

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/14/2025

Clerk of the
Appellate Courts

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 10.1**

No. ADM2025-01205

ORDER

On August 11, 2025, the Tennessee Bar Association (“TBA”) filed a petition asking this Court to amend Tenn. Sup. Ct. R. 9, section 10.1 to authorize and require the Tennessee Board of Professional Responsibility (“Board”) to provide, upon the request of any bar association located in Tennessee, contact information about an attorney, consisting of the attorney’s phone number, email address, and physical address. The proposed amendment also would authorize and require the Board to provide, upon request of a bar association located in Tennessee, an attorney’s date of birth, demographic information, firm name, date of licensure in Tennessee, and status of license.

This Court hereby publishes the TBA’s petition and proposed amendment for public comment and solicits written comments from judges, lawyers, bar associations, members of the public, and all interested parties. The deadline for submitting written comments is October 13, 2025. Written comments should reference the docket number above and may be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk of the Supreme Court
RE: Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1
100 Supreme Court Building, 401 7th Avenue North
Nashville, TN 37219-1407

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

It is so ORDERED.

PER CURIAM

APPENDIX

No. ADM2025-01205

TBA Petition to Amend Tenn. Sup. Ct. R. 9, section 10.1

and

TBA Proposed Amendment to Tenn. Sup. Ct. R. 9, section 10.1

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

In Re: PETITION TO AMEND
TENNESSEE SUPREME COURT RULE 9, SECTION 10.1

No. ADM2025- 01205

Petitioner, Tennessee Bar Association (“Association”), by and through its President, Heidi Barcus; General Counsel, Kimberly Silvus; and Executive Director, Sheree Wright, respectfully petitions the Court to amend its Rule 9, section 10.1 (“Rule 9”) to adopt a change as set forth below. The proposed amended Rule 9 (“Proposed Rule”) is attached as Appendix A as a redlined draft of the existing version of Rule 9, section 10.1.

Petitioner offers the following in support of its Petition:

Background and Procedural History

1. The Tennessee Supreme Court (“Court”) has the exclusive jurisdiction to regulate the practice of law in the State of Tennessee, including rules and procedures for attorney licensing.
2. The Court’s Rule 9, Section 10: Periodic Assessment of Attorneys, applies to “[e]very attorney admitted to practice before the Court, except those exempt under Section 10.3(b) and (c).” Those two sections relate to retired attorneys and attorneys on active duty with the armed forces.
3. The Board of Professional Responsibility of the Supreme Court of Tennessee (“Board”), under the Court’s supervision, exercises general supervisory authority over the administration of Rule 9.
4. On June 18, 2024, the Board of Professional Responsibility filed a petition asking the Court to amend Tennessee Supreme Court Rule 9, section 10.1, which required non-exempt attorneys to file an annual registration statement setting forth the attorney’s

residence, office, and email addresses with the Board, in addition to such other information as the Board may direct.

5. The Board's proposed amendment was based on the policy of ensuring the safety of non-exempt Tennessee attorneys and judges who are required to register with the Board. The amended Rule 9 eliminated a sentence in the previous Rule 9, section 10.1, which had the effect of providing that registrants' residence addresses, cellular telephone numbers, home telephone numbers, and personal non-government issued email addresses are confidential and not public records in all instances, even when a registrant has not provided non-private contact information to the Board.
6. On June 26, 2024, the Tennessee Supreme Court entered an Order soliciting Comments to the proposed amendment. After a comment period during which comments noted concerns about the need to access the Board's contact information of practicing attorneys, and after which the Board proposed alternative language, the Court entered an Order on November 4, 2024, amending the Rule. The alternative language proposed that attorneys be required to provide a public telephone number or email or physical address and allowed the Board to make available nonpublic attorney information to Tennessee Courts and licensed attorneys upon written request. The Order, as well as the prior filings, reinforce that the intent was to protect attorneys' safety by limiting information available to the public.

