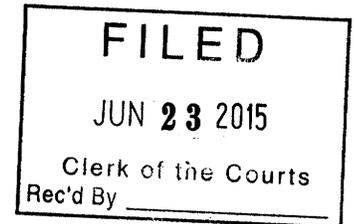


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PROPOSED AMENDMENT TO TENNESSEE SUPREME COURT
RULE 9, SECTION 5.4(c)

No. ADM2015-01135

ORDER



On June 18, 2015, the Board of Professional Responsibility of the Supreme Court of Tennessee (the "Board") filed a petition asking the Court to amend Rule 9, section 5.4(c) of the Rules of the Tennessee Supreme Court to specifically provide confidentiality for attorneys' ethics inquiries to the Board and for the Board's responses to those inquiries. The Court has determined to solicit public comments on the Board's proposed amendment.

Accordingly, the Court solicits written comments regarding the Board's proposed amendment from judges, lawyers, bar associations, members of the public, and any other interested parties. A copy of the Board's petition and proposed amendment is attached as an appendix to this Order. The deadline for submitting written comments is Tuesday, August 25, 2015. Written comments should be addressed to:

James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R. 9
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

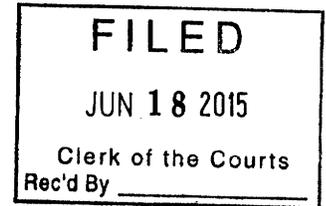
The Clerk shall provide a copy of this Order, including the appendix, to LexisNexis and to Thompson Reuters. In addition, this Order, including the appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

***BOARD OF PROFESSIONAL RESPONSIBILITY'S PETITION TO AMEND
TENNESSEE SUPREME COURT RULE 9, SECTION 5.4(C)
(attached)***



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 5.4(c)**

No. ADM 2015-01135

PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9

Comes now the Board of Professional Responsibility of the Supreme Court of Tennessee (Board), and respectfully petitions this Honorable Court to amend Tennessee Supreme Court Rule 9, Section 5.4(c), to specifically provide confidentiality for attorneys' ethics inquiries to the Board and the Board's responses thereto.

While current Tenn. Sup. Ct. R. 9, § 5.4(c) allows Disciplinary Counsel to issue oral advisory ethics opinions, this section and Tenn. Sup. Ct. R. 9 § 32 are silent regarding the confidentiality of the information exchanged between the attorney and the Board in requesting and receiving the advisory opinion. Rule of Professional Conduct (RPC) 1.6(b)(4) allows attorneys to convey confidential information to Disciplinary Counsel related to the representation of the attorney's client for the purpose of securing the advisory opinion. If attorneys' requests for advisory opinions and Disciplinary Counsel's responses are not confidential, this would create a chilling effect on attorneys' use of the Board's ethics service.

In the Board's 2013-2014 fiscal year, Disciplinary Counsel responded to 2,290 telephone and internet requests for advisory opinions. To ensure confidentiality of attorneys' requests for advisory opinions and the Board's responses, the Board respectfully proposes additional language to Tenn. Sup. Ct. R. 9, § 5.4(c) as set forth in attached Exhibit A.

For the foregoing reason, the Board respectfully requests this Court enter an Order amending Tenn. Sup. Ct. R. 9, § 5.4(c).

Respectfully submitted,

Michael King By SG w/ permission
Michael King, Chair (BPR No. 020830)
Board of Professional Responsibility

King and Thompson, Attorneys at Law
12880 Paris Street
P.O. Box 667
Huntingdon, TN 38344-0667

Sandy Garrett
Sandy Garrett, (BPR No. 013863)
Chief Disciplinary Counsel
Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
(615) 361-7500

CERTIFICATE OF SERVICE

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Avenue North, Suite 400, Nashville, Tennessee by U.S. mail, on this the 17 day of June, 2015.

By: Michael King By SG w/ permission
MICHAEL U. KING (#020830)
Chairman of the Board

By: Sandy Garrett
SANDY L. GARRETT (#013863)
Chief Disciplinary Counsel

Exhibit A

5.4(c) An advisory ethics opinion may be issued by Disciplinary Counsel ~~orally~~ when there is readily available precedent. The advisory opinion shall not be binding on the Board and shall offer no security to the person requesting it. All requests for advisory opinions, oral and written, and the Board's Responses shall be confidential and privileged and shall not be public records or open for public inspection, except as otherwise provided in Section 32.