

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

<p>FILED 09/16/2025 Clerk of the Appellate Courts</p>
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**IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY
REFORMS TO INCREASE ACCESS TO QUALITY LEGAL
REPRESENTATION**

No. ADM2025-01403

ORDER

The Tennessee Supreme Court has the inherent power “to regulate and supervise the practice of law in this State.” *Manookian v. Bd. of Pro. Resp.*, 685 S.W.3d 744, 801 (Tenn. 2024). Pursuant to this authority, the Court may set qualifications for the licensing and admission of attorneys, promulgate and enforce rules to govern the legal profession, and take measures to prevent the unauthorized practice of law. *See id.*; *Petition of Burson*, 909 S.W.2d 768, 773 (Tenn. 1995); Tenn. Code Ann. § 23-1-103.

The Tennessee Supreme Court has long set the educational requirements and other standards for admission to the Bar. In the early twentieth century, the Court required applicants to have completed one year of study at a “reputable law school” or in the office of a “reputable lawyer.” Rules of the Supreme Court with Respect to Licensing of Attorneys § 4, 164 Tenn. 675, 814 (1931). In 1934, the Court increased the requirement to two years of law school or office study. *See id.* (noting that the requirement for years of study would increase to two years in 1934). By the 1940s, the Court required applicants to have “graduated from a regularly organized law school which has the approval of the Board of Law Examiners.” Tenn. Sup. Ct. R. 37, § 5 (1948). A law school could obtain approval of the Board of Law Examiners either by being “accredited or approved by the American Bar Association” or by satisfying certain standards to the satisfaction of the Board of Law Examiners. *Id.*

Over the years, the Court has come to rely heavily on accreditation by the American Bar Association (“ABA”) in establishing minimum education requirements for applicants to the Bar. Under the Court’s current rules, “[a]ny applicant seeking admission” to the Tennessee Bar “must have . . . graduated with a J.D. Degree from a law school accredited by the ABA at the time of the applicant’s graduation, or a Tennessee law school approved by the Board . . . at the time of the applicant’s graduation.” Tenn. Sup. Ct. R. 7, § 2.02(a). Tennessee law schools that are not accredited by the ABA may obtain approval from the

Board to allow their graduates to apply for admission to the Tennessee Bar. *See id.* § 17.01. Graduates of unaccredited law schools outside of Tennessee may be considered for admission to the Bar on a case-by-case basis. *See id.* § 2.02(d). Among other requirements, such an applicant must have obtained a degree “from a law school approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee.” *Id.* § 2.02(d)(1). To obtain ABA accreditation, a law school must satisfy a set of standards established by the ABA’s Council of the Section of Legal Education and Admissions to the Bar. *See* ABA, Standards and Rules of Procedure for Approval of Law Schools (2025), https://www.americanbar.org/groups/legal_education/accreditation/standards/standards-rules/ (last visited Sept. 15, 2025).

In addition to satisfying these minimum education requirements, applicants to the Tennessee Bar generally must pass the Tennessee bar examination or transfer a passing score from the Uniform Bar Examination (“UBE”) taken in another jurisdiction. Tenn. Sup. Ct. R. 7, § 1.03. The requirement to “pass the Tennessee bar examination or provide a passing UBE score may be waived” in only limited circumstances. *Id.* § 1.04.

The requirements for admission to practice law established by the Court, in combination with rules prohibiting the unauthorized practice of law, restrict the pool of individuals who may provide legal services in Tennessee. *See* Tenn. Sup. Ct. R. 8; RPC 5.5. These requirements are intended to protect the public and to ensure competent representation. *See Burson*, 909 S.W.2d at 777. But they also necessarily limit the supply of legal services and increase their cost. *See generally* Gillian K. Hadfield, *Legal Barriers to Innovation: The Growing Economic Cost of Professional Control over Corporate Legal Markets*, 60 Stan. L. Rev. 1689, 1717–18 (2008). Likewise, the Court’s rules prohibiting non-lawyer ownership of law firms and lawyer fee sharing with non-lawyers, *see* Tenn. Sup. Ct. R. 8, RPC 5.4, although intended to protect a lawyer’s professional independence, may have the same effect. *Cf.* Hadfield, *supra*, at 1714.

There is a growing recognition that the current supply of legal services in the United States is insufficient to meet the needs of many Americans. Congress established the Legal Services Corporation (“LSC”) in 1974 to promote equal access to justice. *See* 42 U.S.C. § 2996. LSC provides funding to civil legal aid organizations. *See id.* Tennessee currently has three of these organizations—West Tennessee Legal Services, Legal Aid of Middle Tennessee and the Cumberland, and Legal Aid of East Tennessee. *See Tennessee State Profile*, Legal Services Corporation, <https://perma.cc/Q4SA-2G6Z> (last visited Sept. 15, 2025); Tenn. Sup. Ct. R. 11(VI)(a)(1) (amended July 1, 2025). To qualify for LSC funded services, an individual must earn at or below 125% of the federal poverty guidelines. *See* 45 C.F.R. § 1611.3(c)(1). In Tennessee, the annual income eligibility threshold is \$18,825 for an individual and \$39,000 for a family of four. *Tennessee State Profile*, Legal Services Corporation. Many who may need legal assistance do not qualify for LSC funded services

and must obtain assistance elsewhere or navigate their legal problems without assistance. Approximately 1.2 million Tennesseans (or 17.4% of the State’s population) qualify for LSC funded legal aid. *See* Craig Benson, *Poverty in States and Metropolitan Areas: 2023*, American Survey Briefs, U.S. Census Bureau 8 (2024), <https://perma.cc/HNG7-AZ99> (listing percentages by state for those at or below 125% of the federal poverty level). Even with this support, “[l]ow-income Americans did not receive any legal help or enough legal help for 92% of the problems that substantially impacted them in the past year.” Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* 48 (Apr. 2022), <https://perma.cc/ZM42-KA68> (last visited Sept. 15, 2025).

