

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
SEP 29 2010
Clerk of the Courts

**IN RE: PETITION FOR THE ADOPTION OF AMENDED TENNESSEE
RULES OF PROFESSIONAL CONDUCT**

No. M2009-00979-SC-RL1-RL

ORDER

On May 13, 2009, the Tennessee Bar Association (“TBA”) filed a Petition asking this Court to amend Tenn. Sup. Ct. R. 8 by adopting a revision of the Tennessee Rules of Professional Conduct, the ethics rules governing lawyers licensed or practicing in Tennessee. The TBA submitted with its Petition a proposed comprehensive revision of Tenn. Sup. Ct. R. 8.

On June 22, 2009, the Court published the TBA’s proposed revision and invited the bench, the bar, and the public to comment on the TBA’s proposal; the Court set December 16, 2009 as the deadline for submitting written comments. Upon the conclusion of the public-comment period, the TBA requested the opportunity to submit a response to the public comments. The Court issued an order on January 8, 2010 allowing the TBA until February 19, 2010 to file a response to the public comments received. On February 18, 2010, the TBA filed its response to the public comments and submitted therewith a modified version of its proposed revision of Tenn. Sup. Ct. R. 8, in which the TBA made a number of changes in light of the public comments received.

On April 21, 2010, the Court filed an order setting the TBA’s Petition for oral argument on June 1, 2010. The Court’s order listed the issues on which the Court was most interested in hearing arguments and also designated the parties that would be permitted to argue each issue. In addition, the Court invited any individual or organization that previously had filed written comments to submit additional written comments or briefing regarding any of the issues listed in the Court’s order; the deadline for submitting any additional comments or briefs was May 14, 2010. The Court heard oral arguments on the Petition on June 1, 2010.

Upon consideration of the TBA’s Petition, including the TBA’s modified revision of Tenn. Sup. Ct. R. 8, as well as the public comments received, the TBA’s response to the public comments, and the oral arguments heard on June 1, 2010, the Court hereby grants the TBA’s Petition. Upon the effective date stated in the next paragraph, the current Tenn. Sup.

Ct. R. 8 shall be deleted in its entirety, and the revised Tenn. Sup. Ct. R. 8 set out in the attached Appendix shall be adopted in its place.

The revised Tenn. Sup. Ct. R. 8 shall take effect on January 1, 2011, and shall have prospective application only, applying to all relationships existing on, and conduct taken from, that date forward. However, the provisions governing division of fees between lawyers not in the same law firm contained in RPC 1.5(e) and the provisions governing nonrefundable fee agreements contained in RPC 1.5(f) shall each apply only to those agreements that are entered into or amended on or after January 1, 2011.

The Court expresses its appreciation for the exceptional efforts taken by the Tennessee Bar Association in developing its proposed revision of the Tennessee Rules of Professional Conduct. The Court also acknowledges the invaluable contributions made by the bench, the bar, and the general public in submitting written comments concerning the proposed revision. Although the Court did not incorporate into the revised Tenn. Sup. Ct. R. 8 the substance of all the individual comments submitted during the public-comment period, all of the comments served an important function in helping the Court to refine the issues and to understand the implications of many of the proposed revised RPCs. The Court's consideration of the TBA's proposed revision was enhanced by all of the perspectives reflected in the various comments, and the Court therefore expresses its gratitude to all of these persons and organizations for their meaningful contribution to this process.

Because the Tennessee Bar Association and others have provided an invaluable service to the bench and bar of this State, the costs associated with this Petition are hereby waived.

IT IS SO ORDERED.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, CHIEF JUSTICE