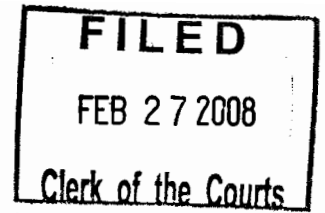


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: SUPREME COURT RULE 13



No. M2007-02331-SC-RL1-RL

ORDER

On October 16, 2007, Billable Hours, Inc., and Robert L. Foster, Esq., filed a petition asking the Court to amend Rule 13, Rules of the Tennessee Supreme Court, "to expressly confirm the acceptability of submission of fee and expense claims by appointed counsel through a claims processing agent or service and the dispatch of payments of such claims, made payable to appointed counsel, to the address of the claims processing agent, as described in the proposal [sic] Subsection (c) to Rule 13, Section 6 submitted with this Petition, or in such manner as the Court deems appropriate." Exhibit B to the petition set out extensive proposed amendments to Rule 13, addressing attorneys' use of third-party agents or services to process and receive payments of claims submitted pursuant to Rule 13.

The Court published for public comment the proposed amendments to Rule 13, as set out in Exhibit B to the petition, and set December 6, 2007, as the deadline for submitting comments. Based upon the Court's review of the petition and the public comments received by the Court, the Court concludes that the petition should be granted. The Court, however, concludes that the extensive amendments proposed in Exhibit B to the petition should not be adopted; instead, the Court adopts new Section 6(c) as set out below.

Accordingly, the petition to amend Rule 13, Rules of the Tennessee Supreme Court, is GRANTED. Rule 13 is hereby amended by adding the following new Section 6(c):

(c)(1) Appointed counsel may contract with a third-party agent to prepare and file claims for attorney compensation and expenses; provided, however, that counsel shall remain responsible for all filings and communications in connection with such claims;

(2) Appointed counsel may assign the right to payment of claims for attorney compensation and expenses to a third-party assignee; provided, however, that: (i) counsel electing to assign the right to payment shall assign such right for all subsequent cases in which counsel will present claims for payment pursuant to this rule; and (ii) counsel shall provide adequate written notice to the director of counsel's assignment of the right to payment to the third-party

assignee. Such written notice shall not be effective unless submitted on the Uniform Assignment of Payment For Services Due to An Attorney form provided by the administrative office of the courts. Upon receipt of adequate written notice of counsel's assignment, the director shall make subsequent payments of counsel's claims to the third-party assignee. An assignment submitted to the director shall not relieve counsel of the responsibility for the accuracy and timeliness of all filings nor shall it relieve counsel of the responsibility to personally respond to inquiries from the administrative office of the courts in connection with counsel's claims. Counsel's written notice of assignment shall remain in effect until the director receives written notice that counsel revokes the assignment. The third-party assignee shall agree in writing to indemnify and hold the state harmless for all payments made by the administrative office of the courts in good faith and without notification that the assignment has been revoked and shall file such writing with the director.

In addition, Section 6(b)(1) is amended by adding the following new second sentence: "The AOC may decline to make any payment or decline to continue to accept any assignment should either the attorney or the third-party assignee fail to comply with the requirements of Rule 13 and other statutory requirements."

These amendments shall become effective upon the filing of this order. The costs associated with the petition are hereby WAIVED.

The Clerk shall provide a copy of this order to the petitioners and to the Tennessee Association of Criminal Defense Lawyers, the Tennessee District Public Defenders Conference, the Attorney General & Reporter, the Tennessee District Attorneys General Conference and the Tennessee Bar Association. A copy of this order also shall be posted on the Court's website.

FOR THE COURT:


WILLIAM M. BARKER, CHIEF JUSTICE