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RECEIVED

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Clerk of the Courts  
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October 30, 2007

Hon. Michael Catalano  
Clerk of the Supreme Court of Tennessee  
Supreme Court Building  
401 7<sup>th</sup> Ave. North  
Nashville, TN 37219-1407

Re: Petition in Re: Rule 13, Docket Number: M2007-  
02331-SC-RL1-RL

Dear Mr. Catalano

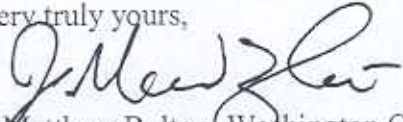
Please file this correspondence in the above referenced matter. This correspondence should act as an acknowledgement of my support of the relief requested in the above reference Petition, both the immediate relief requested and the amendment to Rule 13 proposed therein.

The services provided by Billable Hours, Inc. allow attorneys to focus on their appointed cases instead of the administrative burdens appointed cases place upon them. This, of course, allows attorneys to accept more appointments and/or be willing to accept the same. The removal of the administrative burdens allows attorneys to provide a heightened level of legal service to indigent defendants in the state of Tennessee as they are more clearly focused on the practice of law. In the end, Billable Hours, Inc. provides a benefit to the practice of law, the attorney's who accept court appointments, and most importantly assists with the provision of a heightened level of legal services to the indigent defendants of this state. It has helped my practice immensely, and I was deeply disturbed to learn of the conflict with Billable Hours' business practices, Rule 13, and the Administrative Office of the Courts.

The relief requested in the above referenced Petition should be granted. I ask the Honorable Members of the Supreme Court to strongly consider allowing attorney's, such as myself, to benefit from the services of Billable Hours, Inc., and grant the relief requested.

Thanking you in advance for your prompt attention to and consideration of this matter, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Matthew Bolton". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

J. Matthew Bolton, Washington County Bar

Cc: Barbara Short, Executive Director TACDL

SANTORE & SANTORE  
ATTORNEYS AT LAW  
121 E. DEPOT ST.  
GREENEVILLE, TENNESSEE 37744



FRANCIS X. SANTORE (1931 - 2004)

FRANCIS X. SANTORE, JR.

November 1, 2007

P.O. Box 113  
(423) 639-3511  
Fax (423) 639-0394

The Honorable Michael Catalano, Clerk  
TENNESSEE SUPREME COURT  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219-1407

IN RE: PETITION IN RE: RULE 13  
Tenn. Sup. Court Docket #: M2007-02331-SC-RL1-RL

Dear Mr. Catalano:

Please file this correspondence in the above-captioned matter and let it be added to the dozens of other letters you have received in support of relief for the petitioner in the above-captioned matter, Billable Hours, Inc., which was started by my good friend, worthy adversary, and collegial colleague Robert Foster, a member in good standing of the Bar of this State and my County.

With all due respect to the Administrative Office of the Courts, I see no difference between what Billable Hours does and in attorneys taking fees by credit cards and paying the credit card processing company a portion of their fee to process same, **except that Billable Hours (the petitioner herein) does the work that the Administrative Office of the Courts requires attorneys to do, thereby freeing the members of the Bar of this State to do the things that we are always ordered to do by the courts, such as representing indigent clients and doing *pro bono* work, while the credit card company does not.**

Again—and I write this most respectfully—I fail to see how the honored members of the Administrative Office of the Courts can, unilaterally, tell me and others similarly situated with whom and how to enter into a contract for my services which has not been ruled unethical by our Board of Professional Responsibility. The unilateral action of the AOC in terminating the business of Billable Hours smacks of a ham-handed violation of our fundamental right to contract, and, further, seems to me to be violative of Article 9 of Title 47 of the Tennessee Code regarding assignments of contracts.

Also—again, most respectfully—our Supreme Court's **OWN RULES** state that it is subject to both Federal and State law. Now, I only have a law degree from Cumberland, but I must emphasize that I am not the only attorney who believes that the AOC's

Hon. Michael Catalano

Page 2

November 1, 2007

recent ruling in this case tends to place the honored members of our Supreme Court in direct contradiction to the Federal and Tennessee constitutional and statutory provisions to which I alluded on page one of this letter.

Mr. Catalano, the great majority of the Bar do not have the advantage of either (a) working for a white-shoe law firm with a guaranteed salary and benefits, or (b) working for one of the various branches of our Federal or State governments, again, with a guaranteed salary or benefits. The great majority of the members of this Bar whom the AOC serves are small-town practitioners, working by themselves or in small firms, many of whom depend upon prompt payment of indigent representation claims to keep their doors open. We are always being mandated by the Courts and by our Bar to take *pro bono* or indigent cases, a luxury which a six-figure attorney or a governmental attorney could indulge, but which most of my colleagues cannot, unless they are paid quickly for their services.

Fortunately, I do not need indigent counsel work to keep my "head above water," as it were. But, since Billable Hours started business, I have begun taking appointed cases again, as a service to the Bench of our Third Judicial District, particularly in our Juvenile Court in Greene County, where the Court has looked to members of the Bar of adjoining counties to take these appointments (as guardians, counsel, or otherwise) **because of the SHORTAGE of members willing to take these cases.**

A large reason why I had stopped taking these cases is because our AOC is overworked and underpaid with the thousands of claims it has to process each and every year. This results in a detriment to members of the Bar with respect to timely payment for very valuable services rendered to the public.

But, when Billable Hours came into existence, it freed me from having to (a) deal with the time consuming process of preparing my own (and my secretary does NOT prepare these, I do) fee statements and (b) waiting weeks and months for my payment. As a result, I believe that I can offer a service to the Bench of our jurisdiction by taking cases without being bothered with the interminable paperwork and unwarranted waiting to be paid.

I would have thought that the AOC would have wanted its workload lightened, also. Apparently, I was incorrect in that assumption.

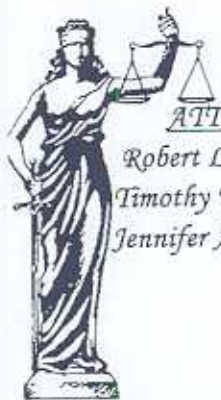
Yours truly,

  
SANTORE AND SANTORE

Francis X. Santore, Jr.

cc: Mr. Allen Ramsaur  
Ms. Barbara Short  
Ms. Marcia Eason  
Ms. Elizabeth Sykes  
Mr. Tim Townsend

# Foster, Flohr & Associates



## ATTORNEYS

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M2007-02331-



## ASSISTANTS

Ardell Reynolds

Kacey Miller

## BILLING

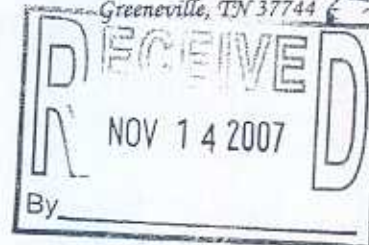
Brandon Hammer

P.O. Box 10

Greeneville, TN 37744

November 8, 2007

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



Dear Mr. Catalano,

This letter is to express support for the amendment to Tennessee Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc., and Robert L. Foster, Esq., that was filed with the Supreme Court of Tennessee on October 16, 2007. As an attorney who uses the services of Billable Hours, I can attest that I maintain control over the entirety of my fee claims. In addition, the information contained on the claim form itself cannot be considered confidential because that information is also provided to the Supreme Court and Administrative Office of the Courts (AOC). Finally, there is no danger that my professional judgment and decision-making regarding how to handle cases will be usurped by Billable Hours.

I truly hope that the Supreme Court will amend Tennessee Supreme Court Rule 13 in the manner proposed in the aforementioned Petition. Such an amendment would be of great benefit to not only the bar, but also to judges and the AOC itself. Benefits to the bar include a stronger desire to take state-appointed work, more time to focus on caseloads instead of administrative tasks, and a more in-depth level of legal service to the very deserving indigent people of our state. The judges of Tennessee would benefit from the proposed amendment because a higher number of attorneys would be willing to accept state-appointed cases and the work completed on those cases would be of a higher quality. Finally, the proposed amendment would also benefit the AOC by streamlining Rule 13 submissions, reducing mailing and postage costs, and assisting the AOC with data collection.

Thank you for your time and consideration, Mr. Catalano.

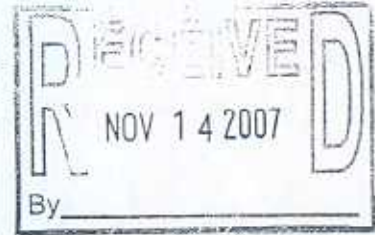
Very truly yours,

Jennifer A. Ashley, Esq.

cc: Barbara Short, Tennessee Association of Criminal Defense Attorneys  
Allen Ramsaur, Tennessee Bar Association

M2007-02331-SC-RLI-RL

Kindall T. Lawson  
Circuit Court Judge  
DISTRICT 03  
4325 Hwy. 66, Suite 206B  
Rogersville, TN 37857  
423-272-7776



Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**November 9, 2007**

Dear Mr. Catalano,

Per the Court's request of November 6, 2007, I am providing the following comments to the proposed amendment to Supreme Court Rule 13.

It appears that allowing a third party agent to process and submit Rule 13 claims can only act to benefit the bench, the bar, the AOC, appointed attorneys, and indigent defendants. Attorneys are bombarded with tasks and responsibilities that are associated directly with the practice of law, but are also bombarded with many administrative tasks as well. Attorneys delegate many administrative functions, and it would only seem logical that they should be allowed to delegate the administrative responsibilities of Rule 13 Claims submission. Furthermore, if an attorney, who has already earned a fee, desires to assign the same, then that should be the attorney's decision. If an attorney determines that utilizing a third party billing agent to assist him or her with the administrative and other tasks associated with submission of Rule 13 claims is beneficial to his or her practice, then the attorney should be allowed to engage such services.

The proposed amendment sets forth a standardized process for the utilization of a third party billing agent and provides the AOC and the Court with the opportunity to know exactly who they are dealing with. The proposed amendment also provides a heightened standard of care requiring certification of accuracy of claims. This provides the AOC and the Court with assurances of claims being submitted based upon the work completed by appointed counsel. Allowing the practice of a third party billing agent can only work to increase efficiency of the submission and review process and will provide attorneys an alternative to the administrative burdens associated with appointed cases. This should result in more attorneys being willing to accept court appointments and being willing and able to provide a heightened level of service.

For all of the foregoing reasons, coupled with the fact that I am unaware of any legal or ethical prohibitions against the delegation of responsibilities of Rule 13 claims submission or the assignment of the proceeds therefrom, I ask the Court to strongly consider amending Rule 13 as proposed in the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

Very truly yours,

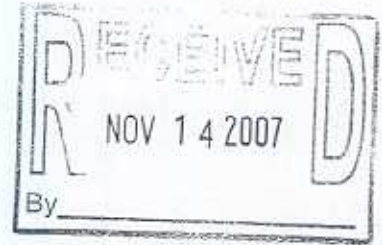
A handwritten signature in black ink, appearing to read "Kindall T. Lawson".

Kindall T. Lawson  
Circuit Court Judge

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

M2007-02331-SC-RL1-RL

Ben K. Wexler  
Circuit Court Judge-Retired  
DISTRICT 03  
4117 S. Main Street  
Greeneville, TN 37743



Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

November 9, 2007

Dear Mr. Catalano,

As a retired Circuit Court Judge, I believe it is important for me to provide the following comments to the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

The services offered by Billable Hours, Inc. should be allowed as these services provide attorneys the opportunity to focus their time on their caseload and not the administration that goes along with it. The delegation of the responsibilities of Rule 13 fee claim petitions based upon information provided by the attorney and overseeing the submission of the same to the courts, clerks, and the AOC is no different than the delegation of other administrative tasks that attorneys engage in everyday. Attorneys delegate responsibilities such as the initial drafting of pleadings, letters, deeds, wills, powers of attorney, and the like. However, just as is the case with clients of Billable Hours, Inc. these attorneys provide the necessary information to their delegate and review the final product for approval before it is mailed, executed, or filed as the case may be. Further, attorneys' staff members relay information back and forth between client and attorney and between attorney and the court on a regular basis. The utilization of a third party billing agent to prepare claims and to ferret documentation and information back and forth between the courts, clerks, and the AOC falls right in line with the practices attorneys engage in everyday, the delegation of administrative tasks and responsibilities.

The amendment as proposed would simply solidify the procedures that an agent such as the Petitioner is required to follow when possessing and/or preparing Rule 13 fee claim Petitions. It would further save the courts time by having the return envelope and accurately prepared claims and accompanying documentation, the clerks time and money by eliminating the time required to copy and mail claims to the AOC for such and agents clients, and the AOC time due to the availability of one source to handle several different attorney fee claim issues. The utilization of a third party billing agent would make the entire submission process more efficient and less costly.

The time, efficiency, and money savings should in and of itself provide an ample basis upon which the Court should amend Rule 13 as proposed. However, there are apparently other benefits as well. The letters issued by the clients of Billable Hours, Inc. glaringly show that the services provided assist attorneys with building their practices, provides them with the peace of



mind to accept additional court appointments, and to provide much needed attention to their indigent clients. Many of the attorneys who accept appointments are younger attorneys attempting to make a name for themselves and build their practices. A service such as a third party billing agent for Rule 13 claims submission appears to be a viable alternative to assist these attorneys by lessening the administrative burdens of the practice of law and providing them with the opportunity to focus on their caseload and building their practices.

For all of the reasons stated herein above, I strongly recommend that the members of the Supreme Court amend Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

Sincerely,

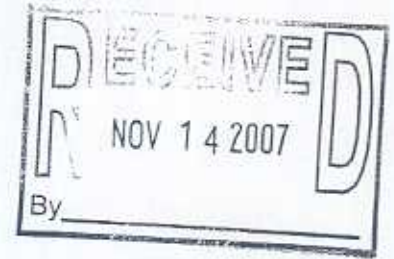


**Ben K. Wexler**  
**Circuit Court Judge-Retired**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

M2007-02331-SC-RL1-RL

John K. Wilson  
Circuit Court Judge  
DISTRICT 03  
101 South Main Street, Suite 401  
Greeneville, TN 37743  
423-639-1731



Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**November 8, 2007**

Dear Mr. Catalano,

Please accept this as an acknowledgment of my support for the amendment to Supreme Court Rule 13 as proposed by Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007. The letters of clients provided evidence that the attorney maintains all control over their fee claims when utilizing the services of Billable Hours, Inc. Further, all information provided for generation of claim forms can not be considered confidential as the same is provided to the Court and to the AOC. It should also be pointed out that there exists no danger of the loss of the independent professional judgment of an attorney utilizing the services of Billable Hours, Inc.

With that said, the members of the Supreme Court should amend Supreme Court Rule 13 in the manner proposed in the aforementioned Petition. Doing so will be a benefit to the bench, the bar, the AOC for the following reasons:

1. The reduction of the administrative tasks will allow attorneys to focus on their caseloads and not their administrative work.
2. Such a service will entice more attorneys to willingly accept court appointments and to provide a higher level of legal service to the indigent defendants of our state.
3. Implementing the amendment will provide a streamlined approach to the submission of Rule 13 claims and will eliminate mailing and copying costs for the Courts and Clerks of this state.
4. Finally, such a service will provide the AOC a more efficient process for handling any issues that arise in the review of submitted Rule 13 claims and will assist the AOC in its required data collection.

Very truly yours,

A handwritten signature in black ink that reads "John K. Wilson". The signature is written in a cursive, slightly slanted style.

John K. Wilson  
Circuit Court Judge

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

James A. Rose  
Attorney at Law  
19 Music Square West, Suite R  
Nashville, Tennessee 37203-3296  
(615) 594-5847  
james@jroseattorney.com  
Also Admitted to Practice in the District of Columbia

NOV 15 2007

November 12, 2007

Michael W. Catalano, Esq.  
Clerk of the Supreme Court of Tennessee  
401 7th Avenue North  
Nashville, Tennessee 37219-1406

M 2007-2331

RE: *In Re: Rule 13*  
Docket Number M2007-02331-SC-RL1-RL

Dear Mr. Catalano:

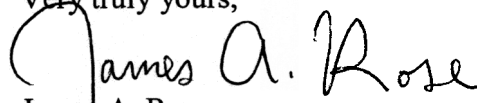
As a practicing attorney who handles appointed cases in Juvenile, General Sessions, and Criminal Courts in Cheatham County, I support the relief requested in the above-referenced Petition and the proposed amendment to Supreme Court Rule 13.

For the past 22 months, I've enjoyed serving parents, children, and others who are in need of legal services and who are served by appointed attorneys like me around the state. Billable Hours, Inc. will certainly assist in one of the crucial areas in my practice: Cash flow. While appointed cases provide immense opportunities, the billing process can be excruciatingly slow in terms of processing claims with the appropriate court and turning those claims into income through the Administrative Office of the Courts.

Attorneys are constantly bombarded with expenses, and these can be extremely burdensome in the early years of practice. We have annual fees, taxes, and CLE to pay for. We must come up with rent, malpractice insurance, and office overhead. The concept of streamlining the processing of state claims will help me be a better attorney: Saving time, knowing where to go to take more cases, making appointed cases more appealing, and being able to serve my clients better. It will not affect the independent decisions I make as an attorney on behalf of my clients. It took me mere minutes of listening to the explanation of this idea to know that this was a great solution for me. It is no surprise to hear that so many lawyers around the state have signed on as clients of Billable Hours, Inc. I know that many others would benefit from the proposed change in the Rule.

I am grateful for your time and consideration and welcome any questions you have regarding my correspondence.

Very truly yours,

  
James A. Rose

cc: Allan F. Ramsaur, Esq.  
Executive Director, Tennessee Bar Association

Barbara N. Short  
Executive Director,  
Tennessee Association of Criminal Defense Lawyers

**John F. Dugger, Jr.**  
**Criminal Court Judge**  
**DISTRICT 03**  
**510 Allison Street**  
**Morristown, TN 37814**  
**423-586-8640**

NOV 15 2007

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**November 13, 2007**

M2007-2331

Dear Mr. Catalano,

As a Criminal Court Judge who appoints attorneys to represent indigent defendants on a regular and reoccurring basis, I believe it is incumbent upon me to provide the following comments concerning the proposed amendment to Supreme Court Rule 13 proposed in the Petition of Billable Hours, Inc. and Robert L. Foster, Esq.

Having a pool of qualified private attorneys available to accept appointments in the event of Public Defender conflicts is important to the operation of the criminal justice system. Having practiced law for many years both as an assistant district attorney general and criminal defense attorney I am very well aware of the administrative requirements related to the submission of Rule 13 claims. Furthermore, now as a Criminal Court Judge, I am in the position to approve claims for payment. From my perspective a service such as the service provided by the Petitioners does nothing but increase the pool of qualified and willing attorneys. Many of the clients of Billable Hours, Inc. practice in my Court and I have found nothing inappropriate with any of the claims submitted on their behalf.

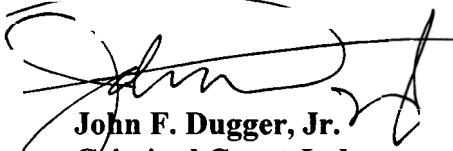
The Petition points out several valid points and appears to provide the basis not only for the relief requested, but also for the amendment of Rule 13. The letters attached should be ample evidence that the system and service developed and delivered by Billable Hours, Inc. assisted appointed counsel greatly, helped them focus more on their caseload, made them more willing to accept appointed cases, and provided a benefit to the bench, the bar, and the indigent defendants. If allowed to continue to operate, this benefit provided by the Petitioners will only expand, evidenced by the immediate and substantial growth experienced by the Petitioners.

Allowing an attorney to delegate purely administrative functions and to assign claims in order to generate a more reliable cash flow seems to be a business decision, not a legal one. If an attorney is of the opinion that such a service is beneficial to his or her practice and employing such service will assist the attorney in providing legal services to indigent defendants, he or she should be allowed to make this business decision.

