

KEETON & PERRY, PLLC

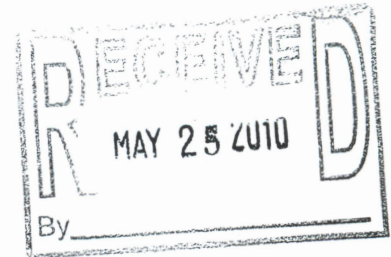
Attorneys & Counselors at Law

401 Murfreesboro Hwy. • Manchester, Tennessee 37355

931.723.7145 • 931.723.7147 Fax

May 24, 2010

Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, Tennessee 37219-1407



**RE: PETITION TO AMEND RULE 13
OF THE RULES OF THE SUPREME COURT OF TENNESSEE
TO INCREASE HOURLY RATE PAID APPOINTED COUNSEL
OF INDIGENT DEFENDANTS**

Dear Mr. Catalano:

Please allow this letter to serve as a response to the aforementioned petition.

My business partner, Greg Perry, and I do more than our fair share of amount of appointed criminal work in Coffee County and in surrounding counties. We are both in agreement with the petition filed by the Tennessee Association of Criminal Defense Lawyers on the issue of raising the hourly rates and the caps.

Secondly, there also needs to be a mechanism wherein interim billing can be made on appointed noncapital cases. I would suggest that billing can be completed each time that a bill reaches \$5,000 dollars. For example, I have a first degree murder case that is currently on appeal to the Tennessee Court of Criminal Appeals. My office has been involved in this matter since January 2009. My office has expended nearly 400 hours of work on this matter and will expend many more hours on the case until its conclusion. The case contained transcripts of several pretrial and post trial proceedings and had approximately eleven days of trial. There were also over 2,400 pages of trial testimony and numerous exhibits included in the record. There were eleven issues to brief on appeal, and the defendant's brief was 137 pages long. Oral argument has not been set, as the Attorney General's office has not yet filed its brief. My office is a small office. It is an incredible hardship to not be able to have interim billing on such cases where it will likely be another year before there is a final opinion by the Tennessee Court of Criminal Appeals. Interim billing needs to be included for cases other than capital cases.

Thirdly, the hourly rate is well below the normal rate for attorneys. My office normally has a billable rate for other cases ranging from \$125 an hour to \$175 an hour depending on the type of case, complexity, etc. We have often thought about venturing into the federal defense field and to take fewer state appointments simply because of the vast difference in the hourly

Mr. Mike Catalano
May 24, 2010
Page 2 of 2

rates. We are professionals and should be paid like professionals. If a worker in the private sector did not have a raise for sixteen years, such as the lack of a rate increase presently before us, I sincerely doubt that employee would not seek other employment wherein he could better provide for his family and office. Such is no different for attorneys and in the present situation.

Fourth, if the hourly rates are raised, the caps should be raised as well. I would venture a suggestion that there should not be any caps on any of the amounts. I had a conversation with a colleague who had recently moved to the area from North Carolina wherein he did appointed work in that state. He was amazed not only at the lower hourly rates but also that there was even the existence of caps in Tennessee. Apparently, there are no such caps on work in North Carolina. Tennessee does not need to have caps on amounts. We all as attorneys are challenged to do pro bono work. However, it is unfair for attorneys to be continually forced into a pro bono situation on many cases if the proper representation is given to the client.

Fifth, the legislature is also going to have to be cooperative in planning for such a budget increase. There is within the currently proposed budget, a Republican advancement to cut the funding by slightly under \$1 million. I have contacted my local senator, Eric Stewart, as well as state representative, Judd Matheny, to voice opposition to such a measure. I have lobbied for a one third increase in the current funding in order to compensate for such a measure for increase in hourly rates and caps. It will make no difference if the rates and caps are raised, but there is inadequate funding to withstand such an increase.

Sixth, our judges should not be discouraged from signing orders regarding the case being complex and/or extended.

Seventh, our claims should be paid within thirty days of receipt by the Administrative Office of the Courts. This only seems to be an issue with the State of Tennessee is near the end of their fiscal year and our claims are withheld and not timely paid. Such is a reflection of the lack of adequate funding for the Indigent Defense Fund.

