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## TENNESSEE BOARD OF LAW EXAMINERS

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August 30, 2019

Hon. Mark Pody, Chair  
Hon. Justin Lafferty, Vice-Chair  
Judiciary and Government Subcommittee  
of the Joint Government Operations Committee  
Hon. Kerry Roberts, Chair  
Senate Government Operations Committee  
Hon. Martin Daniel, Chair  
House Government Operations Committee  
754 Cordell Hull Building  
Nashville, TN 37219

Dear Sirs:

Attached please find the responses of the Board of Law Examiners to the Sunset Hearing Questions and Addendum in preparation for the Sunset Public Hearing scheduled for September 18, 2019, at 9:00 a.m. If any questions arise or additional information is needed prior to the hearing, please contact the undersigned at your convenience.

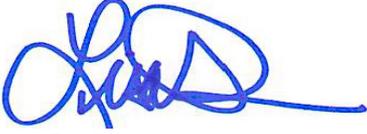
Kind regards,

A handwritten signature in blue ink, appearing to read "Lisa Perlen".

Lisa Perlen, Executive Director

cc: Justice Roger Page  
William L. Harbison

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa Perlen', with a long horizontal flourish extending to the right.

Lisa Perlen  
Executive Director

Sunset Public Hearing Questions for  
**Board of Law Examiners**  
Created by Section 23-1-101, *Tennessee Code Annotated*  
(Sunset Termination June 2020)

***Enabling Statute, Purpose, and Rules and Regulations***

**1. Provide a brief introduction to the board, including information about its purpose, statutory duties, staff, and administrative attachment.**

The regulation of admission to the practice of law dates to 1903 after the Tennessee Bar Association reported in 1900 that: “No state requires less, or is more lax in enforcing its requirements, than the state of Tennessee. A license to practice law, procured in Tennessee, imports nothing either as to the character of the holder or his professional requirements. The examinations for admission to the bar, as conducted in this State, are notoriously loose. It is generally accepted that almost any person can, in one way or another, get a license to practice law in the State of Tennessee.”<sup>1</sup> The Board of Law Examiners was established March 30, 1903,<sup>2</sup> in order to raise the standard of admission to the bar as part of the judicial branch of government. The original Board, comprised of three attorneys appointed by the Supreme Court, was charged with administering the rules of the Supreme Court regarding admission to the bar.

Through its inherent authority to regulate courts and the practice of law, the Supreme Court controls admission to the practice of law. The Court relies on the Board of Law Examiners to serve as investigator and gatekeeper by implementing the rules, facilitating the examination, conducting investigations into applicants, and monitoring law schools located in the state. The Board reports to the Court on these matters almost every month.

In addition to administering the bar examination twice a year, the Board of Law Examiners is responsible for determining whether an applicant is eligible for admission and if the applicant meets the character and fitness standard required of attorneys seeking admission. The Board deals extensively with personal and confidential information regarding the civil, criminal, financial, and behavioral health history of each applicant in making determinations of the applicant’s character and fitness to practice law so privacy and confidentiality are critical to the Board investigation and review process.

The Board of Law Examiners certifies to the Supreme Court recommendations regarding approval of all applicants who meet the requirements for admission:

- by examination administered in Tennessee,
- by transferred Uniform Bar Examination scores, and

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<sup>1</sup> Report of the committee on Legal Education and Admission to the Bar, 1900 *Tenn.B. Ass’n Proc. 11*. For a complete history on the evolution of the bar examination and licensing in Tennessee, please see Lewis Laska’s excellent article, “THE FAKE LAW SCHOOL How Today’s Written Tennessee Bar Exam Grew from Scandal and Disarray,” 53-OCT *Tenn. B. J.* 12.

<sup>2</sup> Chap. 247 [1903] *Tenn. Pub. Acts* 575.

- without examination based on practice pursuant to a license in another jurisdiction for 5 years of the 7 years preceding the application for admission (comity admission).

Charts are attached as Exhibit 1 with the number of filings per year in each of these categories.

The Board of Law Examiners approves registration applications for attorneys licensed and in good standing in another jurisdiction who are employed by organizations other than those engaged in the law business, who wish to serve as In-House Counsel or Foreign Legal Consultants. Additionally, the Board of Law Examiners is responsible for providing the Supreme Court recommendations after investigation regarding on-going approval of law schools located in Tennessee not accredited by the American Bar Association.

The administrative staff of the Board of Law Examiners consists of an Executive Director and four administrative analysts, as well as 12 attorneys, appointed by the Supreme Court for up to 2 successive five-year terms, who serve as Exam Assistants for grading the written components of the bar examination.

**2. Has the board promulgated rules and regulations? If yes, please cite the reference.**

Yes. The Tennessee Supreme Court promulgates the rules that govern the Board of Law Examiners. Tennessee Supreme Court Rule 7 is the licensing rule. The Board recommends policies and procedures to the Supreme Court for approval to add context to Rule 7, such as listing the component parts of an application. Included in Board Policies and Procedure is the Public Records Policy of the Board found at P-12.11 and Appendix B. Copies of Rule 7 and Board Policies and Procedure are attached as Exhibit 2 and are publicly available on the Board website.

*Board Organization*

**3. Provide a list of current members of the board. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.**

The Board of Law Examiners consists of five respected members of the Bench and Bar appointed by the Supreme Court to serve three year terms. Board members may serve up to three successive three year terms<sup>3</sup>. A Supreme Court Justice serves as Liaison to the Board. The current Board includes 1 member from the Western Division and 2 each from the Middle and Eastern Divisions of the state. A CV for each board member is attached as Exhibit 3.

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<sup>3</sup> Tenn. Sup. Ct. R. 7, Sec. 12.01.

Administrative office staff includes a full time Executive Director and four full time staff assistants.

Barbara M. Zoccola, *President*, Memphis, TN  
United States Attorney's Office  
*Currently serving second three-year term*  
*January 1, 2017 – December 31, 2019*

William L. (Bill) Harbison, *Vice President*, Nashville, TN  
Sherrard, Roe, Voight and Harbison, PLC  
*Currently serving third three-year term*  
*January 1, 2019 – December 31, 2021*

William M. (Muecke) Barker, *Secretary-Treasurer*, Signal Mountain, TN  
Former Tennessee Supreme Court Justice  
*Currently serving second three-year term*  
*January 1, 2018 – December 31, 2020*

Margaret L. Behm, Nashville, TN  
Dodson Parker Behm & Caparella, PC  
*Currently serving first three-year term*  
*January 1, 2017 – December 31, 2019*

Jeffrey M. Ward, Greeneville, TN  
Milligan & Coleman, PLLP  
*Currently serving second three-year term*  
*January 1, 2017 – December 31, 2019*

Justice Roger A. Page  
Supreme Court Liaison to the Board  
*Appointed: September 1, 2019*

**4. Are there any vacancies on the board? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.**

No, there are no vacancies on the Board of Law Examiners.

**5. How many times did the board meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the board did not have a quorum.**

The Board of Law Examiners met 10 times in Fiscal Year 2018 and 11 times in Fiscal Year 2019. A quorum of at least three members was present at all meetings. The chart below lists the number of members in attendance at each meeting for each fiscal year. In addition to scheduled meetings, the Board meets with the Tennessee Law School Deans every other year.

<b>Scheduled Meetings</b>	<b>FY 18</b>	<b>FY 19</b>
July	4	5
August	5	5
October	5	3
December	5	5
January	5	4
February	5	4
March	5	5
April	5	4
June	5	5
<b>Special Meetings</b>	<b>FY 18</b>	<b>FY 19</b>
October Special	5	n/a
May Special	n/a	5
June Hearings*	n/a	5

\*June hearings usually coincide with the June Board meeting but were separately scheduled in June 2019.

***Financial Information***

**6. What were the board’s revenues and expenditure for Fiscal Years 2018 and 2019? Does the board carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.**

Financial Statements for FY18 and FY 19 are attached as Exhibit 4. The Board of Law Examiners operates completely on fees generated by the applications received and no state-appropriated funds are allocated or used to fund its operations. The Board carries a fund balance, which at the end of FY 19 was projected to be \$552,549.23, with \$421,000 deposited in deferred revenue representing the July 2019 bar examination fees. Bar examination fees do not cover all of the costs associated with an application, such as costs for hearings and board travel to meetings. The fund balance, accrued entirely from fees charged by the Board, is used to cover any short-fall in bar examination, staff, and board expenses, as well as to maintain and upgrade technology on a regularly scheduled timetable. Additionally, as the fees for the July examination are restricted deferred revenue, the reserve is used to fund the expenses for the bar examination

each July that have to be prepaid or paid shortly after the examination but before the deferred revenue is available for expenditure.

**7. What per diem or travel reimbursements do board members receive? How much was paid to board members in Fiscal Years 2018 and 2019?**

The Board reimburses travel at the State of Tennessee approved mileage and per diem rates, as well as actual cost for accommodations for official travel. State government rate or lowest available rates are used to minimize lodging costs. In FY18, the Board members were reimbursed for travel expenses in the amount of \$6519; for FY19, the amount was \$4855.

**8. Please provide a list of fees collected and indicate whether these fees were established through rule or through state law.**

The Board of Law Examiners collects the following fees which are recommended by the Board and approved by the Supreme Court under Tenn. Sup. Ct. R. 7, Sec. 11.01:

Application by Exam – First Exam	\$ 575
Application by Exam – Re-Examination	\$ 375
UBE Score Transfer Application	\$ 625
Comity Application	\$1100
MJP/In-House Counsel/Foreign Legal Consultant	\$600
MJP – Late Registration Fee	\$ 200
MJP – Re-Instatement	\$ 375
Military Spouse 10.06 Application	\$ 375
Military Spouse Re-Registration	\$ 100
Re-Activate Exam Application	\$ 375
Copy Fee	\$ 20
Archive File Retrieval	\$ 40
Returned Check Fee	\$ 40
Tennessee Law Course	\$ 15
License Fee	\$ 150
Re-issue License	\$ 25

***Sunshine Law, Public Meetings, and Conflict of Interest Policies***

**9. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of meetings and making minutes available to the public?**

[Answer next page]

The Board of Law Examiners was established to aid the Supreme Court as an agency of the judicial branch. The Supreme Court has the exclusive right to issue licenses to practice and regulate the practice of law in Tennessee. Licenses are issued by the Supreme Court based on the recommendation of the Board of Law Examiners. The Board of Law Examiners does not make decisions on policy or administration affecting the conduct of the business of the people; rather, the Board makes recommendations to the Supreme Court regarding the eligibility, character and fitness of an applicant based on personal, confidential information. Rules are promulgated by the Supreme Court and include a confidentiality provision to promote candid disclosures from applicants to aid in the determination of an applicant's character and fitness. The confidentiality provisions also support members of the public who wish to report knowledge about an applicant that may affect the applicant's character and fitness.

**10. Does the board allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the board obtain feedback from the public and those they regulate?**

The Board of Law Examiners will consider any comments from applicants, lawyers, law school deans/professors, or members of the public who may write or petition the Board. The Board may invite the writer to appear at a meeting or, in the case of an applicant, set a hearing on a petition. The Board appreciates public comment and feedback but the Board's primary role is that of gatekeeping, not regulating.

The Board provides transparency and public information in the following ways:

- Release of names of applicants who were successful on the bar examination posted on the Board website and provided to bar associations and law schools;
- Statistical reports regarding pass rates posted on the Board website and provided to the Tennessee Bar Association, all 95 county bar associations, and the 6 Tennessee law schools;
- Press releases regarding release of grades and statistical reports with links to the posted information;
- Public comment periods as ordered by the Supreme Court on any proposed changes to Tennessee Supreme Court Rule 7 and notice of the comment period posted on the website and publicized through a press release;
- Regularly scheduled visits by the Executive Director to all six of the Tennessee law schools to meet with first-year and third-year law students; and
- Press releases and news articles on the Board website and published in *Board Notes* by the Board of Professional Responsibility regarding significant changes to the Rules after the public comment period and adoption by the Supreme Court.

Examples of the posted statistical reports have been provided as Exhibit 5 and examples of press releases and articles, as Exhibit 6.

**11. Does the board have policies to address potential conflict of interest by board members, employees, or other state employees who work with the board?**

No, the TBLE does not have a formal conflict of interest policy. However, any Board member who knows an applicant refrains from participating in any decisions or discussions regarding the applicant. The Executive Director notes the abstention in the minutes of the meeting or hearing. Additionally, if an employee knows an applicant, any contact with the applicant and applicant's documentation are restricted.

New Board members and staff are trained to announce a conflict as soon as the conflict arises. The conflict is announced and noted in the minutes of the Board meeting. The Board is in the process of recommending a formal policy on conflicts of interest to the Supreme Court for adoption.

**12. Does the board have a website? If so, please provide the web address. What kind of public information is available on the website?**

Yes, the Board has a website at [www.tnble.org](http://www.tnble.org). The website includes:

- application requirements for each type of admission;
- governing authorities including Rule 7 and Board Policies;
- exam information;
- the link to the online application system;
- the list of successful examination applicants posted the day grades are release, as well as the following statistical information:
  - Summary of Statistics, which includes the overall pass and fail rates, first-time and re-examination pass and fail rates, and average scores for each question;
  - Tennessee School Statistics, which breaks out the overall, first-time and re-exam pass rates for examinees from the law schools located in Tennessee; and
  - All School Statistics, which lists each school represented at the examination and the number of applicants from each school passing or failing the examination.
- links to all forms, and
- the General Information Manual for examinees with complete information about exam processes and policies.

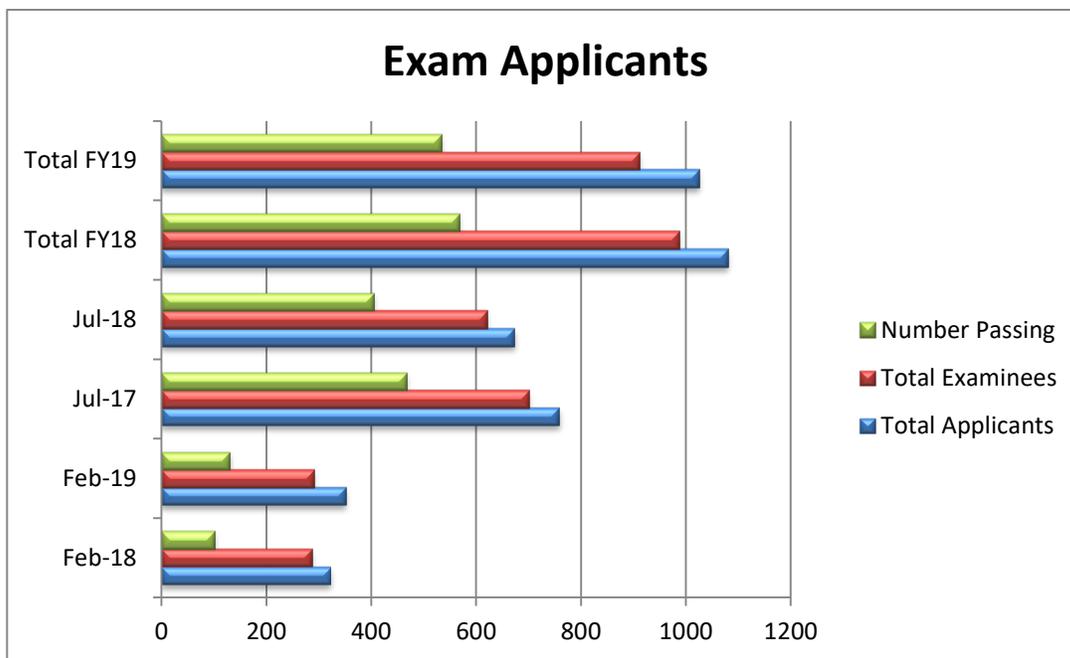
Copies of the statistical reports from the February 2019 examination and the General Information Manual are attached as Exhibit 5.

***Application and Licensure Process***

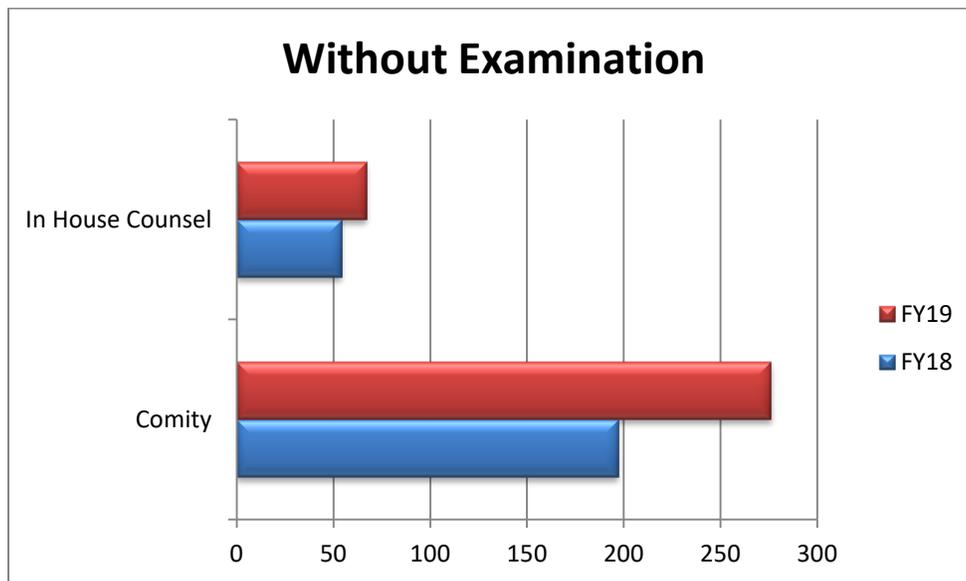
**13. How many applications for examination did the board receive during Fiscal Years 2018 and 2019? How many applicants took the examination? How many applicants passed the examination?**

[Answers next page]

Exam	Total Applicants	Total Examinees	Number Passing	Pass Rate	Pass Rate: First Time
17-Jul	758	701	467	67.68%	78.52%
18-Feb	322	286	100	35.59%	60.22%
<b>Total FY18</b>	1080	987	567		
18-Jul	673	620	404	65.27%	76.85%
19-Feb	352	290	130	46.37%	64.29%
<b>Total FY19</b>	1025	910	534		



Without Exam	Comity	In House Counsel
FY18	197	54
FY19	276	67



As noted above, charts on annual filing rates for all forms of admission are attached as Exhibit 1.

**14. How often and in what geographic locations are examinations held? Briefly describe the examination and how it is developed.**

The bar examination is held twice a year, in February and July. In February, the exam is conducted in Nashville. In July, the exam is held in Knoxville, Memphis and Nashville, as required by T.C.A. 23-1-103 and Tenn. Sup. Ct. R. 7, Sec. 4.03.

As noted above, the Board of Law Examiners was established, in part, to assist the Supreme Court in administering a uniform examination to applicants for admission to the bar of Tennessee. The bar examination consists of a written component and the Multistate Bar Examination, developed by the National Conference of Bar Examiners (“NCBE”). The written component of the July 2017 and February 2018 examinations, as well as the July 2018 examination, included one Multistate Performance Test question developed by the NCBE, and nine essay questions drafted locally by well-regarded and knowledgeable Tennessee attorneys appointed as Exam Assistants by the Supreme Court and employed by the Board. The questions and answer points were reviewed at a meeting of the Board members and Exam Assistants in

order to benefit from the vast knowledge and experience of the collective group of attorneys. Recommended revisions were made and the questions were finalized and approved by the Board. New topics were assigned and questions written for each examination.

The Supreme Court approved changes to Rule 7 after a public comment period adopting the Uniform Bar Examination (“UBE”), which to date has been adopted for use by 35 other U.S. jurisdictions. The UBE, first administered in Tennessee in February 2019, consists of 2 Multistate Performance Tests, the Multistate Essay Examination (6 essays which are answered based on generally accepted legal principles), and the Multistate Bar Examination. The NCBE appoints national committees of experts to draft questions for the written components and the multiple choice questions. All questions are pre-tested, including the questions for the written component, with highly-secure testing environments and processes. Pre-testing questions provides more effective questions for high-stakes examinations. Exam takers earn a portable score that can be used for admission in the other UBE jurisdictions.

With the adoption of the UBE, the Supreme Court added a requirement for eligibility: completion of the Tennessee Law Course<sup>4</sup>, a seven and one-half hour online course with instruction in law that is specific to Tennessee. Outlines on the topics included in the Tennessee Law Course are posted to the Board’s website and open to the public.

Prior to the UBE, the written component of the bar examination tested the following subjects:

1. Constitutional law (United States and Tennessee);
2. Criminal law (substantive and procedural);
3. Contracts;
4. Torts;
5. Property (real and personal);
6. Evidence;
7. Civil procedure (United States and Tennessee);
8. Business organizations (including agency, partnerships and corporations);
9. Commercial transactions (Articles 1, 2, and 9 of the Uniform Commercial Code);
10. Wills and estates;
11. Family law (husband and wife, parent and child, marriage and divorce, etc.);
12. Professional responsibility;
13. Restitution and remedies; and
14. Conflicts of law.

With the adoption of the UBE and the Tennessee Law Course, new attorneys in Tennessee now receive required instruction on the distinctions in **Tennessee jurisprudence** found in the following subjects:

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<sup>4</sup> More information on the Tennessee Law Course can be found in the response to Question 18, Item 1.

1. Administrative Law: Tennessee Claims Commission, Employment Law and Workers Compensation;
2. Business Associations;
3. Constitutional Law;
4. Criminal Law and Procedure;
5. Family Law: Divorce, Property, Alimony, Custody, and Juvenile matters;
6. Professional Responsibility;
7. Tennessee Rules of Civil Procedure, Evidence and Appellate Procedure;
8. Torts; and
9. Wills, Estates, Trusts and Probate.

All new attorneys in Tennessee, both those seeking admission on examination score and those seeking admission without examination, must complete the Tennessee Law Course to be eligible for admission. Areas of the law not previously tested but which are specific to Tennessee were added so that new lawyers in Tennessee have a better understanding of the Court structure and features of Tennessee law. *For more information the about adoption of the UBE and the Tennessee Law Course, please see the answer to Question 18 regarding major accomplishments.*

**15. How many individuals are currently licensed by the board? Please provide a list by category/type of license.**

Based on information provided by the Board of Professional Responsibility, the following chart reflects the number of attorneys licensed in Tennessee:

Attorney Classification	Number
Active in Good Standing	22644
Registered In-House Counsel	257
Inactive in Good Standing	5076
Military Exempt	84
Disability Inactive	196
Suspended, not in good standing	2658
Disbarred	273
License Revoked	1

**16. Describe the board’s process for determining whether applicants are “of such reputation and character as to be likely to contribute to upholding the high standards of the legal profession.” Is this determination made before applicants are approved to take the examination or after the have passed the examination? How many applicants were approved by the Supreme Court during Fiscal Years 2018 and 2019?**

All applicants for a license to practice law in Tennessee are required have a completed, confidential background investigation. The application for the investigation is filed with the application for admission and includes personal, confidential information regarding discipline, arrests and convictions, whether or not expunged, and behavioral health used by the Board in determining character and fitness. For applicants seeking admission by examination, the investigation is ongoing and remains open until such time as the applicant passes the bar examination.