Rationale for the Requested Amendment

7. The current Rule 9, Section 10.1, does not define "members of the public" and includes no express mechanism by which the Association and local bar associations can obtain contact information of attorneys in order to share information about legal developments or opportunities, to share press releases from state agencies such as the Board of Professional Responsibility, the Commission on Continuing Legal Education, or the Administrative Office of the Courts, or to share other state and local legal information, nor does it contain a mechanism by which the Association and local bar associations can obtain information about Attorneys in the State to notify the Attorneys about eligibility in certain leadership and mentoring programs sponsored by the State and local bar associations. For reasons set forth below, the Association needs methods of contacting Tennessee attorneys, including email address, telephone number, and a physical or post office address ("Information"). Having access to these three methods of communication with Tennessee attorneys recognizes the individual work styles and modes of communication preferred by individual attorneys and increases the ability to share information with them about developments throughout the State.

8. The Association understands the intent of the current iteration of the Rule to limit the personal information of Attorneys that could be publicly disclosed, which is intended to protect Attorneys registered in this State. As set out in the original petition filed by the Board of Professional Responsibility on June 18, 2024, the Board sought the most recent amendment to Rule 9, section 10.1 “[t]o protect personally identifiable information of Tennessee attorneys and retired judges.”
9. The Association unequivocally supports protecting Tennessee attorneys and retired judges from harm to their persons and property. The Association also sympathizes with the annoyance of receiving unsolicited emails and undesired telephone calls. The proposed amendment defines the information that would be shared with State and local bar associations and limits the use of some of that information.
10. The same safety concerns that led to the classification of the Information as “confidential”, however, do not apply to information sharing with the Association or local bar associations. The Association does not share attorneys’ Information with the public without attorneys’ permission and would be using the Information to communicate with attorneys to provide information that will benefit them and their practice.

Role of the Tennessee Bar Association

11. The Association serves in a different role than the general public and needs the Information for legitimate uses that serve members of the Association and non-members of the Association, as well as the justice system in Tennessee.
12. Although the Association is a voluntary member organization, the Association is also an advocate for all Tennessee attorneys. The Association uses Information received from the Board to determine needs of Tennessee attorneys and to identify and provide resources to solve problems identified by attorneys and the Association. Although membership in the Association is not mandatory, it is important for the Association and partners such as the Board to work together for the greater good of Tennessee attorneys on issues impacting their practice and the legal system in Tennessee.
13. There are a number of areas where the Association has a unique state-wide role serving as a connector and advocate for all Tennessee attorneys, regardless of association membership. Examples include sharing information about legislation, rule changes, judicial appointments, and vacancies. One recent example is the work done in conjunction with the Tennessee Supreme Court and the Administrative Office of the Courts to support the indigent representation plan and funding for the plan. Another

example is that highlights from the daily newsletter, TBA Today, are sent each Wednesday to all non-members for which contact information is available. The Association also sends its *Tennessee Bar Journal* to non-members as well as members twice a year. The Association cannot perform this work and provide this outreach and information without current attorney Information.

Benefits the Association provides throughout the State

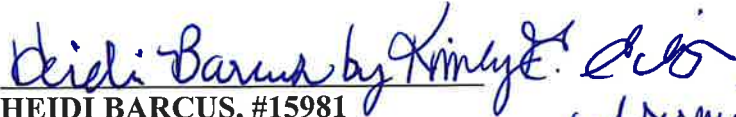
14. The Association can do better, more relevant outreach to Association members and non-members if the Association has current and complete contact Information as noted above, as well as demographic information such as attorney date of birth, gender and geographic information. Examples include determining qualification for the TBA Young Lawyers Division (YLD), outreach, local educational programming, and pro bono opportunities, as well as opportunities for professional development and leadership positions within the Association.
15. The same policy considerations extend to local bar associations. They, too, can provide better information and outreach for members and non-members of their bar associations if they have access to this Information.
16. Attorneys benefit from resources the Association offers, including law office technology and management resources for rural and solo attorneys, succession planning, and public policy advocacy. There are also resources on the Association's website available to all attorneys regardless of whether they are Members. The information requested through this amendment will allow the Association to effectively address the evolving needs of our State's legal community.
17. The Association serves an important educational role for attorneys State-wide. Members and non-members look to the Association and their local bar associations to provide continuing legal education. The Association's CLE speakers serve as subject matter experts and do not have to be Members. Having the requested Information for Members and non-members helps the Association fulfill this educational role.
18. The Association's bi-monthly magazine, the *Tennessee Bar Journal* also serves an important educational and informational role. Non-member attorneys can author articles for the *Tennessee Bar Journal*, which publishes articles on legal developments and other information critical for Tennessee attorneys, such as changes in Tennessee law, significant cases and practice area-specific columns. In addition, the *Tennessee Bar Journal* includes information about attorneys' obituaries and licensure status. The *Tennessee Bar Journal* is sent to non-members twice a year in March and September.