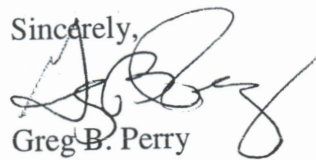
Please let me know if there are any further questions in this matter. This is a serious issue that certainly needs to be addressed. We need to take a step forward in the right direction and not steps backward.

Sincerely,



C. Brent Keeton
brent@keetonperry.com

Sincerely,



Greg B. Perry
greg@keetonperry.com

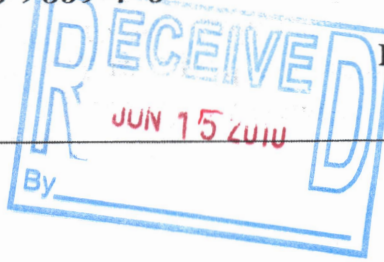
cc: Senator Eric Stewart
State Representative Judd Matheny
Steve Johnson, Esq.

LEWISBURG CITY COURT
101 Water Street
Lewisburg, Tennessee 37091
(931) 359-4050

RECEIVED JUN 11 2010

ROGER E. BRANDON,
City Judge

KATHY INGRAM,
City Court Clerk



June 8, 2010

Tennessee Supreme Court
Chief Justice Janice M. Holder
50 Peabody Place, Suite 209
Memphis, Tennessee 38103-3665

Dear Justice Holder,

The Tennessee Supreme Court has solicited comments on a proposed rules amendment that would increase the hourly rate paid appointed counsel of indigent defendants. This concerns amendment of the Court's Rule 13 that was filed by Tennessee Association of Criminal Defense Lawyers (TACDL). I am a former member, but am an elected Judge or municipal judge with general sessions jurisdiction. I've been on the bench for twenty-eight years with four to go. I have done my share of criminal defense work and pro bono work.

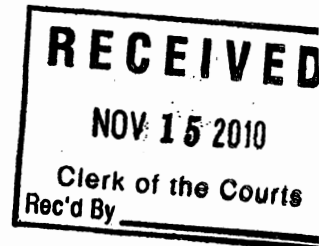
I don't see how a lawyer can survive on what they make on an hourly rate, pay a secretary, taxes, and other expenses on appointed cases. I deal with a twenty page docket weekly, and I will make at least ten to fifteen appointments. It's time to increase the rates for indigent counsel. I know it is a money issue, but attorneys can't live on pro bono work. Thank you for your consideration.

With Kindest Regards, I Remain,

Sincerely Yours,

Roger E. Brandon

M2010-00502-JC-K41-KL



Office of General Sessions/Juvenile Court Judge

Smith County Courthouse
211 Main Street
Carthage, Tennessee 37030
Email: judgethomasbass@gmail.com

DAVID BASS, JUDGE

(615) 735-2286

November 11, 2010

Hon. Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 Seventh Avenue North
Nashville, Tennessee 37219-1407

Re: TACDL Petition to increase Court-appointed Hourly Rates

Dear Mr. Catalano:

I write to voice my support of the TACDL's petition for an increase in the hourly rate for court-appointed attorneys. The need for an updated fee structure is long overdue and merits serious consideration. Having been a recipient of funds from the AOC for client representation in court appointments in the past, I can tell you with absolute certainty that the work effort never equals the monetary reward.

It is without hesitation that I commend the merits of this petition as being justified and needed to insure that adequate and competent legal representation is afforded to those who probably need it the most.

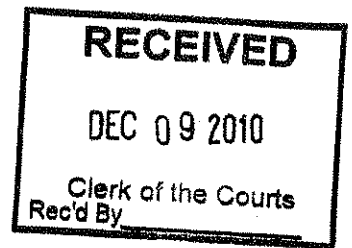
Best regards,

A handwritten signature in black ink, appearing to read "David Bass".

