

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION TO AMEND TENN. SUP. CT. R. 9,
SECTION 10.1**

No. ADM2024-00922

**BOARD OF PROFESSIONAL RESPONSIBILITY'S MOTION FOR
EXTENSION OF TIME TO REPLY TO COMMENTS FILED TO
PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 10.1**

The Board of Professional Responsibility (the Board) respectfully moves this Court for an extension of time to allow the Board to reply to comments filed regarding the Board's proposed amendment to Tennessee Supreme Court Rule 9 Section 10.1.

On June 18, 2024, the Board filed a Petition to Amend Tenn. Sup. Ct. R. 9, Section 10.1 to make confidential an attorney's home address, personal phone number and email as follows:

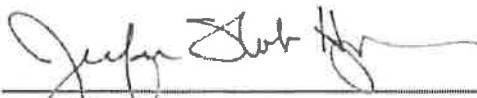
10.1. Every attorney admitted to practice before the Court, except those exempt under Section 10.3(b) and (c), shall, on or before the first day of their birth month, file with the Board at its central office an annual registration statement, on a form prescribed by the Board, setting forth the attorney's current residence, office, and email addresses, and such other information as the Board may direct. The attorney's residence address, cellular telephone number, home telephone number, and personal non-government issued e-mail address are confidential and not public records. ~~If, however, (1) the attorney failed to provide an office address, office telephone number, or office email address; or (2) the attorney listed the residence address, cellular telephone number or home telephone~~

~~number, or personal non-government issued e-mail address as the attorney's office address, office telephone number, or office e-mail address respectively, then the attorney's nonpublic information of the same category shall no longer be subject to the protection afforded under this Rule.~~ The attorney may designate the primary or preferred address for receipt of correspondence from the Board. 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.

On June 26, 2024, the Tennessee Supreme Court entered an Order soliciting Comments to the Board's proposed amendment to Tenn. Sup. Ct. R. 9, Section 10.1. The Tennessee Commission on Continuing Legal Education (CLE Commission), the Tennessee Bar Association (TBA), the Knoxville Bar Association, Judge Andrea Hendrick and seventeen attorneys filed comments to the Board's proposed amendment. While the majority of the filed comments support the Board's proposed amendment, some comments expressed concern about courts, attorneys, and the public's need to access the Board's contact information for attorneys.

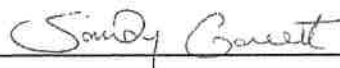
In an effort to address concerns raised by the filed comments, the Board respectfully proposes alternative language requiring attorneys to provide a public telephone number or email or physical address; allowing attorney's nonpublic information to be used by the Tennessee Supreme Court and its agencies in the course of business and allowing the Board's registration department to make available nonpublic attorney information to Tennessee Courts and licensed attorneys, upon written request. The Board's alternative language to Tenn. Sup. Ct. R. 9, Section 10.1 is attached as redlined Exhibit A.

RESPECTFULLY SUBMITTED,



Jennifer Hagerman, Chair (BPR No. 020281)
Board of Professional Responsibility of the
Supreme Court of Tennessee

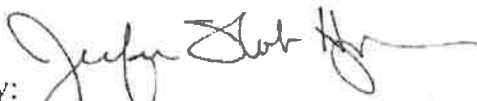
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130 North Court Avenue
Memphis, TN 38103



Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel,
Board of Professional Responsibility of the
Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027

Certificate of Service

I certify that the foregoing has been emailed to Sheree Wright, Esq., Executive Director, Tennessee Bar Association, at swright@tnbar.org, on this the 17th day of September, 2024.

By: 

Jennifer Hagerman, Chair (BPR No.
020281)

By: 

Sandy Garrett, (BPR. No. 013863)
Chief Disciplinary Counsel

Exhibit A

Rule 9: Disciplinary Enforcement

Section 10. Periodic Assessment of Attorneys

10.1. Every attorney admitted to practice before the 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, and 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 the Tennessee Supreme 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 of Professional Responsibility's registration department. ~~If, however, (1) the attorney failed to provide an office address, office telephone number, or office email address; or (2) the attorney listed the residence address, cellular telephone number or home telephone number, or personal non-government issued e-mail address as the attorney's office address, office telephone number, or office e-mail address respectively, then the attorney's nonpublic information of the same category shall no longer be subject to the protection afforded under this Rule. The attorney may designate the primary or preferred address for receipt of correspondence from the Board.~~ 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.