

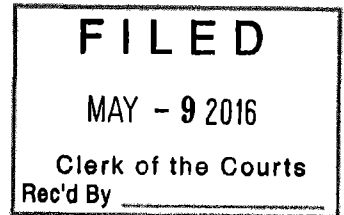
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT  
RULE 9, SECTION 22**

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**No. ADM2016-00202**

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**ORDER**

By Order filed February 1, 2016, the Court solicited public comments on a proposed amendment to Rule 9, section 22 of the Rules of the Tennessee Supreme Court to further clarify disciplinary measures when an attorney receives judicial diversion for a criminal offense. The Court has received and considered public comments, including comments from the Board of Professional Responsibility and the Tennessee Bar Association. After due consideration, the Court hereby adopts an amendment to Rule 9, section 22 of the Rules of the Tennessee Supreme Court, to add an additional subsection, subsection 22.7, as set out in the attached Appendix. This amendment shall take effect immediately upon the filing of this Order.

The Clerk shall provide a copy of this Order to the Tennessee Bar Association, LexisNexis, and Thompson Reuters. In addition, this Order shall be posted on the Court's website.

IT IS SO ORDERED.

PER CURIAM

## APPENDIX

### AMENDMENT TO TENN. SUP. CT. R. 9, § 22

[New text is indicated by underlining]

#### Section 22. Attorneys Convicted or Acknowledging Guilt of Crimes

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22.7. Judicial diversion pursuant to Tenn. Code Ann. § 40-35-313, including dismissal and discharge of the criminal proceedings and expungement from the official records pursuant to Tenn. Code Ann. § 40-35-313(b), shall not foreclose the initiation, investigation or prosecution of disciplinary action on the basis of the conduct constituting the diverted criminal offense(s). An attorney receiving judicial diversion shall not be subject to Immediate Summary Suspension pursuant to Section 22.3(a). The Board shall evaluate the facts and circumstances of each such case and proceed pursuant to Section 15 of this Rule.