DAVID BASS
Smith County General Sessions Judge

JDB/c

ANASTACIA WARNER SHELTON
ATTORNEY AT LAW



118 N. Peters Rd., Ste. 257
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staceyshelton@comcast.net

December 6, 2010

Mike Catalano, Clerk

Tennessee Appellate Courts

100 Supreme Court Building

401 7th Avenue North

Nashville, TN 37219-1407

RE: Comments Regarding Proposal to Increase Hourly Rates and Caps Under Rule 13

Dear Clerk, Tennessee Appellate Courts,

I wish this letter to serve as my comment regarding the TACDL petition to increase hourly rates and caps under Rule 13. As an attorney who has had a solo-practice in Tennessee for over ten (10) years, I have first-hand knowledge of the effects of the current rates and caps under Rule 13. I have done mostly appointed work throughout my practice. I enjoy representing indigent parties and feel it is very valuable and rewarding work, although not financially rewarding. I practice both criminal defense and defense of parents who have had dependence and neglect alleged against them. I also represent children as a Guardian *ad Litem*. All rolls involve the rates/caps imposed by Rule 13, which are wholly inadequate. The petition filed by TACDL sets forth valid reasons that an increase is needed for criminal defendants, and I wholly agree. The Petition does not specifically mention attorneys who represent parents and children in dependency and neglect proceedings but Rule 13 rates/caps apply to both. Anyone who reads Rule 40, can see that it is impossible to do what is expected of a GAL under the current Rule 13 provisions. It is becoming increasingly difficult to get payment on cases as extended and complex as well. Dependence and neglect cases, when representing a parent or a child, take a tremendous amount of time and specialized knowledge as well. Further, Tennessee recognizes a Constitutional right for parents to raise their own children. Most often, as in criminal cases, it is the government taking action against a parent in these cases. Therefore, as in criminal cases, the government should bear the responsibility of providing competent, experienced counsel, who are reasonably compensated.

I recently applied for funding for an expert in a dependence and neglect case. My expert will be paid \$150.00 per hour for her work. From what I can see, every "expert" is compensated by the State of Tennessee at a greater rate than what is currently provided to attorneys working on

the same case. Interpreters and private investigators are also paid at a higher rate. The unfairness of this is obvious, and, quite frankly, insulting.

I sincerely hope that you will place great consideration on what is proposed in the Petition and set a rate of pay that is more reasonable as related in the petition to the Court and also, increase the current caps.

Sincerely,

A handwritten signature in black ink that reads "Anastacia Shelton". The signature is written in a cursive style with a large initial 'A'.

Anastacia Shelton
Attorney at Law

M2010-502 ✓

Jesse Farr, Attorney

OFFICE HOURS BY APPOINTMENT ONLY

401 Flatiron Building

Chattanooga TN 37402

Telephone (423) 266-6600

Facsimile 1-866-859-1812 (Toll Free)

E-Mail farrlaw@comcast.net

December 15, 2010

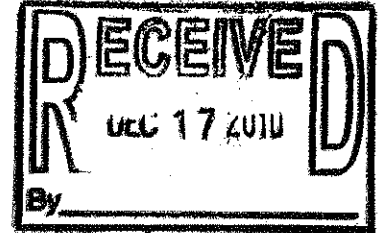
Mike Catalano

Appellate Court Clerk

Supreme Court Building

401 7th Avenue North

Nashville, TN 37219-1407



Re: petition to amend rule 13 to increase appointed counsel fees

Dear Sir:

I am writing you to recommend an increase in fees for appointed counsel representing indigent defendants. While I am pretty much retired and doing only a few cases, the current appointed counsel fees do not come close to paying my greatly reduced overhead. I am sure for younger and more active attorneys the deficiency is much greater. This is certainly an area that must be looked into and proper equitable adjustment made, if we expect to continue to provide justice in this state.

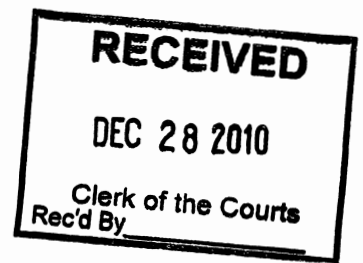
Very truly yours,

A handwritten signature in black ink, appearing to be "Jesse Farr", written over a horizontal line.