It certainly appears that the Petitioners have done nothing but put together a concept that benefits the legal community and the indigent defendant. Amending Supreme Court Rule 13 as proposed will simply provide a more efficient and less costly system relating to the administration and submission of Rule 13 claims. It appears that the AOC would prefer having one entity to turn to for many attorneys when it has any issues with submitted claims. The proposed Rule simply standardizes the manner and mode in which a third party agent is to prepare and submit claims to its clients, the Court, the clerk, and the AOC.

Based upon all of the aforementioned comments, I suggest that the members of the Supreme Court strongly consider amending Supreme Court Rule 13 as proposed by the Petitioners.

Very truly yours,



**John F. Dugger, Jr.**  
**Criminal Court Judge**

Cc Barbara Short, Executive Director, Tennessee Association of Criminal Defense  
Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

**James E. Becker**  
**Criminal Court Judge-Retired**  
**DISTRICT 03**  
**3667 Tomahawk Hills**  
**Morristown, TN 37814**

]]

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

M 2007-02331

**November 13, 2007**

Dear Mr. Catalano,

As a retired Criminal Court Judge that approved many Supreme Court Rule 13 claims submitted to my Court through Billable Hours, Inc., I hope my comments contained herein will be considered regarding the proposed amendment to Rule 13 as drafted in the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

In my years on the bench as a Criminal Court Judge, it became clear to me that having competent defense counsel is just as important as having competent prosecutors. Competent attorneys on both sides of a criminal matter is a benefit to the bench and to society as a whole. We as a state have the duty to provide not only counsel to indigent defendants, but competent counsel. While on the bench I appointed private attorneys regularly when there existed a conflict with the Office of the Public Defender. Several of these attorneys utilized the services of the Petitioners and I never received a complaint from those attorneys.

The Court appoints private attorneys and asks that they engage in representation of an indigent defendant for less than ½ of their private hourly rate, and tells these attorneys that they may only bill to a certain amount on a certain type of case. After a case is completed, the state requires the attorney to complete claim forms, obtain signatures of judges, file claims with the appropriate clerk, and follow up to receive payment that is not timely. For these reasons, many attorneys reluctantly accept appointments, or do not accept them at all.

The services of a third party billing agent obviously does not increase the rate of pay or the amount that an attorney is entitled to receive for representation. However, it is readily apparent from a reading of the Petition and the attached client letters that it does eliminate many of the administrative tasks associated with seeking payment for Rule 13 appointments and creates an atmosphere of timely payment for those who utilize such a service.

As pointed out in the Petition and the accompanying client letters, the services provided by Billable Hours, Inc. persuade more attorneys to willingly accept court appointments and allows them to focus more on the practice of law and not on the administrative tasks associated therewith. Such a service will ultimately provide the Courts with a larger pool of attorneys willing to accept court appointments and result in the delivery of enhanced legal service to the indigent defendants of this state.

The services of such an agent provide a benefit not only to the attorney and the indigent defendants of this state, but the proposed amendment, if approved by the Court, will work to standardize the procedures for

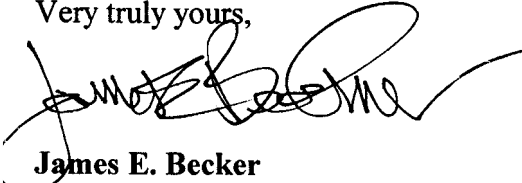


processing and submission of Rule 13 claims through a third party billing agent. The amendment as proposed will eliminate much of the courts' time in approving the claims as they will be professionally prepared with all accompanying documentation and a self addressed stamped envelope will be provided for return of approved, denied, or modified claims. The clerk would no longer be required to ensure that a claim for a client of such an agent was mailed to the AOC as the clerk would simply receive an original for filing and the AOC would receive an original for review and payment. This would eliminate time spent by the courts, the clerks and their respective staff and would eliminate mailing costs as well. It would seem to make the AOC's duties more efficient in that the AOC would have one entity to turn to for several attorneys to have answered any administrative type questions or concerns that might arise during the review process.

For all of the reasons set out above it appears that allowing a third party billing agent to operate under the proposed amendment to Rule 13 provides a benefit to the bench, the bar, the indigent defendant, the clerks, and the AOC. Therefore, I recommend that the members of the Supreme Court amend Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq.

Thanking you in advance for your consideration, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read 'James E. Becker', written over a horizontal line.

**James E. Becker**  
**Criminal Court Judge-Retired**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

**KENDRICKS LAW OFFICE**

101 KIOWA TRAIL  
MADISON, TN 37115

Attorney Charisse Kendricks  
Phone/Fax: 615-868-6835  
ckendricks@comcast.net

Guardian ad Litem  
Family Law  
Wills & Probate

NOV 16 2007

November 9, 2007

Michael W. Catalano  
Clerk of the Supreme Court of Tennessee  
Re: Rule 13 Comments  
Supreme Court Building  
401 7th Ave. North  
Nashville, Tennessee 37219-1407

Dear Mr. Catalano,

The services that BHI provides me not only benefits me, but all of the indigent defendants that I represent. I am able to focus much more of my time on the practice of law.

The proposed Amendment to Rule 13 should be amended as suggested by BHI. This amendment would create a procedure that is more efficient and less costly for the Courts, the Clerks and the AOC. I also strongly believe that the service provided by BHI will aid in more attorneys being willing to take on more assigned cases which will benefit the bench, the bar, the indigent defendants and the AOC.

The assistance that I receive from BHI is beneficial to the growth of my practice and prohibiting me to contract with BHI would only be a detriment to that growth. The services I receive from BHI have helped me to plan for the future of my business because of how efficiently and promptly they process my claims. It has enabled me to take on more cases, thereby, growing my practice to eventually become financially sound.

Very truly yours,

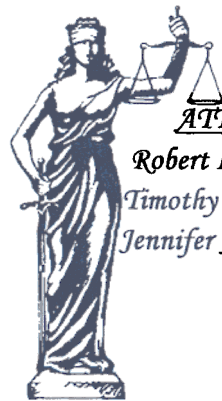


Attorney Charisse Kendricks  
State Bar Id. No. 024854

Cc: Barbara Short, Executive Director TACDL

Allen Ramsaur, Executive Director, Tennessee Bar Association

# Foster, Flohr & Associates



## ATTORNEYS

Robert L. Foster, Esq.  
Timothy W. Flohr, Esq.  
Jennifer A. Ashley, Esq.

119 East Depot Street  
Greeneville, TN 37743  
Phone: (423) 639-7255  
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## ASSISTANTS

Ardell Reynolds  
Kacey Miller

## BILLING

Brandon Hammer  
P.O. Box 10  
Greeneville, TN 37744

November 12, 2007

NOV 16 2007

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

Dear Mr. Catalano,

This letter is to express my sentiment that the amendment to Tennessee Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc., and Robert L. Foster, Esq., filed with the Supreme Court of Tennessee on October 16, 2007, should be adopted in its entirety. I employ the services of Billable Hours, and I assure you that I maintain control over the claims that I submit to the Administrative Office of the Courts through the services that Billable Hours provides. I am of the opinion that the information contained on the claim form is not confidential due to the fact that information is also provided to the Supreme Court and Administrative Office of the Courts.

I feel that the proposed amendment will benefit me as a lawyer because I will be able to continue to use the services of Billable Hours. I take pride and pleasure in doing court-appointed state work when I know that Billable Hours is handling all of the administrative tasks that I quite frankly detest handling. Also, the fact that I do not have to wait months to be paid for work that I perform means that I am more than willing to oblige the Courts when called upon to handle an appointed state case for which I will receive payment for services rendered in a timely manner. The proposed amendment will allow me to continue to meet the financial obligations inherent to a business owner who deals with such realities as payroll, paper, stamps and all of the other items that are necessary to run a law office that does not yet have thousands upon thousands of dollars in the bank to rely upon in the case of any unforeseen costs.

I fully support the proposed amendment to Rule 13, but more importantly, I support Billable Hours and all that it has done to help me in my attempt to establish my name as an attorney while satisfying the financial realities of running a business.

Thank you for your time and consideration, Mr. Catalano.

Very truly yours,

Timothy W. Flohr, Esq.

cc: Barbara Short, Tennessee Association of Criminal Defense Attorneys  
Allen Ramsaur, Tennessee Bar Association

**KELLI BARR SUMMERS**

P. O. Box 1084  
Brentwood, TN 37024  
615-221-0976

November 12, 2007

NOV 16 2007

Hon. Michael Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**RE: M2007-02331-SC-RL1-RL**

Dear Mr. Catalano:

Please file this correspondence in the above referenced matter. This correspondence should act as an acknowledgement of my support of the relief requested in the above referenced Petition, both the immediate relief requested and the amendment to Rule 13 proposed therein.

The services provided by Billable Hours, Inc. has allowed me to focus more of my time on representing my indigent clients rather than the administrative burdens. I am able to receive payment for work completed within a few days of submitting my claims. The Administrative Offices of the Court has a turn around time on fee claims of anywhere from six (6) to eight (8) weeks. In some instances the turn around time has been even longer depending upon the time of year and the volume of claims they have received. In other words, there are no guarantees as to when to expect payment. Since my law practice depends almost solely upon payments by the Administrative Offices of the Court, knowing when you will get your money for services rendered months ago is imperative. The services of Billable Hours, Inc. has allowed me to continue to work in an area of law that I love.

The services offered by Billable Hours, Inc. has helped me be able to focus more time on representing my clients and less time worrying about billing and payment of claims by the Administrative Offices of the Court. I do not have fulltime office staff, so the services of Billable Hours, Inc. is akin to hiring staff to handle my fee claims and billing. I do not believe I should be prohibited from using the services of a third party billing service to assist me in efficiently running my law office in a manner I deemed appropriate. I support Rule 13 being amended as proposed in the Petition as it creates a standardized procedure for the use of a third party billing agent, allows the court and the AOC to be aware of exactly who they are dealing with, and creates a more efficient and less costly submission process for the Courts, the Clerks, and the AOC.

The relief requested in the above referenced Petition should be granted. I would ask the Honorable Members of the Supreme Court to grant the relief requested by Billable Hours, Inc.

Thank you in advance for your prompt attention and consideration of this matter.

Sincerely,

*Kelli Barr Summers*

**Kelli Barr Summers**

**Cc: Barbara Short, Executive Director, Tennessee Assoc. of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association**

**CYNTHIA H. MOORE**  
ATTORNEY AT LAW

(615) 868-7497 • (615) 868-9217 Fax  
P.O. Box 918 • Nashville, TN 37116-0918

November 15, 2007

Honorable Michael Catalano, Clerk  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, Tennessee 37219-1407

NOV 16 2007

IN RE: RULE 13 COMMENTS  
Tenn. Sup Court Docket #: M2007-02331-SC-RLI-RI

Dear Mr. Catalano

Please add this correspondence to the numerous letters you have received in support of the services Billable Hours, Inc., (BHI) has provided me and countless other attorneys. I support the petition and the proposed amendments to Rule 13 wholeheartedly. I deeply appreciate the work of Robert Foster, President of BHI's, diligent work in resolving this matter. I respectfully request that this Honorable Court grant the BHI Petition, including the proposed amendments to Rule 13 and the immediate relief requested.

My experience, with BHI, began in late August 2007, when I met with Mr. Foster to discuss his company and the services they could offer. I was very wary, because what he described to me was "too good to be true." I am a skeptic, and usually, something that seems "too good to be true," usually is, and should be avoided at all costs. However, Mr. Foster answered all of my questions and concerns and I signed up with BHI, without hesitation.

I had only about two weeks to work with BHI, before the AOC stopped honoring BHI's assignments. During that time, the claims I submitted were paid within a week of submission to BHI. During this brief period of time, I found myself with additional time to focus on practicing law and competently representing my clients, instead of worrying about when I was going to be paid. BHI's services are invaluable to my solo practice, which involves mainly indigent representation.

Having reviewed Rule 13, as currently written, I do not find any provision, which prohibits the assignment of claims for preparation. However, I do think that the proposed amendments to Rule 13 would clarify the issue.

I maintain complete control and independent legal judgment over the representation of my clients. No privileged information is ever divulged to BHI. In essence, I still prepare all my claim forms and submit the forms to BHI. BHI, then prepares a typewritten claim form, which is mailed to me for my review and certification. If it is accurate, I sign it and

return it to BHI and they forward the claim to the AOC. BHI immediately issues payment to me and then forwards the claim to the AOC to recoup their upfront funding of my claims. In my opinion, the minimal fee I pay to BHI for processing my claims, is a bargain, and one in which I should be able to use my independent judgment to utilize.

My practice is limited to the Davidson County Juvenile Court. I generally take only appointed cases, representing both parents and children in Neglect/Dependent and Termination of Parental Rights cases. I love my job and take it very seriously. Prior to becoming an attorney, I worked as a social worker for many years. My job as an attorney is very similar to that of a social worker, except the pay is a lot better, that is when I am paid in a timely manner.

My frustration with the AOC is that I can never predict when I am going to get paid. This causes unbelievable stress in budgeting. Sometimes, I may receive a check from the AOC in two weeks, other times it has been up to two months to be paid on a claim.

The personnel I deal with at the AOC are top notch; they are competent and are faced with a near impossible job; processing claims for attorneys all over the State of Tennessee. Yet, they are always polite and willing to help me determine where in the process my claim is. Patricia Brown, has graciously endured my frequent calls over the past five years. I love working with her. Also, Jeanah Hendrix is always ready and willing to assist me. None of this is their fault. But this situation can be easily remedied in the form of the immediate requested relief in the BHI Petition.

In addition, if BHI is allowed to continue to operate, it will benefit, the most important segment of the population, indigent clients, especially children, who are constitutionally entitled to competent legal representation. This segment of the population is grossly underserved. Unfortunately, there are few attorneys willing to accept indigent appointments, due to the low pay and the uncertainty of when payment will be received. If the BHI petition is granted, I will be more willing to take appointed cases, due to the streamlined process and the assurance of immediate payment guaranteed by BHI.

Sometimes, I get the feeling that attorneys who accept indigent appointments are looked down upon. It's as if that is the only type of work that we can get. This is far from the truth. Many of the attorneys who take indigent appointments are employed by law firms, yet they still accept indigent appointments.

The Davidson County Juvenile Court Indigent Bar include the most ethical, competent, caring attorneys I have ever met. I don't know many other attorneys who would accept cases, especially Guardian ad Litem cases, where the cap is so low. The attorney often ends up representing children, who unfortunately stay in the foster care system for years and the appointed attorney continues to represent the child/children for years, pro bono. Over the years, I have had many cases where I have continued to represent children pro bono, many years after the \$2,000 cap has been reached. I have never asked to be relieved when the cap is reached. And I personally don't know of any attorney practicing in Davidson County Juvenile Court who has done so. Virtually, all attorneys doing

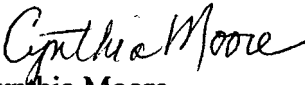


indigent work in Davidson County Juvenile Court, do an enormous amount of pro bono, without complaint.

I consider myself very fortunate to work in Davidson County Juvenile Court. I have a great respect for Judge Green and all of the Referees, each for their own unique characteristics. The Judicial Branch and staff of the Davidson County Juvenile Court have always been very supportive of me and the other attorneys practicing in the Court. For this I am very grateful.

In closing, I respectfully request that all relief sought in the BHI petition be granted immediately, especially the request for immediate relief. Please seriously consider the request for immediate relief, so that all the BHI attorneys representing indigent clients can have a Merry Christmas!

With respect,

  
Cynthia Moore  
Davidson County Court Bar

cc:

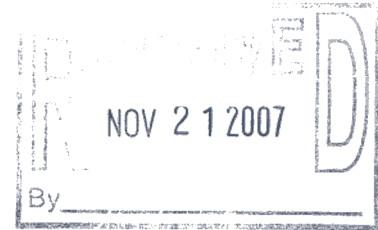
Honorable Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway  
Nashville, Tennessee 37203

Honorable Allen Ramsaur, Executive Director  
Tennessee Bar Association  
221 Fourth Avenue North, Suite 400  
Nashville, Tennessee 37219

Honorable Betty Adams Green, Judge  
Davidson County Juvenile Court  
100 Woodland Street  
Nashville, Tennessee 37213

**Thomas J. Wright**  
**Circuit Court Judge**  
**DISTRICT 03**  
**128 South Main Street, Suite 201**  
**Greeneville, TN 37743**  
**423-639-5204**

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407



**November 19, 2007**

Dear Mr. Catalano,

Please accept this as my response to the comment request contained in the Court's Order of November 2, 2007 concerning the proposed amendment to Supreme Court Rule 13 contained in Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

As General Sessions and Juvenile Court Judge of Greene County, Tennessee, I appointed many attorneys to represent indigent defendants and reviewed many Rule 13 fee claim petitions. It certainly appears that the proposed amendment simply allows an attorney to remove from his or her hectic schedule the administrative task of the Rule 13 claims submission process; a process that requires no legal education, skill, or license. The submission of Rule 13 claims simply involves completing fee claims and seeing that the same are mailed to the appropriate officials for payment after review and approval by the appointed attorney.

As a Circuit Court Judge, I do not have the occasion to appoint attorneys on a day to day basis. However, when a case is appealed from the Juvenile Court, there needs to be, in many cases, an attorney appointed to represent one or both parents, and in most cases, a Guardian-ad-Litem and/or an Attorney-ad-Litem is required as well. These attorneys are private attorneys who take these cases in addition to their retained matters. If a third party agent is available to remove the administration of Rule 13 claims submission and an attorney decides to utilize the service then the attorney is simply engaging business judgment in the management of his or her practice. If such a third party service affords an attorney additional time to focus on caseload instead of administration, the result is more effective counsel.

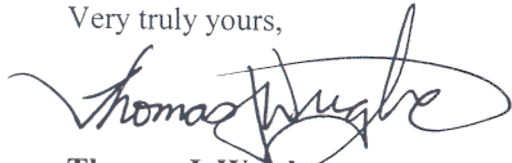
Over the years I have heard many complaints about the administrative burdens and untimely payment of Rule 13 claims. It is clear from the Petition that attorneys who utilize the services of Billable Hours, Inc. do not have these complaints. Therefore, these attorneys are more willing to accept appointments and have more time to devote to their appointed cases. In the end a third party billing service promotes a more competent pool of potential attorneys available for appointment and results in the delivery of a heightened level of legal services to indigent defendants.

The amendments proposed by the Petitioner will have the effect of streamlining the Rule 13 claims submission process, will provide a standardized procedure to follow when utilizing a third party billing agent, will require the agent to file appropriate documentation with the AOC to make the AOC aware of the agent, and will decrease copying and mailing costs and time for the Courts and the Clerks. Furthermore, it appears that the proposed amendments provide ample protections against the alteration or submission of questionable claims via a third party billing agent. Finally, the AOC claims issue resolution process should become more

efficient in that having one agent to contact to resolve the issues of many attorneys will necessarily decrease the time and costs associated with corresponding and communicating with attorneys.

I am unaware of any legal or ethical prohibition against the use of a third party billing agent. Therefore, for all of the foregoing reasons and the actual and potential benefits created by the amendment as proposed, I strongly suggest that the Honorable Members of the Supreme Court adopt the amendments as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas J. Wright". The signature is fluid and cursive, with a large, sweeping flourish at the end.