Applicants who have never been licensed or who are licensed but not in good standing in another jurisdiction are required to participate in an in-person interview. The Board may refer applicants not otherwise required to appear for an interview to participate in an interview if there are questions raised in the investigation that require additional investigation prior to Board consideration. For exam applicants, the interview is after the examination. Interviewers complete a confidential report for the Board that includes notes and a recommendation from the interviewer as to the character and fitness of the applicant. In FY19, 685 applicants appeared for a confidential in-person interview.

For exam applicants, the completion of the determination of character and fitness is held until an applicant has achieved a passing score on the examination; for all other types of applicants, the determination is made upon completion of the investigation or interview, if required and whichever is last. The Board reviews the application, investigation, and interviewer notes if an interview was required, to reach a determination for each applicant.

The character and fitness standard is included in Tennessee Supreme Court Rule 7, Sec. 6.01(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.

Applicants who meet the character and fitness standard are certified to the Supreme Court for licensing.

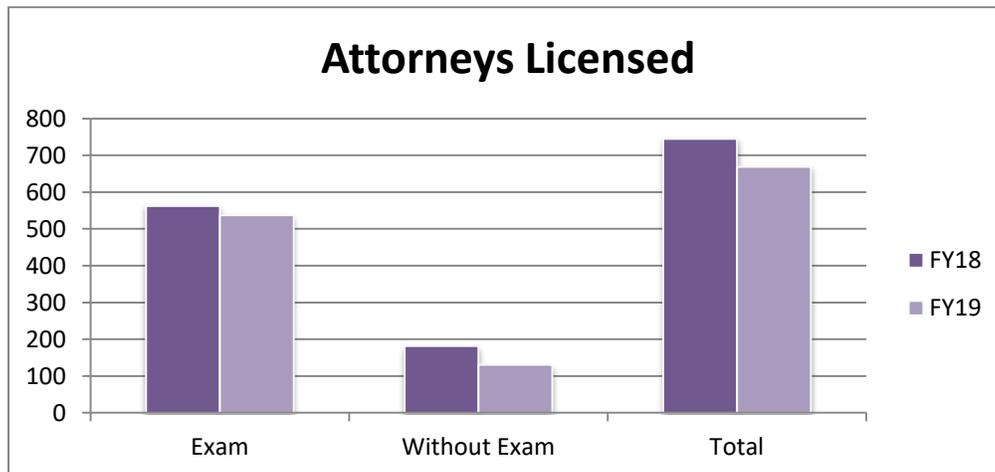
If the Board has questions about an applicant's honesty, respect for the rights of others, candor, or ability to adhere to the duties and standards of conduct required of attorneys, the Board will issue an order directing the applicant to appear at a hearing before the Board. The burden of proof is on the applicant to show that the applicant meets the character and fitness requirement. After the hearing, the Board determines if the applicant has met the burden of proof and satisfies

the character and fitness standard. If approved, the Board certifies the applicant to the Court for licensing.

Applicants who are denied admission on character and fitness grounds may submit a petition for writ of certiorari to the Supreme Court for review. Unless overturned by the Supreme Court, an applicant who is denied admission on character and fitness grounds may not reapply for admission for three years.

The following chart shows the number of attorneys approved and licensed by the Supreme Court on the recommendation of the Board:

Year	Exam	Without Exam	Total
FY18	563	182	745
FY19	538	131	669



***Reports, Major Accomplishments, and Proposed Legislative Changes***

**17. What reports does the board prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.**

The Board provides annual reports to the Tennessee Supreme Court, in addition to updates provided to the Supreme Court at each Board meeting, regarding the number of applications received by type as well as filing trends; copies are attached as Exhibit 1 and posted to the Board’s public website. Because of the confidential nature of the investigative material, the Supreme Court is provided with the Board’s recommendations but confidential personal information is not provided in the event an applicant petitions the Court for relief from the Board’s determination. Additionally, after each examination, general statistical information is prepared regarding pass rates; this information is posted to the Board’s public website,

distributed to law schools and bar associations, and a release is issued with links to the information. These reports are attached as Exhibit 5.

### **18. What were the board's major accomplishments during Fiscal Years 2018 and 2019?**

**1. UBE and Tennessee Law Course:** As noted in the answer to Question 14, Tennessee is now one of 35 states administering the Uniform Bar Examination. The Board and Supreme Court studied the effectiveness and feasibility of adopting the Uniform Bar Examination in Tennessee for a year. The Board recommended adoption of the UBE, citing:

- the UBE is a high quality and reliable examination that would result in an accurate measure of competency for lawyers;
- the law schools and applicants to the Tennessee bar were in favor of the UBE;
- the UBE produces a portable score that can be used for admission to other jurisdictions, an increasingly important factor for new lawyers who live in areas contiguous to other UBE jurisdictions and who move more frequently than previous generations of exam-takers; and
- the Board could move to the UBE quickly and efficiently.

The Supreme Court proposed amendments to Rule 7 that were posted for public comment for 135 days. Dozens of comments filed by Tennessee lawyers, law school professors and law students, as well as the Tennessee Bar Association, Knoxville Bar Association and Nashville School of Law, overwhelmingly favored of adoption of the UBE. Included in the original UBE proposal was the adoption of a post-admission mandatory course on Tennessee jurisprudence but the majority of the comments favored a pre-admission course. The UBE was adopted by order of the Supreme Court on April 18, 2018. At the same time, the Supreme Court appointed a committee to study the content and structure of a course on Tennessee law. The Tennessee Law Course Committee submitted a Report and Recommendation to the Supreme Court in July 2018, stating:

The Uniform Bar Examination is a highly reliable test but does not include law specific to the state in which it is administered. Applicants to the Tennessee bar need basic instruction in areas of Tennessee law that do not align with uniform codes or majority trends. A uniform course delivered to all applicants for a license in Tennessee ensures that Tennessee attorneys who are not examined on Tennessee-specific law nonetheless have been instructed in the distinctions found in Tennessee law.

The recommendations of the Tennessee Law Course Committee became the basis for revised amendments to Rule 7, calling for a mandatory pre-admission course that would be delivered online and educate all applicants approved for licensing on the distinctions in Tennessee law. The former Tennessee bar examination required education on Tennessee law for examination

applicants only; the Tennessee Law Course must be completed by attorneys approved for admission based on time in practice in another jurisdiction as well as those seeking admission on an examination score.

Proposed amendments for adoption of the Tennessee Law Course were posted for a new comment period of 26 days following the 135 day original comment period. Amendments proposing the Tennessee Law Course were adopted in October, 2018, making completion of the Tennessee Law Course a requirement for all applicants approved for admission beginning in 2019.

Members of the Board and the Tennessee Law Course Committee, Exam Assistants, Tennessee law school deans and professors from each Tennessee law school worked diligently on the Tennessee Law Course, completing the outlines and scripts by the end of 2018. Materials were independently reviewed and finalized prior to videotaping of the course, which began in March. The Tennessee Law Course launched and outlines were published and publicly posted on April 18, 2019. The result is an outstanding 7 ½ hour course on Tennessee jurisprudence delivered by experts in an easy-to-use online system and at the very low cost of \$15. To date, 273 applicants who completed the February bar examination, or have been approved for admission by transferred UBE score or without examination have completed the Tennessee Law Course. Applicants who have not been approved for admission must re-take the Tennessee Law Course after 2 years.

2. Online Payments: The Board continues to work diligently with the Supreme Court to modernize the bar examination and admission processes in Tennessee. The application process has been an online, paperless process since 2013, which is important for the demographic that utilizes the system. Effective January 2, 2019, the Board began accepting online payments. Applications for the July 2019 examination opened on March 1 and closed May 20; 96% of applicants chose to pay online. Today's applicants use electronic payments for most purchases and do not have checks. Online payments reduced the number of steps in the application process for applicants and saves them time and money because they don't have to purchase a money order or cashier's check. Additionally, online payments have reduced the amount of time spent by staff completing the deposit for hundreds of checks received each day during the week of the application deadline and streamlined the posting of payments to applications by making the process electronic rather than manual.

3. Amendments to Rule 7: With the adoption of the UBE, the structure of Rule 7 moved from admission with or without exam to admission by exam score and admission based on time in practice. The Board recommended changes to the Supreme Court and the recommendations were posted for public comment. One of the most impactful changes was the revision of the rule provision related to law student practice. Since the adoption of a law student practice rule which permitted limited, supervised practice by a law student in a law school clinical setting, the types and extent of experiential learning for law students has evolved to include in-school legal clinics,

internships and externships, all of which provide access to justice for rural and underserved communities. Working with the Experiential Learning Coordinators at the Tennessee law schools, the Board proposed changes to the law student practice provisions that permit a broad range of supervised practice to persons or entities financially unable to afford counsel. Experiential learning is an education tool that provides hands-on legal experience and supports “practice readiness” for law school graduates.

**19. Please describe any items related to the board that require legislative attention and your proposed legislative changes.**

The Board of Law Examiners does not have any items requiring legislative attention.

**20. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of the citizens of Tennessee?**

The ability to practice law requires good character, fitness, trustworthiness and specialized legal education, as well as the level of knowledge and analytical skills sufficient to pass an examination, much like other professions such as the medical profession. The Supreme Court, acting on the recommendation of the Board, protects the public welfare by ensuring that lawyers licensed and practicing in Tennessee meet a threshold of knowledge, ability, character and fitness before admission to the bar. Failure to require standards for bar admission would subject the public to harm through ineptitude and malfeasance and the Board of Law Examiners, acting at the direction of the Supreme Court, ensures the high standards of the Tennessee bar.

**List of Exhibits**

Exhibit 1: Charts of Annual Filing Rates

Exhibit 2: Tennessee Supreme Court Rule 7 and Board Policies and Procedures

Exhibit 3: CVs for Board Members

Exhibit 4: Financial Reports for FY18 and FY19

Exhibit 5: Statistical Reports and General Information Manual from the February 2019 Bar Examination

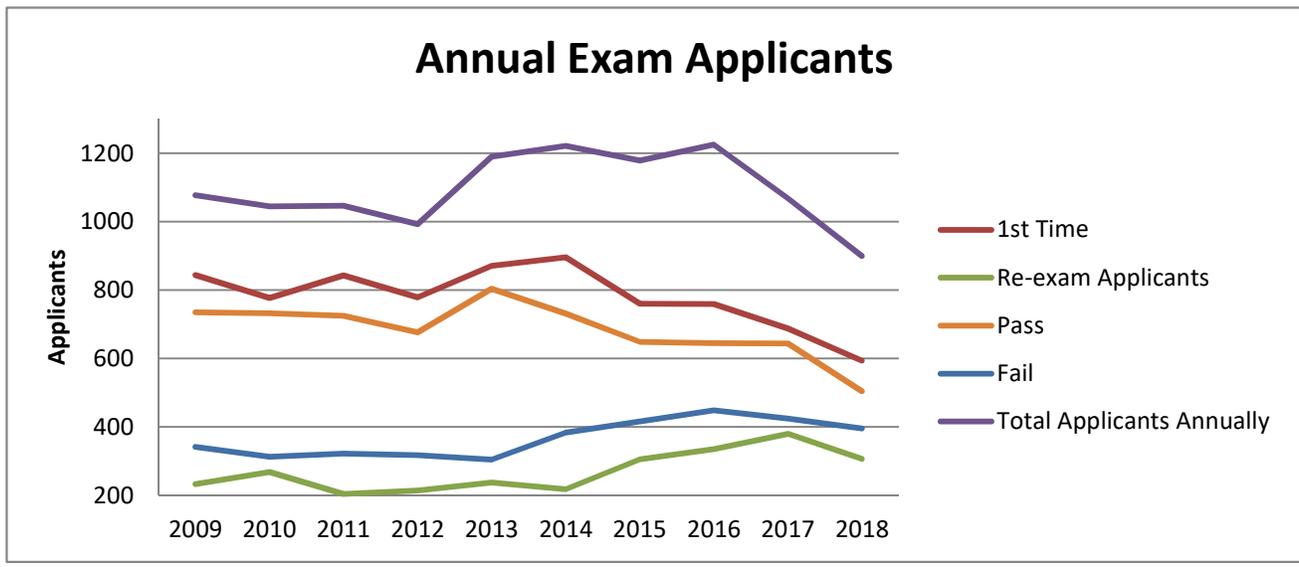
Exhibit 6: Press Releases and Article for *Board Notes* regarding adoption of the Uniform Bar Examination

Annual Exam Applicants						
Year	1st Time	Re-Exam	Pass	Fail	Total Applicants Annually	Annual/ Blended Pass Rate
2009	844	233	735	342	1077	68.24%
2010	777	268	732	313	1045	70.04%
2011	843	204	725	322	1047	69.25%
2012	779	214	676	317	993	68.08%
2013	871	237	804	304	1190	72.56%
2014	896	218	731	383	1222	65.62%
2015	760	305	649	416	1179	60.94%
2016	759	335	645	449	1225	58.96%
2017	688	380	644	424	1068	60.30%
2018	594	306	504	396	900	56.00%
2019	98	191	134	155	289	46.37%

NOTES: This chart reflects number of applicants who sat for the exam and the total number of exam-takers who passed or failed.

The numbers for 2019 include only the February numbers as the July exam will not be administered until after this report is completed. For July 2019, there are presently 726 examinees, which is an increase. The last day to withdraw with refund has passed.

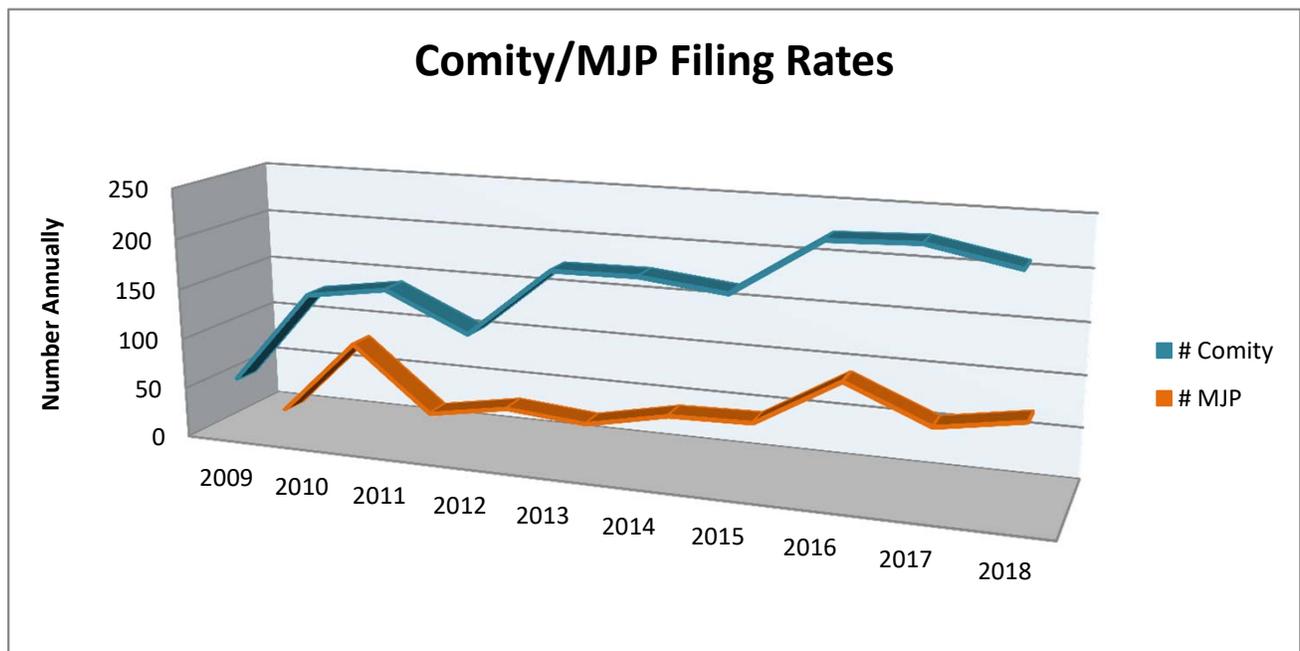
Jul-13 First exam for LMU - DSOL graduates  
 Jul-14 First exam for Belmont graduates



COMITY/MJP FILING RATES per year	# Comity	# MJP
2009	57	n/a
2010	149	79
2011	161	14
2012	125	28
2013	192	21
2014	193	38
2015	184	40
2016	238	89
2017	241	54
2018	225	68
2019	127	31

filings to date

\* MJP adopted in 2010 with Amnesty for first 6 months and second amnesty in 2016



# TENNESSEE BOARD OF LAW EXAMINERS

## *Tennessee Supreme Court Rule 7*

### Table of Contents

PREFACE .....	1
ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE.....	1
Sec. 1.01. Prerequisites to Engaging in Practice of Law or Law Business. ....	1
Sec. 1.02. License; Certificate of Eligibility Required. ....	1
Sec. 1.03. Criteria for Issuance of the Certificate of Eligibility. ....	2
Sec. 1.04. Waiver of Examination.....	2
Sec. 1.05. Status of Persons Admitted. ....	2
Sec. 1.06. Existing Licenses. ....	2
Sec. 1.07. Tennessee Law Course. ....	3
ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION .....	4
Sec. 2.01. Bachelor's Degree. ....	4
Sec. 2.02. Legal Education Degree Requirements.....	4
ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE .....	6
Sec. 3.01. Application for Admission by Examination. ....	6
Sec. 3.02. Obligation to Amend.....	6
Sec. 3.03. Date for Filing Application for Examination or Reexamination.....	6
Sec. 3.04. Expiration of Application for Admission on Exam Score. ....	7
Sec. 3.05. Admission by Transferred Uniform Bar Examination Score.....	7
Sec. 3.06. [Reserved.] .....	8
Sec. 3.07. Additional Information.....	8
Sec. 3.08. [Reserved.] .....	9
Sec. 3.09. [Reserved.] .....	9
Sec. 3.10. No Discretion to Waive Filing Dates.....	9
Sec. 3.11. Applicants Requiring Non-Standard Testing Accommodations.....	9
ARTICLE IV. THE EXAMINATION.....	10

Sec. 4.01. The Purpose of the Examination.....	10
Sec. 4.02. The Structure of the Examination. ....	10
Sec. 4.03. The Dates and Places of Giving the Examination. ....	10
Sec. 4.04. The Scope of the Examination.....	10
Sec. 4.05. Re-examination. ....	10
Sec. 4.06. Effect of Taking Examination on Eligibility for Admission.....	10
Sec. 4.07. Grading the Examination and Score Expiration. ....	10
ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION .....	12
Sec. 5.01. Minimum Requirements for Admission Without Examination of Persons Admitted in Other Jurisdictions. ....	12
Sec. 5.02. Additional Considerations.....	13
Sec. 5.03. Expiration of Application for Admission Without Examination. ....	14
ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION .....	15
Sec. 6.01. Applicable Standard. ....	15
Sec. 6.02. Investigatory Committees. ....	15
Sec. 6.03. Investigating Procedures.....	15
Sec. 6.04. Duty of Candor and Failure or Refusal to Furnish Information. ....	16
Sec. 6.05. False Information. ....	16
Sec. 6.06. Certificate of Good Moral Character.....	17
ARTICLE VII. FOREIGN-EDUCATED APPLICANTS .....	18
Sec. 7.01. Eligibility to Take Examination. ....	18
Sec. 7.02. Additional Information from Applicants Licensed in a Foreign Country. ..	18
ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE	20
Sec. 8.01. Evidence of Commitment to Administration of Justice. ....	20
Sec. 8.02. [Reserved.] .....	20
Sec. 8.03. [Reserved.] .....	20
ARTICLE IX. ISSUANCE OF LICENSE—EFFECTIVE DATE OF ADMISSION .....	21
Sec. 9.01. Certificate of Board. ....	21
Sec. 9.02. Issuance of License. ....	21
Sec. 9.03. Effective Date of Admission.....	21
Sec. 9.04. Duty of Applicant to Inform Board of Subsequent Events.....	21

Sec. 9.05. Disapproval by the Supreme Court.....	21
Sec. 9.06. Replacement License.....	21
Sec. 9.07. Denial of License. ....	22
ARTICLE X. SPECIAL OR LIMITED PRACTICE.....	23
Sec. 10.01. Registration of In-house Counsel.....	23
Sec. 10.02. Approval of Experiential Learning Programs and Attorneys in Experiential Learning and Related Law School Programs.....	25
Sec. 10.03. Law Student Practice.....	27
Sec. 10.04. Practice before Admission by Examination Score.....	30
Sec. 10.05. Conditional Admission. ....	33
Sec. 10.06. Temporary License of Spouse of a Military Servicemember. ....	35
Sec. 10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.....	38
ARTICLE XI. FEES .....	40
Sec. 11.01. Schedule of Fees. ....	40
Sec. 11.02. Payment Mandatory.....	40
Sec. 11.03. Refunds. ....	40
ARTICLE XII. ORGANIZATION AND POWERS OF BOARD.....	41
Sec. 12.01. Composition of Board and Term.....	41
Sec. 12.02. Officers and Allocation of Responsibilities. ....	41
Sec. 12.03. Official Seal. ....	41
Sec. 12.04. Formal Actions; Quorum.....	41
Sec. 12.05. Policy and Procedure of the Board.....	41
Sec. 12.06. Docket of Proceedings.....	41
Sec. 12.07. Appointment and Duties of Executive Director.....	41
Sec. 12.08. Administrative Assistance.....	42
Sec. 12.09. Assistants to the Board.....	42
Sec. 12.10. Salaries. ....	42
Sec. 12.11. Confidentiality of Board Records and Files.....	42
Sec. 12.12. No Power to Waive or Modify Rule of the Supreme Court.....	43
Sec. 12.13. Subpoena Power.....	43
Sec. 12.14. Counsel for Board.....	43

Sec. 12.15. Immunity. ....	43
ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD .....	44
Sec. 13.01. Show Cause Orders.....	44
Sec. 13.02. Petitions to Board.....	44
Sec. 13.03. Hearings Before the Board.....	45
Sec. 13.04. Default. ....	46
Sec. 13.05. Costs.....	46
Sec. 13.06. Decisions of Board.....	46
Sec. 13.07. Informal Disposition. ....	46
Sec. 13.08. Motions and Other Matters Preliminary to Hearing.....	46
ARTICLE XIV. REVIEW OF BOARD DECISIONS .....	47
Sec. 14.01. Petition for Review.....	47
Sec. 14.02. Costs.....	47
Sec. 14.03. Exhaustion of Board Remedies.....	47
Sec. 14.04. No Review of Failure to Pass Bar Examination.....	47
ARTICLE XV. SURRENDER OF LAW LICENSE.....	48
Sec. 15.01. Surrender of Law License. ....	48
Sec. 15.02. Supreme Court Decision.....	48
Sec. 15.03. Effect of Order Accepting Surrender of License.....	48
ARTICLE XVI. REINSTATEMENT OF LAW LICENSE .....	49
Sec. 16.01. ....	49
Sec. 16.02. ....	49
Sec. 16.03. ....	49
ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS.....	50
Sec. 17.01. Tennessee Law Schools. ....	50
17.02 Functions of the Board in Review and Regulation of Tennessee-Approved Law Schools.....	51
Sec. 17.03. Site Evaluation of Tennessee-Approved Law Schools.....	52
Sec. 17.04. Action Concerning Apparent Noncompliance with Standards or Deficiencies in Mission. ....	54
Sec. 17.05. Fact Finder.....	54
Sec. 17.06. Hearing on Show Cause Order. ....	55

Sec. 17.07. Confidentiality of Approval and Evaluation Procedures..... 56

Sec. 17.08. Supreme Court Consideration of Board Recommendation for Imposition  
of Sanctions..... 56

Sec. 17.09. Maximum Period for Compliance with Remedial or Probationary  
Requirements..... 57

Sec. 17.10. Conflicts of Interest..... 57

## **Rule 7. Licensing of Attorneys.**

### **PREFACE**

The Board of Law Examiners for the State of Tennessee (the “Board”) is created as a part of the judicial branch of government by the Supreme Court of Tennessee under its inherent authority to regulate courts. The Supreme Court appoints the members of the Board and has general supervisory authority over the Board’s actions. The Supreme Court controls admission to the practice of law and acts on the basis of the Board’s Certificate of Eligibility.