Jesse Farr

JOF/j

#M2010-00502-SC-RL1-RL



Jeffrey Gruber, Attorney, PLLC

8 Public Square North
Murfreesboro, Tennessee 37130

Jeffrey C. Gruber
Attorney at Law

Phone: 615-796-6529
Fax: 615-866-3516
jcg@jgruberlaw.com

December 27, 2010

Mike Catalano
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

RE: Proposed Changes to Supreme Court Rule 13

Dear Mr. Catalano:

As a new attorney in 2008, I was eager to accept appointed cases from the courts in order to gain experience and clients. Appointed cases have been vital in this goal and a very good tool for new attorneys. Like many new attorneys, I expected that I would move away from appointed cases as soon as practical, because I knew, as far back as law school, that these cases paid very little compared to retained cases.

I accepted cases from a variety of courts and found myself practices in the areas of criminal defense, juvenile delinquency, dependency and neglect, and termination of parental rights. I was delighted with the variety of work and dismayed at the meagerness of the financial compensation.

I spoke to experienced and inexperienced attorneys about the issue of payment for appointed cases. Most experienced attorneys felt that appointed cases were to be avoided whenever possible and accepted only in exceptional situations. New attorneys generally saw appointed cases as a rite of passage to be concluded as quickly as possible so that one could begin the real work of building a practice.

The emotional difficulty and stress of appointed cases was only one factor in this perception. Almost everyone with whom I talked cited the low rate of pay as the main reason to avoid appointed cases. I was a bit surprised when some attorneys thought that my rate on retained cases was much too low, but still over twice the rate for in-court time paid in appointed cases.

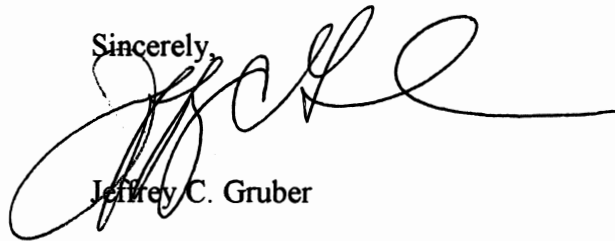
I continue to accept appointed cases in spite of the pay scale. I have learned from over 200 cases that appointed attorneys fill a vital need in our system, and I am proud to accept a role

in that work. Too often new lawyers either avoid appointed cases or start to decline them as soon as more lucrative work comes their way. The current pay scale drives away attorneys. Further, the lawyers who accept cases generally feel a grinding pressure to end appointed cases as quickly as possible to fit within the caps on compensation. It is a sad day indeed when a lawyer on an appointed case must either take shortcuts in their representation of the indigent or finish the case without compensation.

In my short career, I have had a number of cases where the time needed to adequately prosecute a case forced me to work on a case for as much as year without compensation, because the cap cut off payment.

These many factors work to drive away good attorneys and deny the indigent adequate representation. Most often only the inexperienced lawyer or a few attorneys motivated by a strong sense of service answer the docket when indigents fill the courtroom. The low financial compensation for appointed cases frustrates the ends of justice; conveys to the legal community and the general public that the indigent deserve the least justice that we can budget; and lowers the bar of justice.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gruber', with a long horizontal flourish extending to the right.

Jeffrey C. Gruber

#m2010-00502-SC-RL-RL

Law Office of Rebecca Brady

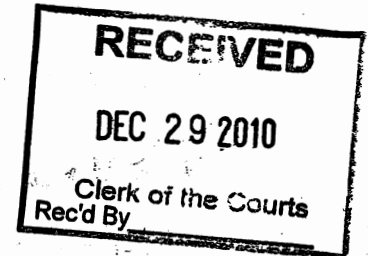
Attorney & Counselor at Law
rebecca@rebeccabradylaw.com

Phone: 931.526.6006
Fax: 931.526.6009

321 E Spring St Suite 302
Cookeville TN 38501

December 28, 2010

Honorable Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407



Re: TACDL Petition to increase payment rates for court-appointed counsels

Dear Mr. Catalano,

I am writing to add my support to the list of judges and attorneys who support the above-referenced Petition.