**Thomas J. Wright**  
**Circuit Court Judge**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

# KING & KING

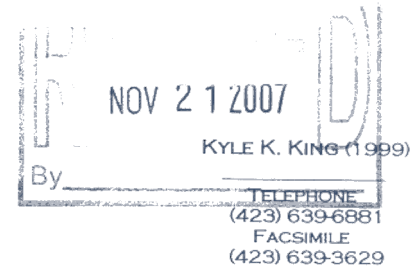
ATTORNEYS AT LAW

ESTABLISHED 1946

125 SOUTH MAIN STREET  
GREENEVILLE, TENNESSEE 37743

K. KIDWELL KING, JR.

JULIA B. EVANS, PARALEGAL



November 19, 2007

Michael W. Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, Tennessee 37219-1407

Dear Mr. Catalano:

re: Billable Hours

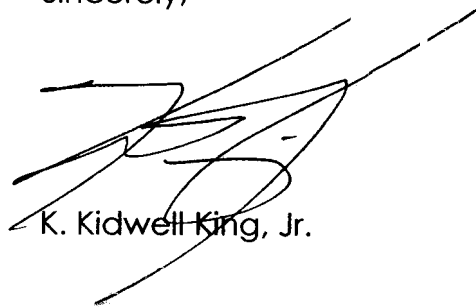
I have been fortunate to be allowed to practice the profession I love for over thirty (30) years in Tennessee and hope to practice many more. I have always considered it part of the obligation of any lawyer to provide pro bono services and assist the administration of justice by doing work for indigent clients. I gave up regularity accepting appointed cases in all the courts many years ago. I loved the trial work and hope I was of service to my clients and to the system. What I could not stand, however, was the difficulty and tedium of dealing with the administrative parts of billing the government and complying with the multitude of administrative rules which seemed to be changing almost constantly.

I was extraordinarily pleased to hear about Mr. Robert Foster's solution to this dilemma. It appears to me to be a win-win situation. The administration of justice is helped because more lawyers will participate and provide better services for individuals in our society who otherwise are the least able to protect themselves. The court system will win because of the efficiency provided by this system and ready accountability. Most importantly, I think, allowing Mr. Foster's process to continue will help us meet our obligations to the common good and benefit society as a whole. I even think that I might want to re-enter the process and accept some appointed cases if I could be sure that I would not have to deal with the headaches of the billing and payment process.

Michael W. Catalano  
November 19, 2007  
Page Two

In my practice which is now almost exclusively civil, I have to be aware of the cost of managing my practice. The requirement of adding staff to handle the administrative and billing aspects prevents me from participating in some portions of the law. The billable hours process would allow me to define the actual "cost of doing business" and would allow me to manage my time involved in appointed work so that I would not have to compromise my regular practice or add additional staff. This is the only way that I could financially consider being formally involved in the appointed practice again. I hope you will favorably consider this program and allow it to continue.

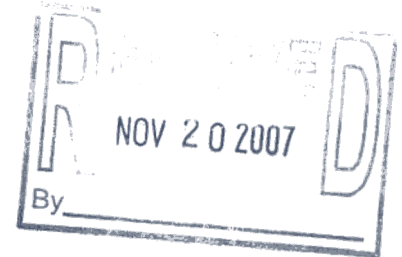
Sincerely,

A handwritten signature in black ink, appearing to read "K. Kidwell King, Jr.", written over a horizontal line.

K. Kidwell King, Jr.

KKKjr/ch  
xc: Barbara Short  
Allen Ramsaur  
Robert L. Foster

**C. Berkeley Bell  
District Attorney General  
Third Judicial District  
109 South Main Street  
Suite 501  
Greeneville, TN 37743  
423-787-1450**



Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**November 16, 2007**

Dear Mr. Catalano,

On November 6, 2007, the Honorable Members of the Supreme Court requested comments on the pending amendment to Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007. In response to this request, I am providing the comments contained herein and ask that the same be filed with and considered by the Court.

Our state has a constitutional duty to provide legal representation to those who are deemed indigent and cannot afford representation. Although the Public Defender's Office does a fine job representing indigent defendants, there are many cases in which the Public Defender's Office is conflicted out, and the court must seek out the assistance of the private bar to provide representation. The State of Tennessee has recognized the responsibility to provide compensation to those members of the private bar who accept court appointments and has codified this responsibility, therein creating an obligation of the state to these attorneys. This obligation is found in Title 40, Chapter 14, of the Tennessee Code Annotated. Although there exists no constitutional mandate that attorneys be compensated for the services they perform for the indigent defendants of this state, the State of Tennessee has taken it upon itself to afford the members of the private bar that provide legal services to indigent defendants, pursuant to court ordered appointments, a statutory entitlement to compensation.

The statutory entitlement to compensation is conditioned upon the hourly rates and maximum compensation limits set forth in Supreme Court Rule 13. These conditions require an attorney to provide representation, pursuant to court order, at less than half of his or her hourly rate and requires the submission of claim forms verified by a the appropriate trial court to request payment of the statutorily entitled compensation from the Administrative Office of the Courts (AOC). Although this Rule contains no language that specifically prohibits the delegation of the responsibilities of the creation and submission of these claims, apparently the recent directive of the AOC mandates, pursuant to the concurrence of the Honorable Members of the Supreme Court, an interpretation of Rule 13 to prohibit such delegation.

It is important to our system of justice to provide the indigent defendant with not only counsel, but competent counsel as well. Ensuring that competent counsel is appointed reduces the risks associated with post conviction relief petitions and overturned convictions. Competent legal counsel help to ensure that the convictions obtained are not only warranted but enforced. It certainly appears from a review of the Petitioners' client comments, that the services of the Petitioners assist attorneys with focusing on their caseload instead of the administration associated with submission of Rule 13 claims, resulting in an enhanced

delivery of legal services to the indigent defendants of this state. This of course is a benefit to the prosecutors of this state as well as the defense attorneys who represent indigent defendants and their clients.

Nothing contained herein should be taken as an endorsement of the business of the Petitioners, nor should the same be taken as promoting the use or non use of the services of the Petitioner or a third party billing agent. However, what should be gleaned from the comments herein is that the use or non use of the services of the Petitioners or another third party billing agent is a decision that is best left to the individual attorney. If an individual attorney finds a third party billing agent to be a benefit to his or her practice, the attorney should be left to make that decision personally. A review of the Petition, its attachments, and the client comments certainly lead one to believe that many attorneys have made this decision and firmly believe that the services of the Petitioners provide substantial benefits to their practices.

After considering the Petition, its attachments, the currently issued comments, and the Petitioners' client letters, it is clear to me that allowing a third party agent to process and submit Rule 13 claims under contract with an attorney will provide a benefit to the bench, the bar, the AOC and the indigent defendant. If, as the client letters and comments seem to allude, a third party billing agent will entice competent attorneys to accept more appointed cases and assist them with the cash flow and other management functions of their practice, thereby affording them the opportunity to provide a higher level of legal representation to their indigent clients, then it appears that an amendment to Rule 13 expressly authorizing such practices is warranted.

The proposed amendment sets in stone a procedure to be utilized by an attorney and a third party billing agent when such an agent is involved. The amendment provides additional protections against the submission of altered or otherwise wrongful claims and puts the AOC on notice of exactly who it is dealing with. The involvement of a third party billing agent that contracts with several attorneys to prepare and process Rule 13 claims forms, pursuant to the proposed amendment, should decrease the time and costs expended by the courts and the clerks. Finally, professionally prepared Rule 13 claim forms and the existence of one entity to contact for the resolution of claims issues of many attorneys can only make the entire process more efficient.

After careful consideration of the impact of the proposed amendment, I urge the Honorable Members of the Court to adopt the amendment to Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

Thanking you for your consideration, remain

Very truly yours,



**C. Berkeley Bell**  
**District Attorney General**  
**Third Judicial District**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

DAVID HAWK  
STATE REPRESENTATIVE

MEMBER OF COMMITTEES

COMMERCE  
CONSERVATION AND ENVIRONMENT

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407 CROCKETT LANE  
GREENEVILLE, TENNESSEE 37745  
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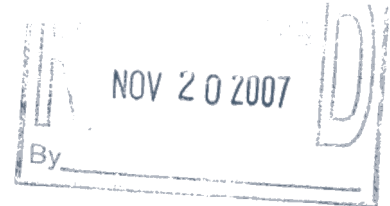
219 WAR MEMORIAL BUILDING  
NASHVILLE, TENNESSEE 37243-0105  
(615) 741-7482  
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FAX: (615) 253-0210  
E-MAIL:

rep.david.hawk@legislature.state.tn.us

# House of Representatives State of Tennessee

NASHVILLE

November 19, 2007



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

Re: Rule 13 Comments

Dear Mr. Catalano:

Thank you for your service to the State of Tennessee.

The Tennessee Supreme Court has requested public comments on proposed amendments to Rule 13. I would like to comment on this subject.

As I understand Tennessee Code, provisions have been set forth where a third party billing agent may act on behalf of an attorney. As in most businesses, this third party billing procedure provides an invaluable product to those attorneys who have neither the time nor the staff to effectively carry out this process.

Discontinuing this third party billing procedure would put an increased burden on many attorney's across the State of Tennessee.

In turn, discontinuing this process would also limit the entrepreneurial spirit of Tennesseans who have seen the business opportunity in providing this service.

Please let the honorable members of the Tennessee Supreme Court know that I feel Tennessee should allow third party billing arrangements to exist for our attorneys.

Thank you for your time.

Sincerely,

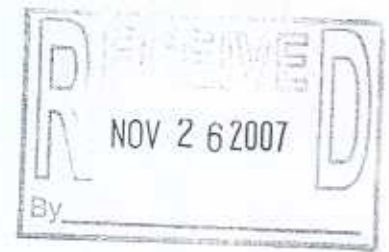
David Hawk

Cc: Barbara Short, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Tennessee Bar Association

5<sup>TH</sup> LEGISLATIVE DISTRICT  
SERVING GREENE AND UNICOI COUNTIES



Pajan Cox-Wilhoit  
Child Support Referee  
Third Judicial District  
3865 Warrensburg Rd  
Greeneville, TN 37743



Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

M 2007-02331

**November 14, 2007**

Dear Mr. Catalano,

As a Child Support Referee for the Third Judicial District, I have approved many claims submitted to me by appointed attorneys through Billable Hours, Inc. As such, per the Court's request I hope my comments on the amendment to Supreme Court Rule 13 as proposed in the Petition of Billable Hours, Inc. and Robert L. Foster filed on October 16, 2007 will be strongly considered by the Honorable Members of the Supreme Court.

Many of the Petitioners' clients accept appointments to represent indigent defendants appearing in Child Support Court before me. I cannot with specificity state exactly how many claims I have approved for clients of the Petitioners, but I have reviewed and approved a substantial number. I have found the Petitioners to be very professional in that they provide neat and clean claim forms with all appropriate documentation to me for my review, approval, denial, or modification. I maintain control over the approval of all claims submitted to me by clients of the Petitioners who utilize their services just as I do for claims submitted to me by attorneys who are not clients of the Petitioners.

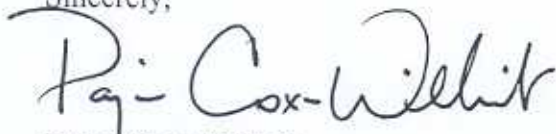
In the several years in which the Petitioners have processed claims for clients practicing in the Child Support Court, I have yet to receive one complaint regarding the Petitioners or the services they provide. A reading of the Petition and the attached letters provide further proof that the Petitioners provide a service that is extremely beneficial to their clients. This service, per the letters attached to the Petition, appears to promote the continued and increased acceptance of court appointments because it removes the administrative burden of submitted claims for payment and provides a reliable payment scenario. In turn the service frees attorneys' time such that they can focus more on their caseload and their clients and not on mundane administrative tasks, thus heightening the level of service and increasing the time the indigent defendants receive from court appointed counsel.

The proposed amendments set forth a standard operating procedure that puts in place requirements for the submission of Rule 13 claims via a third party billing agent. The proposed amendments, if adopted, would necessarily decrease the time I spend on the claims approval process as it will ensure that claims submitted via an agent are properly submitted and contain all appropriate documentation. Further, the ability to approve a claim in duplicate and return the claim in a self addressed, stamped envelop lessens my burdens and allows me to focus more on my case load rather

than administration. It is also important to note the efficiency of the filing of a fee claim and simultaneously mailing it to the AOC. This will decrease the work load of the already overburdened clerks' offices. Finally, the involvement of a third party billing agent, such as the Petitioners, will provide the AOC with the ability to contact one agent for several attorneys, thereby decreasing the time the employees of the AOC spend on claims resolution issues and requests for further documentation.

After reviewing the Petition and the attachment thereto, I can conceive of no reason why the relief requested therein should be denied or why attorneys of this state should be denied a service that has so many positive aspects. The proposed amendment simply sets in stone the procedures for utilization of a service that clearly provides numerous benefits to the bench, the bar, the indigent defendant, the clerks of this state, and the AOC. For all of these reasons I recommend that the Honorable Members of the Supreme Court adopt the amendments as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

Sincerely,

A handwritten signature in cursive script that reads "Pajar Cox-Wilhoit". The signature is written in dark ink and is positioned above the printed name.

**Pajar Cox-Wilhoit**  
**Child Support Referee**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

Kenneth N. Bailey  
General Sessions and Juvenile Court Judge  
Greene County Tennessee  
101 South Main Street  
Greeneville, TN 37743  
423-798-1730



M 2007-02331

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

**November 14, 2007**

Dear Mr. Catalano,

Please accept this correspondence as my comments on the proposed amendment to Supreme Court Rule 13 as proposed by the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

As General Sessions and Juvenile Court Judge of Greene County I have personally dealt with Mr. Foster and Billable Hours, Inc. on a reoccurring and ongoing basis since my election to the bench last year. Brandon Hammer and the staff of Billable Hours, Inc. have always been courteous and have provided me with appropriately completed Rule 13 fee claim petitions executed by the appropriate attorney. Furthermore, the fee claims provided to my Court by Billable Hours, Inc. always contained the requisite information for me to make the decision to approve, deny, or modify a fee claim petition.

Many of Billable Hours, Inc.'s clients practice in my Court, and I have heard no complaints from any of those attorneys regarding the services they receive. It appears from the Petition and the attachments thereto that the services provided by the Petitioners have a positive impact on the willingness and ability of attorneys to accept appointments and focus their attentions on their caseloads and not the administrative tasks associated with the Rule 13 submission process. If, as it appears, these attorneys are more willing to accept appointments in my Court because of the services provided by the Petitioners, then I ask that the Court to allow these attorneys to receive the benefit of the Petitioners' services.

The proposed amendment would provide the AOC with a state wide standardized process for the submission of Rule 13 fee claim petitions. This rule as amended will have the effect of streamlining the submission of such claims to the courts, the clerks, and the AOC through such a third party agent while at the same time decreasing the costs associated with copying and mailing. For these reasons coupled with the apparent positive impact such a service has, I voice my support for the amendment to Supreme Court Rule 13 as proposed in the aforementioned Petition.

Very truly yours,

**Kenneth N. Bailey**  
General Sessions/Juvenile Court Judge

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

John A. Bell  
General Sessions Court Judge  
Cocke County  
111 Court Ave., Room 212  
Newport, TN 37821  
423-623-8619

NOV 28 2007

Michael W. Catalano, Clerk

**Re: Rule 13 Comments**

100 Supreme Court Building

401 Seventh Avenue North

Nashville, TN 37219-1407

November 19, 2007

M2007-02381

Dear Mr. Catalano,

Per the Court's request of November 6, 2007, I am providing the following comments to the proposed amendment to Supreme Court Rule 13 contained in the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

Many attorneys that practice in my court are clients of the Petitioners. I have heard their comments regarding the third party billing services provided by the Petitioners. It is clear to me that these attorneys genuinely appreciate the services they receive from the Petitioners. I have yet to hear a negative comment from any of these attorneys except that the services are no longer available to these attorneys pursuant to a directive issued by the Administrative Offices of the Courts (AOC). A review of the Petition, its attachments, and written comments of the Petitioners' clients reveal that there are many other attorneys that find the Petitioners' third party billing service to be beneficial to their practices as well.

I have reviewed Rule 13, and although the Rule contains no language prohibiting the delegation of the responsibilities of the submission of Rule 13 claims, the directive issued by the AOC acts as an interpretation of Rule 13 by the Honorable Members of the Supreme Court to prohibit such delegation. It is worth considering that Rule 13 takes into account in Section 4(a)(2) that the services or time of a paralegal, law clerk, secretary, legal assistant, or other administrative assistant will be utilized by an attorney working on an appointed case. Time would of course denote the use of employees, while services would denote the use of non-employees. Although the Rule anticipates the use of such time and services, it prohibits reimbursement for the costs associated therewith.

The Petition, its attachments, and client comments clearly show that an attorney using a third party billing service such as the Petitioners is delegating a purely administrative function. The attorney client of the Petitioners maintains total control over the approval of his or her Rule 13 claims. Further the Court maintains total control over the approval or denial of such a claim before it is forwarded to the AOC for review and payment. The only difference is that others, in the case of a third party billing agents, besides employees, are responsible for scribing the actual claim document and other accompanying documents for the attorney client's review and are responsible for ensuring the claim and accompanying documents are processed through the court for judicial approval and to the AOC for review and payment. It is also evident, from the nature of the type of claims processed by the Petitioners, that there exists no danger of a breach of confidentiality. The claims processed by the Petitioners are lodged with a court for judicial approval, filed with the clerk, and filed again with the AOC. One would be hard pressed to make a legitimate claim that a Rule 13 claim form contains protected confidential information, considering the public nature of the claim

itself. The services of the Petitioners appear to be just the type of administrative services anticipated by Supreme Court Rule 13 Section 4(a)(2) and expressly authorized by Formal Ethics Opinion 85-F-99. Considering this anticipation and authorization, it is puzzling to me why the Court deems it necessary to interpret Rule 13 to prohibit delegation of the purely administrative tasks associated with the submission of Rule 13 claims to the courts and to the AOC.

I also understand that a part of the Petitioners services assist attorneys with cash flow management. Attorneys are either employees or owners of small businesses. Cash flow management is an important variable, if not the most important variable in the formula that results in success or failure of small businesses. The statements of the attorneys practicing in my court and the comments of others using the services of the Petitioners indicate that these attorneys are of the opinion that the services of the Petitioner are a great benefit to the management of their cash flow, allowing these attorneys to cover overhead, budget appropriately, and grow their practices. I would anticipate that it is common knowledge that poor cash flow generates concerns regarding the ability to meet obligations and in turn has an effect on the work product of attorneys. It certainly appears that that the services of the Petitioners have eliminated cash flow concerns for many attorneys across this state and have in turn made these attorneys more willing to accept court appointments. The Petitioners' services provide these attorneys additional time for clear thought, which results in heightened levels of legal services to the indigent defendants of our state.

Regarding cash flow management, as I understand the scenario, an attorney grants the Petitioners an assignment for an advance on the proceeds that are due to the attorney for a Rule 13 claim. However, as pointed out in the Petition, its attachment, and other comments, it is clear that the Petitioners exert no control over the substance of the attorneys' cases and no control over the attorneys' ultimate approval of any documentation prepared for the attorney by the Petitioners. With this being the case, it is readily apparent that the Petitioners exert no control over, nor is there any danger of an impact on, the attorney's independent professional judgment. The attorney client is simply utilizing his or her receivable, the Rule 13 claim proceeds, i.e. a payment intangible to assist him or her with cash flow management.

Many different businesses utilize an arrangement similar to the arrangement provided by the Petitioners. Many individuals utilize the same type of arrangement when filing their tax returns through organizations such as H & R Block. That arrangement is simple, the assignment of a payment intangible for an agreed upon price between bargaining parties. This arrangement is nothing more than one party selling an asset that party owns, a receivable, i.e. a payment intangible, to another party for an agreed upon price. This arrangement was anticipated by the state legislature, and strong protections for the purchaser of such an asset were codified in Title 47, Chapter 9, of the Tennessee Code Annotated. Where there exists no breach of confidentiality and no danger of an impingement upon the independent professional judgment of an attorney, an attorney should not be prohibited by Rule or otherwise from utilizing such an arrangement if that attorney desires to do so. The arrangement and services offered by the Petitioners do not create a breach of confidentiality nor an impingement upon the independent professional judgment of attorneys. Therefore, considering that attorneys are all educated and sophisticated players, they should be left to make the decision to use or not use the services of the Petitioners personally. This decision should not be made for them.