### **ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE**

#### **Sec. 1.01. Prerequisites to Engaging in Practice of Law or Law Business.**

No person shall engage in the “practice of law” or the “law business” in Tennessee as defined in Tenn. Code Ann. § 23-3-101 and Tenn. Sup. Ct. R. 9, § 10.3(e), except under the authority of the Supreme Court, unless the person:

- (a) has been:
  - (1) admitted to the bar of the Supreme Court in accordance with Tenn. Sup. Ct. R. 6; and
  - (2) issued a license by the Supreme Court in accordance with this Rule and after having been administered the oath in accordance with Tenn. Sup. Ct. R. 6 as set forth in this Rule; or
- (b) has been granted permission to engage in special or limited practice under sections 10.01, 10.02, 10.03, 10.04, 10.06, or 10.07 of this Rule; or
- (c) is practicing in compliance with Tenn. Sup. Ct. R. 8, RPC 5.5(c), Tenn. Sup. Ct. R. 8, RPC 5.5(d), or Tenn. Sup. Ct. R. 19 (pro hac vice).

#### **Sec. 1.02. License; Certificate of Eligibility Required.**

The Supreme Court shall grant a license evidencing admission to the bar of Tennessee only upon presentation of a Certificate of Eligibility issued by the Board under section 9.01 of this Rule. The applicant shall comply with Tenn. Sup. Ct. R. 6 and obtain the license on or before the first of the following to occur:

- (a) expiration of bar examination or transferred Uniform Bar Examination (“UBE”) scores as provided in sections 3.05(b) and 4.07(c); or
- (b) two years from:
  - (1) the date of the notice that the applicant successfully passed the bar examination; or
  - (2) the date of the notice of the Board’s approval of the application for admission under section 3.05, section 5.01, or section 10.06 of this Rule.
- (c) All background investigations are invalid upon expiration of the two-year period under section 6.03. If the investigation expires after issuance of the Certificate of Eligibility but before licensing and expiration of scores, the applicant must request a supplemental background investigation as provided in section 6.03(b).

### **Sec. 1.03. Criteria for Issuance of the Certificate of Eligibility.**

The Board shall issue a Certificate of Eligibility under section 9.01 of this Rule only after determining that the applicant:

- (a) is at least eighteen years old;
- (b) has satisfied the educational requirements for admission specified by this Rule;
- (c) has passed the examination or examinations required by this Rule, or is eligible for admission without examination in Tennessee as hereinafter provided in section 3.05, section 5.01, or section 10.06;
- (d) has achieved a passing score on the Multistate Professional Responsibility Examination as provided in section 4.07(d);
- (e) has demonstrated the reputation and character that in the opinion of the Board indicates no reasonable basis for substantial doubts that the applicant will adhere to the standards of conduct required of attorneys in this State;
- (f) has certified that he or she has read and is familiar with the Tennessee Rules of Professional Conduct;
- (g) has completed the Tennessee Law Course as provided in section 1.07;
- (h) has paid all fees for licensing and admission to this Board, the Clerk of the Supreme Court, and the Board of Professional Responsibility; and
- (i) has evidenced a commitment to serve the administration of justice in this State.

### **Sec. 1.04. Waiver of Examination.**

The requirement to pass the Tennessee bar examination or provide a passing UBE score may be waived for an applicant who has been admitted to practice in another state in the United States, the District of Columbia, or a U.S. Territory, provided that the applicant satisfies all requirements for admission without examination as specified in this Rule.

### **Sec. 1.05. Status of Persons Admitted.**

All persons admitted to the bar of Tennessee are by virtue of such admission: (a) officers of the courts of Tennessee, eligible for admission to practice in any state court in Tennessee, and entitled to engage in the “practice of law” or the “law business” as defined in section 1.01 of this Rule; and (b) subject to the duties and standards imposed from time to time on attorneys in this State.

### **Sec. 1.06. Existing Licenses.**

Nothing in this Rule shall be construed as requiring the relicensing of persons holding valid licenses to practice in Tennessee as of the date of the adoption of this Rule.

### **Sec. 1.07. Tennessee Law Course.**

The Tennessee Law Course is intended to provide instruction in specific areas of Tennessee law not addressed by the Uniform Bar Exam.

(a) The following applicants to the bar of Tennessee must successfully complete the Tennessee law course before an applicant is eligible for admission to the Tennessee bar:

- (1) Section 3.01, Admission by Examination,
- (2) Section 3.05, Admission by Transferred Uniform Bar Examination Score,
- (3) Section 5.01, Admission Without Examination, or
- (4) Section 10.06, Temporary License of Spouse of Military Service member.

(b) The Supreme Court shall determine the content of the Tennessee Law Course.

(c) The Board shall administer the Tennessee Law Course.

(d) The fee for the Tennessee Law Course shall be included in the Schedule of Fees promulgated by the Board of Law Examiners under section 11.01 of this Rule. The fee is in addition to fees charged for the application for admission to practice law. Applicants must pay the fee to the Board before receiving access to the Tennessee Law Course.

(e) The Tennessee Law Course shall be a digital-exclusive course that shall be reasonably accessible to applicants. The applicant shall ensure the adequacy of the applicant's hardware, software, and internet connection.

(f) The Board shall provide applicants with instructions regarding access to the Tennessee Law Course as follows:

- (1) Applicants seeking admission under section 3.01 (by examination) shall receive instructions upon completion of the bar examination.
- (2) Applicants seeking admission under section 3.05 (transferred UBE score), section 5.01 (without examination) or section 10.06 (spouse of military servicemember) will receive instructions upon approval of their application by the Board.

(g) The Tennessee Law Course must be successfully completed within one year of the date that the applicant completes all other requirements to be eligible for a Tennessee law license. Any applicant who successfully completes the Tennessee Law Course but does not complete all other requirements for eligibility to obtain a law license within such one year period must repeat the Tennessee Law Course before admission.

(h) The Tennessee Law Course is not continuing legal education. No fee under Rule 21, section 8.02 shall be imposed on the Board or any applicant.

(i) No person holding a valid Tennessee license as of the effective date of this Rule shall be required to take the Tennessee Law Course.

## **ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION**

### **Sec. 2.01. Bachelor's Degree.**

(a) Any applicant seeking admission must have received a Bachelor's Degree or higher from a college on the approved list of the Southern Association of Colleges and Secondary Schools, or the equivalent regional accrediting association, or any accreditation agency imposing at least substantially equivalent standards before taking his or her first bar examination. As part of the application for admission, an applicant shall provide evidence of the degree in the form required by the Board.

(b) To be eligible to take the exam, an applicant shall provide evidence of the degree, earned before the examination, in the form required by the Board.

(c) The Board in its discretion may waive the requirement of a degree from an accredited undergraduate school if the applicant has graduated with a Juris Doctor Degree ("J.D. Degree") from either: (1) a law school accredited by the American Bar Association (hereafter "ABA") or (2) a Tennessee law school approved by the Board pursuant to section 17.01 of this Rule, and the applicant submits a request for waiver and provides the Board satisfactory evidence that his or her undergraduate education is substantially equivalent to an undergraduate degree awarded by a regional accrediting association.

### **Sec. 2.02. Legal Education Degree Requirements.**

(a) Any applicant seeking admission must have completed a course of instruction in and graduated with a J.D. Degree from a law school accredited by the ABA at the time of applicant's graduation, or a Tennessee law school approved by the Board pursuant to section 17.01 of this Rule at the time of the applicant's graduation.

(b) To be eligible to take the examination, an applicant must cause to be filed as part of the application a certificate from the dean or supervising authority of the school of law in which the applicant is enrolled or from which the applicant graduated, certifying that either the school is accredited by the ABA or the school is a Tennessee law school that has been approved by the Board under section 17.01 of this Rule and that:

(1) the applicant has completed all the requirements for graduation, or

(2) the applicant will have the number of credit hours required for graduation by the date of the bar examination.

(c) Any applicant seeking admission by transferred UBE score under section 3.05, without examination under section 5.01, or as the spouse of a military servicemember under section 10.06 shall provide evidence of the J.D. Degree in the form required by the Board.

(d) An attorney who received a legal education in the United States or a U.S. Territory but is ineligible for admission because the law school attended was not accredited by the ABA or was a Tennessee law school not approved by the Board may be considered for admission by examination or transferred UBE score provided the attorney satisfies the following educational, licensing, and practice requirements:

(1) The attorney holds a J.D. Degree, which is based on in-person attendance, from a law school approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee.

(A) The applicant shall bear the cost of the evaluation of his or her legal education, as determined and as required by the Board, and the applicant shall not be eligible to sit for the bar examination until the applicant's legal education is approved by the Board.

(B) In evaluating the education received the Board shall consider, but not be limited to, such factors as the similarity of the curriculum taken to that offered in law schools approved by the ABA and that the school at which the applicant's legal education was received has been examined and approved by other state bar associations examining the legal qualifications of non-ABA law school graduates; and

(2) The attorney has passed a bar examination equivalent to that required by Tennessee in the state in which the law school exists; and

(3) The attorney has been primarily engaged in the active practice of law, as defined in section 5.01(c) of this Rule, in one or more states or territories of the United States, or the District of Columbia, for three of the five years immediately preceding the date upon which the application is filed; and

(4) The attorney meets all other requirements contained in the Rules of the Supreme Court of Tennessee pertaining to Admission of Persons to Practice Law.

(e) No correspondence course will be accepted by the Board as any part of an applicant's legal education to meet the requirements of this Rule. Distance, on-line or other instruction that is not in person will be accepted as part of a curriculum only to the extent approved by the ABA for accredited law schools.

## **ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE**

### **Sec. 3.01. Application for Admission by Examination.**

(a) Any applicant submitting an application for admission by examination shall provide evidence in the form and following the process established by the Board that the applicant:

- (1) meets the educational requirements imposed under sections 2.01 and 2.02 of this Rule;
- (2) possesses the character and fitness to practice law in this jurisdiction;
- (3) is a member in good standing in all jurisdictions in which the applicant is admitted, if any;
- (4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction; and
- (5) has not engaged in the unauthorized practice of law in this or any other jurisdiction.

(b) An applicant for admission by examination shall:

- (1) file an application for admission by examination in the manner established by the Board and within the time limits prescribed by this Rule;
- (2) submit a certificate of admission from the highest court of each jurisdiction in which the applicant is admitted;
- (3) submit a certificate of good standing from each jurisdiction in which the applicant is admitted; and
- (4) pay the application fee as adopted pursuant to section 11.01 of this Rule.

### **Sec. 3.02. Obligation to Amend.**

Until an applicant is admitted to the Tennessee bar, or the application is denied by the Board or voluntarily withdrawn, the applicant is under a continuing obligation to update responses to any of the information requested in the application process. Whenever there is an addition or a change to the information previously provided to the Board, the applicant must amend his or her application by filing an amendment or supplemental application as prescribed by the Board. Applications that have been on file for two years or more must be supplemented every two years until such time as the Applicant is admitted, has been denied admission, or has withdrawn the application for admission.

### **Sec. 3.03. Date for Filing Application for Examination or Reexamination.**

The application process to take the examination shall begin on March 1 for the July examination and October 1 for the February examination and shall be completed no later than May 20 for taking the July examination and December 20 for taking the February examination. In order for the Board to have sufficient time to determine each applicant's eligibility to sit for the bar examination, all documentation required to be submitted to the Board to complete the application process, including submitting the documents required for the background investigation required in section 6.03(b) of this Rule, must be submitted on or before the deadline, and all fees must be paid in full on or before the deadline. Original documents that must be mailed to the Board must be received on or before the deadline. Applicants who have not completed the application process by the deadline are ineligible to sit for the examination. The

only recourse for failure to complete the application process is to reapply for the next examination. The Board shall list the items necessary for a complete application in the Board Policies and Procedures.

### **Sec. 3.04. Expiration of Application for Admission on Exam Score.**

(a) An application for admission by examination, re-examination, or transferred UBE score expires and closes upon the earlier of:

- (1) admission and issuance of a license;
- (2) withdrawal of the application by the applicant;
- (3) denial of a license under Section 9.05;
- (4) thirty days after the entry of the final order denying the application in whole or in part on the failure of the applicant to demonstrate good moral character, due respect for the law, or fitness to practice law, absent a petition under section 14.01 and then upon resolution of the petition by the Supreme Court;
- (5) thirty days after the entry of the final order denying a transferred UBE score for failure to meet eligibility requirements, absent a petition under section 14.01 and then upon resolution of the petition by the Supreme Court;
- (6) expiration of exam or UBE scores;
- (7) six months after the last communication from the Board, following completion of the background investigation, and which remains unanswered by the applicant for admission by transferred UBE score; or
- (8) three years after the last submitted application for examination or re-examination.

(b) To withdraw an application, applicant shall submit a notice of withdrawal of application and affirmatively state that the applicant is no longer seeking admission in Tennessee.

### **Sec. 3.05. Admission by Transferred Uniform Bar Examination Score.**

(a) Any applicant for admission who has taken the UBE in another jurisdiction may be admitted to the practice of law in this state by transferred UBE score, upon showing that the applicant:

- (1) has taken the entire UBE in a single administration in another jurisdiction and earned a total UBE scaled score equal to or greater than the score required to be achieved by Tennessee examination applicants and that such score has not expired as provided in section 4.07(c);
- (2) has requested transfer of the score from the jurisdiction where the score was achieved or from the National Conference of Bar Examiners directly to the Tennessee Board of Law Examiners;
- (3) meets the educational requirements pursuant to sections 2.01 and 2.02;
- (4) is a member in good standing in all jurisdictions in which applicant is currently admitted;
- (5) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (6) possesses the character and fitness to practice law in this jurisdiction; and

(7) has not engaged in the unauthorized practice of law in this or any other jurisdiction.

(b) An applicant who has achieved a UBE scaled score equal to or greater than the score required to be achieved by Tennessee examination applicants that has expired pursuant to section 4.07(c), but is not more than five years from the date grades were released in Tennessee for the exam administration for which the score was earned, may apply for admission on transferred UBE score provided the attorney is licensed in another jurisdiction in the United States and has been primarily engaged in the active practice of law, as defined in section 5.01(c) of this Rule, in one or more states or territories of the United States, or the District of Columbia, for three of the five years immediately preceding the date upon which the application is filed.

(c) An applicant for admission by transferred UBE score shall:

(1) file an application for admission on transferred UBE score, including character investigation information, in the manner established by the Board, including submission of all required documents in the appropriate format;

(2) submit a certificate of admission from the highest court of each jurisdiction to which the applicant has been admitted;

(3) submit a certificate of good standing from each jurisdiction to which the applicant has been admitted; and

(4) pay the application fee as adopted pursuant to section 11.01 of this Rule.

### **Sec. 3.06. [Reserved.]**

### **Sec. 3.07. Additional Information.**

(a) The Board or any individual member may request any applicant to furnish additional information:

(1) To supplement or explain answers to any question on the application;

(2) As to the applicant's character;

(3) As to the educational qualifications of the applicant, including information with respect to schools attended by the applicant;

(4) As to the experience of the applicant; and

(5) As to such other matters as may be considered germane to the provisions of this Rule.

(b) The Board or any individual member, as part of the character investigation of an applicant, may request an applicant to submit to a drug test. Failure or refusal to submit to the drug test shall be sufficient cause for the Board to refuse such applicant a license.

### **Sec. 3.08. [Reserved.]**

### **Sec. 3.09. [Reserved.]**

### **Sec. 3.10. No Discretion to Waive Filing Dates.**

Neither the Executive Director nor the Board shall have discretion to waive or extend the dates for filing applications to take the examination specified in section 3.03 of this Rule. An applicant aggrieved by an action of the Board denying an application under section 3.03 shall not be entitled to petition the Supreme Court for a review of said action.

### **Sec. 3.11. Applicants Requiring Non-Standard Testing Accommodations.**

The bar examination shall be administered to all eligible applicants in a manner that does not discriminate against applicants with non-standard testing needs. An applicant who is otherwise eligible to take the Tennessee bar examination may request a modification of the manner in which the examination is administered if such applicant is unable to take the examination under normal testing conditions. The Board shall adopt a policy regarding applicants requiring non-standard testing accommodations pursuant to section 12.05 of this Rule. An applicant requesting non-standard testing accommodations shall complete and submit the documents prescribed by the Board by the application deadline set forth in section 3.03 of this Rule, except when the disability first occurs after the filing deadline. Because the forms and procedures are detailed, requiring the applicant to attach statements from law school officials and treating professionals, any applicant requesting non-standard testing conditions is encouraged to request, complete, and submit the application for admission by examination and the necessary request for non-standard testing and related forms to the Board as early as possible to permit an evaluation of the request. To the extent practicable, any accommodations requested shall be consistent with the security and integrity of the examination. The Board may transmit the application for non-standard testing or refer the applicant to an appropriate professional selected by the Board for assessment and recommendations regarding the accommodation to grant. By submitting a request for non-standard testing, the applicant agrees to the release of the application to an appropriate professional and agrees to appear for assessment, if requested to do so by the Board.

## **ARTICLE IV. THE EXAMINATION**

### **Sec. 4.01. The Purpose of the Examination.**

The purpose of the examination is to enable applicants to demonstrate to the Board that they possess the knowledge, skills and abilities basic to competence in the profession.

### **Sec. 4.02. The Structure of the Examination.**

The Board shall test applicants by administering the UBE prepared by the National Conference of Bar Examiners which consists of six Multistate Essay Examination questions, two Multistate Performance Test questions, and the 200 multiple choice question Multistate Bar Examination. The Board may contract with the National Conference of Bar Examiners or others to provide test materials.

### **Sec. 4.03. The Dates and Places of Giving the Examination.**

The examination shall be given in February and July of each year at any one or more of the following places: Memphis, Nashville, Chattanooga and Knoxville, provided an examination is held at least once a year in each of the three grand divisions. The Court, in its discretion, may substitute another location in the same grand division for a city named in the preceding sentence.

### **Sec. 4.04. The Scope of the Examination.**

The examination may include, but not be limited to, the following subjects: Business Associations, Civil Procedure, Conflicts of Law, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Secured Transactions, Torts, and Trusts and Estates.

### **Sec. 4.05. Re-examination.**

An applicant who is unsuccessful on the examination may apply for re-examination by completing the application process under section 3.01 and paying the required fee. After the deadline for completion of the application process, the Board, in its discretion, will determine whether an applicant who has failed the bar examination will be permitted to take another examination.

### **Sec. 4.06. Effect of Taking Examination on Eligibility for Admission.**

The fact that an applicant is allowed to take the examination shall not preclude further inquiries, investigation or proceedings with respect to the other criteria for admission under this Rule.

### **Sec. 4.07. Grading the Examination and Score Expiration.**

- (a) The Board shall continue to maintain procedures which assure that the identity of each applicant in the grading process is not known to any person having responsibility for grading or determining whether the applicant passes or fails until the grades of all applicants have been finally determined.
- (b) The minimum bar examination score required for a successful examination will be adopted as a statement of policy and approved by the Supreme Court pursuant to section 12.05 of this Rule.
- (c) Bar examination scores earned in Tennessee, whether by means of the former Tennessee bar examination or the UBE, are valid to determine eligibility for licensing for three years after the date grades are released. The scores expire after three years. A UBE score transferred to Tennessee is valid for

three years from the date grades were released in Tennessee for the exam administration for which the score was earned unless the UBE score can be used for admission under section 3.05(b). A UBE score that was earned five or more years from the date grades were released in Tennessee for the exam administration for which the score was earned is not valid for admission to Tennessee.

(d) In order for an applicant by examination or transferred UBE score to be determined eligible for licensing pursuant to section 9.01, a score equal to or greater than that required by Tennessee on the Multistate Professional Responsibility Examination (“MPRE”) must be achieved within two years of successfully completing the Tennessee bar examination or earning a qualifying UBE score; provided, however, that an applicant who:

- (1) is licensed by examination in another state in the United States, the District of Columbia or a U.S. Territory;
- (2) provides certification that the license is active and in good standing; and
- (3) achieved a score equal to or greater than the score required by Tennessee on the MPRE two or more years before successful completion of the Tennessee bar examination

may provide proof of that earlier score to satisfy the MPRE requirement. It is the responsibility of the applicant to cause MPRE score reports to be furnished to the Board. The minimum MPRE score will be adopted as a statement of policy and approved by the Supreme Court pursuant to section 12.05 of this Rule.

## ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION

### Sec. 5.01. Minimum Requirements for Admission Without Examination of Persons Admitted in Other Jurisdictions.

(a) **Requirements.** An applicant who meets the requirements of (1) through (7) of this paragraph may be admitted to the practice of law in this jurisdiction without examination (comity). The applicant shall:

- (1) meet the educational requirements imposed under sections 2.01 and 2.02 of this Rule;
- (2) have been admitted by bar examination to practice law in one or more states or territories of the United States, or the District of Columbia;
- (3) have been primarily engaged in the active practice of law, as defined below, in one or more states or territories of the United States, or the District of Columbia, for five of the seven years immediately preceding the date upon which the application is filed;
- (4) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (5) establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (6) establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and
- (7) submit an application under paragraph (e) of this section before establishing an office or other systemic and continuous presence in this jurisdiction for the practice of law pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(b)(1).

