

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**IN RE: AMENDMENTS TO RULES 9, 21, 25, AND 33,
RULES OF THE SUPREME COURT OF TENNESSEE**

Filed June 28, 2002

ORDER

The rules relating to the Court's inherent and exclusive authority to govern and supervise the conduct of attorneys are amended, after due consideration, as follows:

Rule 9, §19.6 is amended by adding the following paragraph:

All advance cost deposits collected hereunder shall be deposited by the Board of Professional Responsibility with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Board of Professional Responsibility. Withdrawals from those funds shall only be made by the Board of Professional Responsibility to cover costs of reinstatement proceedings, and reimbursement of advance cost deposits not expended. Such advance cost deposit funds shall be maintained, managed, and administered solely and exclusively by the Board of Professional Responsibility.

Rule 9, §20.1 is amended by vacating the second paragraph and replacing it with the following:

All funds collected hereunder shall be deposited by the Board of Professional Responsibility with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Board of Professional Responsibility. Withdrawals from those funds shall only be made by the Board of Professional Responsibility for the purpose of defraying the costs of disciplinary administration and enforcement of those rules, and for such other related purposes as this Court may from time to time authorize or direct.

Rule 9, §25 is amended by vacating the first sentence and replacing it with the following:

All proceedings involving allegations of misconduct by or the disability of an attorney, including all information, records, minutes, files or other documents of the Board, Hearing Committee Members and Disciplinary Counsel are deemed to be non-public records. All such information, records, minutes, files or other documents shall be kept confidential and privileged until and unless: (a) a recommendation for the imposition of public discipline is filed with the Supreme Court by the Board; or (b) the respondent-attorney requests that the matter be public; or (c) the investigation is predicated upon conviction of the respondent-attorney for a crime; or (d) in matters involving alleged disability, this Court enters an order transferring the respondent-attorney to disability inactive status pursuant to Section 21. In those disciplinary proceedings in which judicial review is sought pursuant to Section 1.3, the records and hearing in the Circuit or Chancery Court and in this Court shall be public to the same extent as other cases.

Rule 21, §8 is amended by adding a new section 8.05:

8.05 The Commission shall deposit all funds collected hereunder with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Commission. Withdrawals from those funds shall only be made by the Commission for the purposes set forth in this rule, and for such other purposes as this Court may from time to time authorize or direct.

Rule 25, §19.02 is vacated and amended by replacing it with the following:

The Board of Professional Responsibility shall deposit all funds collected on behalf of the Tennessee Lawyer's Fund for Client Protection with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Tennessee Lawyer's Fund for Client Protection. Withdrawals from those funds shall only be made by the Tennessee Lawyer's Fund for Client Protection for the purposes set forth in this rule, and for such other purposes as this Court may from time to time authorize or direct.

Rule 33, § 33.01(C)(1) is vacated and amended by replacing it with the following:

The Board of Professional Responsibility shall collect annually and deposit with the State Treasurer a ten dollar (\$10.00) annual fee from every attorney, except those exempt under Rule 9, Section 20.2, for the purpose of funding the program established under the rule.

Rule 33, § 33.01(C)(2) is vacated and amended by replacing it with the following:

All funds received by TLAP from gifts or bequests from any source shall be deposited with the State Treasurer.

Rule 33, § 33.01(C) is amended by adding the following new subparagraph (3):

All funds deposited with the State Treasurer pursuant to subparagraphs (C)(1) and (C)(2), and all earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to TLAP. Withdrawals from those funds shall only be made by TLAP for the purpose of funding the program established under this rule, and for such other purposes as this Court may from time to time authorize or direct.

These amendments shall become effective on July 1, 2002.

FOR THE COURT:

Chief Justice