I know of no other position in the private sector which could entice an employee of any quality to agree to continue working in a job which has not seen a pay increase in fourteen years. From the first moment that I read this Petition, it seemed to me to be a question of quality. Do we want to risk the abrogation of defendant's Constitutional rights to competent counsel in order to keep from having to pay for quality attorneys?

At the rates currently being paid, it is often a losing proposition for experienced and competent attorneys to take on court-appointed work. There is simply no way to balance appropriate overhead and staff against a payment of only forty dollars per hour. As a result, only those attorneys who are new to the profession and those unable to support a practice with private clients are actively seeking new appointments. Surely the Court can recognize the disservice this works for defendants, parents and children who desperately need the help of court-appointed attorneys. Should the pay rate be increased to a reasonable wage, better quality attorneys would be willing to take on appointed cases and judges would not be so hard-pressed to find competent counsel willing to take on the neediest of clients.

Of course, in this time of budget crisis in our state, it seems an odd proposition to be asking for a raise. But if this is not the right time then what is? When is the appropriate time for good attorneys to expect to be paid what they deserve? The indigent defense fund is not the place to be scrimping in order to balance our state budget. Defending the Constitutional Rights of our citizens is not the appropriate venue for bargain-hunting. It seems an embarrassment to our system that the interpreter standing next to me while I discuss my case with my client is actually making more per hour than I am and has no degree whatever.

Given the low pay rate, the ridiculous caps, the difficulty in getting paid and the nit-picking of our claims, I have considered many times no longer taking court-appointed cases. I

am not the only one and I have discussed this very issue with my colleagues many times. Please believe me when I say that the current system is not adequate to protect those who most need the assistance of the Court in the protection of their rights. I hope that the Court will consider this as the fundamental issue in deciding whether or not to adopt the arguments within TACDL's Petition.

Sincerely,

Rebecca Brady

Rebecca Brady

STATE OF TENNESSEE

Office of the Attorney General



LUCY HONEY HAYNES
CHIEF DEPUTY ATTORNEY GENERAL

LAWRENCE HARRINGTON
CHIEF POLICY DEPUTY

ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
CORDELL HULL AND JOHN SEVIER STATE
OFFICE BUILDINGS

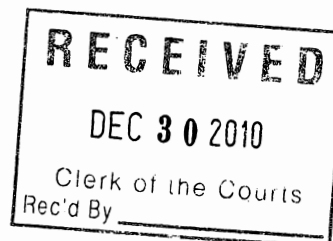
MAILING ADDRESS
P.O. BOX 20207
NASHVILLE, TN 37202

MICHAEL E. MOORE
SOLICITOR GENERAL

TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

December 30, 2010

Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Ave. North
Nashville, TN 37219-1407



Re: Petition to Amend Rule 13 of the Rules of the Supreme Court of Tennessee
to Increase Hourly Rate Paid Appointed Counsel of Indigent Defendants,
No. M2010-00502-SC-RL1-RL

Dear Mr. Catalano:

I am writing in accordance with the order of the Supreme Court soliciting comments regarding the petition filed by the Tennessee Association of Criminal Defense Lawyers (TACDL) to amend Rule 13 of the Rules of the Supreme Court relative to the hourly rate paid appointed counsel of indigent defendants.

While the current system for compensating appointed counsel is constitutionally sufficient, we agree that it is in the interest of the state to improve the system where possible so that all citizens can have confidence that their rights and their safety are being properly protected. Accordingly, this Office agrees that the hourly rate for appointed counsel of indigent defendants, which has not been adjusted since 1994 except in capital cases, should be reviewed and increased if appropriate. While this Office is acutely aware of the significant budget challenges facing this State, we would anticipate that the additional expense of higher compensation for appointed counsel could be offset at least in part by savings that would result from improvements in the efficiency and quality of indigent representation. As there was not a specific amendment attached to the petition, this Office will reserve further comment until such time as an amendment is proposed.