(b) **Diploma Privilege.** An applicant who was admitted and licensed to practice in another state pursuant to a “diploma privilege,” which exempts an applicant from taking a bar examination, and who has not been admitted by examination or transferred UBE score in any other state in the United States, the District of Columbia, or a U.S. Territory in which the applicant is in good standing, may seek a waiver of subsection (a)(1) by filing a petition with the Board as provided in section 13.02, setting forth the reasons why the applicant should be admitted to practice law in Tennessee. The petition shall include information upon which the Board can assess the applicant’s reputation, character, knowledge, skills and abilities. The Board shall then conduct a hearing in response to the petition, according to the guidelines set forth in section 13.03 of this Rule. After considering the totality of the proof presented, the Board shall make a recommendation to the Supreme Court either for approval or denial of the petition or for such other action as the Board may deem appropriate. Any applicant whose petition for waiver of subsection (a)(1) is denied by the Board may file a petition for review in the Supreme Court pursuant to the procedures set forth in section 14.01.

(c) **Active Practice of Law.**

- (1) For the purposes of this Rule, in addition to the definitions of “Practice of Law” and “Law Business” in section 1.01 of this Rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice:

- (A) full-time private or public practice as a licensed attorney;
- (B) teaching law full-time at a law school approved by the ABA;
- (C) service as a judicial law clerk or staff attorney; and
- (D) service as a Judge, Attorney General, Public Defender, U.S. Attorney, District Attorney, duly registered In-House Counsel or Military Spouse.

(2) For the purposes of this Rule, in addition to the definitions of “Practice of Law” and “Law Business” in section 1.01 of this Rule, the “active practice of law” may be construed in the Board’s discretion as being actively engaged in other full-time employment requiring interpretation of law and application of legal knowledge if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice; however, in no event shall any activities that were performed pursuant to a provision similar to section 10.04 or section 10.07 of this Rule in advance of bar admission in a state or territory of the United States or the District of Columbia be accepted toward the durational requirement. The Board shall consider such evaluative criteria as time devoted to legal work, the nature of the work, whether legal training or a law license was a prerequisite of employment, and other similar matters.

(3) For work to meet the requirement of “active practice of law,” the lawyer must have been licensed, in active status and in good standing in at least one jurisdiction at the time the work was performed, unless the work was performed pursuant to paragraph (c)(1)(B).

(d) **Unauthorized Practice of Law.** For purposes of this Rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

(e) **Admission Without Examination Application and Fees.** Any applicant seeking admission without examination to the practice of law in Tennessee shall:

- (1) file an application for admission without examination, including character investigation information, in a manner established by the Board, including all required supporting documents;
- (2) submit a certificate of admission from the highest court of each jurisdiction to which applicant has been admitted;
- (3) Submit a certificate of good standing from each jurisdiction to which applicant has been admitted; and
- (4) pay the application fee as adopted under section 11.01 of this Rule.

(f) An applicant under this section who establishes an office or other systemic and continuous presence in this jurisdiction for the practice of law shall register for practice pending admission under section 10.07 unless the practice of law meets an exception under Tenn. Sup. Ct. R. 8, RPC 5.5.

**Sec. 5.02. Additional Considerations.** In determining whether an applicant satisfies the requirements of section 5.01 of this Rule, the Board shall consider any evidence submitted by the applicant in an effort to demonstrate that the applicant possesses the knowledge, skill and abilities basic to competence in the profession.

### **Sec. 5.03. Expiration of Application for Admission Without Examination.**

- (a) An application for admission without examination (comity) expires and closes upon the earlier of:
  - (1) admission and issuance of a license;
  - (2) withdrawal of the application by the applicant;
  - (3) denial of a license under Section 9.05;
  - (4) thirty days after the entry of an order denying the application in whole or in part for failure of the applicant to demonstrate good moral character, due respect for the law, or fitness to practice law, absent a petition under Section 14.01 and then upon resolution of the petition by the Supreme Court;
  - (5) thirty days after the entry of the final order denying the application for admission without examination (comity) for failure to meet eligibility requirements absent a petition under Section 14.01 and then upon resolution of the petition by the Supreme Court; or
  - (6) six months after the last communication from the Board, after completion of the background investigation, which remains unanswered by the applicant.
- (b) To withdraw an application, an applicant shall submit a notice of withdrawal of application and affirmatively state that the applicant is no longer seeking admission in Tennessee.

## **ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION**

### **Sec. 6.01. Applicable Standard.**

(a) An applicant shall not be admitted if the Board finds 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 Tennessee and the United States and concludes 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 investigatory committees within each disciplinary district established under Rule 9. Each committee shall consist of a sufficient number of members so that each member has a reasonable number of interviews each year. The Board will adopt a policy establishing the reasonable number of interviews per member as well as the number of members for each committee. 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 investigatory 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 years. Members may be reappointed to serve a second five-year term. Members of an investigatory 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 Supreme 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 Supreme Court in June listing the names of the members of each committee and the names of each 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 for admission with examination or without examination shall be referred first to a member of the Board for preliminary review for the purpose of:

- (1) detecting any deficiencies in the application; and
- (2) 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, other than an applicant pursuant to section 10.01 of this Rule, 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, for each applicant for admission by examination, re-examination, or transferred UBE score who is not licensed and in good standing in at least one other jurisdiction in the United States to the chair of the appropriate investigating committee. The Board may transmit the application and results of the background investigation, if available at the time of the interview, for any applicant who is licensed and in good standing in another jurisdiction in the United States. The chair shall assign applications to committee members for review, interview and investigation.

(d) The investigating committee member to whom the application has been assigned shall review the application and such other information as may be transmitted by the Executive Director and shall conduct such investigation as appears to be appropriate. 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 recommend fully, recommend with reservations or not recommend the applicant for licensing and admission.

#### **Sec. 6.04. Duty of Candor and Failure or Refusal to Furnish Information.**

(a) Each applicant for admission to the bar has a duty to be candid and to make full, careful and accurate responses and disclosures in all phases of the application and admission process. Each applicant must respond fully to all inquiries. It is not proper for an applicant to give either an incomplete or misleading description of past events reflecting on the applicant's qualifications for admission to the bar.

(b) The failure or refusal by any applicant to answer fully any question on the application or to furnish information or submit to examination as required by the application or pursuant to the provisions of this Rule shall be sufficient cause for the Board to refuse to allow such applicant to take the examination or to be admitted.

#### **Sec. 6.05. False Information.**

(a) The giving of false information or the making of false statements on the application or to the Board shall be sufficient cause for the Board to refuse to allow such applicant to take the examination or to be admitted.

(b) The Executive Director, the Board, or any individual member who has reason to believe that any person who has been admitted may have given false information or made false statements to the Board, may report the information to Disciplinary Counsel of the Board of Professional Responsibility.

## **Sec. 6.06. Certificate of Good Moral Character.**

(a) Recommendation of Character from Law School. Before permission is granted to take the bar examination or an applicant by transferred UBE score is approved for admission, an applicant seeking admission to practice law in Tennessee must:

- (1) execute an appropriate release form permitting school officials from each law school applicant attended to furnish information to the Board relevant to the character and fitness of the applicant; and
- (2) cause to be submitted to the Board a certificate from the dean or supervising authority of the law school from which the applicant graduated and from each law school applicant attended 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 regarding the character and fitness of the applicant.

(b) Applicants Licensed in Another Jurisdiction.

- (1) If an applicant seeking admission to the bar has been previously admitted to another jurisdiction, a certificate of good standing from the highest court of each jurisdiction to which applicant has been admitted must accompany the application to the Board.

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 jurisdiction to which applicant has been admitted. The Board shall not waive the requirement for a certificate of good standing for the highest court of each jurisdiction to which an applicant has been admitted for an applicant under section 10.01.

## **ARTICLE VII. FOREIGN-EDUCATED APPLICANTS**

### **Sec. 7.01. Eligibility to Take Examination.**

(a) An applicant who has completed a course of study in and graduated from a law school in a foreign jurisdiction, which law school was then recognized and approved by the competent accrediting agency of such jurisdiction, may qualify, in the discretion of the Board, to take the bar examination or for admission by transferred UBE score under section 3.05, provided that the applicant shall satisfy the Board that his or her undergraduate education and legal education were substantially equivalent to the requirements of sections 2.01 and 2.02 of this Rule. The applicant shall submit a comprehensive evaluation that includes a course-by-course evaluation, determination of equivalency, plus authentication of transcripts (“Foreign-Education Report”) from a Credential Evaluation Service that is a member of the National Association of Credential Evaluation Services to enable the Board to determine the applicant’s eligibility for such admission.

(b) In the alternative, an applicant who has completed a course of study in and graduated from a law school in a foreign jurisdiction, which law school was then recognized and approved by the competent accrediting agency of such jurisdiction, may qualify, in the discretion of the Board, to take the bar examination or for admission by transferred UBE score under section 3.05, provided that the applicant shall satisfy the Board that the applicant:

(1) has been awarded, by a law school fully accredited by the ABA or a Tennessee law school approved by the Board under section 17.01 of the Rule, an LL.M. Degree in the United States in a degree program that meets the following requirements:

(A) The degree program certifies to the Board, on such form prescribed by the Board, that the foreign-educated lawyer received his or her LL.M. degree from a law school that is accredited by the ABA or is a Tennessee law school approved by the Board under section 17.01 of this Rule;

(B) The degree program prepares students for admission to the Bar and for effective and responsible participation in the legal profession in the United States; and

(C) The courses for the LL.M. for the Practice of Law in the United States were taught in English and in the United States or its territories and the applicant attended the courses on site at the ABA-accredited or Tennessee approved law school. The LL.M. program may be full or part-time but, if part-time, the applicant must have completed the LL.M. program within thirty-six months: and

(2) has been admitted to practice in a foreign jurisdiction and is in good standing at the bar of the foreign jurisdiction, as evidenced by a certificate from the highest court or agency of such foreign jurisdiction having authority over admission to the practice of law, and has engaged in the active practice of law in the foreign jurisdiction, as defined in section 5.01(c) of this Rule, for at least five of the eight years before applying to take the Tennessee bar.

### **Sec. 7.02. Additional Information from Applicants Licensed in a Foreign Country.**

Any applicant licensed to practice in a foreign country desiring admission in Tennessee shall be required to pass the examination and shall supplement the application with the following documents:

- (a) a certified copy of the record or license of the court or agency which admitted the applicant to practice law in such country; and
- (b) at least three letters from attorneys or judges in such foreign country certifying that the applicant is in good standing at that bar, or was in good standing at that bar when the applicant left that foreign country.

## **ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE**

### **Sec. 8.01. Evidence of Commitment to Administration of Justice.**

The requisite commitment to serve the administration of justice in Tennessee subject to the duties and standards imposed on attorneys in this State shall be evidenced by a statement by each applicant for admission by examination, transferred UBE score, without examination, or temporary admission under section 10.06, that the applicant agrees to abide by the duties and standards imposed from time to time on attorneys in this State.

### **Sec. 8.02. [Reserved.]**

### **Sec. 8.03. [Reserved.]**

## **ARTICLE IX. ISSUANCE OF LICENSE—EFFECTIVE DATE OF ADMISSION**

### **Sec. 9.01. Certificate of Board.**

(a) Upon the completion of all requirements for licensing as provided in section 1.03, the Board, acting through the Executive Director, shall certify to the Supreme Court that an applicant is eligible for admission and issue to the applicant a “Certificate of Eligibility for Admission” (“Certificate of Eligibility”). The Board shall promptly notify the Clerk of the Supreme Court and the Board of Professional Responsibility of the issuance of the Certificate of Eligibility.

(b) The Certificate of Eligibility shall be valid for ninety days from the date of issuance. Subject to the time limit imposed by section 1.02 of this Rule, the Board may grant the applicant a reasonable, one-time extension of the time within which to complete the licensure process, including compliance with Tenn. Sup. Ct. R. 6, if the applicant shows to the satisfaction of the Board that he or she is unable to complete the process within the ninety-day period.

### **Sec. 9.02. Issuance of License.**

(a) On the basis of the Certificate of Eligibility, and upon the successful applicant’s compliance with Tenn. Sup. Ct. R. 6, the Supreme Court shall issue a license admitting the successful applicant to the bar of Tennessee. However, the Board may revoke the Certificate of Eligibility if at any time before the administering of the oath of admission the Board receives notice of any event that would have changed the Board’s decision to approve an applicant for licensing.

(b) The license shall be in such form as may be approved by the Supreme Court. Each such license shall be signed by the members of the Board and the members of the Court.

### **Sec. 9.03. Effective Date of Admission.**

An applicant shall not be considered admitted to the bar of Tennessee until issuance of a license by the Supreme Court upon compliance with Tenn. Sup. Ct. R. 6.

### **Sec. 9.04. Duty of Applicant to Inform Board of Subsequent Events.**

If at any time before the issuance of a license an applicant becomes aware of any fact or circumstance which might indicate that such applicant is not entitled to admission, the applicant shall promptly advise the Board of such fact or circumstance as provided in section 3.02.

### **Sec. 9.05. Disapproval by the Supreme Court.**

At any time before the issuance of a license to an applicant, the Supreme Court may for good cause disapprove the issuance of such license. On such disapproval, the Court shall enter an order stating the grounds for such disapproval and may refer the matter to the Board for such further action as the Court may deem appropriate.

### **Sec. 9.06. Replacement License.**

For good cause shown, the Board may recommend to the Supreme Court the issuance of a replacement license to any person who has previously been licensed to practice law in Tennessee.

### **Sec. 9.07. Denial of License.**

If the decision of the Board to deny an application is based, in whole or in part, on the failure of the applicant to demonstrate good moral character, due respect for the law, or fitness to practice law, the applicant may not reapply for admission within a period of three years after the issuance of the order denying the application.

## ARTICLE X. SPECIAL OR LIMITED PRACTICE

### Sec. 10.01. Registration of In-house Counsel.

(a) A lawyer who is admitted to the practice of law in another U.S. jurisdiction or is a foreign lawyer who is employed as a lawyer by an organization, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, and who has a systematic and continuous presence in this jurisdiction pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(d)(1), shall register as in-house counsel within 180 days of the commencement of employment as a lawyer by submitting to the Board the following:

- (1) A completed application in the form prescribed by the Board;
- (2) A fee in the amount set by the Board under section 11.01;
- (3) Documents proving admission to practice law and current good standing in all United States and foreign jurisdictions in which the lawyer is admitted to practice law. If the jurisdiction is foreign and the documents are not in English, the lawyer shall submit an English translation and satisfactory proof of the accuracy of the translation; and
- (4) An affidavit from an officer, director, or general counsel of the employing entity attesting to the lawyer's employment by the entity and the capacity in which the lawyer is so employed, and stating that the employment conforms to the requirements of this Rule.

For purposes of this Rule, a "foreign lawyer" is a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority. Upon recommendation of the Board, the Supreme Court may allow a foreign lawyer lawfully practicing as in-house counsel in a foreign jurisdiction who does not meet the above requirements to register as an in-house counsel after consideration of other criteria, including the lawyer's legal education, references, and experience.

(b) A registered lawyer under this section shall have the rights and privileges otherwise applicable to members of the bar of this State with the following restrictions:

- (1) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and for employees, officers and directors of such entities, but only on matters directly related to the registered lawyer's work for the entity and only to the extent consistent with Tenn. Sup. Ct. R. 8, RPC 1.7; and
- (2) The registered lawyer shall not:
  - (A) Except as otherwise permitted by the rules of this State, appear before a court or any other tribunal as defined in Tenn. Sup. Ct. R. 8, RPC 1.0(m);
  - (B) Offer or provide legal services or advice to any person other than as described in paragraph (b)(1), or hold himself or herself out as being authorized to practice law in this State other than as described in paragraph (b)(1); and

(C) If a foreign lawyer, provide advice on the law of this or another jurisdiction of the United States except upon the basis of advice from a lawyer who is duly licensed and authorized to provide such advice.

(c) Notwithstanding the provisions of paragraph (b)(2)(A) and (B), above, a registered lawyer under this section, other than a foreign lawyer, is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program or through such organization(s) specifically authorized in this jurisdiction.

(d) A registered lawyer under this section shall:

(1) Complete the registration process with the Board of Professional Responsibility within thirty days of approval of the application to register under this section;

(2) Pay all annual fees payable by active members of the bar;

(3) Fulfill the continuing legal education requirements that are required of active members of the bar; and

(4) Report to the Board, within thirty days, the following:

(A) Termination of the lawyer's employment;

(B) Whether or not public, any change in the lawyer's license status in another jurisdiction, including by the lawyer's resignation; and

(C) Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction.

(e) A lawyer who is registered or who is required to register under this section shall be subject to Tenn. Sup. Ct. R. 8 (Rules of Professional Conduct) and all other laws and rules governing lawyers admitted to the active practice of law in this State. The Board of Professional Responsibility has and shall retain jurisdiction over the lawyer who is registered or required to register with respect to the conduct of the lawyer in this or another jurisdiction to the same extent as it has over lawyers generally admitted in this State.

(f) A registered lawyer's rights and privileges under this section automatically terminate when:

(1) The lawyer's employment terminates;

(2) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency before which the lawyer is admitted;

(3) The lawyer fails to maintain active status in at least one jurisdiction; or

(4) The lawyer fails to comply with the requirements in paragraph (d)(1) - (4), above.

Upon the occurrence of one or more of the foregoing events, the registered lawyer shall give written notice within thirty days to the Board and to the Board of Professional Responsibility.

(g) A registered lawyer whose registration is terminated under paragraph (f)(1), above, may be reinstated within 180 days of termination upon submission to the Board of the following:

(1) An application for reinstatement in a form prescribed by the Board;

- (2) A reinstatement fee set by the Board pursuant to section 11.01; and
  - (3) An affidavit from the current employing entity as prescribed in paragraph (a)(4).
- (h) A lawyer under this Rule who fails to register within 180 days of commencement of employment shall be:
- (1) Permitted to register under this section as provided in paragraph (a), above but will be required to pay a late registration fee as provided in the fee schedule established under section 11.01;
  - (2) Subject to professional discipline in this jurisdiction;
  - (3) Ineligible for admission pursuant to section 5.01 of this Rule;
  - (4) Referred by the Board to the Board of Professional Responsibility; and
  - (5) Referred by the Board to the disciplinary authority of the jurisdiction(s) of licensure.
- (i) A lawyer's service to the lawyer's employer before timely registration under this Rule shall not constitute the unauthorized practice of law or otherwise be treated as violating Tenn. Sup. Ct. R. 8, RPC 5.5 as long as the services are permitted under this Rule for registered lawyers and the lawyer files the application for registration under section 10.01(a) of this Rule within 180 days of the commencement of the lawyer's employment. The protection of this section applies only to lawyers who submit an application to register under this section within 180 days of commencement of practice in Tennessee.
- (j) A lawyer who is eligible to register under this section but who submits an application for admission without examination under section 5.01, by examination under section 3.01, or by transferred UBE score under section 3.05, must register to practice pending admission under section 10.07 or also register as in-house counsel. The protections of paragraph (i) do not apply for admission under other provisions of this Rule.
- (k) **Amnesty.** A foreign lawyer who has been employed as a lawyer in an organization in Tennessee for more than 180 days at the time of enactment of amended section 10.01 and who complies fully with the requirements of this Rule on or before September 30, 2019, shall not be barred from registration under this Rule or from practicing under the authority of Tenn. Code Ann. § 23-3-103 and RPC 5.5(d)(1) solely by the fact of prior noncompliance with Tennessee law concerning licensure of in-house counsel.

## **Sec. 10.02. Approval of Experiential Learning Programs and Attorneys in Experiential Learning and Related Law School Programs.**

(a) **Experiential Learning Programs.** For the purpose of this section and section 10.03 herein, Experiential Learning Program means an academic program administered by a law school through which a law student may enroll for academic credit in a law clinic or field placement course.

- (1) A law clinic offered through an Experiential Learning Program provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral, and includes the following:
  - (A) direct supervision of the student's performance by a law school faculty member;
  - (B) opportunities for performance, feedback from a faculty member, and self-evaluation; and
  - (C) a classroom instructional component, regularly scheduled tutorials, or other means of

ongoing, contemporaneous, faculty-guided reflection.

(2) A field placement course offered through an Experiential Learning Program provides substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and includes the following:

(A) direct supervision of the student's performance by a faculty member or field placement site supervisor;

(B) opportunities for performance, feedback from either a faculty member or a field placement site supervisor, and self-evaluation;

(C) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and the respective roles of faculty and any field placement site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;

(D) a method for selecting, training, evaluating and communicating with field placement site supervisors, including regular contact between the faculty and field placement site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience;

(E) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection;

(F) evaluation of each student's educational achievement by a faculty member; and

(G) sufficient control of the student experience to ensure that the requirements set forth in section 10.02(a)(2)(A)-(F) are met.

(b) Approval of Experiential Learning Programs. The Board shall review a law school's Experiential Learning Program as the basis for a recommendation to the Supreme Court. Approval of the Experiential Learning Program is a prerequisite for the approval of law students who are practicing under section 10.03 in an experiential learning setting. The criteria that serve as a basis for approval shall be:

(1) that the law school is approved under section 17.01 of this Rule;

(2) that if the law school has an in-house legal clinic which directly represents clients, that the program has either an attorney licensed to practice and in good standing in Tennessee or an attorney approved for limited practice as provided in paragraph (d), below, who directs the clinic and who is employed by or associated with the law school; and

(3) that the law school's Experiential Learning Program is otherwise operated in a manner consistent with the requirements of this Rule.

(c) The Supreme Court must approve a law school's Experiential Learning Program, based on a recommendation from the Board, before any law student may practice under section 10.03 in an experiential learning setting. Certification of an Experiential Learning Program may be withdrawn by the Supreme Court upon recommendation of the Board if the program ceases to meet the foregoing criteria.

(d) Attorneys in Experiential Learning Law School Programs. An attorney who is employed by or associated with an ABA-accredited or Tennessee-Approved Law School as faculty for the Experiential Learning Program may be admitted to practice on a limited basis before the courts of this State on behalf of the Experiential Learning Program. The attorney must establish to the satisfaction of the Board that the attorney:

- (1) is a member of a court of last resort of another state, a U.S. Territory or the District of Columbia;
- (2) submits a certificate from the court of last resort referenced in (d)(1) certifying that the attorney is a member in good standing at the bar of that court;
- (3) has not been denied admission to practice in any jurisdiction, including Tennessee;
- (4) submits a statement signed by the dean of the law school where the attorney is employed or associated in a verifying employment; and
- (5) has paid all required fees.

(e) The Supreme Court, upon the recommendation of the Board that the attorney satisfies all the requirements of paragraph (d), shall enter an order authorizing the attorney to practice in connection with an approved Experiential Learning Program. Upon the entry of the Court's order, the Board shall provide the attorney with a certificate of admission.

