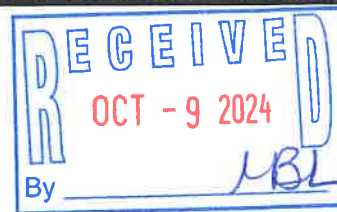


MaryBeth Lindsey

ADM 2024-01525

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



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

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

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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>

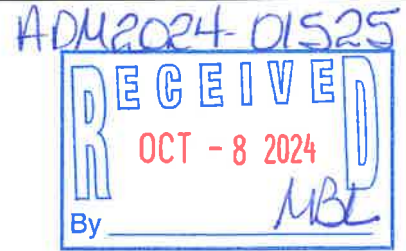
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.



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MaryBeth Lindsey

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

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
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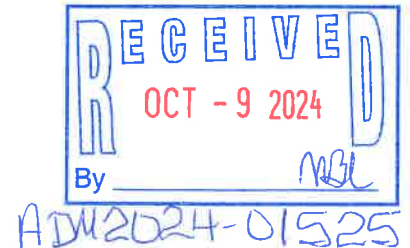
MaryBeth Lindsey

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

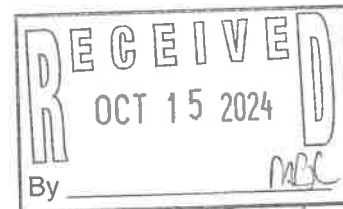
Mailing Address:
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MaryBeth Lindsey

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.

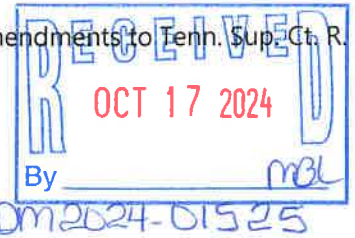
Increasing the payment of attorneys that take appointments for indigent clients is a good thing, but it should not come from the appointed attorney. The increase should come from the people who are thriving with the most money because they have benefitted from the capitalist system.

Best regards,

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

MaryBeth Lindsey

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,

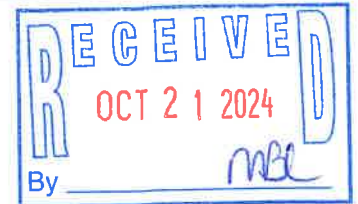
Darrell R. Julian,
BPR # 025494

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

— Henry Rosovsky, Harvard economic historian

Darrell R. Julian
Sent from my iPhone

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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

No. ADM2024-01525

**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.¹ However, the \$400 professional privilege tax assessed to attorneys annually

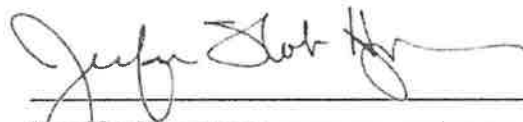
¹ American Bar Association Survey on Lawyer Discipline Systems, Chart VIII (2020-2021).

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.²

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.³ 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

² National Organization of Bar Counsel International Survey of Attorney Licensing Fees (2023).

³ 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

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

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, on this 21st day of October, 2024.

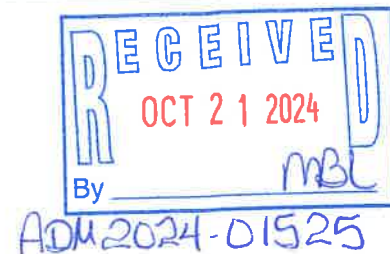
By:

Sandy Garrett

Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel

MaryBeth Lindsey

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.

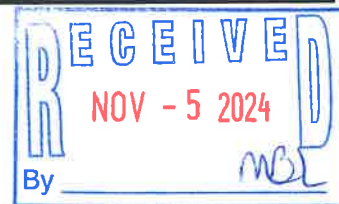
For these reasons, I oppose docket number ADM2024-01525.

Thanks,

Audrey M. Calkins

MaryBeth Lindsey

From: Melanie Dunlap <melanie.dunlap1406@gmail.com>
Sent: Tuesday, November 5, 2024 12:10 PM
To: appellatecourtclerk
Subject: ADM2024-01525 (Comments on increase in fees)

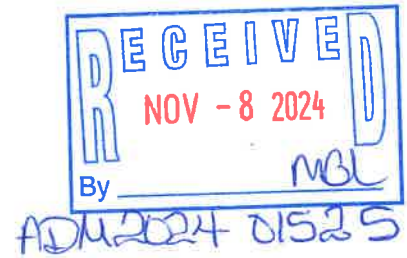


ADM2024-01525

To whom it may concern,

Good afternoon. I am emailing to comment on the proposed changes to Rules 9 and 33 to increase the annual registration fee from \$170 to \$270. I am absolutely against this proposed increase in fees. Tennessee attorneys already have to pay a \$400 professional "privilege" tax in order to practice, which is absurd. Now to raise the annual fees by \$100 is just another slap in the face of attorneys. Obtaining a legal career is not cheap. And then to have to pay almost \$700 annually in fees alone is wrong. This is especially true for those attorneys, like myself, practicing in the public sector who receive a much lower compensation than those in private practice. It is an unfair burden to make attorneys pay so much money annually in order to practice their profession and provide legal services.