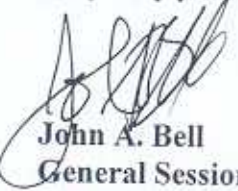
Although a reading of Rule 13 as currently written does not glean a prohibition against the delegation of the responsibilities of Rule 13 claims or the assignment of the proceeds therefrom, the amendment to Rule 13 as proposed by the Petitioners is, nevertheless, warranted. The amendment as drafted provides a standardized procedure to which an attorney and a third party billing agent must adhere. The amendment affords the courts and the AOC the opportunity to know exactly who they are dealing with and provides additional protections against any wrongfully submitted claims. Further, the amendment streamlines the

submission process for the attorneys, the courts, the clerks, and the AOC, while at the same time eliminating copying and mailing time and cost expenditures.

Expressly allowing the use of a third party billing agent for Rule 13 claims and the standardization of such use can only have a positive impact upon the indigent defense system of this state. Doing so will necessarily increase efficiency of the submission and review process and will provide attorneys an alternative to the administrative burdens associated with appointed cases and a cash management option. This should result in more attorneys being willing to accept court appointments and being willing and able to provide a heightened level of service. It only seems logical that the AOC would welcome such an agent. An agent who professionally prepares claim forms and ensures that all requisite documentation accompanies the claim form should reduce the issues that the AOC is required to resolve, thereby reducing the workload of the AOC. Further, it would appear that having one entity to contact for the resolution of many attorneys' claims issues would make the AOC much more efficient.

For all of the reasons stated above, I ask the Court to strongly consider amending Rule 13 as proposed in the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

Very truly yours,



**John A. Bell**  
**General Sessions Court Judge**  
**Cocke County**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

David Leonard  
Greene County  
Juvenile Court Referee  
131 S. Main Street, Suite 102  
Greeneville, TN 37743  
423-638-2121

NOV 28 2007

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

M2007-02351

**November 14, 2007**

Dear Mr. Catalano,

As a Juvenile Court Referee in Greene County, Tennessee, many clients of Billable Hours, Inc. practice before me. Therefore, it appears pertinent that I respond to the Court's request for comment on the amendment to Supreme Court Rule 13 proposed by Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

Prior to being appointed as Juvenile Court Referee, I accepted appointments in the Juvenile Courts of Greene and other counties. Fortunately for me, I had staff members that were very efficient at preparing claim forms for my review and approval and who ensured the claims were properly submitted to the Court, the Clerks and the AOC. Furthermore, my practice was such that it was not incumbent upon me to be paid in a timely fashion for my appointed work. However, as a Referee who deals with many attorneys who accept court appointments, I realize that not everyone has the efficient staff or the ability to wait for payment for work completed.

Under the directive issued by the AOC, it is clear that I would not be capable of even utilizing my staff members for any task associated with submitting a Rule 13 claim for payment and would be required to complete all of these administrative tasks personally. It is hard to comprehend why any attorney would not be allowed to delegate a purely administrative task. The completion of Rule 13 claim forms based upon information and time sheets provided by attorneys, such as the clients of the Petitioners, involves no legal skill, and is simply administrative. Further, the attorney must review and execute his or her own claim and maintains full control over the substance of a Rule 13 claim regardless of whether or not he or she uses Billable Hours, Inc.

It certainly appears that the clients of the Petitioners are extremely satisfied with the services provided to them. The letters attached and other client comments that Mr. Foster has shared with me are ample evidence for me to conclude that the Petitioners provide a viable service that benefits many attorneys and if allowed to continue in operation will benefit many more across our great state. This service also has the potential of providing a viable benefit to attorneys but the indigent defendants as well. This is shown by the increased willingness to accept court appointments by clients of the Petitioners, and their ability to focus more of their time and attention on the representation of indigent defendants.

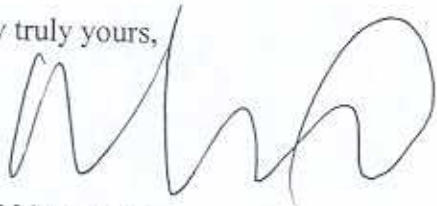


The proposed amendment to Rule 13, if adopted, will necessarily impact the efficiency of the claim submission process by laying out the standard submission to be utilized by a third party billing agent when submitting a claim to the court for approval, then to the clerk for filing and to the AOC for review and payment. This system has the potential of decreasing costs and providing more time to the members of the bar, the court, the clerks, and the AOC. The amendment, simply put, is just common sense and good business and should be adopted by the Honorable Members of the Supreme Court.

Due to all the potential and actual benefits the proposed amendment offers, I openly voice my support for the adoption of the amendment to Rule 13 as set out in the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16 2007.

With thanks for your consideration, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read 'David Leonard', with a large, stylized flourish at the end.

**David Leonard**  
**Juvenile Court Referee**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

**BILL COLLINS  
ATTORNEY AT LAW  
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NOV 27 2007

November 21, 2007

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

**RE: PETITION IN RE: Rule 13, Docket No: M2007-02331-SCRL1-RL**

Dear Mr. Catalano:

I am writing this letter to you in support of Billable Hours, Inc and the Petition they filed to amend Rule 13 to allow attorney's to use third-party administrators to process their indigent defense claims through the Administrative Office of the Courts. I am also a client of Billable Hours, Inc and this letter is also intended to extol the virtues of the service that it has provided for me and the other attorney's across the state.

I started my practice in Davidson County in 2001 and was immediately confronted with the question of how to generate a cash flow while I began to attract paying clients. I did not have any funds for advertising so I sought to build my practice through court appointed indigent representation. Even though the level of compensation for indigent representation was minimal I felt like I was at least guaranteed payment for the work that I performed. I thought that this would help me develop my reputation in the local courts and provide me with the needed cash flow to finance my practice and support my family.

After doing appointed cases for awhile I found that while appointed work helped develop my credibility with the local courts and the community it created a problem with the financial stability portion of the equation. I quickly found out that although payments for work performed on indigent representation was virtually guaranteed by the AOC the process for obtaining payment from the AOC was time consuming and lengthy. Claims for payment through the AOC could not be made in most cases until all the work was completed and it took an average of four

(4) weeks before payment was received in an undisputed case. If payment for the case is disputed then the process takes even longer since the AOC will not release any payment on a claim until the dispute is resolved. Also it should be noted that no claims are paid for a period of four to six weeks between July and August each year while the AOC and state finance reconcile the books. In a nut shell I found out that while doing indigent work was helping me develop my practice because of the nature of the claims process it was not helping my cash flow.

This worked a hardship on me since I was doing a lot of appointed work and depended on the money I received from indigent representation for the majority of my income. I was therefore ecstatic when I was presented with the opportunity to let your company become my third party administrator for billing indigent cases to the state. It provided me with the freedom to put more effort into the practice of law with the security of knowing that I would be paid on any state claim that I submitted within five (5) to seven (7) days.

I was also glad to have someone serve as an intermediary for me on disputed claims. I realized that I was still responsible for my work product and any claim associated with it but I was relieved to have someone assist me in managing that aspect of the process and even more elated to know that if there was a \$20.00 adjustment that had to be made on an \$820.00 invoice I would not have to wait to receive my money. Billable Hours, Inc. has never tried to interfere with my independent judgment as an attorney in performing my work or preparing my claims for submission to the AOC.

I am not sure I understand the nature of the AOC's problem with the service provided by Billable Hours, Inc and the companies like it. Billable Hours, Inc has been in existence for 2.5 years and is but one of several third party claim administrator's used by attorneys across the state. It seems to me that the company provides a much needed service to all parties concerned particularly the critical population of attorney's in this state who make much of their income from indigent representation

I am therefore supporting the proposed amendment to Rule 13 because it creates a standardized procedure for the use of a third party billing agent, allows the court and the AOC to be aware of exactly who they are dealing with, and creates a more efficient and less costly submission process for the Courts, the Clerks, and the AOC.

I am therefore hopeful that Billable Hours Inc. can obtain a favorable result in their effort to get the State of Tennessee to amend Rule 13 because I would love to be able to continue to utilize their services for my indigent billing.

Please, feel free to contact me regarding the content of this letter if necessary and appropriate.

Sincerely,



William C. Collins, Jr.

cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Attorneys  
Allen Ramsaur, Executive Director, Tennessee Bar Association

KARL F. DEAN  
MAYOR



JUVENILE COURT  
2007 NOV 28 PM 2:25

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

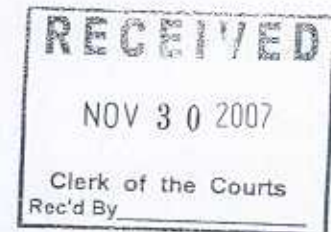
BETTY ADAMS GREEN, JUDGE

JUVENILE COURT DAVIDSON COUNTY  
100 WOODLAND STREET  
P.O. BOX 196306  
NASHVILLE, TENNESSEE 37219-6306

November 28, 2007

Honorable Michael Catalano, Clerk  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, Tennessee 37219-1407

IN RE: RULE 13 COMMENTS  
Tenn. Sup Court Docket #: M2007-02331-SC-RLI-RL



Dear Mr. Catalano:

As a Juvenile Court Judge, I routinely appoint attorneys to represent indigent parents as well as to represent children who are the subject of abuse, neglect/dependency and termination of parental rights petitions. I am concerned about the decision of the AOC to prohibit companies, such as Billable Hours Incorporated (BHI), from processing Rule 13 attorney claims. Many attorneys working in the Davidson County Juvenile Court have expressed their satisfaction with the services that BHI has provided them. They are unhappy with the AOC decision, which prohibits BHI from processing their claims and funding their claims on the front end, for a fee. Several attorneys have stated that when BHI was processing their claims, they had more time to focus on practicing law, instead of focusing on administrative tasks, such as preparing claim forms, and worrying about when they were going to be paid.

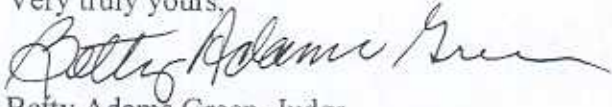
As a Judge, it is imperative to have a competent and experienced pool of attorneys who are willing to take court appointments. Many attorneys, who begin an indigent practice in Davidson County Juvenile Court, get frustrated with the low rate of pay and especially the uncertainty of when they will be paid. Unfortunately, due to their frustration, many leave, just when they are gaining experience. Retention of experienced, competent attorneys is of utmost importance to me as a Judge.

For the above reasons, and having reviewed Rule 13 as written, I am unaware of any legal or ethical prohibition against the delegation of certain administrative tasks, including claims preparation to a third party, such as BHI, for a fee.

I am in support of the BHI Petition and the proposed amendments to Rule 13. Although nothing in Rule 13 as currently written, prohibits BHI from performing administrative tasks, such as preparing claims forms, for a fee. The proposed amendments to Rule 13

will clarify the issues in question. Therefore, I respectfully request that this Honorable Court grant the BHI Petition, including the proposed amendments to Rule 13 and the immediate relief requested.

Very truly yours,



Betty Adams Green, Judge  
Davidson County Juvenile Court

cc:

Honorable Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway  
Nashville, Tennessee 37203

Honorable Allen Ramsaur, Executive Director  
Tennessee Bar Association  
221 Fourth Avenue North, Suite 400  
Nashville, Tennessee 37219



# The FAULK LAW Office

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Kari Gyori, Legal Assistant

November 27, 2007

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Hon. Michael Catalano, Clerk  
Supreme Court of Tennessee  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, Tennessee 37219-1407



SUBJECT: Rule 13 Comments & Petition M-2007-02331-SC-RL1-RL

Dear Sir:

My comments come from significant experience as a court-appointed defense counsel from the days before the Public Defender system existed in Tennessee.

In rural Tennessee, solo practitioners and firms with less than three members comprise the majority of the pool of attorneys available for court appointment as defense counsel for indigent defendants that cannot be defended by the Office of the Public Defender. Neither the staffing nor the attorney time exists to process the paperwork necessary to claim compensation for such appointed work.

As often as not, in the days before a Public Defender system, we simply provided a defense as appointed counsel and considered it *pro bono* work rarely taking the time nor devoting the resources necessary to file such claims for compensation. In today's world with a paid Public Defender system, it seems patently unfair to expect appointed defense counsel to provide representation as *pro bono* work.

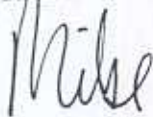
Because of the time and expense necessary to complete the claim forms, many appointed defense counsel simply don't bother to file a claim even though they've provided society a service of considerable value. Others simply avoid such appointments because they are not staffed to nor do they have the time to deal with administrative matters such as filing for compensation. Neither situation is good for justice.

Billable Hours, Inc. has provided a solution for many problems inherent in the system as it relates to indigent criminal defense. In the process, the service provided by Billable Hours, Inc. has begun to make more private attorneys consider accepting appointment as criminal defense counsel. It seems to me this is a win-win situation and it is my wish the Petition be approved by the Supreme Court.

Hon. Michael Catalano, Clerk  
Supreme Court of Tennessee  
November 27, 2007  
Page 2

Thank you for filing my comments and pass on my thank you to the members of the Court considering the remarks of a solo practitioner who hasn't practiced criminal law in a significant way in 20 years.

Sincerely,  
THE FAULK LAW OFFICE



Mike Faulk  
MF: kg

MF/OffAdm/Recommendations/BillableHours/11.27.07

ROSALIND H. REID-HOUSER  
ATTORNEY AT LAW

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P.O. BOX 2151  
ANTIOCH, TN 37011  
attyreidhouser@bellsouth.net

November 27, 2007

Honorable Michael Catalano  
Clerk of the Supreme Court of Tennessee  
100 Supreme Court Building  
Supreme Court Building 401 7<sup>th</sup> Ave North  
Nashville, TN 37219-1407



**RE: Petition In Re: Rule 13, Docket Number: M2007-02331-SC- RL1-RL**

Dear Mr. Catalano:

Please file this correspondence in the above referenced matter. This correspondence should act as an acknowledgement of my support of the relief requested in the above referenced Petition, both the immediate relief requested and the amendment to Rule 13 proposed therein.

The services provided by Billable Hours Inc., (hereinafter BHI) Inc allow attorneys to focus on appointed cases and gives some relief from the administrative work that comes with appointed cases.. Because of the good experience and relief I have received from BHI, I have with much confidence referred numerous attorneys that practice in the same court as I do to BHI. Other attorney who have engaged the services of BHI have expressed and agreed with me that we have received an immediate benefit to our law practice, service to clients and a steady and consistent flow of income into our practice.

The support of BHI has freed many other attorneys as well as myself from the constant burden generated by processing client billings directly through The Administrative Office of the Court (AOC) and has made billings much more rewarding through BHI because we are receiving timely compensation for our hard work and legal services we provide to the courts and our clients base.

Like myself many of my colleagues in the legal profession, are sole proprietors, work from our homes, do not have the revenue streams to support administrative staff and must perform all administrative responsibilities ourselves. Additionally, our primary revenue base is through AOC. Because AOC administrative process for billing claims and releasing payments is much to slow, and often averaging months, it creates a burden on my expenses. In fact, many attorneys are forced to turn down appointed cases, some are faced with the possibilities of discontinuing their private law practice and going to work for other private law firms or public sector employers to survive financially and remain employed.



Because of BHI professionalism, legal ethics, practical understanding of the AOC procedures, administrative support to my practice and their routine follow-up I am able to enjoy what I do, practice law.

*Please understand, I respectfully ask you to truly consider that for those of us who have chosen to do this type of practice we are no different than any other individual who work hard every single day and not only expect but need a steady payday and need it quickly or at least within a reasonable time after we bill. We are no different than any state employee who receives their income paychecks on a timely expectant basis. We are no different than employee in the private sector who have bills to pay and families to provide for and live based upon the fact that they know they will receive a pay check for their hard work at the completion of their work. The majority of my cases are Guardian Ad Litem work. There are specific time periods that I must wait for before I can even file a billing claim to the AOC on a particular case, thus taking up time to get pay. Then, after waiting for that particular time period to bill I have no idea how long it will take me to get pay – except for the fact that I do know it is never timely or consistent. If I mistake not, I have never been paid sooner than one month ...if that soon and as long as three months. Yes, I've made a choice to do this type of practice. I consider it rewarding. I pray that I am a blessing to families whom I strive zealously to represent. But, I should not have to wait as long as I do and make calls to find out when I will get pay. I ask you to please take this very seriously.*

In closing, the relief requested in the above referenced Petition should be granted. I ask the Honorable Members of the Supreme Court to strongly consider allowing attorneys, such as myself, to benefit from the services of BHI. The Supreme Court's approval of this request will greatly assist attorneys working appointed cases to continue provide the highest quality of service to courts, to indigent clients requiring legal services and provide for our own needs without sacrifice and extreme delay.

Thank you in advance for your prompt attention to and consideration of this matter.

Respectfully submitted,

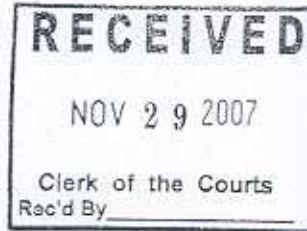


Rosalind Reid-Houser, Esquire

SCOTT M. NISWONGER  
Founder and Principal Owner



Post Office Box 938  
Greeneville, TN 37744  
(423) 783-1236



November 23, 2007

M 2007-2331

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

Re: Rule 13 Comments

Dear Mr. Catalano,

On November 6, 2007, the Honorable Members of the Supreme Court issued an Order requesting public comment from the bench, the bar, and the general public regarding a proposed amendment to Rule 13 proffered by the Petition of Billable Hours, Inc., a Tennessee corporation based in Greeneville, Tennessee and Robert L. Foster, Esq., also of Greeneville, Tennessee. As a Greeneville, Tennessee business and community leader I believe it is important for me to provide the comments contained in this correspondence in response to the Justices' request for comment from the general public.

Although I am not an attorney, I have had the benefit of having counsel explain the legal ramifications concerning the subject matter of the aforementioned Petition. As I understand the application of the existing law, T.C.A. 47-9-406 provides substantial protections from governmental interference, restriction, prohibition of, or the requirement of consent to an assignment of payment intangibles. To my knowledge, this code section applies to government, a governmental body, or official. I further understand that Supreme Court Rule 13 is the Court's rule governing the administration of payment to appointed counsel and that the Rule contains no language to prohibit the delegation of responsibilities regarding the submission of claims for payment or the assignment of proceeds from the same.

The protections codified in T.C.A. 47-9-406 were afforded the citizens and business organizations of this state for a reason, and that reason is simple, to promote commerce. The promotion of commerce is the underpinning of the continued development of a strong economy. Without protections such as those provided in T.C.A. 47-9-406, many financial institutions, businesses, and individuals would shy away from engaging in transactions for the financial benefit of their businesses due to incalculable risks. Without these types of protections, commerce would not be promoted but would be thwarted, and the continued development of a strong economy would be impinged.

Many industries rely on the aforementioned protections as they create the ability for unique business financing arrangements, i.e., the assignment of receivables as a cash flow management tool. The assignment of receivables as a cash flow management alternative is engaged in by many different types of businesses. Medical facilities, doctors, construction companies both private and government contractors, trucking companies, manufacturing companies, banking and financial institutions, and a host of other businesses both small and large utilize the assignment of receivables as a viable method of ensuring that their business operations have sufficient cash flow to meet obligations.

Developing and maintaining a successful business is no small feat. I would anticipate that it is common knowledge that most small businesses fail, not for lack of customers, but for lack of adequate cash flow to meet their obligations. It is cash flow that provides a small business the ability to meet its obligations, pay employees, purchase equipment and supplies, and contract for services that a small business needs to flourish, grow, and become a successful established business operation. The assignment protections create the vehicle by which these small businesses can assign their receivables to manage their cash flow and expand their operations. This in turn creates jobs, stimulates the economy via the businesses purchases of goods and services and increases the tax base for the counties of this state, the state itself, and the federal government. Again, the assignment protections promote commerce and stimulate and strengthen the economy of this state.

Another important ingredient of the success or failure of any business is the ability and willingness to delegate responsibilities to those who are competent to successfully complete the task delegated to them. No operation can reach its potential if tasks and responsibilities are not delegated to competent people. The cornerstone of any successful business is the people associated with the business, both employees, and those other than employees, who provide services to the business. Delegation of duties, responsibilities, and tasks, especially administrative tasks, allow business owners and other key people to focus their attentions on the development of a business' product, the delivery of its service, and necessary financial management, marketing, networking and sales. Without the ability to delegate, a business will necessarily stagnate, as one person can manage a finite number of responsibilities but cannot successfully manage and personally perform all tasks associated with the operations of a business that seeks to expand, thrive, reach and maintain success.

