

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
MAR 11 2010
Clerk of the Courts

**IN RE: AMENDMENTS TO RULE 9, SECTION 34
RULES OF THE TENNESSEE SUPREME COURT**

No. M2009-02505-SC-RL2-RL - Filed: March 11, 2010

ORDER

On December 4, 2009, this Court published for review and comment a proposed amendment to Tennessee Supreme Court Rule 9 establishing guidelines for revocation, suspension, and reinstatement of licenses of lawyers found to be in default on their student loan obligations, as noted in Section 4 of 1999 Tenn. Pub. Ch. 476. That order established a comment deadline of December 30, 2009. By order entered December 23, 2009, the comment period was extended through March 1, 2010.

On March 1, 2010, a joint “Recommendation for Suspension of Rulemaking Pending Legislative and Administration Action regarding Determination of Delinquency or Default” (“Recommendation”) was filed, signed jointly by the Tennessee Bar Association (“TBA”), the Chief Disciplinary Counsel of the Tennessee Board of Professional Responsibility (“TBPR”), and the Counsel for the Tennessee Student Assistance Corporation (“TSAC”) (“Recommending Parties”). The Recommending Parties request the suspension of rulemaking in this matter pending legislative and administrative action which will address the process for determination by TSAC about the delinquency or default by lawyers. The Recommendation notes that TSAC has indicated a willingness to seek amendment of the Tennessee Code to give it express authority to adopt rules under the Uniform Administrative Procedures Act to provide adequate due process protections for making default or delinquency determinations as to lawyers. The Recommending Parties assert that these changes would establish a “firmer footing” for determination of delinquency or default as a predicate for disciplinary action by the BPR.

After due consideration, the Court finds that the Recommendation made by the Recommending Parties should be accepted. This Court will suspend its rulemaking process pending the completion of further legislative and administrative action which will address adequately the process for determination by TSAC of delinquency or default by lawyers as a predicate to possible suspension of their law licenses. The Recommending Parties are directed to advise the Court when these processes are complete.

IT IS SO ORDERED.

PER CURIAM