, and the proposed increase in the annual registration fee brings Tennessee's fees closer to Alabama's (while still being lower). I support the increase because of the concomitant increase in the improvements that the allocations can make in all areas.

Thanks.

**Chip Dawson Attorney**  
**Law Office of Charles C. Dawson, Jr., LLC**  
2105 Old Montgomery Highway, Suite 206, Pelham, AL 35124  
t: (855)516-3132  
f: (888)316-6313  
m: (205)516-3132  
w: charlesdawsonlaw.com  
e: chip@charlesdawsonlaw.com



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