

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: TENNESSEE SUPREME COURT RULE 8, RULE 7.6

ORDER

On August 26, 2002, this Court revised Tennessee Supreme Court Rule 8 to adopt the Tennessee Rules of Professional Conduct. As part of that revision, the Court adopted Rule of Professional Conduct 7.6, which addresses the lawyer's relationship with intermediary organizations, such as lawyer-advertising cooperatives, lawyer-referral services, and prepaid legal insurance providers.

As adopted, however, Rule 7.6 does not directly regulate the conduct of such organizations with respect to registration, reporting, and advertising. The Court is of the opinion that these regulations should not be included in the ethics rules themselves because to do so would place an unreasonable ethical burden on the lawyer seeking to use such services. Consequently, the Court agrees with the Tennessee Bar Association's proposal that such regulations should be provided by a separate Supreme Court Rule or other regulation.

To this end, the Court desires the assistance of the Board of Professional Responsibility in drafting regulations to implement Rule of Professional Conduct 7.6, as we believe that the Board is in a unique position to be of considerable benefit in this area. Accordingly, we request that the Board submit draft regulations that include, among other things, provisions addressing the registration of such organizations with the Board and the regular reporting of information by such organizations to the Board; provisions governing appropriate advertising and marketing; provisions governing the qualifications of lawyers in such organizations; and any other provisions that the Board deems proper. The Court further requests that the Board's proposals be submitted on or before December 31, 2002.

The Court wishes again to express its genuine appreciation to the Board of Professional Responsibility for its help and assistance throughout the process of considering and adopting the Rules of Professional Conduct.

PER CURIAM