Although professionals, law firms and solo practitioners are, at their core, service delivery businesses. The services that attorneys deliver require years of study, passage of the bar exam, licensing, continued education, and a commitment to continued study of the ever developing body of laws. However, the delivery of professional legal services must be built upon a foundation of strong business principals in order to be successful. The practice of law is a business; an attorney must deal with payables, receivables, employees, cash flow management, accounting, taxes, equipment and supply purchases, marketing, networking, obtaining clients, and all other facets of the operation of a business. Along with all of these business and administrative responsibilities, an attorney must actually deliver his or her legal services, keep abreast of the ever changing laws, and be a zealous advocate for his or her client. As with all other businesses, if an attorney is not willing to, or is prohibited from delegating administrative tasks to employees or those other than employees, the attorney will not be able to properly allocate his or her time to the delivery of his or her service or the continued development and growth of his or her practice.

A review of the Petition currently before the Court for consideration reveals that the Petitioners relied heavily upon the codified assignment protections when they developed their business concept, marketed the concept and signed attorney clients. Relying on these protections, the Petitioners developed a business model for the delivery of a service that provides attorneys in this state, at least those who accept or might accept appointed cases, with the option of implementing into their practices a service that offers two of the most important ingredients of a successful business: cash flow management and delegation of administrative responsibilities. The concept offered by the Petitioners was apparently a concept that many attorneys quickly understood to be a viable alternative to assist their practices with cash flow management and administrative task completion.

The concept created by the Petitioners is not only a service to its clients, but it appears to be a service to the government as well. The Petition reveals that Mr. Foster realized the frustrations that befell many attorneys in this state related to the administrative burdens associated with the submission of claims for payment for court appointed case work and the financial burdens associated with the untimely payment of the same. The concept and business model developed by the Petitioners were aimed at removing these administrative and financial frustrations for attorneys in this state. The concept was not only aimed at doing so, but was apparently actually eliminating these burdens for 43 attorneys and would most certainly, considering the explosive growth of the concept, have eliminated these burdens for many more if the Administrative Office of the Courts had not issued its directive of September 18, 2007.

I have been a proponent of private industry, working with government for some time. When private industry works with government great things can be accomplished. Commerce can be promoted, the economy can be stimulated and strengthened, and jobs can be created for the citizens of this state. It certainly appears that the Petitioner, Mr. Foster, through his own personal experience, recognized an inefficiency, not only in the administration of justice, but also in the administration and payment of government obligations. The Petitioners did not seek the intervention of government to obligate additional tax payers' money to fix these inefficiencies; the Petitioners set out to provide a solution to these inefficiencies via a private business and offered their solution to attorneys practicing in this state. It is readily apparent from the comments that this is exactly what the Petitioners did, and many attorneys across this state found the Petitioners concept to be a solution to these inefficiencies. This was accomplished by private business assisting the government with its administration without the expenditure of additional tax dollars to eliminate the burdens and frustrations experienced by the many attorneys in this state who accept appointed case work.

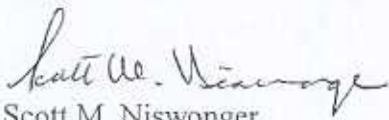
If allowed to continue in operation, the Petitioners have the potential of accomplishing many positive things for the state of Tennessee, all via the involvement of private business, without additional tax payer obligations, and in an efficient and less costly manner. The comments of the Petitioners' clients clearly indicate that the Petitioners' services assist them with cash flow management, budgeting, purchasing needed supplies and equipment and with generally growing their practices, while at the same time providing the attorneys the ability to afford a more focused approach to the delivery of legal services to the indigent defendants of this state and making the attorneys more willing to represent indigent defendants. As the Petitioners continue to bring on new attorney clients and assist them as well, the cash flow management tool and administrative burden removal will most likely result in the continued development and growth of small practices all across the state and will create new jobs, promote the purchase of equipment, supplies, and other

services, in turn promoting commerce, and stimulating and strengthen the economy of this state. All of this can be accomplished while at the same time promoting the delivery of a heightened level of legal service to the indigent defendants of this state. It certainly appears that the services of the Petitioners create a win-win situation for all facets involved, from the government administration of the payments for indigent defense counsel, to the attorney who is building his or her practice, and to the indigent defendant that ultimately receives the legal service. With this win-win situation, it is perplexing to me why a service that has such potential would be impeded by our government. It would seem more logical that it would be welcomed.

Because of the potential benefits the services of the Petitioners have to offer, and the streamlined, efficient, and standardized procedure outlined in the proposed amendment, I can conceive of no reason why the Court should not adopt the amendment as written by the Petitioners and allow the attorneys practicing in this state the opportunity to decide for themselves whether the Petitioners services are a solution to their frustrations. Doing so will provide the attorneys of this state with a viable option for the implementation of the ingredients for success in their practices, resulting in the promotion of commerce, creation of jobs, the stimulation of the state's economy, and the delivery of a heightened level of legal services to the indigent defendants of this state, all without the government undertaking any additional obligations.

Thanking you for your consideration, I remain

Sincerely yours,

  
Scott M. Niswonger

SMN.do

cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

**M. TIMOTHY ARRANTS**  
**ATTORNEY AT LAW**

1415 MIDDLE CREEK ROAD, SEVIERVILLE, TENNESSEE 37862  
TELEPHONE 865-453-0442  
TELEFAX 865-453-8769

M 2007-2331

November 13, 2007

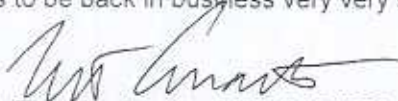
ATTN Michael W. Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

NOV 15 2007

Dear Sir,

I am writing to you in regards to Billable Hours and the service which they have provided to me. I am an attorney who is trying to grow and do not yet have any employees. I rely on appointed work and take numerous appointed cases. I am in court almost daily and have to work weekends to find the time to bill properly. Robert Foster and Billable Hours allowed me to concentrate more on the practice of law and less on the clerical aspects of billing the State. They also have been able to pay me timely which has allowed me to think of expanding my practice by bringing an assistant into my office to help with billing. In no way has anyone from Billable Hours interfered with my independence or control over my clients. I hope that Rule 13 will be amended to allow for Billable Hours and companies like it to operate. I think that Robert Foster and Billable Hours have been a great help to my law practice and I would be thrilled to see them resume their business.

THANK YOU SO MUCH FOR YOUR WILLINGNESS TO ASSIST. Hopefully, the Court will allow us to be back in business very very soon.



M. Timothy Arrants, BPR # 021370

Cc

Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway, Suite 501  
Nashville, TN 37203

Allen Ramsaur  
Executive Director  
Tennessee Bar Association  
221 Fourth Ave. North, Suite 400  
Nashville, TN 37219

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JERRY W. LAUGHLIN  
WILLIAM S. NUNNALLY  
KENNETH CLARK HOOD  
E. GRANT CRUM  
TODD A. SHELTON

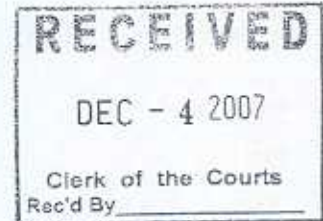
\*Certified Civil Trial and Criminal  
Trial Specialist/TN Commission On  
C.L.E. and Specialization and  
National Board of Trial Advocacy  
Of Counsel.  
Thomas W. (Jack) Overall (Ret. 1992)

December 3, 2007

M 2007-2331

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

VIA FED-EX



Dear Mr. Catalano:

I am writing to express my support for the amendment to Tennessee Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc., and Robert L. Foster, that has been filed with the Tennessee Supreme Court.

As Past President of the Tennessee Trial Lawyer's Association, the Tennessee Association of Criminal Defense Lawyers, and the Tennessee Chapter of the American Board of Trial Advocates, I am uniquely qualified to offer an opinion on this subject. During my career I have traveled throughout this state and met lawyers who practice in a wide diversity of areas. The one thing that has always impressed me has been the dedication to our profession shown by the attorneys who regularly accept appointed cases representing indigent clients. These individuals exemplify the best in our profession and provide a fine example to all attorneys by representing individuals who could otherwise not afford legal representation in our courts. Those attorneys who represent indigent clients practice what is preached to all young lawyers, that is, to be dedicated to the law and to justice at all times, and to make monetary rewards a secondary concern.

In my opinion, the work performed by Billable Hours, Inc., aids these attorneys and is therefore an asset to the legal profession. The service performed by Billable Hours, Inc., benefits the bar in that it relieves hard working and dedicated attorneys from many of the administrative tasks of their practice and allows them to concentrate on practicing law, which of course results in better representation of their clients. Allowing a company such as Billable Hours to oversee billing also results in more attorneys being willing to accept appointed cases, as they will not have to spend time and effort on collecting their fees. In addition, I believe that allowing companies such as Billable Hours to perform this service will assist the Administrative Office of the Courts because it will alleviate many problems associated with forms, mailing, and billing in general, thus stream-lining the process. All told, this service will benefit all involved - the AOC, attorneys who represent indigent clients, indigent persons who need legal representation, and our state bar.

In closing, I ask that the relief requested in the Petition filed by Billable Hours, Inc., be granted. I see no problems, ethical or administrative, created by the service performed by Billable Hours. In fact, this company provides a great asset to the legal community and benefits those attorneys who we should support the most: the dedicated lawyers willing to devote their time, energy and skills to represent indigent clients. For all of those reasons, I respectfully ask that the proposed amendment to Supreme Court Rule 13 be adopted.

Yours truly,



John T. Milburn Rogers

L:\Misc\Rogers John\Catalano letter

cc: Barbara Short  
Executive Director  
Tennessee Association of Criminal Defense Attorneys  
810 Broadway Ave., Ste. 501  
Nashville, TN 37203-3801

VIA US MAIL

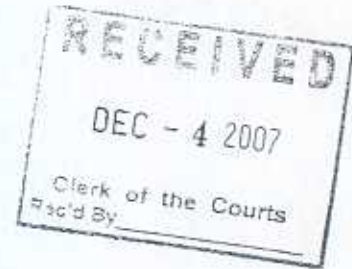
Allen Ramsaur  
Executive Director  
Tennessee Bar Association  
Tennessee Bar Center, Ste. 400  
221 Fourth Ave. North  
Nashville, TN 37219-2198

VIA US MAIL



Greg Eichelman  
Public Defender  
THIRD JUDICIAL DISTRICT

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407



November 30, 2007

M2007-2351

Dear Mr. Catalano,

This letter is in response to the Court's request for public comment on the proposed amendment to Supreme Court Rule 13 as contained in the Petition of Billable Hours, Inc. and Robert L. Foster. I hope my input will be helpful to the Court when making its determination of whether or not the proposed amendment is warranted.

Having served as public defender for the Third Judicial District for many years, I am aware of the frustrations experienced by the private bar regarding the representation of indigent defendants pursuant to court appointments. In the Third Judicial District most criminal cases that require the appointment of counsel are assigned to my office. However, when my office has a conflict in a case, members of the private bar are appointed to represent indigent defendants. It goes without saying that the foundation of our system of criminal justice is built upon the maxim that all of those charged with a crime are entitled to have zealous legal representation regardless of their financial situation. So, the right to counsel does not end with the appointment of counsel, but rather extends to the appointment of qualified and competent counsel. This extension finds its grounding in the procedural mechanisms which allow for the filing of post conviction petitions based upon the ineffective assistance of counsel.

As an advocate for the rights of the accused, I recognize the difficult budgetary considerations involved in the funding of representation of indigent persons of this state who are accused of criminal violations and facing incarceration. However, this budgetary concern can not be a basis for failing to ensure that indigent defendants receive competent legal counsel. It is important to prosecute the accused, but it is equally important to the public at large that we as a state guarantee that all those who are accused are prosecuted at a fair trial.

A competent pool of attorneys available to represent indigent defendants when a conflict arises with the public defender's office is an important element of our indigent defense system. Such a pool results in fewer retrials granted upon petitions for post conviction relief pursuant to ineffective assistance of counsel. It helps ensure that any convictions obtained are warranted and handed down only after an indigent defendant has availed himself or herself of counsel and a fair trial. While not every guilty man or woman may achieve perfect justice, the pursuit of perfection in our system of justice is essential. As a state, we should continually pursue this perfection by availing ourselves of all reasonable resources to ensure that justice is administered fairly and without regard to the financial means of our citizens.

Prior to being elected to my current post, I provided legal representation to indigent defendants pursuant to court appointments. In my experience as a private attorney and having had the benefit of working

with members of the private bar in my current post for many years, I am very aware of the frustrations that attorneys deal with regarding the submission and payment of claims for compensation for the representation of the indigent. The Petitioners put together a concept that, it appears from a review of the comments of their clients, removed this frustration from many attorneys across the state. The client letters indicate that these attorneys have more time for their indigent clients and are more focused on the actual representation of their indigent clients. Further, it appears that some very experienced attorneys are more willing to accept court appointments because of the services offered by the Petitioners. The services of the Petitioners appear to be just the type of resource that the state should avail itself of in its pursuit of justice. It has the potential of increasing the pool of attorneys willing to accept court appointed cases while at the same time heightening the level of legal services that indigent defendants receive.

Although Rule 13 contains no language that prohibits the delegation of responsibilities of submission of claims or the assignment of the proceeds from the same, the Court should not only consider allowing a third party billing agent to operate, but should favorably consider amending its Rule as proposed by the Petitioners. The amendment will expressly authorize an attorney's use of a third party billing agent. I believe that this will have a positive impact on the indigent defense system of our state. The amendment sets forth a standard procedure that streamlines the submission of claims via a third party agent and provides adequate protections against any wrongfully submitted claims. It also reduces the costs associated with copying and mailing claims. It should have the further impact of making the offices of the AOC more efficient due to professionally prepared claim forms with all the requisite documentation and the ability to resolve many attorney claims issues with one phone call, email, or written correspondence.

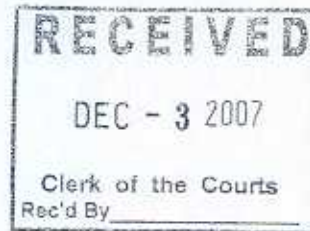
Thanking you for your consideration in this matter, I remain,

Very truly yours,



**Greg Eichelman**  
**Public Defender**  
**Third Judicial District**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association



## CHANCERY COURT

STATE OF TENNESSEE  
THIRD JUDICIAL DISTRICT

HAMBLEN COUNTY COURTHOUSE  
MORRISTOWN, TN 37814  
(423) 586-9500  
FAX: (423) 585-2739

THOMAS R. FRIERSON, II  
CHANCELLOR

November 29, 2007

M2007-2331

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

RE: Tennessee Supreme Court Rule 13; Public Comment

Dear Mr. Catalano:

With reference to the Tennessee Supreme Court's Order filed November 6, 2007 granting opportunity for written comments on proposed amendments to Rule 13, please allow this correspondence to serve as such comment. As Chancellor with appointing authority pursuant to Rule 13, Section 1(d), cases in which I appoint counsel for indigent parties primarily include contempt of court actions in which the Defendant is in jeopardy of incarceration and proceedings to terminate parental rights.

According to the petition to amend Supreme Court Rule 13 filed October 16, 2007, Mr. Robert Foster, Esq., is primary shareholder, chief executive and president of petitioner, Billable Hours, Inc. Mr. Foster, an attorney who practices in the Chancery court for the Third Judicial District, has asked that I submit a written comment regarding the proposed amendments to Rule 13. With reference to the petition filed, this correspondence is intended to specifically address only any amendments which would permit an attorney filing a claim for compensation and/or reimbursement under Rule 13 to use a third-party agent or service to process and receive payment of the claim on behalf of the attorney. This comment is not intended to affect the proceeding's outcome regarding other requests for relief under the petition (Supreme Court Rule 10, Canon 3(B)(9)) or to advance the private interests of others in contravention of Supreme Court Rule 10, Canon 2, (B) of the Tennessee Code of Judicial Conduct.

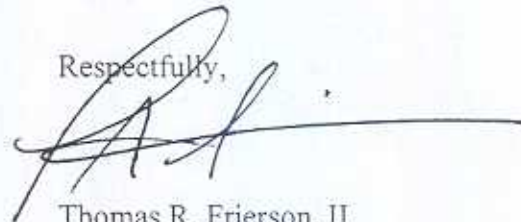
Having reviewed Exhibit B of Appendix A to the petition, it would appear that permitting claims for compensation and reimbursement to be prepared and submitted to the A.O.C. by an agent or processing service on behalf of appointed counsel would be of benefit to the trial court. The proposed amendments formalize the procedure for third-party agents/services to process claims and apparently establish appropriate standards for such procedures. With claim forms containing the signature of appointed counsel and a certification by the processing agent/service, the process should provide accuracy and completeness of such claims. The inclusion of a copy of the Order appointing

Michael Castalano, Clerk  
November 29, 2007  
Page 2

counsel and a self-addressed stamped envelope for return of claim forms should expedite a trial court's processing of such claims. This uniform means of claims submission should assist trial courts in their review and approval of the claims and render a more efficient and uniform process.

I appreciate this opportunity to submit a comment supporting the proposed amendments to Rule 13 with an aim toward contributing to the improvement of the law and the administration of justice.

Respectfully,

A handwritten signature in black ink, appearing to read 'TRF', with a long horizontal line extending to the right.

Thomas R. Frierson, II  
Chancellor

TRF:cbb  
CC:Robert Foster, Esq.

Thomas V. Testerman



Attorney at Law

301 E Broadway  
Newport, Tennessee 37821

Telephone : 423-623-0375  
Telefax : 423-623-7187

*Rec'd  
12-3-07*

*M2007-2331*

November 26, 2007

Michael W. Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Bldg.  
401 Seventh Avenue, North  
Nashville, Tennessee 37219-1407

Re: Comments concerning Petition of Billable Hours, Inc.

Mr. Catalano:

Please note the following comments concerning the Petition of Billable Hours, Inc..

I remember thinking when I first heard about the service offered by Billable Hours, Inc., "why hasn't anyone done this before?" The idea of a service to properly prepare and submit attorney fee claims is brilliant.

When I was doing considerable appointed work, it was a real burden to prepare and submit the time sheet required to obtain payment of a fee. I often prayed for a service such as offered by Billable Hours, Inc.

I know the principles behind Billable Hours, Inc and can attest that they are of high character. Their reputation in the legal community is a reputation of honesty and reliability.

I do so little appointed work presently, I don't use the service provided by Billable Hours, Inc. However, I have been involved in many lunch-time conversation with local Newport attorneys who patronize the services of that business and without exception these attorneys have given high praise to the activities of Billable Hours, Inc.

November 28, 2007

As I understand the proposed amendment sponsored by Billable Hours, Inc, it appears that it would create an efficient and convenient method for attorneys to submit Rule 13 claims. I suspect that it would certainly be of great benefit to attorneys who do a large amount of appointed work.

I would urge the adoption of the proposed amendment

Tom Testerman  
Tennessee BPR # 010324

Cc:

Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway, Suite 501  
Nashville, Tennessee 37203

Allen Ramsaur  
Executive Director  
Tennessee Bar Association  
221 Fourth Ave., North, Suite 400  
Nashville, Tennessee 37219

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JERRY W. LAUGHLIN  
WILLIAM S. NUNNALLY  
KENNETH CLARK HOOD  
E. GRANT CRUM  
TODD A. SHELTON

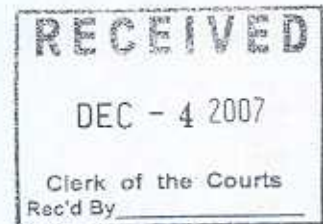
\*Certified Civil Trial and Criminal  
Trial Specialist/TN Commission On  
C.L.E. and Specialization and  
National Board of Trial Advocacy  
Of Counsel.  
Thomas W. (Jack) Overall (Ret. 1992)

December 3, 2007

M 2007-2331

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

VIA FED-EX



Dear Mr. Catalano:

I am writing to express my support for the amendment to Tennessee Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc., and Robert L. Foster, that has been filed with the Tennessee Supreme Court.

