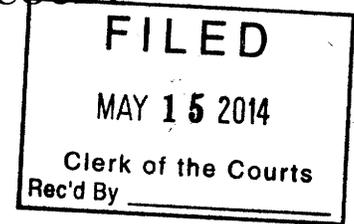


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE AMENDMENT TO RULE 7, ARTICLE VI,
RULES OF THE TENNESSEE SUPREME COURT

No. ADM2014-00920



ORDER

Article VI of Tennessee Supreme Court Rule 7 governs the character investigations of applicants for admission to the Tennessee bar. The Board of Law Examiners has asked the Court to amend Article VI to update its provisions governing the appointment of investigatory committees and the investigation procedures set out in that Article.

After due consideration, the Court hereby repeals the current Article VI in its entirety and replaces it with the amended Article VI set out in the Appendix. The amended Article VI shall take effect upon the filing of this order.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

It is so ORDERED.

PER CURIAM

APPENDIX

[Tenn. Sup. Ct. R. 7, Article VI is amended to read as follows:]

ARTICLE VI. CHARACTER INVESTIGATION

Sec. 6.01. Applicable Standard. — (a) An applicant shall not be admitted if in the judgment of the Board there is reasonable doubt as to that applicant's honesty, respect for the rights of others, and adherence to and obedience to the Constitution and laws of the State and Nation as to justify the conclusion that such applicant is not likely to adhere to the duties and standards of conduct imposed on attorneys in this State. Any conduct which would constitute grounds for discipline if engaged in by an attorney in this State shall be considered by the Board in making its evaluation of the character of an applicant.

(b) The Board may adopt statements of policy to implement the application of the foregoing standard.

Sec. 6.02. Investigatory Committees. — (a) In order to assist the Board in conducting character investigations of applicants, the Supreme Court shall appoint one or more investigating committees within each disciplinary district established under Rule 9. Each committee shall consist of not less than five (5) nor more than thirty (30) members of the Bar of this State who maintain an office for the practice of law within that district and who are in good standing; provided, however, that the District 5 committee may have up to sixty (60) members. Attorneys who teach in any capacity in any of the state's ABA accredited or state-approved law schools are ineligible to serve as members of the Investigatory Committees. The Board may recommend to the Court the creation of additional committees or the increase in membership of any committee.

(b) The members of each investigating committee shall be appointed from time to time by the Supreme Court and shall serve at the pleasure of the Court for terms of up to five (5) years. Members may be reappointed to serve a second five-year term. Members of an investigating committee may be recommended by the President or Board of Directors of the local bar association or associations in the district, the President or Board of Governors of the Tennessee Bar Association, members of the Board, or members of the investigatory committee in the district in which the vacancy exists.

(c) The Court shall select each committee chair. The chair shall be responsible for the administration of the work of the committee.

(d) The Executive Director shall provide an annual report to the Court in September listing the names of the members of each committee and the name of the committee chair, as well as a report of recommendations from the Board regarding the size of any committee.

Sec. 6.03. Investigating Procedures. — (a) Each application shall be referred first to a member of the Board for preliminary review for the purpose of: (i) detecting any deficiencies in the application; and (ii) determining whether any additional information is needed with respect to any aspect of the application.

(b) As part of the character and fitness requirement for licensing, each applicant is required to have a current completed background investigation conducted by the National Conference of Bar Examiners (NCBE). It is the responsibility of each applicant to make the request to the NCBE for a background investigation and pay the required fee directly to the NCBE. In the event an applicant has not been licensed within two years of submission of the original background investigation, the applicant must request a supplemental investigation at that time and every two years thereafter, until the applicant is licensed, or the application is withdrawn or denied.

(c) The Executive Director shall transmit the application and the results of the background investigation, if available at the time of the interview, to the chair of the appropriate investigating committee. The chair shall assign applications to committee members for review, interview and investigation.

(d) On the receipt of an application, the investigating committee member to whom the application has been assigned shall review same and such other information as may be transmitted by the Executive Director and shall conduct such investigation as appears to him or her to be appropriate. In any event, each applicant referred to a committee shall be interviewed in person by a member of that committee. In conducting such investigations, the investigating committee member may take statements from the applicant and from such other persons as may be considered appropriate.

(e) On the completion of the investigation, the investigating committee member shall report his or her findings to the Board, in the form directed by the Board, and shall make such recommendations either for approval of the application, the issuance of a Show Cause Order by the Board, or for such other action as the committee member may deem appropriate.

Sec. 6.04. Certificate of Good Moral Character. — An applicant seeking admission to practice law in Tennessee must submit to the Board of Law Examiners, before permission is granted to take the Examination, a certificate from the dean or supervising authority of the law school from which the applicant graduated indicating that to the best of its knowledge

and belief the candidate has demonstrated such reputation and character in the opinion of the law school that indicates no reasonable basis for substantial doubt that the applicant would adhere to the standards of conduct required of attorneys in this state and that the law school has provided full and complete information requested by the Board of Law Examiners regarding the character and fitness of the candidate. If the applicant has been previously admitted to another jurisdiction, a certificate of good standing from the highest court of each state to which applicant has been admitted must accompany the application to the Tennessee Board of Law Examiners. Without waiving the requirement of proof of good moral character, the Board, in its discretion and for exceptional circumstances shown by the applicant, may waive the requirement of a certificate of good standing from the highest court of each state to which applicant has been admitted.

[end of Appendix]