

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

OCT 05 2009

Clerk of the Courts

IN RE: AMENDMENTS TO RULE 6 and RULE 7, ART. VIII,
RULES OF THE TENNESSEE SUPREME COURT

No. M2009-02033-SC-RL2-RL

ORDER

After reviewing various Rules of the Supreme Court governing the admission to the practice of law in Tennessee, the Court is considering amendments to Tenn. Sup. Ct. R. 6 and to Tenn. Sup. Ct. R. 7, Art. VIII, to delete the current requirement that applicants for admission state their intent to practice law in this state. Accordingly, the Court hereby publishes for public comment the proposed amendments to Rules 6 and 7 set out in the attached Appendix to this Order.

The Court hereby solicits written comments from the bench, the bar, and the public concerning the proposed amendments. The deadline for submitting written comments is Wednesday, November 4, 2009. Written comments should be addressed to:

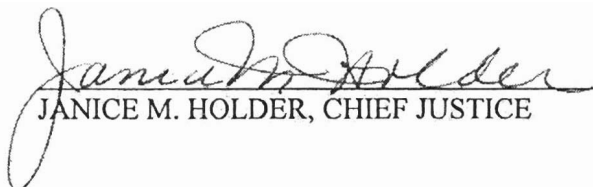
Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters/West. In addition, this order shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

FOR THE COURT:


JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX

*PROPOSED AMENDMENTS TO RULES 6 & 7,
RULES OF THE SUPREME COURT OF TENNESSEE*

(proposed new text indicated by underlining and proposed deleted text indicated by ~~overstriking~~.)

Rule 6. Admission of attorneys. — An applicant may seek admission to the bar of this Court by either:

(1) Appearing in open court and representing through a reputable member of the bar, that he or she is a citizen of this State, a person of good moral character, and has been duly licensed to practice law under the statutes of this State, ~~and intends to practice the profession of law in Tennessee;~~ or

(2) Filing with the Clerk an application for admission by affidavit. Such application shall contain:

(A) A personal statement by the applicant that he or she possesses all qualifications and meets all requirements for admission as set out in the preceding paragraph; and

(B) A statement by two sponsors (who must be members of the Bar of this Court and must personally know the applicant) endorsing the correctness of the applicant's statement, stating that the applicant possesses all the qualifications required for admission and affirming that the applicant is of good moral and professional character. Upon timely application and for good cause shown, the Board of Law Examiners, in its discretion, may waive this requirement.

(3) The documents submitted by the applicant shall demonstrate that he or she possesses the necessary qualifications for admission. Upon the applicant's taking the oath or affirmation and paying the fee therefor, the Clerk shall issue a certificate of admission. The fee for admission to the Bar of this Court shall be fixed by the Court. Applications may be filed in the offices of the Clerk at Nashville, Knoxville, or Jackson.

(4) Each applicant for admission shall take the following oath:

"I, _____ do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Tennessee, and that I will truly and honestly demean myself in the practice of my profession to the best of my skill and abilities, so help me God."

(5) The foregoing oath of admission may be administered by one of the following judicial officials in Tennessee: (A) a Justice of the Supreme Court; (B) a Judge of the Court of Appeals; (C) a Judge of the Court of Criminal Appeals; (D) a Circuit Court Judge; (E) a Chancellor; (F) a Criminal Court Judge; (G) a General Sessions Court Judge; (H) a Judge of any other inferior court established by the General Assembly pursuant to Article VI, Section 1 of the Tennessee Constitution; (I) the Clerk of the Appellate Courts; (J) a Chief Deputy Clerk of the Appellate Courts; or (K) the Clerk (not including deputy clerks) of any of the courts of such trial judges listed above. The oath of admission also may be administered by a justice or judge of the court of last resort in any other state.

Rule 7. Licensing of Attorneys.

* * * *

ARTICLE VIII—COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE

Sec. 8.01. Applicable Standard. — The requisite commitment to serve the administration of justice in Tennessee subject to the duties and standards imposed on attorneys in this State shall be evidenced by a statement by the applicant before examination, or admission by comity, that the applicant ~~intends to engage in the practice of law in Tennessee, and~~ agrees to abide by the duties and standards imposed from time to time on attorneys in this State.

Sec. 8.02. ~~[Deleted.] Waiver of Statement of Intent.~~ — ~~(a) The Board in its discretion may waive upon timely written request of the applicant the requirement of a statement of intent before examination for: (i) any applicant who obtained his or her legal education from a law school located in the State of Tennessee; and (ii) any resident of Tennessee who graduated from a law school located outside the State of Tennessee.~~

~~———— (b) No license shall be issued to any applicant specified in Rule 7, § 8.02 unless, after passing the examination, applicant: (i) enters any branch of the military service; (ii) enters any branch of government service with the United States and presents evidence that applicant's employment requires legal training; or (iii) furnishes the required statement of intent.~~

Sec. 8.03. ~~[Deleted.]~~¹

(end of Appendix)

¹ Section 8.03 was deleted by the Court in August 1993, effective (nunc pro tunc) October 19, 1992.