Petition for Reinstatement –Privilege Tax Suspension – Over One Year

Instructions

The following sample petition for reinstatement is for use following a summary suspension for failure to pay professional privilege tax if the suspension occurred more than one (1) year before the date of filing. Petitions for reinstatement of a law license suspended for more than one year must be filed with the Tennessee Supreme Court Clerk's Office with a copy provided to the Board of Professional Responsibility pursuant to Tenn. Sup. Ct. R. 9, §26.4(d)(2). The following form is a ***sample***; if you find that the sample petition does not completely meet your needs, please feel free to use it as a guide.

File the original, signed copy of the petition for reinstatement (for suspensions over one year) with the Clerk of the Court by mail (or in person) at the following address:

J. Scott Griswold, Esq.
Supreme Court Clerk
ATTN: MaryBeth Lindsey, Deputy Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

You must include a filing fee of $100.00 when you forward the original petition to the Clerk of the Court. You may serve the *copy* on the Board at our offices at 10 Cadillac Drive, Suite 220, Brentwood, TN 37027. You may also email a copy of the petition to registration@tbpr.org. The reinstatement fee owed to the Board will be created and must be paid following the filing of your petition ($200.00 for each suspension).

Here is what you may expect:

- Petitions are processed in the order in which they are filed with the Court.
- We are required to respond to your petition for reinstatement.
- We will process the petition as quickly as possible.
    - Please do not ask Board staff to expedite your petition.
    - We will not contact the Supreme Court Clerk to inquire about when the order of reinstatement will be entered.
    - We will send an email to you as soon as is practical after the Supreme Court Clerk notifies the Board that the Court has entered the reinstatement order (we will send notice by email and by mail).
- Board staff will make inquiry concerning the attorney's compliance with requirements for payment of fees to the Board, filing the IOLTA statement, payment of professional privilege tax and mandatory CLE requirements.
- If you are delinquent in payment of any fees owed to the Board, professional privilege tax owed to the Tennessee Department of Revenue, or CLE compliance or fees owed to the Tennessee Commission on Continuing Legal Education, the Board will note that deficiency in our response to your petition. We will serve a copy of the Board's response on you and you will be required to clear the deficiency before the Court will grant your petition for reinstatement.
- You are required to show compliance with Tenn. Sup. Ct. R. 9, § 28. A sample affidavit or declaration is provided.
- If you were suspended more than five (5) years ago, you are required to attach an affidavit to your petition showing proof of competency and learning in the law (a sample affidavit is provided).

Should you have questions, please don't hesitate to call or email the registration department (email *registration@tbpr.org*).

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: _____, BPR # _____
An Attorney Licensed to Practice Law in Tennessee
(_____)
(Insert TN County or City, State above)

_____

Docket No. _____
BOPR Docket No. _____

_____

PETITION FOR REINSTATEMENT
PURSUANT TO TENN. SUP. CT. R. 9, §26.4(d)(2)

Pursuant to Tenn. Sup. Ct. R. 9, §26.4(d)(2), _____ , petitions for reinstatement to the practice of law by submitting the following:

1. Petitioner's law license was suspended by the Tennessee Supreme Court on _____for failure to pay registration fees and/or IOLTA noncompliance.

2. Petitioner was suspended from the practice of law by Order of the Supreme Court on _____ , for failure to pay professional privilege tax to the Tennessee Department of Revenue.

3. Petitioner has fulfilled the requirements of Tenn. Sup. Ct. R. 9, § 28, and documentation demonstrating compliance is attached hereto as Exhibit A.

4. As of the filing of this petition, Petitioner has done the following:

   a) Paid all required registration fees and or penalties owed to the Board of Professional Responsibility;

b) Paid all outstanding professional privilege tax to the Tennessee Department of Revenue as evidenced by the affidavit attached hereto as Exhibit B;

c) Petitioner acknowledges the requirement to pay the reinstatement fee for each suspension in the amount of $200.00 to the Board of Professional Responsibility upon the filing of this petition for reinstatement.

5. Other than the current suspension for failure to pay professional privilege tax, Petitioner is not suspended from the practice of law for any other reason as of the filing of this petition.

6. Petitioner acknowledges that this Court may require proof of competency and learning in law for any attorney who has remained inactive or suspended for more than five (5) years pursuant to Tenn. Sup. Ct. R. 9, § 30.3 (i). Petitioner has taken the following steps to remain competent and learned in the law (attach affidavit and supporting documentation reflecting continuing legal education courses attended).

7. A copy of this petition for reinstatement has been served on the Office of Disciplinary Counsel, 10 Cadillac Drive, Suite 220, Brentwood, Tennessee, 37027.

WHEREFORE, having been suspended for more than one (1) year due to failure to pay registration fees and professional privilege tax, Petitioner seeks reinstatement to the practice of law.