Letter to Mike Catalano
December 30, 2010
Page 2 of 2

Based on the caption and argument contained within the TACDL petition, we understand the petition to be directed only toward the issue of compensation for appointed counsel of indigent defendants. If the Court construes the petition to seek relief other than additional compensation, we would respectfully request an opportunity to comment on such issues.

Yours very truly,

A handwritten signature in black ink, appearing to read "RE Cooper, Jr.", with a long horizontal flourish extending to the right.

Robert E. Cooper, Jr.
Attorney General and Reporter

/REC

m2010-00502-SC-RL-RL

TENNESSEE DISTRICT ATTORNEYS GENERAL CONFERENCE



RECEIVED
DEC 30 2010
Clerk of the Courts
Rec'd By _____

JAMES W. KIRBY
EXECUTIVE DIRECTOR

December 30, 2010

Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 3219-1407

Re: Comments on Petition to Amend Rule 13 of the Rules of the Supreme Court

Dear Mr. Catalano,

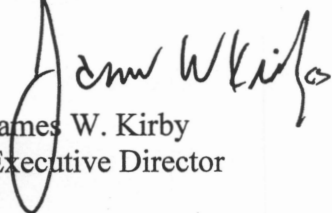
We are writing on behalf of the Tennessee District Attorneys General in response to the Supreme Court's solicitation of comments regarding Rule 13.

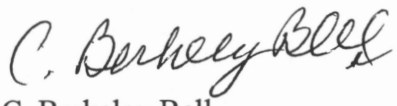
The Tennessee District Attorneys General Conference recognizes the need for adequately funded appointed counsel for indigent defendants. The Supreme Court should re-examine the current Rule on attorney fees paid under Rule 13, and determine what is acceptable for Tennessee, balancing the cost incurred by counsel as well as the limited funds available to the State.

The Petitioner also has attached materials for the Court to consider in amending Rule 13. These materials include a proposed amendment that was originally offered and rejected in 1993, that creates an Indigent Defense Commission to oversee the appointment of counsel and funding requests.

The Tennessee District Attorneys General Conference is opposed to the creation of an Indigent Defense Commission and recommends that the issues of appointment of counsel and indigent defense funding continue to be the responsibility of the judiciary and the Administrative Office of the Courts. Such a Commission would usurp the inherent and necessary role of the courts as objective arbiters for determining when defendants are entitled to appointed counsel, the appropriate compensation for counsel and the degree, if any, a defendant should contribute to that compensation. The Tennessee District Attorneys General Conference submits that such Indigent Defense Commissions are unlikely to control delays and costs in the system.

Sincerely,


James W. Kirby
Executive Director


C. Berkeley Bell
President, TNDAGC



TENNESSEE BAR
ASSOCIATION

PRESIDENT

Sam D. Elliott
320 McCallie Avenue
Chattanooga, Tennessee 37402
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FAX (423) 266-1605
Email: selliot@gearhiserpeters.com

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Email: jpannu@lewisking.com

IMMEDIATE PAST PRESIDENT

Gail Vaughn Ashworth

BOARD OF GOVERNORS

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Jack H. "Nick" McCall Jr., Knoxville
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Jonathan Steen, Jackson
Chris Varner, Chattanooga
Mason Wilson, Memphis
Cynthia Wyrick, Sevierville

GENERAL COUNSEL

William L. Harbison, Nashville

EXECUTIVE DIRECTOR

Allan F. Ramsaur, Nashville
Email: aramsaur@tnbar.org

December 30, 2010

The Honorable Michael Catalano
Clerk, Tennessee Supreme Court
Supreme Court Building, Room 100
401 Seventh Avenue North
Nashville, TN 37219



IN RE: PETITION TO AMEND RULE 13 OF THE
RULES OF THE SUPREME COURT OF
TENNESSEE TO INCREASE HOURLY
RATE PAID APPOINTED COUNSEL OF
INDIGENT DEFENDANTS

No. M2010-00502-SC-RL1-RL

Dear Mike:

Attached please find an original and six copies of the Comment of the Tennessee Bar Association in reference to the above matter.

