

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

09/21/2022

Clerk of the
Appellate Courts

**IN RE: PETITION TO AMEND
TENNESSEE SUPREME COURT RULE 9 AND RULE 25**

No. ADM2022-00281

ORDER

On March 3, 2022, the Board of the Tennessee Lawyers' Fund for Client Protection ("TLFCP") petitioned this Court to amend Rules 9 and 25 of the Rules of the Tennessee Supreme Court: (1) to increase the annual attorney registration fee from \$170 to \$185; (2) to increase the portion TLFCP receives from the annual registration fee from \$10 to \$25; (3) to modify the limitations on payments that TLFCP may make by increasing the per-attorney cap and making the aggregate cap discretionary; and (4) to require TLFCP to publicize information about claims that are paid.

On March 11, 2022, this Court published TLFCP's petition for public comment and established June 10, 2022, as the deadline for submitting comments. Four public comments were filed on the proposed amendments.

Upon careful consideration of TLFCP's petition and the four public comments received, TLFCP's requests to amend Rule 9 to increase the annual registration fee and to increase the portion it receives from the annual registration fee are DENIED at this time. TLFCP's requests have, however, highlighted the need for a comprehensive review of the sufficiency of the annual registration fee and the allocation of funds generated by the annual registration fee. Such a review will be undertaken, and the Court will reconsider TLFCP's requests on its own motion at the conclusion of that review.

As to TLFCP's other requests, the petition is GRANTED. Additionally, to ensure consistency with amended Rule 25, section 6.01(c), the Court also hereby amends Tennessee Supreme Court Rule 9, section 28.11, concerning the method by which the Board of Professional Responsibility publishes notices of discipline. Accordingly, Tennessee Supreme Court Rules 9 and 25 are amended as set out in the Appendix to this Order.

The Clerk shall provide a copy of this Order and Appendix to Lexis Nexis and to

Thomson Reuters. In addition, this Order and Appendix shall be posted on the Tennessee Supreme Court's website. It is so ORDERED.

PER CURIAM

APPENDIX

AMENDMENTS TO TENNESSEE SUPREME COURT RULES 9 AND 25

[New text is indicated by underlining/Deleted text is indicated by ~~strikethrough~~]

RULE 9: DISCIPLINARY ENFORCEMENT

Section 28. Notice to Clients, Adverse Parties, and Other Counsel

28.11. Publication of Notice. The Board shall provide a notice of the disbarment, suspension, disability inactive status, temporary suspension or reinstatement to all State judges and to the Tennessee Bar Association, and shall cause the same to be published in ~~a newspaper of general circulation~~ online or print media in each county in which the respondent attorney maintained an office for the practice of law, if available, and ~~to be published~~ in such other ~~publications~~ manner as the Board may determine to be appropriate.

RULE 25: TENNESSEE LAWYERS' FUND FOR CLIENT PROTECTION

Section 6. Duties and Responsibilities of the Board.

6.01. The Board shall have the following duties and responsibilities:

- (a) To receive, evaluate, determine and pay approved claims;
- (b) To promulgate rules of procedure not inconsistent with these Rules and subject to prior approval by the Supreme Court of Tennessee;
- (c) To provide a full report at least annually to the Supreme Court of Tennessee and make other reports and publicize the activities to the public and the Bar by providing a notice of payment of the claim, including the nature of the claim, the amount of reimbursement and the name of the lawyer, to all State judges and to the Tennessee Bar Association, and by causing the same to be published in online or print media in each county in which the attorney maintained an office for the practice of law, if available, and in such other manner as the Board may determine to be appropriate.

* * * *

Section 13. Limitations on Amount of Reimbursements.

13.01. No payment shall exceed the sum of \$100,000 for loss sustained by any one claimant nor the aggregate sum of ~~\$250,000~~ \$400,000 with respect to losses caused by any one

lawyer or former lawyer, unless otherwise determined by the Board and approved by the Court. No payment shall exceed ~~\$250,000~~ \$400,000 per transaction regardless of the number of persons aggrieved or the amount of loss in such transaction unless otherwise determined by the Board and approved by the Court. No payment shall exceed ten percent of the assets of the Fund at the time it is made, ~~exclusive of funds received for Life Memberships~~ unless otherwise determined by the Board and approved by the Court. Where joint liability of wrongdoers exists, the Board has discretion to allocate payments as it deems appropriate within these limits. Payments may be in lump sum or installments as the Board may determine.

(End of Appendix)