Melanie Dunlap, Attorney at Law



November 8, 2024

via email to appellatecourtclerk@tncourts.gov

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

Re: No. ADM2024-01525 - Proposed Amendments to S.Ct. Rules 9 and 33

Dear Sir:

In accordance with the Supreme Court's October 4, 2024 Order in the above docket, I am writing to voice my strong support for the proposed increase in the annual attorney registration fee and the associated allocations to the Tennessee Lawyers Assistance Program ("TLAP") and the Tennessee Lawyers Fund for Client Protection ("TLFCP").

The rationales for my support are essentially as follows.

First, like a great many people, I believe that the licensure and admission to practice law is a privilege, not a right. I personally consider mine the most precious asset I have. Every success in my work, my financial resources, and my professional life has flowed directly from it. \$270.00 is a very small price to pay for that privilege, especially given the necessity of funding the regulatory apparatus essential to the proper function of the Bar in service to the justice system.

Like many lawyers, I maintain voluntary memberships in various professional associations to enhance my practice and my enjoyment of it. The dues for each of these exceed \$270, greatly in some cases; but all of them are far less essential to my legal ability to practice. And as valuable as they are, they are less important than the Court's regulatory apparatus, which is essential to the maintenance of a healthy, quality, and effective Bar.

Second, as the Court's Order noted, the existing fee of \$170 has remained unchanged since 2009. The proposed fee is fair under any rational financial analysis. Considering growth in the cost of living, the consumer price index ("CPI"), or any other accepted metric, \$170.00 in 2009 was worth much more than \$270.00 is worth in 2024. These factors have concrete meaning with respect to the need to compensate regulatory staff fairly and to pay the contemporary costs of the goods, services, and other assets they require.

Dues and fees charged by other associations to which I belong, as mentioned above, have increased concomitantly or more during the same time frame, as have the costs of office space, furnishings, books, electronic research services, and every other practice-related asset I can think of. The largest single cost of practice in a firm — average compensation of employed lawyers and support staff — has increased much more. While the increases in these costs have affected the overhead borne by the partners or shareholders who own law practices, it is crucial to note that the average earnings of such lawyers generally have increased markedly since 2009 as a result of parallel increases in hourly rates, typical fixed fees, and lawsuit recoveries driving contingent fees.

In short, I respectfully submit that there is no reasoned basis to assert that a \$100 increase in this fee after fifteen years without change is unfair or characterizable as burdensome.

Third, with respect to the increased allocation to TLAP, I humbly claim extensive direct knowledge of relevant factors. I was a grateful client of TLAP during a challenging medical situation in 2004-2006, became and have remained a volunteer monitor of many TLAP clients since, served for a period on the Court's Commission that governs the program, currently remain an Advisory Member of that Commission, and am a director and officer of its supporting non-profit Foundation created by the Court several years ago. TLAP has achieved at least hundreds of success stories in facilitating lawyers' recovery from impairments and life challenges and resuming practice in a manner that does honor and service to our justice system. It has achieved similar success with respect to law students. Like the Board of Professional Responsibility, it needs to compensate its personnel fairly and has naturally experienced increased operating costs.

Finally and most briefly, I don't see any rational basis for anyone to take issue with the modest increase in resources for compensation of clients injured by unethical lawyers via the TLFCP. I have represented clients who suffered brutally from misconduct of former counsel. Their stories are heartbreaking and compelling.

I want to note in closing that I have been a member of the Tennessee Bar Association's Standing Committee on Ethics and Professional Responsibility for many years and currently serve as the committee's chair. The comments in this letter are solely personal, and do not reflect any view of that committee or any other group. The TBA sometimes asks the Ethics Committee to make recommendations regarding positions to take on proposed Court Rule amendments. The TBA did not do so in this case, I'm sure because the amendment here involves a financial rather than ethics matter, and thus the Ethics Committee has not considered this matter.

Thank you for the opportunity to submit this comment.

Very truly yours,



Mark Vorder-Bruegge, Jr.