Respectfully submitted:

Address:

_____

_____

_____

_____

(Sign on line above; add Printed Name, BPR # below)

_____ BPR # _____

VERIFICATION

I, , being first duly sworn, make oath and state that the information provided in this Petition for Reinstatement is true to the best of my information, knowledge, and belief.

_____
(Attorney's signature above, printed name and BPR # below)

, BPR #

Sworn to and subscribed before me on this the ____ day of , 202__.

_____
Notary Public

My commission expires:

_____

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Petition for Reinstatement Pursuant to Tenn. Sup. Ct. R. 9, §26.4(d)(2) upon the Board of Professional Responsibility, at the Office of Disciplinary Counsel, 10 Cadillac Drive, Suite 220, Brentwood, Tennessee, 37027, on this the ____ day of_____ , 20___.

_____
(Attorney's signature above, printed name and BPR # below)

, BPR #

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: , BPR #_
An Attorney Licensed to Practice Law in Tennessee
(_____)
Insert City and State above

EXHIBIT A TO PETITION FOR REINSTATEMENT
AFFIDAVIT IN COMPLIANCE WITH
TENN. SUP. CT. R. 9, § 28

Comes now the undersigned attorney, petitioner in the foregoing Petition for Reinstatement and states under penalty of perjury as follows:

Petitioner's law license was suspended by the Tennessee Supreme Court on _____. Because the suspension was entered more than thirty (30) days ago, I hereby submit the following showing compliance with Tenn. Sup. Ct. R. 9, § 28, regarding notice to clients, adverse parties, and other counsel:

☐ I have notified or caused to be notified by registered or certified mail, with return receipt requested, all clients I represented in a pending matter, all co-counsel in pending matters, and all opposing counsel in pending matters or adverse parties. I have attached to this affidavit proof of service on all parties requiring notice pursuant to Tenn. Sup. Ct. R. 9, § 28.

☐ At the time of my suspension and at all times since the suspension, I had no clients, co-counsel, opposing counsel or adverse parties requiring notification of the suspension pursuant to Tenn. Sup. Ct. R. 9, § 28.

I, _____ , being first duly sworn, make oath and state that the information provided in this Affidavit is true to the best of my information, knowledge, and belief.

Attorney's signature above – printed name and BPR# below
, BPR #

Sworn to and subscribed before me on this the ____ day of _____ , 20____.

Notary Public

My commission expires:

Exhibit A
(Required)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: , BPR #_

EXHIBIT B TO PETITION FOR REINSTATEMENT AFFIDAVIT ESTABLISHING COMPLIANCE WITH PROFESSIONAL PRIVILEGE TAX OBLIGATIONS

Comes now the undersigned attorney, being first duly sworn, and states:

1. My law license was suspended by the Tennessee Supreme Court on _____ for failure to pay professional privilege tax pursuant to Tenn. Sup. Ct. R. 9, § 26, as required by Tenn. Code Ann. § 67-4-1701, et seq.
2. I have fully satisfied all outstanding obligations to the Tennessee Department of Revenue regarding the Professional Privilege Tax as evidenced by the ***Tax Clearance Letter*** issued by the Department of Revenue which is attached hereto.
3. I have paid the $100.00 delinquency fee assessed by the Board pursuant to Tenn. Sup. Ct. R. 9, § 26.4, and will pay the required reinstatement fee ($200.00) upon filing of this petition for reinstatement.
4. All other registration requirements owed to the Board of Professional Responsibility are complete as of the date of this filing.

Witness my hand and seal this the _____ day of_____, 20___.

BPR #

Signature

Address (Mailing Address Only)

City, State, Zip Code

Sworn to and subscribed before me on this the ____ day of _____ , 20___.

Notary Public

My Commission Expires:

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: , BPR #_

EXHIBIT C TO PETITION FOR REINSTATEMENT
AFFIDAVIT IN COMPLIANCE WITH
TENN. SUP. CT. R. 9, § 30.3(i)

Comes now the undersigned attorney, petitioner in the foregoing Petition for Reinstatement and states under penalty of perjury as follows:

Petitioner's law license was suspended by the Tennessee Supreme Court on _____ . Because the suspension was entered more than five years ago, I hereby submit that I have taken the following steps to remain competent and learned in the law (list any steps showing competence and attach supporting documentation reflecting continuing legal education courses attended).

I, _____ , being first duly sworn, make oath and state that the information provided in this Affidavit is true to the best of my information, knowledge, and belief.

(Attorney's signature above, printed name and BPR # below)
_____ , BPR #_____

Sworn to and subscribed before me on this the ____ day of _____ , 20___.

Notary Public

My commission expires:

Exhibit C
(Required if inactive or suspended more than five years)