

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
AUG 30 2010
Clerk of the Courts

**IN RE: AMENDMENT TO RULE 33.11,
RULES OF THE TENNESSEE SUPREME COURT**

No. M2010-01812-SC-RL2-RL

ORDER

Tenn. Sup. Ct. R. 33.11(C) (“paragraph C”) relieves specified individuals serving in a lawyer assistance program of any duty of disclosure imposed by Tenn. Sup. Ct. R. 8, RPC 8.3(a), pertaining to required disclosures of information to the Disciplinary Counsel of the Board of Professional Responsibility. It has come the Court’s attention that paragraph C does not relieve those individuals of any duty of disclosure imposed by RPC 8.3(b), pertaining to required disclosures of information to the Disciplinary Counsel of the Court of the Judiciary. It appearing that the omission of a reference to RPC 8.3(b) in paragraph C was due to oversight, *see* Tenn. Sup. Ct. R. 8, RPC 8.3(c), the Court is considering an amendment of paragraph C to correct that omission. Accordingly, the Court proposes amending Tenn. Sup. Ct. R. 33.11(C) by adding “or (b)” at the end of that paragraph; the full text of the proposed amended Tenn. Sup. Ct. R. 33.11(C) is set out in the attached Appendix.

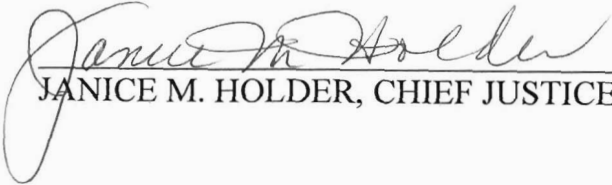
The Court hereby publishes the proposed amendment for public comment. The Court solicits written comments from judges, lawyers, bar organizations, members of the public, and any other interested parties. The deadline for submitting written comments is September 27, 2010. Written comments should be addressed 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

APPENDIX

PROPOSED AMENDMENT TO TENN SUP. CT. R. 33.11
(new text indicated by bold font and underlining)

Rule 33.11. Immunity.

A. Any person reporting information to commission members, employees or agents, including volunteers recruited under Rule 33.04, or to committee members, employees, or agents, including volunteers of local impaired lawyer assistance programs approved under Rule 33.08, shall be entitled to the immunities and presumptions under Tenn. Code Ann. §§ 23-4-101, 23-4-102 and 23-4-103 and the immunity provided under Rule 9, Section 27.

B. Commission members, employees and agents, including volunteers recruited under Rule 33.04, as well as committee members, employees, and agents, including volunteers of local impaired lawyer assistance programs approved under Rule 33.08, shall be entitled to the immunities and presumptions under Tenn. Code Ann. §§ 23-4-101, 23-4-102 and 23-4-103 and the immunity provided under Rule 9, Section 27.

C. Commission members, employees and agents, including volunteers recruited under Rule 33.04, and committee members, employees, and agents, including volunteers of local impaired lawyer assistance programs approved under Rule 33.08, are relieved of any duty of disclosure of information to authorities imposed by Tennessee Supreme Court Rule 8, RPC 8.3(a) **or (b)**.

(end of Appendix)