(f) Admission to practice under this section shall cease upon the first of the following to occur:

- (1) after two years from the date of admission under this section, except in the discretion of the Supreme Court in special situations for good cause shown, provided that attorneys who wish to continue to practice in this State must seek admission under sections 3.01 (by examination), 3.05 (by transferred UBE score) or 5.01 (without examination) of this Rule so that they are eligible for licensing before the expiration of the two-year period. Time in practice pursuant to this section will count as "active practice of law" for purposes of admission pursuant to section 3.05(b) or 5.01; or
- (2) cessation of the attorney's employment by or association with the law school, notice of which will be provided to the Board by the law school dean within ten days of the attorney's cessation of employment or association with the law school.

(g) Attorneys admitted to practice under this section are subject to the Rules of Professional Conduct and may be disciplined as provided for in Tenn. Sup. Ct. R. 9.

### **Sec. 10.03. Law Student Practice.**

(a) **Purpose.** The purpose of this section is educational; consequently, its focus is on providing opportunities, whether credit-bearing or not, for students to further their legal training through properly supervised legal practice. Interpretation of this section should be in accordance with its educational goals.

(b) **Definitions.** Throughout this section:

- (1) the term "approved law school" refers to any law school in the state of Tennessee that has been accredited by the ABA or any law school in the state of Tennessee approved under section 17.01 of this Rule;
- (2) the term "Experiential Learning Program" shall incorporate the definition in section 10.02(a);

(3) the term “director” refers to the director of the law school’s Experiential Learning Program that has been approved by the board under section 10.02(b);

(4) the term “provide legal services” is to be construed broadly, so as to allow a law student who is admitted under this section to provide any and all services that could be provided by a licensed attorney, subject to supervision as provided in this Rule;

(5) the term “person or entity financially unable to afford counsel” includes all persons whom any court could deem eligible for the appointment of counsel, as well as persons and entities unable to reasonably secure legal counsel for the subject matter of the representation, or who can otherwise demonstrate to the satisfaction of the director that they cannot reasonably afford counsel; and

(6) the term “governmental agency or agencies” refers to any state, county, municipal or federal government agency, department or entity located in Tennessee.

(c) **Qualified law student.** In order to perform the activities outlined in section 10.03(g), a qualified law student is a student enrolled in an approved law school, except that the student is not required to be enrolled during a summer term or when the school is not in session, certified under section 10.03(d), and approved under section 10.03(e).

(d) **Certification.** The qualified law student shall:

(1) be certified by the dean of the law student’s law school or the director

(A) as having satisfactorily completed not less than one-half of the required curriculum for graduation, computed on an hourly basis;

(B) as being in academic good standing at the law school; and

(C) as meeting any other requirements the law school places on certification under this Rule; and

(2) certify in writing that he or she has read, is familiar with, and will abide by Tennessee Supreme Court Rules 8 and 9.

(e) **Approval by the Supreme Court.**

(1) The dean of the law student’s law school or the director shall file a request for approval of a qualified law student with the Clerk of the Supreme Court of Tennessee in Nashville on forms and in the format required by the Supreme Court.

(2) Upon a showing that the law student is qualified under the provisions of this Rule, the Supreme Court shall issue an order approving the law student to practice.

(3) Upon the entry of the order approving a law student to practice under this Rule, the Board shall provide the student with a certificate of admission.

(f) **Duration of Law Student Practice.**

(1) **Eligibility.** A law student’s eligibility to provide service under this Rule terminates upon the earlier of:

(A) expiration of the approval by the Supreme Court;

(B) graduation from law school;

(C) receipt by the Clerk of the Supreme Court of the notice set forth in paragraph (f)(3), below that one of the following has occurred:

- (i) cessation of law school enrollment before graduation;
- (ii) completion of the experiential learning placement that is the basis for the law student's eligibility; or
- (iii) upon written notice from the dean of the law student's law school or the director that the law student no longer meets the eligibility requirements under this Rule.

(2) **Short-term Permission to Engage in Law Student Practice.** Qualified law students whose approval to practice has expired under paragraph (f)(1) may participate in a short-term pro bono event as an approved qualified law student, provided that:

- (A) the qualified law student is approved by the director for the short-term pro bono event;
- (B) the qualified law student is supervised by an attorney approved by the director;
- (C) the short-term pro bono event is sponsored by the law school; and
- (D) the pro bono event is held on consecutive days and does not exceed ten days.

(3) **Notice Required.** Notice of an event of termination of a qualified law student's eligibility under paragraph (f)(1)(C), above shall be promptly provided by the dean of the qualified law student's law school or the director by sending notice to the Clerk of the Supreme Court in Nashville and the Executive Director of the Tennessee Board of Law Examiners.

(g) **Activities.**

(1) An approved qualified law student may provide legal services on behalf of any person or entity financially unable to afford counsel or on behalf a governmental agency through:

- (A) a law school clinical course;
- (B) governmental agencies as defined in paragraph (b)(6);
- (C) Office of the Attorney General and Reporter, District Public Defender or District Attorney General;
- (D) any program funded in whole or in part by Legal Services Corporation; or
- (E) a non-profit organization that, as part of its mission, provides legal services to persons or entities financially unable to afford counsel.

(2) Any pleadings, briefs, abstracts or other documents prepared by a qualified law student acting pursuant to this Rule must contain the name and signature of the qualified law student who participated in drafting it with the accompanying designation, "Qualified Law Student Approved under Tenn. Sup. Ct. R. 7, Sec. 10.03" but must also be signed by the supervising attorney (the "supervising attorney") as defined in paragraph (h), below.

(3) The rules of law and evidence relating to privileged communications between attorney and client shall govern communications made or received by qualified law students and their clients.

**(h) Supervision.**

(1) The qualified law student shall be under the immediate and personal supervision of an attorney who meets the requirements of paragraph (3), below. If the supervising attorney is not teaching in a law school clinic, the attorney must be approved in writing by the dean or director.

(2) It is the responsibility of the supervising attorney to ensure that the student is properly supervised and instructed, including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present for administrative or adjudicatory proceedings; however, it is not necessary that the licensed attorney be personally present when the student engages in other activities such as interviewing, investigation, drafting and negotiation.

(3) The supervising attorney must:

(A) be a lawyer licensed and in good standing in Tennessee;

(B) have practiced for a minimum of three years;

(C) assume professional responsibility for the direct and immediate supervision for the professional work of the qualified law student; and

(D) be a full-time employee of an entity identified in paragraph (g)(1)(A)-(E), above, and supervise the qualified law student in connection to that employment.

**(i) Disciplinary Complaints.**

(1) In the event a disciplinary complaint is filed based on a qualified law student's participation under these rules, the authority with whom such complaint is filed shall immediately report the same to the dean of the student's law school and the Board of Law Examiners. Upon receipt of notice of a complaint, the dean or director shall provide the Board of Professional Responsibility the name of the supervising attorney for the law student against whom the complaint is filed.

(2) By operation of this Rule, a disciplinary complaint against a qualified law student constitutes a complaint against the supervising attorney. The Board of Professional Responsibility shall have jurisdiction over the complaint against both the student and the supervising attorney and, in the discretion of the Board of Professional Responsibility, may refer the complaint against the student to the Office of the Attorney General and Reporter, the Board of Law Examiners, or the law school.

**(j) Compensation.** This Rule does not preclude compensation of a qualified law student when consistent with the law school's academic policies. However, in no event shall the qualified law student be employed or compensated directly by a client for services rendered.

**Sec. 10.04. Practice before Admission by Examination Score.**

**(a) Eligibility.**

(1) An applicant may register with the Board in order to perform the services described in paragraph (c) of this section provided the applicant:

(A) has never been licensed to practice law in another state in the United States, the District of Columbia, or U.S. Territories;

(B) has submitted an application pursuant to section 3.01 or 3.05 of this Rule;

(C) meets the educational requirements of section 2.01 and 2.02 of this Rule;

(D) works in Tennessee under the supervision of a licensed lawyer who is admitted and in good standing in Tennessee; and

(E) has:

(i) not yet had an opportunity to take the Tennessee bar examination;

(ii) taken the examination but not yet received notification of the results of the examination;  
or

(iii) taken the examination or submitted a UBE score transfer application, but has not yet been admitted as a member of the Tennessee bar.

(2) An applicant is eligible for supervised practice under this section beginning with the submission of the first Application to the Bar of Tennessee or the graduation from law school, whichever is later.

(3) Applicants registered for supervised practice who are unsuccessful on the examination and who submit a re-examination application for the next available exam within ten days of the release of examination results may continue to practice under supervision subject to the time limits in paragraph

(4). The privilege to engage in supervised practice expires for applicants who are unsuccessful on the examination and do not submit a re-examination application within ten days of notification of examination results.

(4) The privilege to engage in supervised practice expires: upon admission of eligible examination or UBE score transfer applicants; as provided in paragraph (3) for unsuccessful examinees; upon admission in any other state, the District of Columbia, or U.S. Territory; or upon issuance of an order to show cause. In no event shall the privilege to engage in supervised practice continue for more than sixteen months from the date an applicant graduated from law school.

(5) The Board shall have no discretion to extend the time an applicant may engage in limited practice.

(6) An applicant who is licensed in another jurisdiction and seeking admission under sections 3.01, 3.05, 5.01, or 10.06 of this Rule may practice pending admission as provided in section 10.07.

**(b) Registration Process.** In order to perform the services described in paragraph (c), the applicant must submit to the Board the NCBE application, the Tennessee Supplemental application, and the fees associated with the application. Additionally, the applicant must register for supervised practice according to the procedures established by the Board and pay the required fee. The applicant must include with the registration an affidavit from an attorney licensed and in good standing in Tennessee stating that the attorney agrees to undertake the supervision of the applicant in accordance with this section.

**(c) Supervision.**

(1) The applicant shall be under the immediate and personal supervision of an attorney who meets the requirements of paragraph (3), below.

(2) It is the responsibility of the supervising attorney to ensure that the applicant is properly supervised and instructed including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present as provided in paragraph (d)(2), below; however, it is not necessary that the supervising attorney be

present when the applicant engages in activities such as interviewing, investigation, drafting, and negotiation.

(3) The supervising attorney must:

(A) be a lawyer licensed and in good standing in Tennessee;

(B) have practiced for a minimum of three years; and

(C) assume professional responsibility for the direct and immediate supervision for the professional work of the applicant.

(d) **Services Permitted.** Under the supervision of the supervising attorney, and with the written consent of the person on whose behalf the applicant is acting, an applicant approved for supervised practice may render the following services.

(1) Applicant may counsel and advise clients, negotiate in the settlement of claims, represent clients in mediation and other non-litigation matters, and engage in the preparation and drafting of legal instruments. Any communication other than internal communications may be signed by the applicant with the accompanying designation “Tennessee Bar Applicant” but must also be signed by the supervising attorney.

(2) Applicant may appear in the trial courts, courts of review and administrative tribunals of this state, including court-annexed arbitration and mediation, subject to the following qualifications:

(A) Written consent to representation of the person on whose behalf the applicant is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(B) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the applicant and may be signed with the accompanying designation “Tennessee Bar Applicant.”

(C) In criminal cases in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the applicant may participate in pretrial, trial, and post-trial proceedings as an assistant of the supervising attorney, who shall be present and responsible for the conduct of the proceedings.

(D) In all other civil and criminal cases in the trial courts or administrative tribunals, the applicant may conduct all pretrial, trial, and post-trial proceedings with the Supervising Attorney present unless the applicant is permitted by the judge or presiding officer to participate without direct supervision.

(E) In matters before appellate courts, the applicant may prepare briefs, excerpts from the record, abstracts, and other documents. If any such filings set forth the name of the applicant as a counsel of record in addition to the supervising attorney, the name of the applicant must be accompanied by the designation “Tennessee Bar Applicant” but must be filed in the name of the supervising attorney. Upon motion by the supervising attorney, the applicant may request authorization to argue the matter before the appellate court but, even if the applicant is permitted to argue, the supervising attorney must be present and is responsible for the conduct of the applicant at the hearing.

(e) **Compensation.** An applicant rendering services authorized by this section shall not request or accept any compensation from the person for whom applicant renders the services. The supervising attorney may make an appropriate charge. The applicant may be compensated as an employee of a firm, agency, clinic or other organization so long as the rate of such compensation is established independent of compensation paid for representation.

(f) **Aid in Establishing Supervised Practice.** Any applicant who otherwise meets all the qualifications contemplated in this section, but who is unable to make a connection or association with a practicing attorney for purposes of serving as a Supervising Attorney as required by this section, may apply to any trial judge holding court in the county of such applicant's residence for aid in the establishment of a supervised practice under this section. Such practice must accord strictly with the provisions of this section. No deviation will be permitted.

(g) **Disciplinary Complaints.**

(1) In the event a disciplinary complaint is filed in a case in which an applicant has been permitted to practice under this section, the authority with whom such complaint is filed shall immediately report the complaint to the Board. Upon receipt of a notice of a complaint, the Board shall provide the Board of Professional Responsibility the name of the supervising attorney for the applicant.

(2) By operation of this Rule, a disciplinary complaint against an applicant permitted to practice under this section constitutes a complaint against the supervising attorney. The Board of Professional Responsibility shall have jurisdiction over the complaint against both the applicant and the supervising attorney and may refer the complaint against the applicant to the Office of the Attorney General and Reporter or the Board.

(h) **Board Permitted to Disclose.** Notwithstanding the provisions of section 12.11, the Board may disclose that an applicant is authorized to practice pursuant to this section and may disclose if and when that authorization is terminated.

### **Sec. 10.05. Conditional Admission.**

An applicant whose previous conduct or behavior would or might result in a denial of admission may be conditionally admitted to the practice of law upon a showing of sufficient rehabilitation and/or mitigating circumstances. The Board shall recommend relevant conditions relative to the conduct or the cause of such conduct with which the applicant must comply during the period of conditional admission.

(a) **Conditions.** The Board may recommend that an applicant's admission be conditioned on the applicant's complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect the clients and the public, such as submitting to alcohol, drug, or mental health treatment; medical, psychological, or psychiatric care; participation in group therapy or support; random chemical screening; office practice or debt management counseling; and monitoring, supervision, mentoring or other conditions deemed appropriate by the Board. The conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment, or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the conditionally admitted lawyer to professional treatment records to the extent

possible. The terms shall be set forth in a confidential order (the “Conditional Admission Order”). The Conditional Admission Order shall be made a part of the conditionally admitted lawyer’s application file and shall remain confidential, except as provided in this and any other applicable rules. The Board shall issue the Temporary Certificate of Eligibility for Admission pursuant to section 9.01 of this Rule upon completion of the registration process after issuance of the Conditional Admission Order. The Board shall have no further authority once a conditionally admitted lawyer is admitted to practice law in Tennessee.

**(b) Notification to the Board of Professional Responsibility.** Immediately upon issuance of a Conditional Admission Order, the Board shall transmit a copy of the order to the Board of Professional Responsibility. If the Board of Professional Responsibility or any other jurisdiction’s disciplinary authority receives a complaint alleging unprofessional conduct by the conditionally admitted lawyer, or if the Monitoring Authority designated pursuant to paragraph (d) notifies the Board of Professional Responsibility of substantial noncompliance with the Conditional Admission Order, the Board of Professional Responsibility shall request a copy of relevant portions of the lawyer’s bar application file, and the Board shall promptly provide the requested materials to the Board of Professional Responsibility.

**(c) Length of Conditional Admission.** The conditional admission period shall be set in the Conditional Admission Order, but shall not exceed sixty months, unless notification of substantial noncompliance with the Conditional Admission Order has been received by the Board of Professional Responsibility or a complaint of unprofessional conduct has been made against the conditionally admitted lawyer with the Board of Professional Responsibility or any other lawyer disciplinary authority.

**(d) Compliance with Conditional Admission Order.** During the conditional admission period, the Monitoring Authority shall be the Tennessee Lawyer Assistance Program, unless a different monitoring authority is assigned in the Conditional Admission Order, with the consent of the Board of Professional Responsibility. The Monitoring Authority shall take such action as is necessary to monitor compliance with the terms of the Conditional Admission Order, including, but not limited to, requiring that the conditionally admitted lawyer submit written verification of compliance with the conditions, appear before the Monitoring Authority, and provide information requested by the Monitoring Authority.

**(e) Costs of Conditional Admission.** The applicant shall be responsible for any direct costs of investigation, testing and monitoring. Other costs shall be borne in accord with this Rule or any other applicable Tennessee Supreme Court Rule.

**(f) Failure to Fulfill the Terms of Conditional Admission.** Failure of a conditionally admitted lawyer to fulfill the terms of a Conditional Admission Order may result in a modification of the Conditional Admission Order, which may include extension of the period of conditional admission, suspension or revocation of the Conditional Admission Order, or such other action as may be appropriate under Tenn. Sup. Ct. R. 9, including temporary suspension pursuant to Tenn. Sup. Ct. R. 9, § 12.3. The Monitoring Authority shall promptly notify the Board of Professional Responsibility whenever it determines that the conditionally admitted lawyer is in substantial noncompliance with the terms of the Conditional Admission Order. Notification of such noncompliance by the Monitoring Authority shall automatically extend the conditional admission until disposition of the matter by the Board of Professional Responsibility and any resulting appeals.

**(g) Violation of Conditional Admission Order.** The Board of Professional Responsibility shall initiate proceedings to determine whether the conditional admission should be revoked, extended or modified by filing a petition to review conditional admission. Consideration and disposition of any such petition shall

follow the procedure for formal proceedings as set forth in Tenn. Sup. Ct. R. 9; however, the only issue to be determined is whether the conditional admission should be revoked, extended or modified. Any decision to extend or modify the Conditional Admission Order must be made in consultation with the Monitoring Authority. If the conditionally admitted attorney was temporarily suspended due to substantial noncompliance with a monitoring agreement, any disposition of the petition to review conditional admission may include dissolution of the temporary suspension.

(h) **Expiration of Conditional Admission Order.** Unless the Conditional Admission Order is revoked or extended as provided herein, upon completion of the period of conditional admission, the conditions imposed by the Conditional Admission Order shall expire. The Monitoring Authority shall notify the Board of Professional Responsibility of such expiration.

(i) **Confidentiality.** Except as otherwise provided herein, and unless the Supreme Court orders otherwise, the fact that an individual is conditionally admitted and the terms of the Conditional Admission Order shall be confidential provided that the applicant shall disclose the entry of any Conditional Admission Order to the admissions authority in any jurisdiction where the applicant applies for admission to practice law. In addition to ensuring that the relevant records of the Board, the Board of Professional Responsibility and the Tennessee Lawyer Assistance Program are confidential, the Board shall use reasonable efforts to structure the terms and conditions of the conditional admission so that the conditional admission does not pose a significant risk to confidentiality. These provisions for confidentiality shall not prohibit or restrict the ability of the applicant to disclose to third parties that the applicant has been conditionally admitted under this Rule, nor prohibit requiring third-party verification of compliance with the terms of the Conditional Admission Order by admission authorities in jurisdictions to which the conditionally admitted lawyer may subsequently apply.

(j) **Education.** The Board shall make information about its conditional admission process publicly available and shall reasonably cooperate with the Tennessee Lawyer Assistance Program in its efforts to educate law students, law school administrators and applicants for bar admission regarding the nature and extent of chemical abuse, dependency, and mental health concerns that affect law students and lawyers.

(k) **Disciplinary Complaints.** The provisions of this section shall not affect the authority of the Board of Professional Responsibility, pursuant to Tenn. Sup. Ct. R. 9, to investigate a complaint filed against a conditionally admitted lawyer by a person or entity other than the Monitoring Authority, to recommend a disposition of such complaint or to initiate a formal disciplinary proceeding as to such complaint, pursuant to Tenn. Sup. Ct. R. 9, § 15.

#### **Sec. 10.06. Temporary License of Spouse of a Military Servicemember.**

(a) **Qualifications.** An applicant who meets the requirements listed in (1) through (11), below may be temporarily licensed and admitted to the practice of law in Tennessee, upon approval of the Board.  
Applicant:

- (1) is the spouse of an active duty servicemember of the United States Uniformed Services as defined by the Department of Defense and that servicemember is on military orders stationed in the State of Tennessee or Fort Campbell, Kentucky;
- (2) has been licensed and admitted by examination to practice law before the court of last resort in at least one other jurisdiction of the United States;

- (3) meets the educational requirements of sections 2.01 and 2.02 of this Rule;
- (4) has achieved a passing score on the Multistate Professional Responsibility Examination (“MPRE”) as it is established in Tennessee at the time of application;
- (5) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or been administratively revoked while in good standing from every such jurisdiction without any pending disciplinary actions;
- (6) is not currently subject to lawyer discipline in any other jurisdiction;
- (7) possesses the moral character and fitness required of all applicants for admission and licensing in Tennessee;
- (8) is physically residing in Tennessee or Fort Campbell, Kentucky, due to the servicemember’s military orders;
- (9) has never failed the Tennessee bar examination;
- (10) has certified that the applicant has read and is familiar with the Tennessee Rules of Professional Conduct; and
- (11) has paid such fees as may be set by the Board.

(b) **Application Requirements.** Any applicant seeking a temporary license under this section 10.06 to practice law in Tennessee shall:

- (1) file an application for Temporary License for Servicemember’s Spouse and an application for character investigation, including all required supporting documents, in the manner established by the Board;
- (2) submit a copy of the applicant’s Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the servicemember;
- (3) provide a copy of the servicemember’s military orders to a military installation in Tennessee or Fort Campbell, Kentucky, or a letter from the servicemember’s command verifying that the requirement in section 10.06(a)(8) is met;
- (4) submit certificate(s) of good standing from the highest court of each state to which the applicant has been admitted and disciplinary history(ies) to demonstrate satisfaction of the requirements of section 10.06(a)(5);
- (5) pay the fee established pursuant to section 11.01 of this Rule; and
- (6) comply with the provisions of section 1.07 of this Rule.

(c) **Issuance, Renewal and Subsequent Application.**

(1) Issuance. Upon approval and certification by the Board, the applicant for temporary license shall, upon registration and payment of applicable fees and taking the oath of admission as set forth in sections 9.01 and 9.02 of this Rule, become a member of the Tennessee bar. An attorney temporarily licensed pursuant to this section shall be subject to the same membership obligations, including payment of fees and continuing legal education requirements, as other active members of the Tennessee bar, and all legal services provided in Tennessee by a lawyer licensed and admitted

pursuant to this section shall be deemed the practice of law and shall subject the attorney to all rules governing the practice of law in Tennessee, including the Tennessee Rules of Professional Conduct. The original term of the license is two years.

