



Re: ADM2025-01403 – Public Comments on Potential Regulatory Reforms

To the Honorable Justices of the Tennessee Supreme Court:

I respectfully submit the following comments in response to the Court's request for input regarding potential regulatory reforms to increase access to quality legal representation. I appreciate the Court's thoughtful engagement with the justice gap and its commitment to ensuring both access and competency in legal services.

Below are my responses to the seven specific issues identified in the Order.

(1) Whether the Court Should Modify, Reduce, or Eliminate Its Reliance on ABA Accreditation

I urge caution in modifying or reducing reliance on ABA accreditation absent a clearly defined and equally rigorous alternative framework.

While accreditation is not perfect, it provides:

- Uniform baseline educational standards
- Faculty and curriculum oversight
- Ethical and professional formation requirements
- Interstate portability and consistency

Reducing reliance on accreditation without implementing an equivalent competency safeguard risks uneven educational quality and potential erosion of public confidence.

The justice gap appears driven less by aggregate attorney supply and more by geographic distribution, affordability, and economic structure. Lowering educational standards may increase the number of licensees but may not meaningfully increase service to underserved communities.

(2) Practicable Alternatives to ABA Accreditation

If the Court considers alternatives, they should:

- Be competency-based rather than cost-based
- Require demonstrable instructional rigor
- Include measurable outcomes
- Preserve ethical and professional training components

Any alternative pathway should be piloted with data collection and periodic review to ensure public protection is not compromised.

The focus should remain on ensuring practice readiness and analytical competence, not merely lowering barriers.

(3) Less Costly Alternatives to the Traditional Three-Year Curriculum

Cost concerns surrounding legal education are legitimate. However, shortening the curriculum alone does not necessarily reduce student debt or ensure practice readiness.

If alternatives are explored, they might include:

- Hybrid academic-apprenticeship models
- Structured experiential learning embedded within law school
- Two-year academic programs followed by supervised practice

Any modification should maintain rigorous exposure to core doctrinal subjects, ethics, and professional responsibility.

The solution to affordability should not come at the expense of competency.

(4) Alternative Pathways to Admission (Apprenticeships, Legal Aid Service, etc.)

Apprenticeship pathways merit thoughtful consideration if structured carefully.

If adopted, such programs should include:

- Formal supervision requirements
- Defined curriculum components
- Minimum competency benchmarks
- Periodic evaluation
- Bar examination or standardized assessment

Apprenticeships may improve practical readiness, but they should supplement — not replace — structured legal education without safeguards.

Additionally, there is limited evidence that alternative pathways alone will materially increase placement in rural or underserved communities without accompanying economic incentives.

(5) Modifying Admission Requirements for Out-of-State Attorneys

Greater interstate mobility may enhance competition and expand access to specialized services.

However, any relaxation of requirements should:

- Preserve competency standards
- Ensure familiarity with Tennessee law
- Protect consumer expectations

Streamlining admission for experienced, licensed attorneys in good standing may promote flexibility without undermining professional standards.

(6) Licensing Paraprofessionals to Provide Certain Legal Services

The Court should proceed cautiously in authorizing paraprofessional practice.

Some limited subject areas — particularly high-volume, standardized matters — may lend themselves to narrowly scoped authority. However:

- Legal issues frequently overlap across practice areas
- Consumers may struggle to distinguish between limited and full representation
- Improperly scoped authority could increase downstream harm

If implemented, paraprofessional licensing should:

- Be tightly limited by subject matter
- Include education and certification requirements
- Require clear disclosure to clients
- Include regulatory oversight and complaint mechanisms
- Begin as pilot programs with measurable outcome tracking

The priority must remain public protection.

(7) Modifying or Eliminating Restrictions on Non-Lawyer Ownership and Fee Sharing

In contrast to concerns about lowering educational or licensure standards, I believe the Court should give serious consideration to modernizing restrictions on non-lawyer ownership and fee sharing.

The current prohibitions were designed to protect professional independence. That goal remains essential. However, modern legal practice increasingly requires:

- Access to capital
- Technological investment
- Operational expertise
- Interdisciplinary integration

Permitting carefully regulated non-lawyer ownership could:

- Improve innovation and efficiency
- Enhance service delivery models
- Expand access to capital for underserved markets
- Facilitate integrated service offerings (e.g., law and financial planning)

The focus should not be on ownership structure alone, but on preserving fiduciary duty and ethical independence. Any reform should include:

- Explicit reaffirmation of lawyers' duties to clients
- Safeguards against investor interference in professional judgment
- Transparency requirements
- Oversight mechanisms
- Pilot implementation with outcome evaluation

Thoughtful modernization of ownership rules may improve access and innovation without reducing competency standards.

Additional Considerations

The legal profession is already undergoing structural change due to technological innovation and artificial intelligence. AI tools are rapidly lowering the cost of routine legal tasks and increasing efficiency.

Before increasing aggregate supply through lowered licensure barriers, it is important to consider the cumulative economic effect on professional sustainability. An oversupplied and

economically unstable profession may ultimately reduce incentives for long-term investment in skill development and professional excellence.

The justice gap appears to be driven primarily by:

- Income disparities
- Geographic clustering
- Business model limitations
- Economic barriers to rural practice

Targeted solutions — such as rural practice incentives, legal aid expansion, structured pro bono reforms, and procedural simplification — may address access concerns more directly than reducing licensure standards.

Conclusion

The Court's effort to address access to justice is commendable and necessary. However, reforms that reduce educational or competency standards risk unintended long-term consequences for public protection and professional sustainability.

I respectfully encourage the Court to:

- Preserve rigorous competency standards
- Pilot alternative pathways carefully
- Collect and analyze data before broad implementation
- Consider modernization of ownership rules with appropriate safeguards

Access and excellence need not be mutually exclusive. With careful design, Tennessee can promote innovation and affordability while preserving the integrity of the profession.

Respectfully submitted,

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Warning: Unusual sender <ryan@nfep law.com>

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Good afternoon,

I have attached my comments to the request for public comments for docket No. ADM2025-01403.

Thanks!

Sincerely,

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