

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/27/2025
Clerk of the
Appellate Courts

**IN RE: AMENDMENT TO RULE 21, SECTION 4.08,
RULES OF THE TENNESSEE SUPREME COURT**

No. ADM2025-00286

ORDER

The Court hereby amends Tennessee Supreme Court Rule 21, section 4.08, subsections (a) and (c) as set out in the attached Appendix to this Order. This amendment is effective immediately upon the filing of this Order.

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

It is so ORDERED.

PER CURIAM

APPENDIX

AMENDMENT TO TENN. SUP. CT. R. 21, § 4.08

[New text is indicated by underlining. Deleted text is indicated by strikethrough.]

4.08. The Commission may, in its discretion, award:

(a) Up to ~~one-half of the annual requirement~~ (six (6) General credits and ~~one and one-half (1.5) three (3)~~ EP credits) to attorneys for participation as members of governmental commissions, committees, or other governmental bodies, at ~~either~~ the local, state or national level, involved in formal sessions for review or drafting of proposed legislation, rules, or regulations.

(b) Up to one-half of the annual requirement (six (6) General credits and one and one-half (1.5) EP credits) for published writings concerning substantive law, the practice of law, or the ethical and professional responsibilities of attorneys if the writing is published in approved publications intended primarily for attorneys. Credit shall be awarded in the amount of one (1) hour for every 1,000 words, not including footnotes, endnotes, or citations of authority. Credit shall not be awarded to a named author when the actual principal author was another person acting under the direction or supervision of the named author. In requesting credit under this subsection, the attorney shall provide the Commission with an affidavit stating the facts of authorship.

(c) An annual maximum of three (3) EP credits earned at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment, an organized bar association program, or an approved legal assistance organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 8 of this Rule.

An “approved legal assistance organization” for the purposes of this section is an organization or professional association that (1) provides pro bono legal services in Tennessee and (2) is approved by this Court. An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Organizations or groups which do not provide legal assistance as their primary service or business but wish to develop an initiative or project designed specifically to provide pro bono legal services may apply to be approved by this Court under this section. Any organization seeking approval under this section must file a petition with the clerk of this Court. The Application for Tennessee Supreme Court Approval of Legal Assistance Organization form can be found on the CLE website--www.cletn.com.

(d) An attorney who provides indigent defense representation at a reduced hourly rate may receive EP credit for the uncompensated portion of the representation based upon the Commission's formula as set out in the Request for Earned Indigent Defense Credit form. A maximum of three (3) hours of credit may be earned in any compliance year. Indigent Defense credit hours earned in a compliance year in excess of the three (3) credit annual maximum may be carried forward for credit in the succeeding compliance year, but only for the succeeding compliance year and only up to three (3) credit hours. Credits awarded pursuant to this paragraph

shall be exempt from the per hour fee imposed by Section 8 of this Rule. The form Request for Earned Indigent Defense Credit can be found on the CLE website--www.cletn.com.

(e) An attorney may receive a combined maximum of three (3) credits of pro bono and/or indigent defense credit in any compliance year.

(f) One (1) year of CLE credit may be awarded for completion of a bar review course. An attorney shall not receive bar review credit and bar exam credit in the same compliance year. Online bar review courses that do not satisfy the distance learning format criteria will not be approved for CLE credit.