As always, thank you for your cooperation. I remain,

Very truly yours,

Allan F. Ramsaur
Executive Director

cc: Sam D. Elliott, President, Tennessee Bar Association
William L. Harbison, General Counsel
Victor S. Johnson, Chair, TBA Criminal Justice Section
David M. Eldridge, Vice Chair, TBA Criminal Justice Section
Jerry Black, Past-President, Tennessee Association of
Criminal Defense Lawyers
Michael Whalen, Secretary, Tennessee Association of
Criminal Defense Lawyers
Stephen Ross Johnson, President-Elect, Tennessee Association of
Criminal Defense Lawyers

Service List

Tennessee Bar Center
221 Fourth Avenue, North, Suite 400
Nashville, Tennessee 37219-2198
(615) 383-7421 • (800) 899-6993
FAX (615) 297-8058
www.tba.org

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**IN RE: PETITION TO AMEND)
RULE 13 OF THE RULES OF) No. M2010-00502-SC-RL1-RL
THE SUPREME COURT OF)
TENNESSEE TO INCREASE)
HOURLY RATE PAID)
APPOINTED COUNSEL OF)
INDIGENT DEFENDANTS)
)**

COMMENT OF THE TENNESSEE BAR ASSOCIATION

The Tennessee Bar Association (“TBA”), by and through its President, Sam D. Elliott; General Counsel, William L. Harbison; and Executive Director, Allan F. Ramsaur, files this comment in support of the petition to increase the hourly rates and caps for court-appointed counsel by adding an overhead component of the rates and by creating standards for appointment of counsel based on the severity of the offense charged.

The Tennessee Association of Criminal Defense Lawyers (TACDL) petitioned this Court for an amendment to TN. Sup. Ct. R. 13. On May 5, 2010, this Court issued an order soliciting written comments from judges, lawyers, bar associations,

members of the public, and other interested parties. The deadline for submitting written comments is December 31, 2010.

I. RATES, CAPS AND MANNER OF COMPENSATION FOR APPOINTED COUNSEL ARE INADEQUATE.

Every study and examination, even the latest study undertaken by the Administrative Office of the Courts, have concluded that the current \$40 per hour out-of-court and \$50 per hour in-court rate of compensation for appointed counsel in Tennessee are inadequate. As articulated in the TACDL petition, these rates now represent compensation at only 1/3 of the level of compensation for lawyers representing indigent defendants in federal courts and the rates have continued to fall behind even the inadequate compensation increase the state has provided for judges, prosecutors and public defenders.

While the case is clear, if the Court should decide to hold hearings on this matter, the TBA is fully prepared to participate in these hearings, both to provide further evidence and to participate in arguments.

II. THE COURT SHOULD ESTABLISH A METHOD FOR ADOPTING STANDARDS FOR APPOINTED COUNSEL.

The recommendations of this Court's Indigent Defense Commission and the recommendations of the Joint Commentators who presented to this Court in 2003 in response to the Court's solicitation of comments on Rule 13 have proposed establishment of an independent commission to set standards and administer indigent representation in Tennessee. These recommendations should be adopted as well.

CONCLUSION

The Tennessee Bar Association has been fervent in its support for adequate compensation, strong standards and excellent administration in indigent representation in Tennessee. For the foregoing reasons, the TBA urges the Tennessee Supreme Court to take action on this important matter.

RESPECTFULLY SUBMITTED,

By: /s/ by permission

SAM D. ELLIOTT (009431)
President, Tennessee Bar Association
Gearhiser, Peters, Cavett, Elliott &
Cannon, PLLC
320 McCallie Avenue
Chattanooga, Tennessee 37402
(423) 756-5171

By: /s/ by permission

WILLIAM L. HARBISON (007012)
General Counsel,
Tennessee Bar Association
Sherrard & Roe, PLC
424 Church Street, Suite 2000
Nashville, Tennessee 37219
(615) 742-4200

By: 

ALLAN F. RAMSAUR (5764)
Executive Director,
Tennessee Bar Association
Tennessee Bar Center
221 Fourth Avenue North, Suite 400
Nashville, Tennessee 37219-2198
(615) 383-7421

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit "A" by regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.



Allan F. Ramsaur

EXHIBIT A

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