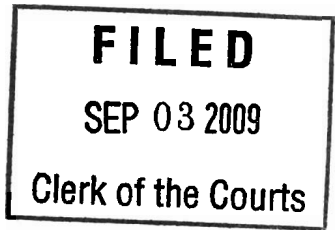


IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: AMENDMENT TO RULE 10,  
RULES OF THE TENNESSEE SUPREME COURT



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M2009-01817-SC-RL2-RL

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**ORDER**

Tenn. Sup. Ct. R. 10, Canon 3(B)(7)(e) currently provides: “A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.” A trial court judge who presides over a Tennessee “drug court” has asked the Supreme Court to clarify the application of Canon 3(B)(7)(e) in the context of drug courts and other “problem-solving courts.” In that regard, the Court is considering the addition of the following new paragraph in the Commentary to Tenn. Sup. Ct. R. 10, Canon 3(B)(7):

**Commentary [2009].** — Tenn. Sup. Ct. R. 10, Canon 3(B)(7)(e) provides that “a judge may initiate or consider any ex parte communications when expressly authorized by law to do so.” Because “[l]aw’ denotes *court rules* as well as statutes, constitutional provisions, and decisional law[,]” Tenn. Sup. Ct. R. 10, “Terminology” (emphasis added), local rules of court may expressly authorize ex parte communications by judges serving on therapeutic or problem-solving courts, such as mental health courts or drug courts. Serving on such courts, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.

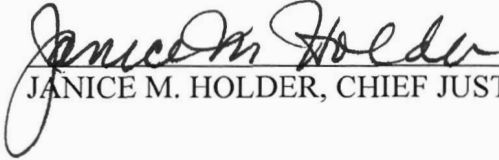
The Court hereby publishes for public comment the foregoing proposed new Commentary to Canon 3(B)(7). The Court solicits written comments from judges, lawyers, bar organizations, members of the public, and any other interested parties. The deadline for submitting written comments is October 26, 2009. Written comments should be addressed to:

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

with the case number (above) noted on the correspondence.

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.

FOR THE COURT:



JANICE M. HOLDER, CHIEF JUSTICE