As Past President of the Tennessee Trial Lawyer's Association, the Tennessee Association of Criminal Defense Lawyers, and the Tennessee Chapter of the American Board of Trial Advocates, I am uniquely qualified to offer an opinion on this subject. During my career I have traveled throughout this state and met lawyers who practice in a wide diversity of areas. The one thing that has always impressed me has been the dedication to our profession shown by the attorneys who regularly accept appointed cases representing indigent clients. These individuals exemplify the best in our profession and provide a fine example to all attorneys by representing individuals who could otherwise not afford legal representation in our courts. Those attorneys who represent indigent clients practice what is preached to all young lawyers, that is, to be dedicated to the law and to justice at all times, and to make monetary rewards a secondary concern.

In my opinion, the work performed by Billable Hours, Inc., aids these attorneys and is therefore an asset to the legal profession. The service performed by Billable Hours, Inc., benefits the bar in that it relieves hard working and dedicated attorneys from many of the administrative tasks of their practice and allows them to concentrate on practicing law, which of course results in better representation of their clients. Allowing a company such as Billable Hours to oversee billing also results in more attorneys being willing to accept appointed cases, as they will not have to spend time and effort on collecting their fees. In addition, I believe that allowing companies such as Billable Hours to perform this service will assist the Administrative Office of the Courts because it will alleviate many problems associated with forms, mailing, and billing in general, thus stream-lining the process. All told, this service will benefit all involved - the AOC, attorneys who represent indigent clients, indigent persons who need legal representation, and our state bar.

In closing, I ask that the relief requested in the Petition filed by Billable Hours, Inc., be granted. I see no problems, ethical or administrative, created by the service performed by Billable Hours. In fact, this company provides a great asset to the legal community and benefits those attorneys who we should support the most: the dedicated lawyers willing to devote their time, energy and skills to represent indigent clients. For all of those reasons, I respectfully ask that the proposed amendment to Supreme Court Rule 13 be adopted.

Yours truly,



John T. Milburn Rogers

L:\Misc\Rogers John\Catalano letter

cc: Barbara Short  
Executive Director  
Tennessee Association of Criminal Defense Attorneys  
810 Broadway Ave., Ste. 501  
Nashville, TN 37203-3801

VIA US MAIL

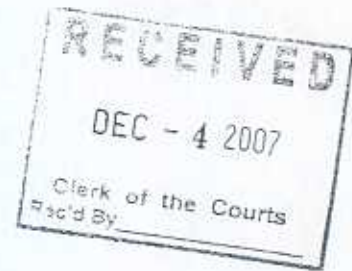
Allen Ramsaur  
Executive Director  
Tennessee Bar Association  
Tennessee Bar Center, Ste. 400  
221 Fourth Ave. North  
Nashville, TN 37219-2198

VIA US MAIL



Greg Eichelman  
Public Defender  
THIRD JUDICIAL DISTRICT

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407



November 30, 2007

M2007-2351

Dear Mr. Catalano,

This letter is in response to the Court's request for public comment on the proposed amendment to Supreme Court Rule 13 as contained in the Petition of Billable Hours, Inc. and Robert L. Foster. I hope my input will be helpful to the Court when making its determination of whether or not the proposed amendment is warranted.

Having served as public defender for the Third Judicial District for many years, I am aware of the frustrations experienced by the private bar regarding the representation of indigent defendants pursuant to court appointments. In the Third Judicial District most criminal cases that require the appointment of counsel are assigned to my office. However, when my office has a conflict in a case, members of the private bar are appointed to represent indigent defendants. It goes without saying that the foundation of our system of criminal justice is built upon the maxim that all of those charged with a crime are entitled to have zealous legal representation regardless of their financial situation. So, the right to counsel does not end with the appointment of counsel, but rather extends to the appointment of qualified and competent counsel. This extension finds its grounding in the procedural mechanisms which allow for the filing of post conviction petitions based upon the ineffective assistance of counsel.

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A competent pool of attorneys available to represent indigent defendants when a conflict arises with the public defender's office is an important element of our indigent defense system. Such a pool results in fewer retrials granted upon petitions for post conviction relief pursuant to ineffective assistance of counsel. It helps ensure that any convictions obtained are warranted and handed down only after an indigent defendant has availed himself or herself of counsel and a fair trial. While not every guilty man or woman may achieve perfect justice, the pursuit of perfection in our system of justice is essential. As a state, we should continually pursue this perfection by availing ourselves of all reasonable resources to ensure that justice is administered fairly and without regard to the financial means of our citizens.

Prior to being elected to my current post, I provided legal representation to indigent defendants pursuant to court appointments. In my experience as a private attorney and having had the benefit of working

with members of the private bar in my current post for many years, I am very aware of the frustrations that attorneys deal with regarding the submission and payment of claims for compensation for the representation of the indigent. The Petitioners put together a concept that, it appears from a review of the comments of their clients, removed this frustration from many attorneys across the state. The client letters indicate that these attorneys have more time for their indigent clients and are more focused on the actual representation of their indigent clients. Further, it appears that some very experienced attorneys are more willing to accept court appointments because of the services offered by the Petitioners. The services of the Petitioners appear to be just the type of resource that the state should avail itself of in its pursuit of justice. It has the potential of increasing the pool of attorneys willing to accept court appointed cases while at the same time heightening the level of legal services that indigent defendants receive.

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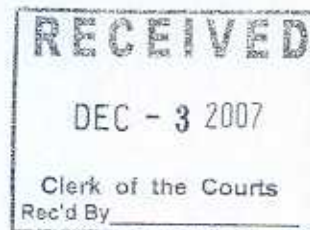
Thanking you for your consideration in this matter, I remain,

Very truly yours,



**Greg Eichelman**  
**Public Defender**  
**Third Judicial District**

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association



## CHANCERY COURT

STATE OF TENNESSEE  
THIRD JUDICIAL DISTRICT

HAMBLEN COUNTY COURTHOUSE  
MORRISTOWN, TN 37814  
(423) 586-9500  
FAX: (423) 585-2739

THOMAS R. FRIERSON, II  
CHANCELLOR

November 29, 2007

M2007-2331

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

RE: Tennessee Supreme Court Rule 13; Public Comment

Dear Mr. Catalano:

With reference to the Tennessee Supreme Court's Order filed November 6, 2007 granting opportunity for written comments on proposed amendments to Rule 13, please allow this correspondence to serve as such comment. As Chancellor with appointing authority pursuant to Rule 13, Section 1(d), cases in which I appoint counsel for indigent parties primarily include contempt of court actions in which the Defendant is in jeopardy of incarceration and proceedings to terminate parental rights.

According to the petition to amend Supreme Court Rule 13 filed October 16, 2007, Mr. Robert Foster, Esq., is primary shareholder, chief executive and president of petitioner, Billable Hours, Inc. Mr. Foster, an attorney who practices in the Chancery court for the Third Judicial District, has asked that I submit a written comment regarding the proposed amendments to Rule 13. With reference to the petition filed, this correspondence is intended to specifically address only any amendments which would permit an attorney filing a claim for compensation and/or reimbursement under Rule 13 to use a third-party agent or service to process and receive payment of the claim on behalf of the attorney. This comment is not intended to affect the proceeding's outcome regarding other requests for relief under the petition (Supreme Court Rule 10, Canon 3(B)(9)) or to advance the private interests of others in contravention of Supreme Court Rule 10, Canon 2, (B) of the Tennessee Code of Judicial Conduct.

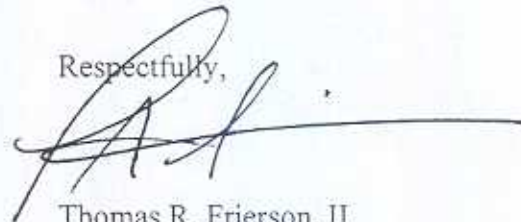
Having reviewed Exhibit B of Appendix A to the petition, it would appear that permitting claims for compensation and reimbursement to be prepared and submitted to the A.O.C. by an agent or processing service on behalf of appointed counsel would be of benefit to the trial court. The proposed amendments formalize the procedure for third-party agents/services to process claims and apparently establish appropriate standards for such procedures. With claim forms containing the signature of appointed counsel and a certification by the processing agent/service, the process should provide accuracy and completeness of such claims. The inclusion of a copy of the Order appointing

Michael Castalano, Clerk  
November 29, 2007  
Page 2

counsel and a self-addressed stamped envelope for return of claim forms should expedite a trial court's processing of such claims. This uniform means of claims submission should assist trial courts in their review and approval of the claims and render a more efficient and uniform process.

I appreciate this opportunity to submit a comment supporting the proposed amendments to Rule 13 with an aim toward contributing to the improvement of the law and the administration of justice.

Respectfully,

A handwritten signature in black ink, appearing to read 'TRF', with a long horizontal line extending to the right.

Thomas R. Frierson, II  
Chancellor

TRF:cbb  
CC:Robert Foster, Esq.

Thomas V. Testerman



Attorney at Law

301 E Broadway  
Newport, Tennessee 37821

Telephone : 423-623-0375  
Telefax : 423-623-7187

*Rec'd  
12-3-07*

*M2007-2331*

November 26, 2007

Michael W. Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Bldg.  
401 Seventh Avenue, North  
Nashville, Tennessee 37219-1407

Re: Comments concerning Petition of Billable Hours, Inc.

Mr. Catalano:

Please note the following comments concerning the Petition of Billable Hours, Inc..

I remember thinking when I first heard about the service offered by Billable Hours, Inc., "why hasn't anyone done this before?" The idea of a service to properly prepare and submit attorney fee claims is brilliant.

When I was doing considerable appointed work, it was a real burden to prepare and submit the time sheet required to obtain payment of a fee. I often prayed for a service such as offered by Billable Hours, Inc.

I know the principles behind Billable Hours, Inc and can attest that they are of high character. Their reputation in the legal community is a reputation of honesty and reliability.

I do so little appointed work presently, I don't use the service provided by Billable Hours, Inc. However, I have been involved in many lunch-time conversation with local Newport attorneys who patronize the services of that business and without exception these attorneys have given high praise to the activities of Billable Hours, Inc.

November 28, 2007

As I understand the proposed amendment sponsored by Billable Hours, Inc, it appears that it would create an efficient and convenient method for attorneys to submit Rule 13 claims. I suspect that it would certainly be of great benefit to attorneys who do a large amount of appointed work.

I would urge the adoption of the proposed amendment

Tom Testerman  
Tennessee BPR # 010324

Cc:

Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway, Suite 501  
Nashville, Tennessee 37203

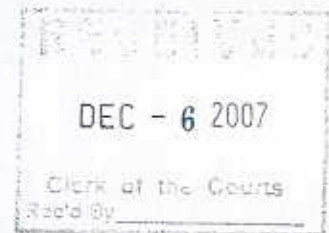
Allen Ramsaur  
Executive Director  
Tennessee Bar Association  
221 Fourth Ave., North, Suite 400  
Nashville, Tennessee 37219



**ROBERT E. CUPP**  
CRIMINAL COURT JUDGE, PART I  
FIRST JUDICIAL DISTRICT

CARTER, JOHNSON, UNICOI & WASHINGTON COUNTIES

PAM LOVE  
LEGAL ASSISTANT



111 WEST MAIN STREET  
SUITE 200  
JONESBOROUGH, TN 37659  
(423) 913-7001  
FAX: (423) 913-7003

December 4, 2007

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

Dear Mr. Catalano,

Per the Court's request of November 6, 2007, I am providing the following comments to the proposed amendment to Supreme Court Rule 13.

The Petitioners contracted with a several attorneys that practice in my court prior to the AOC's issuance of the directive of September 18, 2007. My personal experience with the Petitioners results in my conclusion that the court maintains the same supervisory control of the approval of Rule 13 claims regarding attorney clients of Billable Hours, Inc. that it maintains over all other attorneys and that the court receives the same claims, information, documentation, and time explanations as the Court would have received from the attorney had Billable Hours, Inc. not been involved. The only difference between the involvement or non-involvement of the Petitioners in the Rule 13 claims submission process is that there is an agent that professionally prepares Rule 13 claim forms based solely on information provided to that agent by its client attorney. The client attorney remains responsible for the veracity of the claim and is required to approve the claim prior to the agent's submitting the same to the Court for approval, denial, or modification and to the AOC for review and payment.

When reviewing a claim for approval, I take great care in reviewing the time and expenses claimed by the appointed attorney. I do not simply approve claims and frequently reduce the claims submitted to me for approval. The Petitioners' involvement has not modified my ability or authority to approve, deny, modify, or reduce Rule 13 claims. However, for me, I can see a direct benefit, in that I can give counsel to the Petitioners on what it is that I expect regarding claimed time and expenses and the Petitioners can relay this information to their clients. As the relationship between the Petitioners and other attorneys in the area flourishes, I will have a more efficient avenue to communicate to many attorneys my expectations. This will result in claim forms presented to me for approval that contain the information that I expect and that do not contain time that I will not approve, at least for the attorneys who utilize the Petitioners' services. This will further benefit the attorneys in that they will not spend inappropriate time on a case and anticipate reimbursement, which will result in attorneys spending valuable time on tasks that are beneficial to a case or

Page Two  
Michael W. Catalano, Clerk  
December 4, 2007

other cases and provide these attorneys with an understanding of what is compensable in my court and what is not.

I can conceive of no legal or ethical prohibition against the services offered by the Petitioners. It is clear that the Petitioners exert no influence over the independent professional judgment of the attorneys they service and receive no confidential client information. As a part of my duties as a Criminal Court Judge, it is incumbent upon me to be versed in Supreme Court Rule 13. I have read this particular Rule many times and can find no language in Rule 13 that prohibits the delegation of responsibilities regarding the submission of Rule 13 claims or the assignment of proceeds from the same.

The services of a third party billing agent such as the Petitioners is a service that should be welcomed by the bench, the bar, and the AOC. Such a service has the potential for so many benefits and efficiencies. For the attorney, such a service can eliminate many of the administrative burdens of accepting court appointments and assist with cash flow management. The bench can benefit from the submission of professionally prepared claims and the ability to communicate the courts expectations regarding claims to many attorneys via one agent. The proposed amendment sets forth a standardized procedure for the submission of Rule 13 claims via a third party agent. This standardized process will necessarily streamline the submission process for the attorneys who chose to use such an agent, for the courts who approve the claims, and for the clerks who file the claims, and for the AOC who reviews and pays the claims. The procedure is an efficient method for processing claims for payment and the bench and the AOC should benefit from having professionally prepared claims submitted with all accompanying documentation. Furthermore, the AOC should have less issues to resolve concerning the claims submitted by an agent and when issue do arise, having one entity to contact for a plethora of attorney will most certainly save time and costs for the AOC.

Adopting the proposed amendment will only benefit the indigent defense system in this state, as such, for all of the foregoing reasons, I ask the Court to strongly consider amending Rule 13 as proposed in the Petition filed by Billable Hours, Inc. and Robert L. Foster, Esq. on October 16, 2007.

With kindest personal regards,



Robert Cupp  
Criminal Court Judge  
First Judicial District

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association



LAW OFFICE OF

**SANDRA STANBERY-FOSTER**

128 S. MAIN STREET, SUITE 102  
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TELEPHONE (423) 636-0004  
FACSIMILE (423) 636-0903  
sstanbery-fosterlaw@embarqmail.com

DEC - 6 2007

Clerk of the Court  
Room 301

December 4, 2007

Michael W. Catalano, Clerk  
**RE: Rule 13 Comments**  
100 Supreme Court Build  
401 Seventh Avenue North  
Nashville, Tennessee 37219-1407

Dear Mr. Catalano:

On September 14, 2007 I entered my thirty-first (31) year of practicing law. I have been in private practice for sixteen (16) of those years and counsel for a large corporation for fifteen (15) of those years.

Over two years ago, I entered into a contractual relationship with Billable Hours, Inc. for their billing services. I fully support Billable Hours, Inc.'s and Robert L. Foster, Esq.'s Petition to Amend Rule 13 as filed with the Supreme Court of Tennessee on October 16, 2007. The Rule 13 proposed amendment specifically provides a methodology by which all are served, primarily the indigent clients, the Administrative Office of the Courts (hereinafter AOC), the Courts and finally the attorneys providing indigent legal services pursuant to statutorily provided legislation.

Moreover, the proposed Amendment to Rule 13 provides an efficient, concise, professional approach when billing for indigent counsels legal services for an attorney who decides it is beneficial to his or her practice to outsource billing functions. Initially, I was perplexed whether or not an amendment was required or necessary as the services of Billable Hours, Inc. and like entities do not appear to violate the Tennessee Canons of Professional Ethics, the Tennessee statutes nor the Tennessee Constitution. I can locate no prohibition against the services offered by Billable Hours, Inc. in Rule 13 or otherwise. In fact, there are statutory protections to the assignment of proceeds accepted by Billable Hours, Inc. However, after a thorough review, I wholly support the proposed amendments to Rule 13 because is expressly authorizes the use of a third party billing agent and provides a standard and efficient process for doing so.

Michael W. Catalano, Clerk  
December 4, 2007  
Page Two

It appears that the current dilemma has been raised to the attention of all and the Petition to Amend Rule 13 was birthed and brought to the attention of the Tennessee Supreme Court by two memoranda dated September 14, 2007 and September 18, 2007, authored by Elizabeth A. Sykes, Director of the Administrative Office of the Court. I have reviewed both of these memoranda. Of course, Ms. Sykes memoranda on the letterhead of the Supreme Court caught my attention.

While I have never seen an administrative body, nor a court effectively put a Tennessee corporation, in good standing, out of business without a hearing, the AOC's newest interpretation of Rule 13, did just that. Additionally, the AOC memoranda interfered with the rights, obligations and benefits I have, pursuant to my contractual relationship with Billable Hours, Inc. and my obligations to Billable Hours, Inc.

In trying to determine the genesis of the dilemma I suspect the AOC may have misinterpreted my relationship with Billable Hours, Inc. I do not assign my claims to Billable Hours. I prepare my own time sheets; forward same to Billable Hours, Inc., who in turn transcribes same on its computerized program for a statement (AOC approved); which I again review to assure correctness. Once I determine the bill is correct, I then sign the AOC approved statement, which is presented to the appropriate Judge for the Court's approval. Then and only then my statement for legal services rendered for indigent clients is properly submitted to the AOC for its review, approval and payment authorization.

Further, I have only assigned my right to receive payment for my court approved legal services and directed my AOC approved legal fees be mailed in my name to Billable Hours, Inc. Once I have reviewed and approved my AOC statement, I sign same. Upon signing the final statement, Billable Hours, Inc. makes an immediate payment to me, less Billable Hours, Inc.'s small, but contracted charge. While I have waited months and months to even be allowed to submit statements to the AOC, this final step relieves me of the obligation to financially carry the AOC and the State of Tennessee's statutorily provided legal fees against the long ago rendered legal services and the obligation to continuously monitor actual receipt of the promised payment due to the AOC's snail-like pace to approve and authorize payment. This pace may simply be due to inadequate staffing to process the numerous claims the AOC receives. As such, services as those offered by Billable Hours, Inc. should be welcomed in that it provides additional assistance to an understaffed AOC as Billable Hours, Inc.'s attorney clients are relieved of continually hounding the AOC to receive payment.