**(2) Duration and Renewal.**

(A) Persons who hold a temporary license under this provision may apply for subsequent one-year extensions to their license upon filing an application for extension with the Board. The application for extension must include sworn verification that the temporarily licensed attorney continues to meet all of the qualifications for temporary license as set forth in paragraphs (a), (b) and (c) of this section, and include the required fee for the application. A request for an extension must be submitted to the Board at least one month before the expiration of the temporary license. A request for an extension must be approved by both the Board and the Supreme Court to be effective.

(B) When the active duty servicemember is assigned to an unaccompanied or remote follow-on assignment and the temporarily licensed attorney continues to physically reside in Tennessee or Fort Campbell, Kentucky, the temporary license may be renewed until the active duty servicemember's unaccompanied or remote assignment ends, provided that the attorney spouse complies with the other requirements for renewal.

(C) Subsequent Applications. A temporarily licensed attorney who wishes to become a permanent member of the bar of Tennessee may apply for admission under sections 3.01, 3.05, or 5.01 of this Rule for the standard application fee minus the application fee paid to the Board for the application for temporary license, not including any fees for requests for extension or background investigation fees. The requirement for a background investigation will be waived if the application for admission is submitted within two years of the original Application for Temporary License.

**(d) Termination.**

(1) Event of Termination. An attorney's temporary license to practice law pursuant to this section shall immediately terminate and the attorney shall immediately cease all activities under this section upon the occurrence of any of the following:

(A) the spouse's discharge, separation or retirement from active duty in the United States Uniformed Services, or the spouse's no longer being on military orders stationed in the State of Tennessee or Fort Campbell, Kentucky, except as provided in section 10.06(c)(2)(B);

(B) failure of the temporarily licensed attorney to meet any licensing requirements applicable to all active attorneys possessing a license to practice law in this State, including failure to submit a timely application to renew the temporary license;

(C) the attorney no longer physically residing within the State of Tennessee or at Fort Campbell, Kentucky;

(D) the request of the temporarily licensed attorney;

(E) the issuance to the temporary attorney of a Tennessee license under sections 3.01, 3.05, or 5.01 of this Rule;

(F) the temporarily licensed attorney receiving a failing score on the Tennessee bar examination;  
or

(G) the suspension, disbarment or other action affecting the temporarily licensed attorney's good standing with the bar of Tennessee or any other jurisdiction in the United States in which the temporarily licensed attorney is licensed.

(2) Notices Required.

(A) An attorney temporarily licensed under this section shall provide written notice to the Board and the Board of Professional Responsibility of any Event of Termination within thirty days of the occurrence thereof;

(B) Within thirty days of the occurrence of any Event of Termination, the temporarily licensed attorney shall:

(i) provide written notice to all his or her clients that he or she can no longer represent such clients and shall furnish proof to the Board and the Board of Professional Responsibility within forty-five days of such notification; and

(ii) file in each matter pending before any court or tribunal in this State a notice that the attorney will no longer be involved in the matter, which shall include such other attorney licensed to practice law in Tennessee selected by the client, as counsel in the place of the temporarily licensed attorney.

### **Sec. 10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.**

(a) A lawyer who is licensed to practice law and in good standing in another state in the United States, the District of Columbia, or a U.S. Territory and who has submitted an application for admission under section 3.01, 3.05, 5.01, or 10.06 of this Rule may provide legal services in this jurisdiction through an office or other systematic and continuous presence during the pendency of the application for admission but for no more than 365 days, provided that the lawyer:

(1) is not disbarred or suspended from practice in any jurisdiction;

(2) has not been denied admission to practice in any jurisdiction, including Tennessee, unless the Board determines otherwise;

(3) reasonably expects his or her application for admission to be granted;

(4) notifies the Board of Professional Responsibility in writing within thirty days of first establishing an office or other systematic and continuous presence for the practice of law in this jurisdiction that the lawyer has done so pursuant to the authority in this section;

(5) associates with a lawyer who is admitted to practice and in good standing in Tennessee;

(6) complies with Tenn. Sup. Ct. R. 8, RPC 7.1 and RPC 7.5 in all communications with the public and clients regarding the nature and scope of the lawyer's practice authority in Tennessee;

(7) submits an Application to Register for Practice Pending Admission under this section in the form provided by the Board;

- (8) pays the fee associated with the Application to Register for Practice Pending Admission;
- (9) does not appear before a tribunal in Tennessee that requires *pro hac vice* admission unless the lawyer is granted such admission;
- (10) has never before practiced in Tennessee pursuant to this provision, unless the Board determines otherwise; and
- (11) notifies the Board of Professional Responsibility and the Board if the lawyer becomes the subject of a pending disciplinary investigation in any other jurisdiction at any time during the period of practice authorized under this provision.

(b) Notwithstanding the provisions of section 12.11, the Board may disclose that an applicant is authorized to practice under this section and when such authorization terminates.

(c) **Termination of Right of Practice Pending Admission.** The right to practice pending admission under this section terminates if the lawyer withdraws the application for admission or if such application is denied; if the lawyer becomes disbarred, suspended, or takes disability inactive status in any other jurisdiction in which the lawyer is licensed to practice law; or if the lawyer fails to timely provide the written notice required by section 10.07(a)(4). Upon termination of the right of practice, the lawyer shall not undertake any new representation that would require the lawyer to be admitted to practice law in this jurisdiction and, within ten days, shall:

- (1) cease to occupy an office or other systematic and continuous presence for the practice of law in Tennessee unless authorized to do so pursuant to another Rule;
- (2) notify all clients being represented in pending matters, and opposing counsel or co-counsel, of the termination of the lawyer's authority to practice pursuant to the authority in this section; and
- (3) take all other necessary steps to protect the interests of the lawyer's clients.

(d) **Change in Associated Attorney.**

(1) If the lawyer with whom the applicant has associated under paragraph (a)(5) of this section or the applicant wish to terminate the association, the lawyer with whom the applicant has associated and the applicant shall file notice with the Board and the Board of Professional Responsibility severing the association.

(2) The applicant may continue to practice pending admission if, within ten days of providing the notice required in paragraph (1), the applicant:

- (A) associates with another lawyer under paragraph (a)(5);
- (B) provides notice of the association to the Board of Professional Responsibility;
- (C) submits an Application to Register for Practice Pending Admission under paragraph (a)(7); and
- (D) pays the fee associated with the application to re-register for practice pending admission.

(3) If the applicant does not associate with another lawyer within ten days of providing notice as required under paragraph (1), the applicant's permission to practice pending admission terminates, and the applicant must comply with the requirements of paragraph (d)(2) of this section.

## **ARTICLE XI. FEES**

### **Sec. 11.01. Schedule of Fees.**

The Board shall adopt, from time to time, a schedule of fees to be paid by applicants. No fee shall be charged without the approval of the Supreme Court.

### **Sec. 11.02. Payment Mandatory.**

No step in the admissions process may be taken except upon the payment of the fees required for that step. No license will be issued until all fees due from the applicant have been paid.

### **Sec. 11.03. Refunds.**

Fees are non-transferable and non-refundable, except that the fee for examination or re-examination may be refunded in part as provided in the schedule of fees adopted by the Board and approved by the Supreme Court, as provided in section 11.01 of this Rule.

## **ARTICLE XII. ORGANIZATION AND POWERS OF BOARD**

### **Sec. 12.01. Composition of Board and Term.**

The Board shall consist of five attorneys licensed to practice law in this State and in good standing. The Board members shall be appointed to three-year terms by the Supreme Court. No member who has served three successive three-year terms shall be eligible for reappointment to the Board until three years after the termination of the most recent term.

### **Sec. 12.02. Officers and Allocation of Responsibilities.**

The officers of the Board shall consist of a President, a Vice President and a Secretary-Treasurer. The Board may, however, allocate responsibilities not requiring formal action, as it deems appropriate, on an informal basis.

### **Sec. 12.03. Official Seal.**

The Board shall use a seal of office containing the following words: "STATE OF TENNESSEE BOARD OF LAW EXAMINERS."

### **Sec. 12.04. Formal Actions; Quorum.**

- (a) Denial of an application to take the bar examination, or denial of a license, or the adoption of Board policies and rules shall be taken only on formal action concurred in by at least three members of the Board, expressed in an order.
- (b) Three members of the Board shall constitute a quorum.
- (c) Preliminary approval to take the bar examination may be given and any other informal action may be taken by any member of the Board.

### **Sec. 12.05. Policy and Procedure of the Board.**

- (a) The Board shall have the power to adopt such statements of policy and procedure as it may deem necessary or expedient, not inconsistent with the rules of the Supreme Court. Upon adoption by the Board, the Executive Director shall provide a copy of the policy or procedure to the Court for approval.
- (b) All such statements of policy and procedure shall be maintained by the Executive Director as the Board's Statement of Policy and Procedure and shall be open to public inspection. The Board shall take reasonably appropriate steps to ensure that applicants are given the opportunity to become familiar with the Board's Statement of Policy and Procedure, as well as with this Rule.

### **Sec. 12.06. Docket of Proceedings.**

The Executive Director shall maintain a docket of all proceedings before the Board in which formal action of the Board is taken, or in which a hearing is held with respect to any application for admission.

### **Sec. 12.07. Appointment and Duties of Executive Director.**

The Supreme Court shall appoint an Executive Director of the Board, who shall serve at the pleasure of the Supreme Court. Following his or her appointment, the Executive Director shall report to the Board,

which shall conduct regular performance evaluations of the Executive Director and report such evaluations to the Supreme Court. The Executive Director shall be responsible for all administrative duties in the enforcement of this Rule, including, but not limited to, investigation of the character of applicants, investigation of schools, preliminary review of applications, making arrangements for the giving of examinations, keeping books, records and files, and such other responsibilities as may be delegated or directed by the Board.

#### **Sec. 12.08. Administrative Assistance.**

The Executive Director may employ such full or part-time administrative and other office assistance as he or she may deem appropriate.

#### **Sec. 12.09. Assistants to the Board.**

The Supreme Court may appoint attorneys licensed to practice law in this State and in good standing to assist in the preparation and grading of examination questions, and to perform such other duties in the enforcement of this Rule as the Board may from time to time direct. The assistants shall serve staggered terms of five years and may be reappointed to serve a second five-year term, provided that shorter terms may be designated initially by the Court where necessary to observe the above rotation practices.

#### **Sec. 12.10. Salaries.**

The Board shall fix the salary of the Executive Director and of the employees of the Board, subject to budgetary limitations and approval of the Court.

#### **Sec. 12.11. Confidentiality of Board Records and Files.**

(a) Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity including any person, firm, or institution to the Board or their members, employees, or agents, applications for admission, examination papers and grades, and all investigative records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under sections 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, and 17.10 of this Rule, whether in paper or electronic form, shall be confidential and shall not be open to inspection without written application to and authorization by an appropriate order of the Supreme Court.

(b) The Board is authorized to release information which would otherwise be confidential to disciplinary or law enforcement agencies of any jurisdiction, the Tennessee Lawyer Assistance Program, and to the Board of Professional Responsibility upon written request. The Board may release information that is otherwise confidential as follows:

- (1) to the National Conference of Bar Examiners and to the bar admissions authority of any jurisdiction in the United States where the applicant has made a written request, provided a signed and notarized authorization and release, and the receiving authority has agreed not to give the information to the applicant; and

(2) to any other party upon written application to and authorization by an order of the Tennessee Supreme Court.

(c) Statistical information not identified with any particular applicant and information relating to whether and when an applicant has been admitted may be released to any person.

(d) Notwithstanding the provisions above, completion of an Application to the Bar of Tennessee constitutes Applicant's permission allowing the Board to release Applicant's name, address and email address to Bar and professional legal associations in Tennessee, as approved by the Board, and, for applications for admission by examination, Applicant's name and exam result to the law school from which Applicant graduated.

### **Sec. 12.12. No Power to Waive or Modify Rule of the Supreme Court.**

Except as expressly provided in this Rule, the Board has no power to waive or modify any provision of this Rule.

### **Sec. 12.13. Subpoena Power.**

The Board and each member of the Board are vested with the power to issue subpoenas for witnesses, to compel their attendance, and to compel the production of books, records and documents, to administer oaths to witnesses and to compel witnesses to give testimony under oath, and to have and exercise all other power and authority conferred by the laws of this State and the rules of the Supreme Court upon Commissioners or upon Special Masters of this Court. Subpoenas shall in each instance be attested by the Clerk or a deputy clerk of this Court. Subpoenas shall be issued and enforced in accordance with the provisions of Title 24, Tenn. Code Ann., as in the case of Commissioners authorized to take depositions.

### **Sec. 12.14. Counsel for Board.**

(a) The Board is authorized to request any of the attorney assistants to the Board to act as counsel, or to request the State or any local bar association to furnish counsel, to assist the Board in investigations, preparation for hearings, or the conduct of hearings.

(b) The Attorney General shall represent the Board in any proceedings in court, including the review of Board actions in the Supreme Court.

### **Sec. 12.15. Immunity.**

(a) Members of the Board, District Committee Members, the Executive Director, Assistants and employees of the Board shall be immune from civil suit in the course of their official duties.

(b) Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm or institution, without malice, to the Board, or to its members, employees or agents, are privileged, and civil suits for damages predicated thereon may not be instituted.

(c) The immunity granted in this section shall not be construed to limit any other form of immunity available to any covered person.

## **ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD**

### **Sec. 13.01. Show Cause Orders.**

(a) Grounds for Issuance of Show Cause Order. If the Board finds, from the information furnished it or from investigations made under its authority, that:

(1) grounds for doubt exist as to whether an applicant:

(A) meets the applicable standard for character and fitness under section 6.01 or

(B) has adhered to the duty of candor under section 6.04; or

(2) sufficient evidence has been provided to the Board that the applicant provided false information or refused to provide information requested by the Board or its investigators, staff, or agents,

the Board shall issue an order requiring the applicant to show cause why the applicant should not be denied admission or the opportunity to take the examination as the Board may determine. Any such show cause order shall state the grounds thereof, shall afford the applicant an opportunity to reply thereto within a period designated therein, and shall set the date, time and place of the hearing.

(b) Response to Show Cause Order. The applicant's reply to the Show Cause Order shall be in writing, under oath, and may include such additional affidavits or other documents as the applicant may choose to furnish.

(c) Resolution of Show Cause Before Hearing. If the Board determines that any such reply is sufficient to satisfy the concerns of the Board, the Board shall enter an order resolving the Show Cause Order and notify the applicant of the resolution and cancellation of the hearing.

(d) The Board or the Executive Director may contact the applicant in order to secure an informal resolution of the matter before resorting to the formal procedures herein provided, but no such informal disposition shall be made without the consent of the applicant.

(e) Denial due to Failure to Meet Eligibility Requirements. If the Board finds that an applicant does not meet the requirements for the type of admission the applicant is seeking, the Board shall deny admission of the applicant and issue an order that specifies grounds for the denial of the application for admission. Applicant is not entitled to a hearing before a denial for failure to meet eligibility requirements. An applicant who disagrees with the Board decision may petition the Board under section 13.02.

### **Sec. 13.02. Petitions to Board.**

(a) Any person who is aggrieved by any action of the Board involving or arising from the enforcement of this Rule, other than failure to pass the bar examination or a determination that an applicant has not completed the application process for an examination, may petition the Board for such relief as is within the jurisdiction of the Board to grant.

(b) Any such petition must:

(1) Be in writing, under oath;

(2) Be filed with the Executive Director within thirty days after notice of such action by the Board; and

(3) Must state with reasonable particularity the relief which is sought and the grounds therefor.

- (c) Any such petition may:
  - (1) Be accompanied by such affidavits and other documentary evidence as the petitioner may deem appropriate;
  - (2) Be supported by a Memorandum of Law setting forth pertinent authorities and arguments; and
  - (3) May ask the Board to set the matter for hearing.
- (d) The Board may order a hearing of any such petition on its own initiative.

### **Sec. 13.03. Hearings Before the Board.**

- (a) The Executive Director shall serve notice on the petitioner or the respondent to a show cause order and any other interested parties fixing the time and place of the hearing and indicating the matters to be heard.
- (b) The petitioner or respondent and any other person made a party to the proceeding shall have the right to be represented by counsel and to present evidence and argument with respect to the matters in issue.
- (c) The burden of proof shall be upon the petitioner, or the respondent in the case of a show cause order.
- (d) Any person having a direct interest in the matters in issue in any proceeding may, upon written motion, be allowed to intervene and become a party of record.
- (e) The Board shall not be bound by the rules of evidence applicable in a court, but it may admit and give probative effect to any evidence which in the judgment of the Board possesses such probative value as would entitle it to be accepted by reasonably prudent persons in the conduct of their affairs. The Board, however, shall give effect to the rules of privilege recognized by law. The Board may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
- (f) All evidence, including records and documents in the possession of the Board of which it desires to avail itself, shall be offered and made a part of the record, and no factual information shall be considered by the Board which is not made part of the record.
- (g) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
- (h) The Board may take notice of judicially cognizable facts and, in addition, may take notice of general or technical facts within its specialized knowledge.
- (i) The Board may cause subpoenas to be issued for such witnesses as any party may in good faith and for good cause shown request in writing.
- (j) The Executive Director shall arrange for the presence of a court reporter to transcribe any oral hearing. The per diem charge of such reporter shall be paid by the party requesting the hearing, or, in the case of a show cause order, by the Board. In its discretion, the Board may waive the presence of a reporter and use an electronic or similar recording device. At the direction of the Board, or at the request of any party, a transcription of the hearing shall be made, and the transcription shall be incorporated in the record, if made. The party requesting the transcription shall bear the cost thereof. If the Board elects to transcribe the proceedings, any party shall be provided copies thereof upon payment to the Board of a reasonable compensatory charge.

(k) At the direction of the Board and by agreement of the parties, all or part of a hearing may be conducted by telephone, or other electronic means, if each party has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(l) Any member of the Board may hold hearings when authorized by the Board to do so, but any decision shall be made by a majority of the Board. Any member participating in the decision without being present for the hearing shall read the transcript of the proceedings and the entire record before the Board.

#### **Sec. 13.04. Default.**

(a) If a party fails to respond to a show cause order, the Board shall hold that party in default, serve a notice of default on that party, and after the period stated in that notice, enter an order taking such action as the Board deems appropriate.

(b) If a party fails to appear at a hearing, the Board shall proceed with the hearing in the absence of that party.

(c) A party who has been held in default under paragraph (a), above, may file a petition for setting aside that default within fifteen days after the entry of an order based on that default, which petition shall state with particularity the grounds thereof.

#### **Sec. 13.05. Costs.**

The Board may require payment of or security for the costs and expenses of any hearing before the Board, in such a manner as it deems reasonably compensatory.

#### **Sec. 13.06. Decisions of Board.**

The Board's decision on any hearing before it shall be made in writing and a copy thereof shall be mailed or emailed to all parties of record.

#### **Sec. 13.07. Informal Disposition.**

Unless precluded by law or by this Rule, informal disposition may be had of any matter before the Board by stipulation, agreed settlement, or consent order.

#### **Sec. 13.08. Motions and Other Matters Preliminary to Hearing.**

(a) Any party who desires to raise any matter preliminary to the hearing or to obtain any order from the Board before the hearing shall do so by motion, which shall be made in writing, shall state with reasonable particularity the grounds therefor, and shall set forth the relief or order sought.

(b) Any member of the Board may dispose of any motion, subject to the right of review by the entire Board.

## **ARTICLE XIV. REVIEW OF BOARD DECISIONS**

### **Sec. 14.01. Petition for Review.**

Any person aggrieved by any action of the Board may petition the Supreme Court for a review thereof as under the common law writ of certiorari, unless otherwise expressly precluded from doing so under this Rule. A petition filed under this section shall be made under oath or on affirmation and shall state that it is the first application for the writ. *See* Tenn. Code Ann. §§ 27-8-104(a) and 27-8-106. On the grant of the writ, the Executive Director shall certify and forward to the Clerk of the Supreme Court a complete record of the proceedings before the Board in that matter. Any such petition must be filed within sixty days after entry of the order of the Board. The Board shall have thirty days after filing of any such petition within which to file a response.

### **Sec. 14.02. Costs.**

The Supreme Court may make such orders as it may consider appropriate with respect to the payment of or security for costs and other expenses of hearings before the Court.

### **Sec. 14.03. Exhaustion of Board Remedies.**

The Supreme Court will entertain no application or petition from any person who may be affected directly or indirectly by this Rule unless that person has first exhausted his remedy before the Board.

### **Sec. 14.04. No Review of Failure to Pass Bar Examination.**

The only remedy afforded for a grievance for failure to pass the bar examination shall be the right to re-examination as herein provided.

## **ARTICLE XV. SURRENDER OF LAW LICENSE**

### **Sec. 15.01. Surrender of Law License.**

- (a) An attorney licensed to practice in Tennessee may petition the Supreme Court to accept the surrender of his or her license to practice law.
- (b) The petition shall be filed in the office of the Clerk of the Supreme Court in Nashville. The petitioner shall contemporaneously serve copies of the petition upon the Chief Disciplinary Counsel of the Board of Professional Responsibility, the Executive Director, and the Executive Director of the Commission on Continuing Legal Education and Specialization.
- (c) The petition shall state under oath:
  - (1) the reason(s) for the requested surrender;
  - (2) whether disbarment, suspension, disciplinary, or other administrative action of any nature is in effect or pending as to the petitioner;
  - (3) whether there is a potential grievance, complaint, disciplinary or administrative action of any nature in any jurisdiction which may likely be filed against the petitioner;
  - (4) whether the attorney is currently on probation, under criminal charge(s), or under investigation for criminal charge(s), of any nature in any jurisdiction.
- (d) The Supreme Court may decline to consider any petition during the pendency of any of the matters described herein above.
- (e) The attorney shall attach the law license to the petition or shall attach an affidavit fully explaining why the license is not attached.

**Sec. 15.02. Supreme Court Decision.** Upon consideration of the petition, the Supreme Court may grant the petition or deny it. If the Supreme Court grants the petition, the order accepting the surrender shall state the date the surrender shall take effect. The Clerk of the Supreme Court shall mail a copy of the order to the surrendering attorney, the Board of Professional Responsibility, the Board, and the Commission on Continuing Legal Education and Specialization.

**Sec. 15.03. Effect of Order Accepting Surrender of License.** As of the effective date of the order accepting surrender, the attorney shall have no license to practice law in this state. After the effective date of the order, this license shall not be reinstated, and the attorney may not be licensed to practice law in Tennessee until he or she applies for a law license in Tennessee and meets the requirements of this Rule.

## **ARTICLE XVI. REINSTATEMENT OF LAW LICENSE**

**Sec. 16.01.** In accordance with Tenn. Sup. Ct. R. 9, § 30, and R. 21, § 7, an attorney who has been suspended, disbarred or assumed inactive status and who wishes to take the bar examination to establish proof of competency and learning in the law must first petition for reinstatement pursuant to Tenn. Sup. Ct. R. 9, § 30 and/or file an application for reinstatement pursuant to Tenn. Sup. Ct. R. 21, § 7. If the Supreme Court orders the applicant's successful completion of the bar exam, then the applicant must apply for examination as provided in section 3.01 of this Rule, and attach to the application a disclosure that the application is being submitted pursuant to this section.