Further, there is a growing concern regarding the lack of access to legal services in rural areas, or so-called “legal deserts.” *See generally* Lisa Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 Harv. L. & Pol. Rev. 15 (2018). Nationwide, only two percent of small law practices are located in rural areas. *See id.* at 21. As of 2020, Tennessee had twenty counties with fewer than ten lawyers each, while the five largest counties had thousands of attorneys.¹ ABA, Profile on the Legal Profession 14 (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf> (last visited Sept. 15, 2025). “A community’s status as a ‘legal desert’ or ‘attorney desert’ necessarily influences how all aspects of its civil and criminal justice system function, and indeed how the entire community functions given the human capital represented by attorney presence.” Kelly V. Beskin & Lisa R. Pruitt, *A Survey of Policy Responses to the Rural Attorney Shortage in the United States*, in *Access to Justice in Rural Communities: Global Perspectives* 7, 12 (Daniel Newman & Faith Gordon eds., 2023); *see also* Committee on Legal Education and Admissions Reform (CLEAR) Report and Recommendations 10 (July 27, 2025), <https://perma.cc/SW8E-FTX4> (last visited Sept. 15, 2025).

To remedy this gap in access to justice, some States have started experimenting with regulatory reforms aimed at increasing the supply of legal services and thereby lowering their costs. These reforms include the limited licensing of paraprofessionals to provide certain legal services, allowing non-lawyer ownership of law firms, and providing alternative pathways to licensure other than a traditional three-year legal education and successful completion of the bar examination. *See, e.g.*, Texas Supreme Court, *Supreme Court Advances Access-to-Justice Efforts with Proposed New Rules to License Legal Paraprofessionals*, <https://perma.cc/RH2X-Q4HZ> (Aug. 6, 2024); Catherine J. Dupont, *Licensed Paralegal Practitioners*, 31 Utah Bar J. 16, 16–18 (May/June 2018); Joel Truett, *Goodbye Rule 5.4: Legal Ethics Change in Arizona*, Ariz. St. L.J., <https://perma.cc/5EB6-SBYT> (April 19, 2021); *Nine USD Law School Students Selected for Public Service Pathway Bar Admission Pilot Program*, S.D. Unified Jud. Sys., [---

¹ As of 2020, Davidson County had 5,663; Shelby County had 3,445; Knox County had 1,962; Hamilton County had 1,234; and Williamson County had 1,229. ABA, Profile on the Legal Profession 14 \(2020\).](https://perma.cc/VGS6-</p></div><div data-bbox=)

UBLY (Apr. 29, 2025); *see also* CLEAR Report and Recommendations, *supra*, at 10 (noting that “at least 13 states have enacted, or are considering, innovative pathways to licensure”).

In 2023, the Conference of Chief Justices and the Conference of State Court Administrators established the Committee on Legal Education and Admissions Reform (“CLEAR”) to “undertake a comprehensive examination of legal education, licensure, and entry into the practice of law in the United States” to “assess how legal education and licensure practices and processes can address the justice gap crisis and ensure public trust and confidence in the legal profession.” CLEAR Report and Recommendations, *supra*, at 4. CLEAR issued its report and recommendations in July 2025. Among other things, CLEAR recommended that state supreme courts “realign legal education, bar admissions, and new lawyers’ readiness to practice with public needs,” “encourage an accreditation process that promotes innovation, experimentation, and cost-effective legal education geared toward lawyers meeting the legal needs of the public,” and “explore innovative pathways to licensure that enhance practice readiness and address access to justice.” *Id.* at 12–15.

The Court is interested in reassessing its approach to regulation of the legal profession to ensure that all Tennesseans have access to affordable quality legal services. The Court therefore hereby solicits written comments from the Tennessee Board of Law Examiners, the Tennessee Access to Justice Commission, law schools and other educational institutions, the academic community, professional organizations, members of the Bar, and the public concerning the following issues:

- (1) Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar;
- (2) Whether there are any practicable alternatives to ABA accreditation that the Court should consider;
- (3) Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law;
- (4) Whether the Court should consider adopting alternative pathways for admission to the Tennessee Bar—for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization;

- (5) Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other States to promote interstate practice and mobility;
- (6) Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing; and
- (7) Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.

Comments should take into consideration the Court's goals of lowering barriers to entry into the legal profession and ensuring the availability of affordable legal services to Tennesseans, while also ensuring the competency of Tennessee's attorneys and safeguarding the public.

The deadline for submitting written comments is March 16, 2026. Written comments may be submitted either by email to appellatecourtclerk@tncourts.gov or by mail addressed to:

James Hivner, Clerk
Re: Regulatory Reform
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

Comments should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, the order shall be posted on the Tennessee Supreme Court's website.

PER CURIAM