Michael W. Catalano, Clerk  
December 4, 2007  
Page Three

It is my further opinion Billable Hours, Inc. offers a reliable method for attorneys to obtain legal fees for indigent party representation. The State of Tennessee benefits, as it pays at a greatly reduced hourly legal fee (\$40.00 out of court and \$50.00 in court) than one would charge a private client. The services of Billable Hours, Inc., as described above allow me, as a practicing attorney to: one, promptly prepare my bills and submit according to the AOC timetable of legal billing or statement submission; and secondly, to receive immediate payment from Billable Hours, Inc. I am sure you are aware from the date I am appointed by the Court as an attorney for a parent, a guardian ad litem or an attorney ad litem for an indigent or minor client, I must sometimes wait months before even being allowed to submit my statements for legal services rendered, to the AOC. In the past, the AOC would allow court appointed attorneys to submit their statement of services upon each court appearance or significant legal work. The AOC's revised timetable for submission drastically alter its ability to pay for legal services anywhere proximate to the date legal services are actually rendered.

Further, it is my personal opinion that any reinterpretation of Rule 13 by the AOC, whether approved by the Tennessee Supreme Court or not, will greatly influence my decision whether or not to continue accepting court-appointed cases. Until Billable Hours, Inc. was formed, I seriously considered not accepting any more court-appointed cases. This personally grieved me because I care about and enjoy representing indigent parties. I enjoy representing children, as Guardian Ad Litem or Attorney Ad Litem and seeing the legal system work for those who otherwise could not afford representation. While I cannot agree or disagree that other attorneys will likewise perceive the reinterpretation as a possible dilemma, the Tennessee Supreme Court should give considerable thought that many attorneys may opt out of indigent representation, I am aware of at least two other attorneys, who without the services of Billable Hours, Inc., will no longer make themselves available to represent indigent defendants. I am also aware of at least one other very experienced attorney who will make himself available should the service be expressly authorized by the Court.

While the services of Billable Hours, Inc. is multi-faceted, my willingness to accept court-appointed cases is enhanced by the fact Billable Hours, Inc. promptly provides the legal fees to which I am entitled for long, long ago provided legal services rendered over many, many prior months. I am a well-satisfied client of Billable Hours, Inc. I do not want the AOC or the Tennessee Supreme Court to reinterpret, rewrite, or alter Rules 13 unless same is to specifically provide clarity that Billable Hours, Inc. and other like entities, have specific authority to accept assignments of legal fees, via contract, with court appointed Counsel and to continue providing its contracted services, upon which I have relied.

Michael W. Catalano, Clerk  
December 4, 2007  
Page Four

Since the AOC's unilateral revision of Rule 13, I have received payment for indigent legal fees for two Greene County Juvenile Court cases. As contracted, I had already been paid by Billable Hours, Inc. The AOC ignored my assignment and apparently took action to ensure that the Department of Finance and Administration and the Comptroller ignored the same as well. Such unilateral action by the AOC is astounding. I am left in a quandary as to whether I breach my contractual obligations to Billable Hours, Inc. or submit my billing directly to the AOC in contravention to my obligations to Billable Hours, Inc. Therefore, I request that this Honorable Court also consider expanding any and all timetables or deadlines for submission by attorneys to the AOC if the timetables expired after the September 18, 2007 Memorandum with regards to any claims held by clients of Billable Hours, Inc. or claims that Billable Hours, Inc. has been unable to submit to the Court due to the directive issued by the AOC on September 14 and 18, 2007.

Again, I am hopeful the Supreme Court can revisit the AOC's unilateral actions and undertake corrective actions, as well as making it clear attorneys can assign their legal fees due from indigent representation

As a matter of disclosure, this letter is to also advise the Honorable Supreme Court, in April, 2006, my husband and I became minority shareholders of Billable Hours, Inc. We agreed to sell our shares in August of 2007 and the transfer occurred in November of 2007. As a further disclosure, Billable Hours, Inc.'s majority shareholders are my son-in-law, Brandon Hammer and my step-son, Robert L. Foster. Both gentlemen are the fathers of our grandchildren, Brady Augustus Hammer, age 23 months, and Eleanor Ann-Marie Foster, age 7 weeks. Therefore, the AOC Memorandum resulting in the shutdown of Billable Hours, Inc., which represented these children's father's incomes, affects my family personally. To say that I am displeased with the AOC is a gross understatement.

Sincerely,



Sandra Lee Stanbery-Foster  
TBPR No. 009050 (1976)

Copies To:

Honorable Barbara Short, Executive Director  
Tennessee Association of Criminal Defense Lawyers  
810 Broadway  
Nashville, TN 37203

Michael W. Catalano, Clerk  
December 4, 2007  
Page Five

Honorable Allen Ramsaur, Executive Director  
Tennessee Bar Association  
221 Fourth Avenue North, Ste 400  
Nashville, TN 37219  
Barbara Short  
Tennessee Association of Criminal Defense Lawyers

Phil Bredesen, Governor  
Office of the Governor  
The State Capital  
Nashville, TN 37243

John G. Morgan  
Comptroller of the Treasury  
State of Tennessee, First Floor  
The State Capital  
Nashville, TN 37243

Senator Steve Southerland  
318 War Memorial Building  
Nashville, TN 37243-0201

Representative David Hawk  
219 War Memorial Building  
Nashville, TN 37243-0105

Representative Eddie Yokley  
35 Legislative Plaza  
Nashville, TN 37243-0111

Senator Bob Corker  
U.S. Senate  
185 Dirksen Senate Office Building  
Washington, DC 20510-4205

Senator Lamar Alexander  
U.S. Senate  
445 Dirksen Senate Office Building  
Washington, DC 20510-4204

Michael W. Catalano, Clerk  
December 4, 2007  
Page Six

Congressman David Davis  
U.S. House of Representatives  
514 Cannon House Office Building  
Washington, D.C. 20515-4201

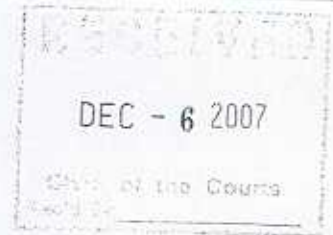
Billable Hours, Inc.  
Attention: Brandon Hammer  
and Robert L. Foster  
119 E. Depot Street  
Greeneville, TN 37743

Terry, Terry & Stapleton  
Attention: Charles R. Terry, Esq.  
and F. Braxton Terry, Esq.  
918 West 1<sup>st</sup> North Street  
P. O. Box 724  
Morristown, Tennessee 37815-0724

JEFFERSON B. FAIRCHILD

Law Offices  
117 South Depot Street  
Rogersville, Tennessee 37857

Mailing Address P.O. Box 7



TELEPHONE: 423-272-2142  
TELECOPIER: 423-272-4938

JEFFERSON B. FAIRCHILD

December 5, 2007

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

Re: Billable Hours, Inc.

Dear Honorable Administration:

Pursuant to the comment request issued by the Supreme Court on November 6, 2007, concerning the amendment to Rule 13 proposed by the Petition of Billable Hours, Inc., on or about October 16, 2007, I would simply like to state my support for Billable Hours, Inc. and the quality service that it provides.

Billable Hours, Inc. provides a unique service that is efficient and valuable. The amount of time this service will provide will, inherently, allow me to be of greater service to the Court and will afford me more time to represent more pro bono and indigent clients.

That being said, Billable Hours, Inc. provides a service that will potentially allow me to be more profitable while promoting good will and public policy. For these and many other reasons, I respectfully request for the Honorable Members of the Supreme Court adopt the amendment to Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq.

Thank you for your time and consideration.

Respectfully yours,



Jefferson B. Fairchild

JBFB/zw

cc: Billable Hours, Inc.

*George B. McGuffin*



December 5, 2007

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

Dear Mr. Catalano,

I am not a member of the bench or the bar. However, the Order issued by the Honorable Members of the Supreme Court of the State of Tennessee requested comment from the general public concerning a proposed amendment to Supreme Court Rule 13. I am a business and community leader in Hamblen County, Tennessee, and I hope you will forward these comments on to the Justices of the Supreme Court for their consideration concerning the amendment.

I have reviewed this matter with an attorney, and the legal concerns regarding this issue were pointed out to me. Although, I do not have an in depth understanding of the procedural issues with regards to how a Supreme Court modifies one of its own rules or how those rules trump or are trumped by Tennessee Statutes, I believe I understand the statutory and general legal principals soundly enough to provide an educated comment on the subject of a third party billing agent as anticipated by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007 and the amendment to Supreme Court Rule 13 proposed by said Petition.

The issues, as I believe them to be, are as follows: should an attorney be allowed to contract for a service that provides administrative, tracking, and bookkeeping type services for the processing, submission, and payment receipt of compensation regarding Rule 13 claims and/or should an attorney be allowed to assign the proceeds from such claim as collateral or as the sale of an account receivable.

Many businesses utilize services of companies that provide administrative support. Although an attorney must adhere to confidentiality requirements that are not incumbent upon other types of businesses, it would be logical that so long as no client confidences are revealed an attorney would be authorized to contract for administrative services. The administrative services of the Petitioners, as pointed out by the Petition and the comments, clearly indicate that no client confidences are revealed by a client of the Petitioners to the Petitioners. The only information revealed is statistical and time entries that are ultimately provided to the Court and to the Administrative Office of the Courts (AOC). One would be hard pressed to convince me that public information is confidential.

It is also important that an attorney be driven by his or her own judgment and that an attorney's judgment not be hampered by any third party. This would be a consideration when looking to the use or non use of an administrative service company by an attorney. However, again, it is clear that the administrative services of the Petitioners present no danger of hampering the independent professional judgment of any of its attorney



clients. Their services are purely administrative and have absolutely nothing to do with the actual representation by their clients of indigent defendants. Nonetheless, the client letters of the Petitioners appear to indicate that the Petitioners' services assist these attorneys with providing more time and focus to their indigent clients resulting in the delivery of enhanced legal services to indigent defendants. Further, it also appears that the Petitioners' services have the effect of enticing more experienced attorneys to accept court appointments and offer their services to indigent defendants. Of course, all of these effects are a benefit to the indigent defenses system of the state and directly affect, in a positive manner, those the system was created to serve, indigent defendants.

Regarding the second issue, whether an attorney can assign compensation or sell a receivable, it is clear that this type of arrangement was anticipated, and strongly protected by the state legislature in Title 47, Chapter 9 of the Tennessee Code Annotated. The code defines a payment intangible as an obligation of an account debtor that is a monetary obligation and provides for the assignment of such a payment intangible in Title 47, Chapter 9, Section 406. The code also defines the State of Tennessee as an account debtor. The statutes that protect those who accept assignments is very clear that an assignment must be honored upon receipt of notice of such an assignment. Title 47, Chapter 9, Section 406 prohibits a government, governmental body or official from prohibiting, restricting, or requiring consent to an assignment by statute, rule, or regulation. These protections are clearly written, and it most certainly appears that the state legislature intended on these protection being honored by all branches of the government.

The state, by statute, has an obligation to pay reasonable compensation to attorneys who are appointed to represent indigent defendants; this obligation is a monetary obligation. I do understand that in any transaction where an attorney pays a portion of a fee to another party, there are issues that deserve some attention. However, as I understand those issues, they all revolve around whether or not an attorney's independent professional judgment is impaired by such a transaction. Again, the Petition and the comments clearly indicate that there exists no danger of impairment of an attorney's independent professional judgment when an attorney engages in such a transaction. I understand that attorneys pledge their receivables for bank loans, pay credit card companies fees similar in nature to the fees charged by the Petitioners, and engage in the sale of settlement proceeds that are to be paid out over time. All of these arrangements are the same type of financing arrangements that allow an attorney to receive his or her payment immediately at a discount instead of waiting for payment to be made at a later date.

It is unclear to me why the AOC would care one way or the other regarding whether an attorney delegates administrative tasks and assigns proceeds from a Rule 13 claim. It would appear that the AOC is responsible for ensuring that a submitted claim is valid, that the attorney performed the work to which he or she is seeking compensation, and that the claim is properly completed. If the AOC receives a Rule 13 claim that is valid, accurate, properly completed, and judicially approved, why would it matter whether the attorney received assistance in the administrative tasks associated with submitting the claim or whether the proceeds from the claim were assigned? The state has the obligation to pay a valid claim whether processed by a third party or not.

A review of the comments and client letters definitely indicate that there are frustrations with the administrative burdens and time of payment related to accepting appointed cases. The Petitioners simply created a viable solution to these frustrations and many attorneys were happy to have this solution available to them, as I am sure many others will be, if this solution is not prohibited. The amendment as proposed

creates that smooth system and puts in place adequate protections against the submission of invalid, fraudulent or wrongful claims.

An attorney who desires to utilize the administrative services of a third party billing agent should not be prohibited from doing so nor should an attorney be prohibited from using his or her receivables as a viable cash flow management tool. For all of these reasons, coupled with the standardized process created by the proposed amendment and the protections contained in the same, I ask the Honorable Members of the Supreme Court to adopt the amendment to Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, Esq. filed on October 16, 2007.

Sincerely,

  
George B. McGuffin

# HAWKINS COUNTY JUVENILE COURT



JAMES E. TAYLOR, Judge

110 East Main Street  
Courthouse Annex, Room 302  
Rogersville, Tennessee 37857  
(423) 272-2904  
Fax (423) 272-6428

Michael W. Catalano, Clerk  
**Re: Rule 13 Comments**  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 3 7219-1407

**December 5, 2007**



Dear Mr. Catalano,

Please accept this as my comment response to the comment request issued by the Supreme Court on November 6, 2007 concerning the amendment to Rule 13 proposed by the Petition of Billable Hours, Inc. and Robert L. Foster filed on October 16, 2007.

I can think of no reason, legal, ethical or otherwise, why the proposed amendment to Rule 13 should not be adopted or why a third party billing agent as anticipated by the amendment would be prohibited from providing its services to the attorneys of this state. The Petition, its attachments, and comments clearly indicate that a third party billing agent will only act to benefit the entire indigent defense system. The attorneys' comments and letters exhibit the enticement to accept additional appointments or to begin accepting appointments again created by the Petitioners' services. This enticement will increase the pool of attorneys who willingly accept appointed cases and works to attract more experienced attorneys to the indigent defense system of this state.

The Petition, its attachments, and comments also indicate that the services of the Petitioners assist attorneys with meeting their duty of contemporaneous timekeeping helping them remain in compliance with Rule 13 timekeeping requirements. It is also evident that these services provide the attorney with additional time to spend representing clients and allows these attorneys to focus more on the delivery of legal services to indigent defendants instead of on the accompanying administrative requirements.

The enticement to accept appointed cases and the creation of additional time and focus to expend on the representation of indigent defendants benefits the one group that the entire indigent defense system was created to serve, the indigent defendants of this state. If the Petitioners' services have the potential of creating these benefits, as the Petition, its attachment, and most importantly the client letters and comments indicate, then their services should not be prohibited, but should be welcomed.

It should also be noted that the client letters and comments provide evidence that the Petitioners' services were also assisting them with cash flow management, a necessary element in the mixture of a successful practice. It is apparent that these services were assisting the attorney clients with budgeting, equipment purchases, expansion and growth. These attorneys should not be prohibited from using a service that helps them build their practices. If an individual attorney is of the opinion that a third party billing service such as the service provided by the Petitioners, is beneficial to the management of their practice then that attorney should be allowed to implement such a service



into the day to day operations of his or her practice.

Attorneys who accept appointments provide legal services to indigent defendants, in most cases, at less than 1/3 of their normal hourly rate. Further, the state places caps on the number of hours that an attorney may bill for. In addition to the substantially reduced rates of pay these attorneys are required to maintain billing records, complete claim forms, submit claim forms to the court for approval, track the claim forms' progress from the court, to the clerk, to the AOC, and then wait on payment. If there is any issue with a claim form then the attorney must spend time resolving the issue and wait even longer on payment. All of this administrative time is not considered billable time and an attorney will not be compensated for the time spent attempting to obtain payment for work completed. It is no wonder so many attorneys are frustrated with the billing processes concerning appointed cases or have stopped taking appointments altogether.

It certainly appears that the Petitioners' services provide an alternative to the frustrations experienced by the attorneys who accept appointed cases. It is plainly shown that the services provided by the Petitioners create no danger of a breach of confidentiality considering all the information provided to them is ultimately provided to the courts, filed, and submitted to the Administrative Office of the Courts (AOC). It is also evident that the Petitioners exert no control over the substance of an attorney representation, and, as such, there is no danger of an impingement upon the attorney client's independent professional judgment. It is understandable that these would be concerns during an initial analysis of the relationship between the Petitioners and their clients. However, these concerns are removed after a thorough investigation of the realities of the relationship between the Petitioners and their attorney clients.

Since there are no ethical, legal, or other legitimate reasons why the services of a third party billing agent, such as the Petitioners should be prohibited, and considering that Rule 13 contains no prohibitory language, such services should be allowed. However, the proposed amendment should nonetheless be adopted. The proposed amendment prescribes a process that all such agents will be required to follow, it provides the AOC with the knowledge of who it is dealing with, and provides sufficient protections against the submission of fraudulent Rule 13 claims in addition to those already in place. It also has the effect of making the entire process more efficient for the attorneys, the courts, the clerks, and the AOC and saves the system mailing and copying costs.

For all of these reasons the Court should both allow the Petitioners to continue offering and delivering their services to attorneys in this state, and the Court should adopt the amendment as proposed by the Petitioners as doing so is in the interests of all involved in the indigent defense system of this state.

Thanking you in advance for your consideration, I remain,

Very truly yours,

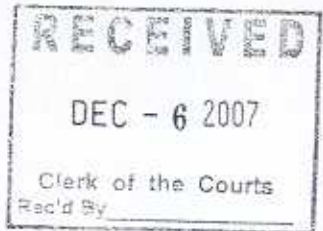
James F. Taylor

A handwritten signature in black ink, appearing to read "James F. Taylor", written over a printed name and title.

Juvenile Court Judge

Cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers Allen Ramsaur, Executive Director, Tennessee Bar Association

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



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IN RE: SUPREME COURT RULE 13

Docket No: M2007-02331-SC-RLI-RL

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COMMENT IN SUPPORT OF  
PETITION TO AMEND SUPREME COURT RULE 13  
DAVIDSON COUNTY JUVENILE COURT  
REFEREES

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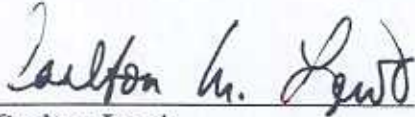
We the undersigned are Juvenile Court Referees in the Davidson County Juvenile Court. We are familiar with the Petition filed to amend Rule 13 of the Tennessee Supreme Court by Billable Hours, Inc and Robert L. Foster, Esq. Many attorneys who practice in our courts are clients of the Petitioners. These attorneys have been very satisfied with having the services of a third party billing agent. Their comments and letters clearly indicate that such services substantially assist them with managing their practices and provides them additional time and focus to expend on the representation of indigent defendants to which we appoint them to.

When considering the adoption of the proposed amendment to Rule 13, the Court should determine what interests are served by prohibiting the use, by an attorney, of a third party billing agent for Rule 13 claims submission and what interests are served by adopting the proposed amendment and allowing such a third party billing agent to operate. We are unclear what interests are served by prohibiting the use of a third party billing agent for Rule 13 claims submission. However, it is clear that there are several interests that would be served by adopting the proposed amendment. First, it is apparent

that the interests of the attorneys representing indigent would be served by allowing them to determine for themselves whether a third party billing agent would be a benefit to their practices. Second, the client letters, judicial and other comments indicate that the interests of the indigent defendants of this state would be served via the amendment in that the attorneys using the Petitioners services have made it clear that the service allows them to focus more time on the representation of their indigent clients and makes them more willing to accept appointed cases. The interests of the Courts, the Clerks, and the AOC would be served by adopting the proposed amendment. The proposed amendment will create a streamlined system that reduces the costs and time associated with copying and mailing Rule 13 claims, provides the AOC with professionally prepared claims for review and the ability to resolve many attorney issues by communicating with one entity instead of trying to track down many attorneys across the state. The proposed amendment should create a more efficient system, implements protections against any wrongfully filed claims and gives the AOC the knowledge of exactly who they are dealing with in a third party billing agent.

The overall effect of the amendment would appear to entice attorneys to take appointed cases, allow attorneys who rely on the acceptance of appointed cases to make a living to be paid promptly, and improve the quality of representation that indigents receive. For these reasons and the lack of any ethical issues or specific prohibitions that prohibit the use of a third party billing agent, we, the undersigned fully support the Petition and amendment to Rule 13.