19. Also, in serving its educational function, the Association recognizes attorneys' needs change as technology advances. The Association offers opportunities to learn about changes in technology through CLE and member resources. The Association is a statewide source of information for Tennessee Attorneys in this area as well. The Association recognizes the benefit to all Tennessee attorneys of collaboration and collegiality, which are important to the profession.
20. The Association recognizes there are unique challenges faced by attorneys in rural communities including professional isolation, limited resources, economic constraints, and conflicts of interest in small communities. The Association is equipped to address these issues in part by ensuring rural communities maintain access to essential legal services. Sharing information with the Association related to all Tennessee attorneys helps the Association more effectively and accurately identify attorneys needing these supports and services and helps the Association deliver the message about this need and provide this vital support regardless of membership status in the Association.
21. In order to make the Association as accessible as possible to all attorneys, it offers income-based dues including rates as low as \$50 for the most senior members of the Association. The Association also offers CLE tuition assistance and scholarships for its members. Having access to the Information would enable the Association to better contact Tennessee attorneys to provide awareness of the availability of these financial resources.
22. The Association is invested in all Tennessee attorneys, and the requested Information is used to communicate with members and non-members to share legal news, leadership opportunities, educational opportunities, practice assistance, and to help attorneys stay connected. The Association cannot effectively serve this state-wide role without access to the Information.


For the foregoing reasons, Petitioner respectfully requests that the Court grant this Petition to amend current Rule 9, section 10, Rule for Periodic Assessment of Attorneys, and approve adoption of the proposed amended Rule 9, section 10.1, attached hereto as **Appendix A**.


Dated: August 11, 2025

Respectfully submitted,


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with permission #24448


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CERTIFICATE OF SERVICE

The undersigned certifies that this Petition was emailed to the attached list of individuals and organizations and will be announced in the TBA Today this 11th day of August 2025.

A handwritten signature in blue ink, appearing to read "Kimberly G. Silvas", is written over a horizontal line.

Kimberly G. Silvas, #24448

General Counsel for the Tennessee Bar Association

Recipients of the foregoing by email

Sandy Garrett
Chief Disciplinary Counsel
Board of Professional Responsibility
sgarrett@tbpr.org

APPENDIX A

No. _____

[New text is indicated by bold and underlining.]

Tenn. Sup. Ct. R. 9, Section 10.1 is amended to read as follows:

Sup.Ct.Rules, Rule 9, § 10

Section 10. Periodic Assessment of Attorneys

10.1. Every attorney admitted to practice before this Court, except those exempt under Section 10.3(b) and (c), shall, on or before the first day of their birth month, file with the Board at its central office an annual registration statement on a form prescribed by the Board, setting forth the attorney's current residence, office, and email addresses, and such other information as the Board may direct. The attorney shall designate information by which the attorney may be contacted by clients and members of the public, including an email address, or a telephone number, or a physical or post office box address, which will be treated by the Board as public records. Other contact information of the attorney the Board may direct the attorney to provide, including the attorney's residence address, cellular telephone number, home telephone number, and personal non-government issued e-mail address are confidential and not public records. However, the nonpublic information may be used by this Court and its agencies in the course of business and may be available to Tennessee courts and licensed attorneys upon written request to the Board's registration department. **Additionally, the Board will provide to Tennessee state and local bar associations upon their request the contact information of attorneys licensed in Tennessee, which will consist of phone, email, and physical address. If an attorney provides the Board with both business and personal contact information, then the Board will provide the business contact information to the requesting association. In addition, the Board will provide date of birth, demographic information, firm name, and license issue date and status to the requesting association to allow bar associations to identify attorneys who would be eligible for additional programs, such as leadership and mentoring. The bar associations receiving this information will use this information to communicate with licensed attorneys and will not make the information public. Eligibility for access to this information is limited to bar associations geographically located in the State of Tennessee.**

In addition to such annual statement, every attorney shall file electronically with the Board through the Board's Attorney Portal as necessary a supplemental statement of any change in information previously submitted within thirty days of such change.