**Sec. 16.02.** Applicant's bar examination scores will not be posted but will be released directly to the applicant.

**Sec. 16.03.** Submitting an application to take the bar examination constitutes the applicant's permission to allow the Board to release the results of the bar examination and the background investigation directly to the Board of Professional Responsibility.

## **ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS**

### **Sec. 17.01. Tennessee Law Schools.**

(a) Tennessee-Approved Law Schools Not Seeking ABA Accreditation. Tennessee law schools that are not ABA-accredited or seeking ABA accreditation and that are currently approved by this Board and such approval is not subject to obtaining full ABA accreditation (“Tennessee-Approved Law School”) shall remain approved so long as the school continues to comply with the requirements of this Rule as it may be amended and any standards adopted by the Board and approved by the Supreme Court.

(b) Law Schools in Tennessee Seeking ABA-Accreditation.

(1) The Board may recommend approval to the Supreme Court of any law school in Tennessee for the purpose of allowing its graduates to be eligible for admission in Tennessee if the law school is seeking provisional accreditation, and pending full accreditation by the ABA. The Supreme Court shall certify or deny the Board’s recommendation to approve the law school by written order.

(2) The recommendation of the Board to the Supreme Court shall be subject to a site evaluation as provided in section 17.03. Until the ABA grants such provisional accreditation, the law school shall be considered a Tennessee-Approved Law School, as provided herein.

(3) Law schools in Tennessee that are seeking provisional accreditation from the ABA but that are not yet provisionally approved are subject to all of the requirements of a Tennessee-Approved Law School.

(4) Graduates of law schools provisionally or fully accredited by the ABA (“ABA Law School”) are eligible to seek admission in Tennessee.

(c) Law Schools Seeking Approval of Substantial Change. Whether or not physically located in Tennessee, if an ABA Law School requests approval of a substantial change from the ABA for purposes of opening a law school branch in Tennessee or moving an ABA Law School to Tennessee, the branch or relocated law school shall be treated as a new law school in Tennessee seeking ABA accreditation as provided in paragraph (b), above.

(d) Graduates of Tennessee-Approved Law Schools. Graduates of Tennessee-Approved Law Schools are eligible to seek admission in Tennessee.

(e) Notices from the ABA Regarding Compliance with Standards or Status of Accreditation.

(1) Reporting Requirements for ABA Law Schools in Tennessee. Upon receipt of notice from the ABA that an ABA-accredited law school located in Tennessee is out of compliance with the ABA standards or that the accreditation status of the law school has changed, the law school shall furnish to the Board copies of the notice and such documentation as the Board may request, including self-study analyses and evaluation reports, prepared, completed or received in connection with such school’s accreditation status with the ABA. All documentation provided to the Board shall be confidential in order to ensure a frank, candid exchange of information.

(2) ABA Law Schools that are not approved for provisional accreditation by the ABA, do not achieve full accreditation or lose their ABA accreditation will not be recommended for approval to the Supreme Court by the Board until a new application or similar process for provisional or renewed

accreditation has been initiated with the ABA, subject to a site evaluation as provided in section 17.03, below.

(f) Statement of Accreditation or Approval Status.

(1) In its catalogs or other informational material distributed to prospective students, a law school shall state whether it is accredited by the ABA or has been approved by the Board pursuant to section 17.01 of this Rule.

(2) Any law school in Tennessee that falsely advertises in its catalog or otherwise that it has been accredited by the ABA or approved by the Board shall be recognized by the Board as a substandard school and will be so classified and disapproved. Students of a substandard school shall not be eligible for admission in Tennessee.

(g) Substandard Law Schools.

(1) Any law school located in or seeking to locate in Tennessee (whether offering a full-time or part-time curriculum), which permits the enrollment of students without first having obtained the written approval of the Supreme Court as provided in section 17.01, shall be classified as a substandard school.

(2) Any ABA-Accredited Law School or Tennessee-Approved Law School that loses its accreditation or provisional approval and does not seek reinstatement of such accreditation or provisional approval shall be classified as a substandard school.

(3) Graduates at law schools that are not ABA-accredited or Tennessee-Approved shall be barred from admission in Tennessee unless the student meets the requirements of section 2.02(d) or section 7.01 of this Rule.

## **17.02 Functions of the Board in Review and Regulation of Tennessee-Approved Law Schools.**

(a) For any Tennessee-Approved Law School as defined in section 17.01:

(1) the Board shall determine whether the law school is effectively achieving its mission and objectives, which includes meeting educational standards similar to those defined in the ABA Standards and any standards adopted by this Board. Upon determination by the Board that the law school has met the required standards, the Board shall recommend provisional or continued approval of the law school to the Supreme Court;

(2) the Board is authorized to make inquiry to the school and respond to inquiry by the school and to adopt such additional standards as in its judgment the educational needs of the school may justify, subject to the Supreme Court's approval;

(3) if the Board has reasonable cause to believe that a law school does not comply with the standards in section 17.02(a)(1) of this Rule, and/or the school is not effectively achieving its mission and objectives, it shall inform the school of its apparent noncompliance or failure to effectively achieve its mission or objectives and follow the procedures in sections 17.03 through 17.10 of this Rule; and

(4) the Board is authorized to:

(A) require a school to furnish such information, including periodic reports, as it deems reasonably appropriate for carrying out the Board's responsibilities; and

(B) investigate a law school in accordance with section 17.03 of this Rule, provided that such investigation shall be confidential to ensure a frank, candid exchange of information and evaluation.

(b) Self-Study.

(1) The dean and faculty of a Tennessee-Approved Law School shall develop and periodically revise a written self-study, including an evaluation of the following topics:

(A) the continuing relevance of the school's mission or objectives;

(B) the effectiveness of the program of legal education;

(C) the appropriateness of the school's admission policies;

(D) the significance of the trend in rates of graduation and attrition;

(E) the significance of the trends in the pass/fail rate on the bar examination;

(F) the strengths and weaknesses of the school's policies;

(G) goals to improve the educational program; and

(H) means to accomplish unrealized goals.

(2) The self-study shall be completed every seven years or earlier upon written request of the Board.

(3) Certification of Compliance. The dean and the chairperson of the board of directors of the law school shall certify annually in writing to the Board that the school is effectively achieving its mission and objectives or, if not effectively achieving its mission or objectives, identify areas of noncompliance or other deficiencies, as well as its intention and plan of action to attain compliance.

(c) Investigation and Evaluation by the Board. The Board may visit, investigate, and/or evaluate a Tennessee-Approved Law School, from time to time, with respect to the adequacy of its facilities, faculty, and course of study. The refusal of any such school to cooperate or participate in the conduct of such evaluation shall be reported to the Supreme Court, which may, after hearing, take such actions as the facts may justify.

### **Sec. 17.03. Site Evaluation of Tennessee-Approved Law Schools.**

(a) A site evaluation by the Board shall be conducted before approval of any law school in Tennessee.

(b) For a Tennessee-Approved Law School, a site evaluation by the Board shall be conducted in the third year following the granting of approval and every seventh year thereafter. The Board may order additional site evaluations of a school when special circumstances warrant.

(c) The Board shall arrange for the site evaluation or inspection of the law school by a team of qualified and objective persons who have no conflicts of interest as defined in section 17.10 of this Rule. The cost of the site evaluation or inspection, including the fees of any consultants engaged as part of the Board's site evaluation team, shall be paid by the law school.

(d) Before the site evaluation, the law school shall furnish to the Board and members of the site evaluation team:

- (1) For a law school seeking provisional accreditation from the ABA or approval of a substantial change as provided in section 17.01(b), the completed application submitted to the ABA;
- (2) the current self-study undertaken by the dean and faculty; and
- (3) any complaints that the law school is not in compliance with the standards in section 17.02(a)(1).

(e) The Board shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires several days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information reviewed, and consultations held with the chairperson of the board of directors of the law school, officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking approval, such visit shall be scheduled within three months after receipt by the Board of an application for approval.

(f) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or noncompliance with the standards, but shall report facts and observations that will enable the Board and the Supreme Court to determine compliance. The report of the team should give as much pertinent information as feasible.

(g) The team shall promptly submit its report to the Board. After reviewing the report, the Board shall transmit the report to the chairperson of the board of directors of the law school and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter transmitting the report, the Board shall advise that any response to the report must be received by a specified date at least thirty days from the date the Board mailed the report to the school, unless the school consents to a shorter time period.

(h) Following receipt of the school's response to the site evaluation report, the Board shall forward a copy of the report with the school's response to members of the Board and the site evaluation team.

(i) The Board may not consider any additional information submitted by the school after the school's response to the report has been received by the Board, unless

- (1) the information is received in writing by the Board at least fifteen days before the Board meeting at which the report is scheduled to be considered, or
- (2) for good cause shown, the president of the Board authorizes consideration of the additional information that was not received in a timely manner.

(j) Upon the completion of the procedures, the Board shall consider the law school's evaluation and determine whether the school is in compliance with the standards and is effectively achieving its mission and objectives.

(k) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year.

#### **Sec. 17.04. Action Concerning Apparent Noncompliance with Standards or Deficiencies in Mission.**

(a) If the Board has reasonable cause to believe that a Tennessee-Approved Law School has not complied with the standards in section 17.02(a)(1) of this Rule or is not effectively achieving its mission or objectives, the Board shall inform the school it is not in compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the standards or correct the deficiencies. The school shall furnish the requested information to the Board within the time prescribed.

(b) If upon a review of the information furnished by the law school in response to the Board's request and other relevant information, the Board determines that the school has not demonstrated compliance with the standards or is not effectively achieving its mission or objectives, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Board or be subject to other appropriate action.

(c) If the Board finds that a law school has failed to comply with the standards or is not effectively achieving its mission or objectives by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Board or be subject to other appropriate action.

(d) The Board shall give the law school at least thirty days' notice of the show cause hearing. The notice shall specify the school's apparent noncompliance with the standards or its failure to effectively achieve its mission or objectives and state the time and place of the hearing. For good cause shown, the president of the Board may grant the school additional time, not to exceed thirty days. Both the notice and the request for extension of time must be in writing. The Board shall send the notice of hearing to the dean of the school by certified or registered U.S. mail.

#### **Sec. 17.05. Fact Finder.**

(a) The president of the Board may appoint a fact finder to elicit facts relevant to any matter before the Board. The fees of the fact finder and any reasonable and necessary expenses incurred shall be paid by the law school.

(b) The Board shall furnish the fact finder with a copy of the most recent site evaluation report, any action letters written subsequent to the most recent site evaluation report, notice of hearing, and other relevant information.

(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or noncompliance with the standards or whether the school is effectively achieving its mission or objectives, but shall report facts and observations that will enable the Board to determine compliance or deficiencies. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder shall promptly submit the report to the Board. After reviewing the report, the Board shall transmit the report to the dean of the law school in order to provide an opportunity to make factual

corrections and comments. In the letter of transmittal of the report, the Board shall include the date on which the Board will consider the report. The Board shall further advise the school as to the date upon which their response to the report must be received by the Board, which date shall be at least fifteen days before the date of the meeting at which the Board will consider the report. The school shall be given at least thirty days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Board mailed the report to the school.

#### **Sec. 17.06. Hearing on Show Cause Order.**

- (a) The Board shall have available for review at the show cause hearing:
- (1) the fact finder's report, if any;
  - (2) the most recent site evaluation report;
  - (3) any site evaluation questionnaire;
  - (4) any action letters written subsequent to the most recent site evaluation report, which letters direct the school to rectify noncompliance or correct deficiencies;
  - (5) notice of the Board hearing; and
  - (6) other relevant information.
- (b) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the standards and is effectively achieving its mission or objectives or to present a reliable plan for bringing the school into compliance with all of the standards and to correct deficiencies within a reasonable time.
- (c) The Board may invite the fact finder, if any, and the chairperson of the board of directors of the law school or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.
- (d) After the hearing, the Board shall determine whether the law school is in compliance with the standards and whether it is effectively achieving its mission and objectives and, if not, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.
- (1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the standards and to help it achieve its mission and objectives.
  - (2) If matters of noncompliance or deficiencies are substantial or have been persistent, then the Board may recommend to the Supreme Court that the school be subjected to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance or to correct deficiencies.
  - (3) If matters of noncompliance or deficiencies are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board may recommend to the Supreme Court that the school be removed from the list of approved schools.

(e) If the Board determines that the law school is in compliance and has no deficiencies, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the dean of the school by the Board.

### **Sec. 17.07. Confidentiality of Approval and Evaluation Procedures.**

The proceedings set forth in sections 17.02, 17.03, 17.04, 17.05, and 17.06 of this Rule shall be confidential to ensure a frank, candid exchange of information.

### **Sec. 17.08. Supreme Court Consideration of Board Recommendation for Imposition of Sanctions.**

(a) If the Board determines that a Tennessee-Approved Law School is not in compliance with the standards or has effectively failed to achieve its mission and objectives and recommends that the school be placed on probation or removed from the list of Tennessee-Approved Law Schools, the Board shall notify the Supreme Court and request a hearing. The Board shall notify the dean of the school of the time and place of the Supreme Court hearing, which shall be open to the public.

(b) The Board shall file with the Supreme Court in the public record the Board's written recommendation, the fact finder's report, if any, the most recent site evaluation report, and any action letters to the school written subsequent to the most recent site evaluation report.

(c) Representatives of the law school, including legal counsel, may appear at the Supreme Court hearing at which the Board's recommendations are considered. The president of the Board (or his or her designee) shall present the Board's findings, conclusions, and recommendations.

(d) The Supreme Court shall determine whether to affirm the Board's findings and conclusions, and whether to adopt the Board's recommendations. The Board's findings and conclusions shall be affirmed if there is substantial and material evidence to support them, unless the school presents new information that demonstrates to the Supreme Court that the school is in compliance with the standards.

(e) The Supreme Court may direct the law school to take appropriate remedial action or subject it to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the standards.

(f) The Supreme Court shall render its decision by written order. If the decision is adverse to the law school, the order shall provide reasons for the decision.

(g) If the Supreme Court imposes sanctions in the absence of a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board shall monitor the steps taken by the school to come into compliance. If the Court imposes sanctions pursuant to a reliable plan for bringing the school into compliance with the standards or to correct deficiencies, the Board shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the standards or to correct deficiencies, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Court for coming into compliance the school has not achieved compliance with all of the standards or corrected all deficiencies, the Board shall forward a recommendation that the school be removed from the list of approved schools. This recommendation shall be heard by the Court under the procedures of section 17.08 of this Rule but

the only issue for Court consideration will be whether the school has met the terms of its plan or is in compliance with all of the standards or has corrected deficiencies.

(h) At any time that the school presents information on which the Board concludes that the school is in full compliance with the standards or has corrected its deficiencies, the Board shall recommend to the Supreme Court that the school be taken off probation. This recommendation will be heard by the Court under the procedures of section 17.08 of this Rule.

### **Sec. 17.09. Maximum Period for Compliance with Remedial or Probationary Requirements.**

Upon communication to a law school of a final decision that it is not in compliance with the standards or has failed to effectively achieve its mission or objectives and informing it that it has been ordered to take remedial action or has been placed on probation, the school shall have a period as set by the Supreme Court to come into compliance. The period may not exceed two years unless such time is extended by the Supreme Court for good cause shown.

### **Sec. 17.10. Conflicts of Interest.**

Members of the Board and any site evaluation team, as well as any fact finders appointed under the provisions of sections 17.03 and 17.05, should avoid any conflict of interest or perceived conflict of interest arising because a person has an “associational interest” in the law school or the law school program under review by the Board or the Supreme Court. Alumni, faculty, and directors of the school under review are deemed to have an associational interest in the school and should recuse themselves from the process of review. Former faculty and board members who have terminated their relationship with the school less than five years before to the site inspection, evaluation, or review process are also deemed to have an associational interest in the school and should recuse themselves from the process of review.

[As amended by order December 21, 2015 and effective January 1, 2016, Rule 7 replaced in its entirety, with the exception of Section 3.03 (by order on December 21, 2015 effective March 1, 2016); as amended by order December 1, 2016 effective December 1, 2016; as amended by order May 31, 2017 effective May 31, 2017; as amended by order August 30, 2017 effective November 27, 2017; as amended by order January 26, 2018 effective January 26, 2018; as amended by order April 18, 2018 effective April 18, 2018; as amended by order October 16, 2018 effective October 16, 2018, with the exception of Section 1.07 (by order on October 16, 2018 effective January 1, 2019); and as amended by order March 29, 2019.]

**TENNESSEE BOARD OF LAW EXAMINERS**  
***STATEMENT OF POLICIES AND PROCEDURES***

Policy numbers correspond to sections of Tennessee Supreme Court Rule 7; for example, P-1.02 corresponds to Rule 7, section 1.02.

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**TABLE OF CONTENTS**

ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE..... 1

    P-1.02 License; Certificate of Eligibility Required..... 1

    P-1.07 Tennessee Law Course ..... 1

ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION..... 1

    P-2.01 Bachelor’s Degree ..... 1

    P-2.02 Legal Education Degree Requirements ..... 1

ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE..... 2

    P-3.01 Application for Admission by Examination ..... 2

    P-3.02 Obligation to Amend ..... 4

    P-3.03 Date for Filing Application for Examination and Reexamination..... 4

    P-3.04 Expiration of Application for Admission on Exam Score ..... 5

    P-3.05 Admission by Transferred Uniform Bar Examination Score..... 5

    P-3.07 Additional Information..... 7

    P-3.11 Applicants Requiring Non-Standard Testing Accommodations ..... 7

ARTICLE IV. THE EXAMINATION..... 8

    P-4.02 The Structure of the Examination ..... 8

    P-4.07 Grading the Examination and Score Expiration ..... 8

ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION..... 9

    P-5.01 Minimum Requirements for Admission of Persons Admitted in Other Jurisdictions..... 9

ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION..... 10

    P-6.02 Investigatory Committees ..... 10

    P-6.03 Investigating Procedures..... 11

ARTICLE VII. FOREIGN-EDUCATED APPLICANTS..... 11

    P-7.01 Eligibility to Take Examination ..... 11

ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE..... 12

ARTICLE IX. ISSUANCE OF LICENSE – EFFECTIVE DATE OF ADMISSION ..... 12

    P-9.01 Certificate of Board ..... 12

ARTICLE X. SPECIAL OR LIMITED PRACTICE.....	12
P-10.03 Law Student Practice.....	12
P-10.04 Practice before Admission by Examination.....	12
P-10.06. Temporary License of Spouse of a Military Servicemember. ....	13
P-10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.....	13
ARTICLE XI. FEES .....	14
P-11.02 Payment Mandatory .....	14
ARTICLE XII. ORGANIZATION AND POWERS OF BOARD.....	14
P-12.04 Formal Actions; Quorum .....	14
P-12.11 Confidentiality of Board Records and Files. ....	14
ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD .....	14
ARTICLE XIV. REVIEW OF BOARD DECISIONS .....	14
ARTICLE XV. SURRENDER OF LAW LICENSE.....	14
ARTICLE XVI. REINSTATEMENT OF LAW LICENSE.....	14
ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS .....	14
APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS.....	A-i
SUB-APPENDIX A-1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING DISABILITY.....	A-iv
SUB-APPENDIX A-2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION DEFICIT/HYPER-ACTIVITY DISORDER (AD/HD).....	A-v
SUB-APPENDIX A-3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL DISABILITY.....	A-vii
APPENDIX B: PUBLIC RECORDS POLICY OF THE TENNESSEE BOARD OF LAW EXAMINERS .....	B-i
A. Definitions:.....	B-i
B. Requesting Access to Public Records.....	B-ii
C. Responding to Public Records Requests.....	B-ii
D. Inspection of Records .....	B-iv
E. Copies of Records.....	B-iv
F. Fees and Charges and Procedures for Billing and Payment .....	B-iv
APPENDIX C: LAPTOP TESTING - Terms, Conditions and Release of Liability.....	C-i
A. Terms and Conditions for Use of Laptop .....	C-i
B. Release of Liability .....	C-iii

# **TENNESSEE BOARD OF LAW EXAMINERS**

## ***STATEMENT OF POLICIES AND PROCEDURES***

Policy numbers correspond to sections of Tennessee Supreme Court Rule 7; for example, P-1.02 corresponds to Rule 7, section 1.02.

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### **ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE**

#### **P-1.02 License; Certificate of Eligibility Required**

Applicants seeking admission by bar examination or by transferred Uniform Bar Examination (“UBE”) score who:

- (a) have been approved for licensing and admission,
- (b) have not completed the admission process prior to the 2 year expiration of the Certificate of Eligibility, and
- (c) have a bar examination or UBE transfer score that has not expired as provided in Rule 7, section 1.02

may receive a one-time extension of the Certificate of Eligibility by submitting to the Tennessee Board of Law Examiners (“Board”) the Re-Activation Application, a supplemental National Conference of Bar Examination (“NCBE”) character and fitness application, and the required fee. Upon receipt of the completed supplemental background investigation and approval by the Board, an amended Certificate of Eligibility will be issued.

#### **P-1.07 Tennessee Law Course**

- (a) Applicants will receive notice of a new application in the Synergy application system for access to the Tennessee Law Course:
  - (1) upon completion of the examination for applicants seeking admission under section 3.01; or
  - (2) upon approval of an application for admission by transferred UBE score under section 3.05, without examination under section 5.01 or as a spouse of a military servicemember under section 10.03.
- (b) Once applicant completes the Tennessee Law Course Access Application and pays the fee, the login and password information for access to the Tennessee Law Course will be provided by email. Access emails will be sent at least weekly by the BOARD.

### **ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION**

#### **P-2.01 Bachelor’s Degree**

The request for waiver of the accreditation of the undergraduate school from which an applicant received a Bachelor’s Degree or higher must be submitted:

- (a) on or before the Final Deadline for applications for an applicant seeking admission by examination under section 3.01; or
- (b) with the application for an applicant seeking admission by transferred UBE score under section 3.01, without examination under section 5.01 or as spouse of a military servicemember under section 10.06.

#### **P-2.02 Legal Education Degree Requirements**

- (a) Evidence of the J.D. Degree as referenced in section 2.02 of Rule 7 shall be submitted in the following form:

- (1) For an applicant seeking admission by examination under section 3.01 or transfer UBE score under section 3.05, a “Law Degree Verification” form submitted directly from the applicant’s law school to the Board; and
  - (2) For an applicant seeking admission without examination under section 5.01 or as spouse of a military servicemember under section 10.06, an Official Transcript either uploaded by the applicant or mailed directly to the Board by the law school.
- (b) Applicants who received their legal education outside the United States may be eligible for admission if they meet the requirements of Rule 7, section 7.01 and Policy P-7.01.