I, Carlton Lewis, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



Carlton Lewis  
Referee  
Davidson County  
Juvenile Court

Date: November 28, 2007




I, Alan Calhoun, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



Alan Calhoun  
Referee  
Davidson County  
Juvenile Court

Date: 11-28-07

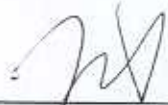
I, Sophia Brown Crawford, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



Sophia Brown Crawford  
Referee  
Davidson County  
Juvenile Court

Date: 11/28/07

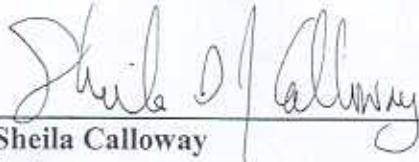
I, Michael O'Neil, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



\_\_\_\_\_  
Michael O'Neil  
Referee  
Davidson County  
Juvenile Court

Date: 11/27/07

I, Sheila Calloway, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



Sheila Calloway  
Referee  
Davidson County  
Juvenile Court

Date: Nov. 28, 2007

I, Scott Rosenberg, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.



Scott Rosenberg  
Referee  
Davidson County  
Juvenile Court

Date: 11/29/07

I, William Griffin, Referee for the Davidson County Juvenile Court, have read the foregoing Petition, and I am in agreement with the same. By affixing my signature below, I respectfully request the Honorable Members of the Supreme Court of Tennessee to consider the foregoing Petition as my comment and to adopt the amendment proposed by the Petition of Billable Hours, Inc. and Robert L. Foster, filed on October 16, 2007.

A handwritten signature in cursive script, appearing to read "William Griffin", is written over a horizontal line. The signature is written in dark ink and is somewhat stylized.

William Griffin  
Referee  
Davidson County  
Juvenile Court

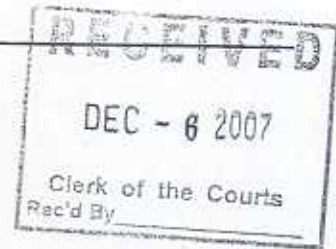
Date: Nov 29, 2007

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

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IN RE: SUPREME COURT RULE 13

Docket No: M2007-02331-SC-RL1-RL



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COMMENT IN SUPPORT OF  
PETITION TO AMEND SUPREME COURT RULE 13

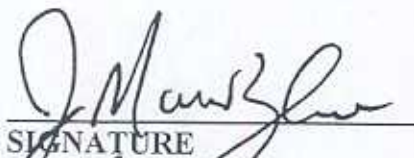
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We the undersigned are familiar with the Petition filed to amend Rule 13 of the Tennessee Supreme Court by Billable Hours, Inc and Robert L. Foster, Esq. We believe that although the current version of Rule 13 contains no language prohibiting the use of a third party billing agent, that amending this rule, as proposed, would encourage attorneys to take more appointed cases, while at the same time proscribing a standard procedure for attorneys, courts, and clerks to utilize when such an agent is involved. Further, the amendment would provide the AOC with the knowledge of exactly who it is dealing with and would provide substantial protections against any invalid or wrongfully submitted claims.

This amendment would also expressly allow attorneys who choose to use a third party billing agent to be compensated at the time their work is completed instead of months later. We also support the amendment because it will expressly allow lawyers, if they desire, to contract out certain clerical work associated with appointed cases. If the Tennessee Supreme Court expressly allows attorneys to use a competent service to perform the technical task of transcribing their billing on a particular appointed file and

then get paid at the time work is performed it will be a tremendous benefit to attorneys who take appointed cases. Some attorneys no longer willingly accept court appointed cases because of frustration with the process of collecting payment for work they perform. Adopting the amendment may encourage those lawyers to willingly accept court appointed cases again in the future.

The overall effect of the amendment would seem to encourage members of the bar to take appointed cases, allow attorneys who rely on the acceptance of appointed cases to make a living to be paid promptly, and as a consequence improve the quality of representation that indigents receive. For these reasons and the lack of any ethical issues or specific prohibitions which would preclude the proposed amendment we, the undersigned fully support the Petition and amendment to Rule 13.

  
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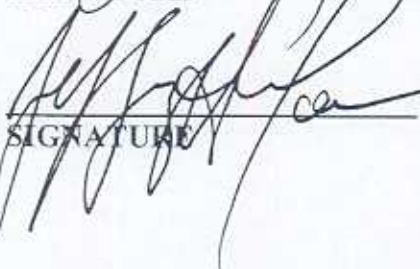
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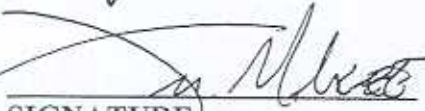
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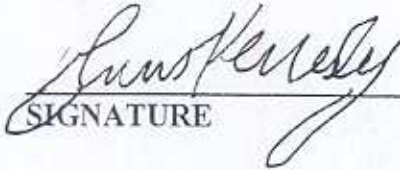
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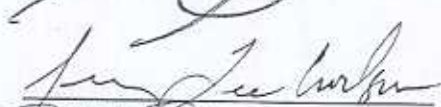
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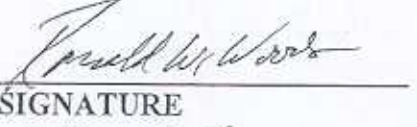

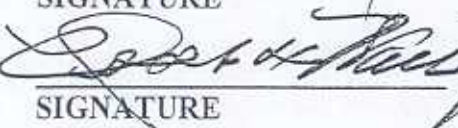




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*Jeffrey A. Cobble*

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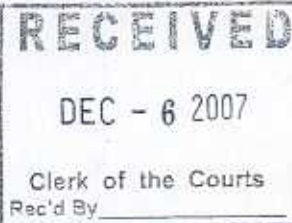
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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



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IN RE: SUPREME COURT RULE 13

Docket No: M2007-02331-SC-RL1-RL

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COMMENT IN SUPPORT OF  
PETITION TO AMEND SUPREME COURT RULE 13


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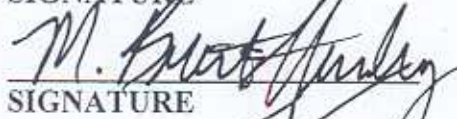
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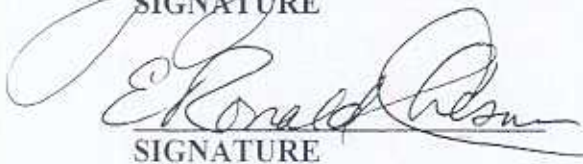
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Mike Faulk

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Jeffrey A. Cobble

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James F. Taylor  
SIGNATURE

013998  
BPR NUMBER

11-26-07  
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Carole Cole  
SIGNATURE

020713  
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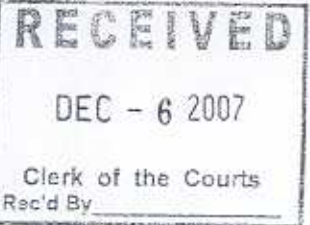
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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

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IN RE: SUPREME COURT RULE 13

Docket No: M2007-02331-SC-RL1-RL

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COMMENT IN SUPPORT OF  
PETITION TO AMEND SUPREME COURT RULE 13

---

We the undersigned are familiar with the Petition filed to amend Rule 13 of the Tennessee Supreme Court by Billable Hours, Inc and Robert L. Foster, Esq. We believe that although the current version of Rule 13 contains no language prohibiting the use of a third party billing agent, that amending this rule, as proposed, would encourage attorneys to take more appointed cases, while at the same time proscribing a standard procedure for attorneys, courts, and clerks to utilize when such an agent is involved. Further, the amendment would provide the AOC with the knowledge of exactly who it is dealing with and would provide substantial protections against any invalid or wrongfully submitted claims.

This amendment would also expressly allow attorneys who choose to use a third party billing agent to be compensated at the time their work is completed instead of months later. We also support the amendment because it will expressly allow lawyers, if they desire, to contract out certain clerical work associated with appointed cases. If the Tennessee Supreme Court expressly allows attorneys to use a competent service to perform the technical task of transcribing their billing on a particular appointed file and

then get paid at the time work is performed it will be a tremendous benefit to attorneys who take appointed cases. Some attorneys no longer willingly accept court appointed cases because of frustration with the process of collecting payment for work they perform. Adopting the amendment may encourage those lawyers to willingly accept court appointed cases again in the future.

The overall effect of the amendment would seem to encourage members of the bar to take appointed cases, allow attorneys who rely on the acceptance of appointed cases to make a living to be paid promptly, and as a consequence improve the quality of representation that indigents receive. For these reasons and the lack of any ethical issues or specific prohibitions which would preclude the proposed amendment we, the undersigned fully support the Petition and amendment to Rule 13.

Susie Piper McGowan      19,854      Nov 28, 2007  
SIGNATURE      BPR NUMBER      DATE

LAN OFFICE OF SUSIE PIPER MCGOWAN      HICKMAN  
FIRM NAME      COUNTY

Steve Mills      19835      11-28-07  
SIGNATURE      BPR NUMBER      DATE

Steve Mills, Attorney      Davidson  
FIRM NAME      COUNTY

M.H. Mil      17124      11/28/07  
SIGNATURE      BPR NUMBER      DATE

Pyphie J. Baha & Associates      Davidson  
FIRM NAME      COUNTY

[Signature]  
SIGNATURE

20872  
BPR NUMBER

11/28/07  
DATE

Matthew Mayo, Atty  
FIRM NAME

Davidson  
COUNTY

[Signature]  
SIGNATURE

025039  
BPR NUMBER

11/28/2007  
DATE

the Mott Law office  
FIRM NAME

Davidson  
COUNTY

[Signature]  
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017050  
BPR NUMBER

11/28/07  
DATE

Nannette Clark, Attorney  
FIRM NAME

Davidson  
COUNTY

[Signature]  
SIGNATURE

24534  
BPR NUMBER

11/28/2007  
DATE

Wmrs Jones Legal Serv.  
FIRM NAME

Davidson  
COUNTY

[Signature]  
SIGNATURE

021909  
BPR NUMBER

11-28-07  
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Cynthia Moore  
FIRM NAME

Davidson  
COUNTY

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020738  
BPR NUMBER

11-28-07  
DATE

Jennifer L. Evans  
FIRM NAME

Robertson  
COUNTY

Laura C. Stewart  
SIGNATURE

020297  
BPR NUMBER

11/28/07  
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LSCaw  
FIRM NAME

Davidson  
COUNTY

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Davidson  
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11086  
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11-28-07  
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Dennis L. Nordloff & Associates  
FIRM NAME

Willamson  
COUNTY

Paul C. Robertson  
SIGNATURE

LAW OFFICE  
PAUL C. ROBERTSON

015874  
BPR NUMBER

11-28-07  
DAVIDSON, WILSON  
DATE

Law Office of Paul C. Robertson  
FIRM NAME

Davidson, Wilson  
COUNTY

Vance P. Wertz  
SIGNATURE

021095  
BPR NUMBER

11-29-07  
~~Davidson~~  
DATE

Hollis Webster Warkley + Raybird  
FIRM NAME

Davidson  
COUNTY

Victoria J. Sevens  
SIGNATURE

020707  
BPR NUMBER

11-29-07  
DATE

Williams + Proctor, PC  
FIRM NAME

Davidson  
COUNTY

John Amador  
SIGNATURE

021715  
BPR NUMBER

11/29/07  
DATE

The Swader Firm  
FIRM NAME

Davidson  
COUNTY

Bill Collins  
SIGNATURE

006367  
BPR NUMBER

11/24/07  
DATE

Bill Collins Attorney at Law  
FIRM NAME

Davidson  
COUNTY

Laura  
SIGNATURE

020005  
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11/29/07  
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Baker Donelson  
FIRM NAME

Davidson  
COUNTY

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Gladstone Baker Kelley  
FIRM NAME

Davidson  
COUNTY

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Widdie & Patterson  
FIRM NAME

Davidson  
COUNTY



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Smythe + Puryear  
FIRM NAME

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Smythe + Puryear  
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Davidson  
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26072  
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Pinkston + Associates  
FIRM NAME

Sumner  
COUNTY

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FIRM NAME

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COUNTY

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09553  
BPR NUMBER

11/30/07  
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THE MCGOVERN LAW FIRM  
FIRM NAME

KNOX  
COUNTY

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17574  
BPR NUMBER

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McBee, Stewart, Cole, Dyrnes  
& Roper PA  
FIRM NAME

KNOX  
COUNTY

*[Handwritten Signature]*

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*022560*

BPR NUMBER

*30th Nov, 2007*

DATE

*B. H. Sams, PLLC*

FIRM NAME

*Knox*

COUNTY

*[Handwritten Signature]*

SIGNATURE

*023862*

BPR NUMBER

*30th Nov, 2007*

DATE

*Christopher E. Rowe Atty at Law*

FIRM NAME

*Knox*

COUNTY

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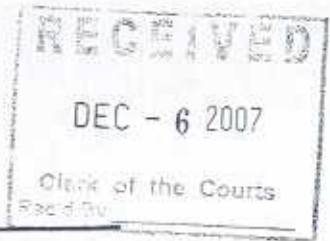
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COUNTY

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



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IN RE: SUPREME COURT RULE 13

Docket No: M2007-02331-SC-RL1-RL

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COMMENT IN SUPPORT OF  
PETITION TO AMEND SUPREME COURT RULE 13

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*Jeffrey S. Kelly*  
SIGNATURE

13923  
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11-27-07  
DATE

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FIRM NAME

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COUNTY

*Don C. Cunningham*  
SIGNATURE

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11-27-07  
DATE

DCS Legal  
FIRM NAME

Davidson  
COUNTY

*Stephen Edwards*  
SIGNATURE

822578  
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Agustin Cany  
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Kelli Summers  
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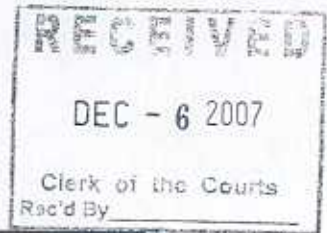
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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



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IN RE: SUPREME COURT RULE 13

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BPR NUMBER

11-26-07  
DATE

Hindman & Associates  
FIRM NAME

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COUNTY

  
SIGNATURE

016815  
BPR NUMBER

11-26-07  
DATE

Hindman & Associates  
FIRM NAME

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SIGNATURE

022446  
BPR NUMBER

KNOX 11-29-07  
DATE

McBehoe, Stewart Cole, Dupree & Roper P.A.  
FIRM NAME

KNOX  
COUNTY

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Jonathan S. Woody  
020342

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Jonathan S. Woody, ESR.

Wood

Herbert Monais 1910

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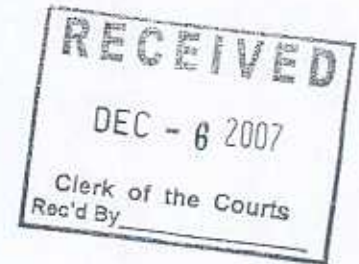
*Jeffrey A. Cobble*  
-Attorney & Counselor at Law-

Pennsylvania Office -  
301 Stonemill Drive  
Elizabethtown, PA 17022  
(717) 367-6767  
FAX (717) 367-6510

Tennessee Office -  
1315 E. Andrew Johnson Highway, Suite 5  
Greeneville, Tennessee 37745  
(423) 639-6684  
FAX (423) 639-8300

December 5, 2007

Michael W. Catalano, Clerk  
Re: Rule 13 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407



Dear Mr. Catalano:

I write in support of the October 13, 2007 proposed amendments to Supreme Court Rule 13 as described in the Petition filed by Billable Hours, Inc. and Robert Foster, Esq. I have not heretofore been a customer of Billable Hours, Inc., but it seems to me that Billable Hours, Inc. has developed a reporting system for claims that has been well-received by its many attorney-customers.

I see no problems with any improper disclosure of confidential information or of any effect upon the independent judgment of the attorney-customer, and I further see no problem with allowing administrative claims to be handled by a third-party agency, company, or individual. I cannot conceive of any ethical prohibition against this practice.

Rather, I feel Billable Hours, Inc. should be commended for its problem-solving abilities. I feel strongly that free market principles will determine whether Billable Hours, Inc. is fair, accurate, effective, and worthwhile. It appears that several appropriate and favorable replies have already been received by the Court, and I would strongly suggest that we allow market forces, both favorable and unfavorable, to determine the success of this business venture.

In any event, the Supreme Court should not prohibit such business practices for two very important reasons: the judicial branch is not the legislative branch, and the Supreme Court serves to enhance the practice of law and the administration of justice. As to the second reason, I perceive Billable Hours, Inc. to be an asset to both the bench and the bar.

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey A. Cobble".

Jeffrey A. Cobble

JAC/adw

pc: Barbara Short, Executive Director  
Tennessee Assoc. of Criminal Defense Lawyers

Allen Ramsaur, Executive Director  
Tennessee Bar Association



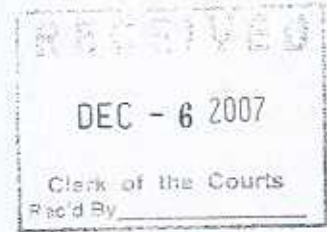
# State of Tennessee

20TH JUDICIAL DISTRICT

**J. RANDALL WYATT, JR., JUDGE**  
CRIMINAL COURT, DIVISION II

December 3, 2007

408 SECOND AVENUE, NORTH  
SUITE 6120  
NASHVILLE, TENNESSEE 37201-1201



Michael W. Catalano, Clerk  
100 Supreme Court Building  
401-7th Ave., N.  
Nashville, TN 37219-1407

Re: Rule 13 Comments

Dear Mr. Catalano,

I am writing in reference to an attorney I recently met and talked with in my office, Mr. Robert Foster, regarding his business, Billable Hours, Inc. It's my understanding that the Honorable Members of the Supreme Court requested comments regarding the pending amendment to Supreme Court Rule 13 as proposed by the Petition of Billable Hours, Inc., and Robert L. Foster, Esq. My opinions and comments are not intended as promoting or endorsing this particular business, as my court has not had any business contact with a client of Billable Hours, Inc.

It appears that Mr. Foster has an innovative concept which could provide a service to the legal community, that could assist attorneys, especially those with a small staff, and enable them to focus attention on their client's needs and in-court time rather than these administrative tasks.

Respectfully,

J. RANDALL WYATT, JR.

JRWJr/ddf

cc: Barbara Short, Executive Director, Tennessee Association of Criminal Defense Lawyers  
Allen Ramsaur, Executive Director, Tennessee Bar Association

*William A. (Andy) Law & Associate*  
*Attorneys at Law*

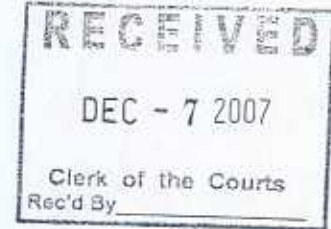
426 Shelby Street - P. O. Box 946  
Kingsport, Tennessee 37662-0946

*William A. (Andy) Law*  
*Robbie C. Lewis*

Tel: (423) 246-6444  
Fax: (423) 378-3544

December 3, 2007

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



Re: Rule 13 Comments

Dear Clerk:

Please note that I am commenting in favor of amending Rule 13. I was not yet able to reap the benefits of the services offered by Billable Hours since business was stopped by the court prior to my submission of claims. However, upon speaking with others, the service would be of great help in that I would be able to more effectively represent my clients by setting aside the clerical side of appointed work, which can be very time consuming at best. I mainly perform appointed work as a service and do not intend on becoming wealthy representing indigent clients. However, without the service Billable Hours offers, I will have to lessen the amount of appointed cases I am able to accept due to the time constraints involved with the clerical aspect of appointed cases.

Therefore, it is my belief that Rule 13 should be amended as proposed to help the attorneys performing these services to practice law instead of performing time consuming clerical work.

Thank you for your time and consideration.

Sincerely,

Robbie C. Lewis