### **ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE**

#### **P-3.01 Application for Admission by Examination**

- (a) To be eligible to sit for the UBE in Tennessee, an applicant must meet the educational requirements found in Rule 7, section 2.02, and must provide all required applications and documentation for a complete application, as specified in paragraph (b) below, on or before the deadline. See also Policies P-2.02 and P-3.03. As the UBE in Tennessee is used to determine competency to practice law in Tennessee, only bona fide applicants to the Bar of Tennessee may seek admission by examination. Courtesy seating at the examination for applying for admission in another jurisdiction or already licensed in Tennessee is not permitted.
- (b) A complete application for admission by examination consists of the following:
- (1) The NCBE character and fitness application, completed online and submitted to the NCBE with all attachments (.pdf format). The NCBE application must be completed and saved as a .pdf with attachments in order to complete the Tennessee Online Application (Synergy);
  - (2) The Tennessee Online Application (Synergy);
  - (3) Undergraduate Transcripts mailed directly from the school or transcript service to the Board;
  - (4) Law Degree Verification, completed and signed by the law school Dean or designee from each law school attended even if no degree was awarded, mailed directly from the law school to the Board;
  - (5) Current Resume uploaded to Synergy in .pdf format only;
  - (6) Passport Photo uploaded to Synergy in .jpg format; see P-3.01(c), below;
  - (7) For foreign-educated applicants without a J.D. from an ABA-accredited or Tennessee-approved law school, either:
    - (i) an equivalency evaluation if seeking admission on foreign education that is substantially equivalent as provided in Rule 7, section 7.01(a) and Board Policy P-7.01, or
    - (ii) Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, and a completed Affidavit of Practice in a Foreign Country, if seeking admission based on foreign education and a U.S. LL.M.;
  - (8) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
  - (9) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which applicant is licensed who can verify that applicant is licensed and attest to applicant’s practice in that country, provided:
    - (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant’s license in a foreign country and attesting to applicant’s practice in that country must relate to applicant’s work with the recommender in the practice of law and, if from a relative, the

- relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
- (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document;
  - (10) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing by examination in the jurisdiction in which the law school was located, information sufficient for the Board to determine that the applicant's law school curriculum is equivalent to a three-year course of study that is substantially equivalent to the legal education provided by approved law schools located in Tennessee and does not include distance, online or other than in person learning beyond that permitted under Rule 7, section 2.02(e), and an Affidavit of Past Practice. Proof of a passing bar examination score may be in the form of a letter from the jurisdiction in which the applicant sat for the examination or a score transfer report;
  - (11) For applicants with a J.D. from an ABA or Tennessee approved law school who did not graduate from an accredited undergraduate school as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01;
  - (12) For applicants seeking non-standard testing accommodations, all required forms as provided in P-3.11 below; and
  - (13) Full payment of the filing fee; see P-11.02, below.

*All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*

- (c) **Passport Photo:** An applicant must upload a current passport-type photo in a ".jpg" format each time the applicant applies for examination or re-examination on or before the deadline for submitting applications or the applicant will be ineligible to take the examination. An upload of the photo in any format other than .jpg or a scan or photo of your actual passport or any part of your passport will not satisfy the passport photo requirement and will result in an applicant being ineligible to take the examination if not uploaded in the correct format prior to the deadline.
- (d) **Expiration of Application Documents:** The NCBE character and fitness application and letters attesting to practice in a foreign country are valid for two years; the Law Degree Verification and undergraduate transcripts only have to be submitted with the first application; the passport photo, resume, and the Affidavit of Past Practice (when required to be submitted with the original application), must be updated and submitted with each examination application; and Certificates of Good Standing must be updated whenever applicant's status has changed in the jurisdiction that issued the license.
- (e) **Practice Pending Admission:** Applicants who wish to practice pending the examination and admission must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.

### P-3.02 Obligation to Amend

All amendments to the Tennessee Online (Synergy) or NCBE application must be submitted to the BOARD as soon as possible after the event that triggers the amendment and, if amending the NCBE application, must be provided to the NCBE if the background investigation has not been completed.

### P-3.03 Date for Filing Application for Examination and Reexamination

DEADLINE	JULY EXAM	FEBRUARY EXAM
<b>Initial Deadline</b>	<b>May 1</b>	<b>December 1</b>
<b>Final Deadline</b>	<b>May 20</b>	<b>December 20</b>

- (a) The Tennessee Online Application (Synergy) must be submitted and the filing fee paid on or before the Final Deadline. All documents enumerated in Policy P-3.01(a)(2)-(13) that are components of a complete application must be received by the BOARD in the proper format on or before May 20 for the July examination and December 20 for the February examination (“Final Deadline”). An applicant who pays the fee online after the office closes on the day of the Final Deadline will not have completed the application requirements if the payment is declined and remains unpaid at midnight.
- (b) The NCBE character and fitness application process must be complete by the Final Deadline in order to be eligible to sit for the examination. This includes finalizing the application in the NCBE online application system, paying the NCBE fee, uploading any attachments, and submitting to the NCBE the documents listed on the checklist provided after finalizing the application in the online system. The complete NCBE application, as described in P-3.01(a)(1), must be uploaded to the Synergy application by the Final Deadline. Related Policies can be found at P-6.03.
- (c) If an Applicant completes and submits the Synergy application and pays the filing fee on or before the Initial Deadline (May 1 for the July examination or December 1 for the February exam), the BOARD will notify the Applicant at least once of any missing, non-conforming, or incorrectly submitted documents prior to the Final Deadline to provide the Applicant an opportunity to correct any deficiencies. In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application in order to provide the Board the information needed for the Synergy application. An applicant who pays the Tennessee application fee online after the office closes on the day of the Initial Deadline (May 1 or December 1) will not have completed the minimum requirements for the application if the payment is declined and remains unpaid at midnight.
- (d) **Applicants to the Bar of Tennessee are responsible for ensuring that all documents are RECEIVED by the BOARD and that any deficiencies are corrected by the Final Deadline to be eligible to sit for the examination.** If an application has any missing, non-conforming, or incorrectly submitted documents after the Final Deadline, the applicant will not be permitted to sit for the examination. The BOARD strongly recommends that Applicants use a mailing service with tracking or delivery confirmation as the BOARD cannot immediately verify receipt of a document by mail. The Final Deadline requires submission of original documents or online filing of documents as set forth in Rule 7. A fax or email of a document for which the original is required will not satisfy a deadline. A postmark on or before the deadline does not constitute timely receipt unless actually received by the BOARD by the deadline.
- (e) Applicants who fail to submit the Tennessee Online Application (Synergy) and the fee by the Initial Deadline as provided in paragraph (b) above, may still submit an application and pay the fee on or

before the Final deadline (May 20 for July; December 20 for February) but will not be provided any notice of deficiencies.

- (f) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.
- (g) **Calculation of Time in Practice.** Computation of time in practice, when required for admission under Rule 7, sections 2.02(d) or 7.01(b)(2), is measured from the date the last of the following is submitted:
  - (1) The Synergy online application; or
  - (2) Full payment of the filing fee

#### **P-3.04 Expiration of Application for Admission on Exam Score**

The burden is on the applicant to prevent an application under section 3.01 or section 3.05 from expiring. The Board will not provide notice of an expired application. Subsequent applications will be new or first time applications and all documents and fees required for a new application must be submitted as expired applications will be destroyed.

#### **P-3.05 Admission by Transferred Uniform Bar Examination Score**

- (a) A complete application for admission by transferred UBE score consists of the following:
  - (1) The NCBE character and fitness application, completed online, submitted to the NCBE with all attachments (.pdf format), and finalized in the NCBE system. The NCBE application and attachments must be saved as a .pdf and uploaded to the Tennessee Online Application (Synergy).
  - (2) The Tennessee Online Application (Synergy). In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application, even if it is not finalized in the NCBE online system, in order to provide the Board the information needed for the Synergy application;
  - (3) Evidence in the form of an official NCBE Score Report sent directly from the NCBE of a score that:
    - (i) will not expire as defined in Rule 7, sections 3.05 and 4.07 prior to approval of the application by the Board (approximately 6 months),
    - (ii) meets or exceeds the minimum score on bar examination as required by Tennessee and set forth in Policy P-4.07,
    - (iii) was earned in a single administration of the UBE, and
    - (iv) was reported in another jurisdiction prior to submitting an application for admission pursuant to Rule 7, section 3.05;
  - (4) Undergraduate Transcripts mailed directly from the school or transcript service to the Board;
  - (5) Law Degree Verification, completed and signed by the law school Dean or designee, mailed directly from the law school to the Board;
  - (6) Current Resume uploaded to Synergy in .pdf format only;
  - (7) For applicants seeking admission on an otherwise expired UBE score under section 3.05(b), a completed Affidavit of Past Practice;
  - (8) For foreign-educated applicants without a J.D. from an ABA-accredited or Tennessee-approved law school, either:

- (i) an equivalency evaluation as noted in Rule 7, section 7.01 and Board Policy P-7.01, if seeking admission on foreign education that is substantially equivalent, or
  - (ii) Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, and a completed Affidavit of Practice in a Foreign Country, if seeking admission based on foreign education and a U.S. LL.M.;
- (9) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
- (10) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which the applicant is licensed who can verify that applicant is licensed and attest to applicant's practice in that country, provided:
- (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant's license in a foreign country and attesting to applicant's practice in that country must relate to applicant's work with the recommender in the practice of law and, if from a relative, the relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
  - (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document.
- (11) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing by examination in the jurisdiction in which the law school was located, information sufficient for the Board to determine that the applicant's law school curriculum is equivalent to a three-year course of study that is substantially equivalent to the legal education provided by approved law schools located in Tennessee and does not include distance, online or other than in person learning beyond that permitted under Rule 7, section 2.02(e), and an Affidavit of Past Practice. Proof of a passing bar examination score may be in the form of a letter from the jurisdiction in which the applicant sat for the examination or a score transfer report;
- (12) For applicants with a J.D. from an ABA or Tennessee approved law school who did not graduate from an accredited undergraduate school as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01; and
- (13) Full payment of the filing fee; see P-11.02, below.
- All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*
- (b) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.04 (supervised practice by an applicant not licensed in another U.S. jurisdiction) or Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.04 and P-10.07.
- (c) **Calculation of Time in Practice.** Computation of time in practice, when required to extend the time a transferred UBE score can be used for admission or when required for admission under Rule 7, sections 2.02(d) or 7.01(b)(2), is measured from the date the last of the following is submitted:
- (1) The Synergy online application; or

- (2) Full payment of the filing fee.

**P-3.07 Additional Information**

- (a) Unless otherwise provided by the Board, additional information requested under Rule 7, section 3.07(a) shall be provided to the Board in 15 days.
- (b) An Applicant required to submit to a drug test under Rule 7, section 3.07(b), shall submit to the test within three calendar days of the request.

**P-3.11 Applicants Requiring Non-Standard Testing Accommodations**

It is the policy of the Board to administer the bar examination in a manner that does not discriminate, on the basis of disability, against a qualified applicant with a disability. An applicant who is otherwise eligible to take the Tennessee bar examination may file a request for non-standard testing accommodations (“NST Petition”) if, by virtue of a disability, the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Tennessee Supreme Court and the Board have determined are appropriate to require for admission to the practice of law in Tennessee. The process for submitting an NST Petition is attached hereto as [Appendix A](#).

In deciding NST Petitions submitted by bar examination applicants, the Board relies upon the following definition of disability contained in the Americans with Disabilities Act Amendments Act (“ADAAA”): A “disability,” as used herein, is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Thus, merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify a bar applicant for an accommodation. To qualify under ADAAA, an applicant must demonstrate that the impairment limits a major life activity and that the limitation of the major life activity is "substantial." The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses or contact lenses. The determination of a disability by the Board is an individualized inquiry and will be made on a case-by-case basis, per individual and per examination administration.

As used herein, “accommodations” means any reasonable change to the standard administration of the examination awarded to an applicant who has submitted a request for non-standard testing accommodations. Reasonable accommodations will be provided to applicants determined to have a disability. A reasonable accommodation is an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:

- fundamentally altering the nature of the examination or the Board’s ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Tennessee Supreme Court of Tennessee and the Board have determined are appropriate to require for admission to the practice of law in Tennessee;
- imposing an undue burden on the Board; and/or
- compromising the security of the examination.

## ARTICLE IV. THE EXAMINATION

### P-4.02 The Structure of the Examination

- (a) Use of Laptop for Essay Examination: All applicants by examination agree to utilize applicant's laptop computer unless the applicant elects to handwrite the exam.
- (b) All applicants will be sent a registration email from the Software Provider to register for laptop testing. Taking the examination on a laptop requires an additional, non-refundable fee for the Software paid directly to the Software Provider in exchange for use of the Laptop Testing Software ("Software").
- (c) Failure to register, pay and download the Software by the download deadline established for each examination and provided in the registration email, intentionally or unintentionally, is an election to handwrite the exam.
- (d) The Software for the examination is not the same as that used in law school; applicants must register and download the Software prior to each bar examination and take the mock exam.
- (e) By registering for laptop testing and downloading the Software, applicants agree to the Terms and Conditions for Use of Laptop and accept the Release of Liability attached hereto as [Appendix C](#).

### P-4.07 Grading the Examination and Score Expiration

- (a) GRADING: Applicants must achieve a score of 270 or higher out of 400 on the UBE in order to successfully complete the Tennessee examination requirements for admission or to transfer a UBE score to Tennessee. The total scaled UBE score will be released to all applicants who complete the examination. The Board will not re-grade any of the written components of the UBE (Multistate Performance Test ("MPT") or Multistate Essay Examination ("MEE")).
- (b) The Board will not search for answers or make changes to incorrectly formatted or numbered MPT or MEE answers resulting from failure to follow the laptop testing or answer booklet instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers, or writing multiple answers in one answer booklet or incorrectly numbering an answer booklet. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, applicant will receive a zero for that question.
- (c) In order to provide unsuccessful applicants some insight regarding areas that require additional study, the Board will report the following scores in addition to the total scaled score to applicants who do not achieve at least a 270 on the UBE administered in Tennessee: the Multistate Bar Examination ("MBE") scaled score, the total scaled score on the written portions (MPT and MEE) and the raw scores for each MPT and MEE question. A raw score of 1 through 6 is assigned by a Tennessee attorney appointed as a grader by the Tennessee Supreme Court, with a zero assigned if no attempt was made to answer the essay or the attempt was completely incorrect. A score of 6 does not mean that the answer was perfect; rather, the answer was in the group that reflects the best of the answers provided by the entire group of examinees.
- (d) The minimum score that must be achieved prior to licensing and admission on the Multistate Professional Responsibility Examination ("MPRE") for applicants by examination or transferred UBE score is 82. The MPT score is valid for two years for admission by examination or transferred UBE score, unless an applicant is actively licensed and in good standing in another U.S. jurisdiction.
  - (1) Re-Examination Applicants: MPRE scores of 75 but less than 82 will be accepted until the MPRE score is no longer valid, provided the applicant meets all of the following requirements:

- (i) the applicant is not licensed in another jurisdiction; and
- (ii) the applicant first sat for a Tennessee bar examination prior to the July 2018 bar examination; and
- (iii) the applicant is applying for re-examination for the July 2018 examination or later; and
- (iv) the score was earned prior to the November 2017 MPRE administration.

After an MPRE score expires for a re-examination applicant who meets all of the requirements above, prior to the applicant achieving a passing examination score, the applicant must achieve an MPRE score of 82 or higher to be eligible for admission.

- (2) Applicants Successful on prior Tennessee Bar Exam but not Licensed by July 2018 Exam: An MPRE score of 75 or above will be accepted for applicants who were successful on a bar examination less than two years prior to the July 2018 examination but who have not completed all steps required for licensing. If the applicant has not provided a passing MPRE score prior to the time bar examination scores expire after two years, the minimum MPRE score required at the time of re-examination will be required for licensing.

## **ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION**

### **P-5.01 Minimum Requirements for Admission of Persons Admitted in Other Jurisdictions**

- (a) A complete application for admission without examination consists of the following:
  - (1) The NCBE character and fitness application, completed online, submitted to the NCBE with all attachments (.pdf format), and finalized in the NCBE system. The NCBE application must be completed and saved as a .pdf with attachments for upload to the Tennessee Online Application (Synergy);
  - (2) The Tennessee Online Application (Synergy). In order to complete the Synergy application, an Applicant must complete the NCBE character and fitness application, even if it is not finalized in the NCBE online system, in order to provide the Board the information needed for the Synergy application;
  - (3) Official Transcripts from the school at which applicant received a Bachelor’s Degree or higher, or the transcript service used by the school, which can be mailed directly to the Board or uploaded by the applicant to the Synergy application;
  - (4) An official transcript from the law school at which applicant received a J.D. degree, which can be uploaded by the applicant to the Synergy application or mailed directly to the Board;
  - (5) Current Resume uploaded to Synergy in .pdf format only;
  - (6) A completed Affidavit of Past Practice;
  - (7) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
  - (8) For applicants licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which the applicant is licensed who can verify that applicant is licensed and attest to applicant’s practice in that country, provided:
    - (i) Letters Attesting to Practice: The three letters from attorneys or judges verifying applicant’s license in a foreign country and attesting to applicant’s practice in that country must relate to applicant’s work with the recommender in the practice of law and, if from a relative, the

relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and

- (ii) Documents not in English: For documents that are not in English, a translation to English by a certified translator must be provided with the original document.
- (9) For applicants with a J.D. who did not graduate from an accredited undergraduate school in the U.S. as required in Rule 7, section 2.01, or who have a foreign undergraduate degree, a request for waiver of the accreditation requirement pursuant to section 2.01(c) and P-2.01;
- (10) For applicants seeking a waiver due to admission by "diploma privilege" under section 5.01(b), a petition under section 13.02 for waiver of the requirements of section 5.01(a)(2); and
- (11) Full payment of the filing fee; related Policies can be found at P-11.02.

*All forms and additional information about these requirements are available on the website at [www.tnble.org](http://www.tnble.org).*

- (b) **Practice Pending Admission:** Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.07 (practice by an applicant actively licensed and in good standing in another U.S. jurisdiction); related Policies can be found at P-10.07.
- (c) **Calculation of Time in Practice.** Computation of time in practice is measured from the date the last of the following is submitted:
  - (1) The Synergy online application; or
  - (2) Full payment of the filing fee.

## **ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION**

### **P-6.02 Investigatory Committees**

- (a) Each investigatory 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-five (65) members and the District 9 committee may have up to forty-five (45) 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. Committee members shall be recommended by the Board to the Tennessee Supreme Court for approval.
- (b) Interviews.
  - (1) Applicants seeking admission by examination or transferred UBE score who are not licensed and/or not in good standing in at least one other U.S. jurisdiction must appear for an in-person interview. As a general rule, interviews are conducted in March and September.
  - (2) The requirement to be interviewed cannot be waived. Applicants must complete the interview process in order to be found by the Board to be eligible for licensing.
  - (3) Applicants seeking admission who are licensed and in good standing in at least one other U.S. jurisdiction may be notified that they must participate in an interview as specified by the Board.
  - (4) If an applicant has requested a specific interview county in the application for admission but prefers to interview in a different county, the applicant may request an interview in a different Tennessee county in writing by email to [BLE.Administrator@tncourts.gov](mailto:BLE.Administrator@tncourts.gov). The request must be made within 10 calendar days following the most recent bar examination administration in Tennessee and must

include an explanation of why the change is necessary. The Board will notify applicant if the request is approved.

- (5) In cases of extreme hardship, an applicant required to appear for an in-person interview may file a written request with the Board for a telephone or online video interview. The interviewer must agree to the request before it will be considered by the Board. The request must include an explanation as to the extreme hardship preventing the applicant from appearing in person at the interview. The preference of the Board is for the interview to be conducted in person or by online video or similar distance conferencing program.
- (6) An applicant who is required to be interviewed and who has not completed the licensing and admissions process must be interviewed every two years.

#### **P-6.03 Investigating Procedures**

A National Conference of Bar Examiners (NCBE) character and fitness application filed with the Board but not completed, submitted and finalized with the NCBE, including the payment of the fee for the background investigation, is not a complete application. An applicant will not be approved to sit for the examination or for admission unless the application is submitted to both organizations. However, an application to register as In-House Counsel under Rule 7, section 10.01 does not have to be submitted to the NCBE but must be prepared using the NCBE online application forms for Tennessee. Related Policies can be found at P-3.03(b).

### **ARTICLE VII. FOREIGN-EDUCATED APPLICANTS**

#### **P-7.01 Eligibility to Take Examination**

- (a) Eligibility based on foreign education only. A foreign-educated applicant who seeks approval to take the UBE in Tennessee or who seeks admission by transferred UBE score shall have the foreign education equivalency evaluation required pursuant to Rule 7, section 7.01(a), sent directly to the Board from the company completing the evaluation.
- (b) Eligibility based on foreign legal education plus an LL.M. A foreign-educated applicant who seeks approval to take the bar examination in Tennessee or who seeks admission by transferred UBE score must submit or cause to be submitted to the Board on or before the deadline for filing applications, the following documents as part of the application for admission by examination or transferred UBE score:
  - (1) an official transcript from the school at which the applicant received his or her legal education, as well as documentation showing that the school was accredited by the competent accrediting agency of the jurisdiction in which the law school is located;
  - (2) a completed Certification of Dean of Legal Studies in the United States from each school the applicant attended in the United States, whether or not an LL.M. was awarded;
  - (3) a certified copy of the record or license from the highest court or agency of each foreign jurisdiction having authority over admission to the practice of law attesting to applicant's admission to practice law in that jurisdiction;
  - (4) three (3) letters from attorneys or judges in each country in which applicant is admitted verifying that applicant is licensed in that country and attesting to applicant's practice in that country; and
  - (5) a completed Affidavit of Foreign Practice.

For documents that are not in English, a translation to English by a certified translator must be provided with the original document.

- (c) An applicant who has been approved to sit for the Tennessee or UBE beginning with the July 2015 examination is not required to submit a new educational equivalency evaluation for subsequent examinations as such applicant previously provided proof of substantially equivalent education to the Board.
- (d) An applicant who was approved to sit for an examination prior to July 2015 who either has not applied for examination since that time or has applied but been denied eligibility because the applicant's foreign education was not substantially equivalent to the requirements of Rule 7, sections 2.01 and 2.02, may qualify for examination if the applicant meets the requirements of amended Rule 7, section 7.01(a) or (b). Applicant shall submit all of the required documentation with the new application.
- (e) All forms are available on the website at [www.tnble.org](http://www.tnble.org) and must be submitted on or before the deadline for filing applications.

## ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE

### ARTICLE IX. ISSUANCE OF LICENSE – EFFECTIVE DATE OF ADMISSION

#### P-9.01 Certificate of Board

Applicants seeking admission by bar examination or by transferred UBE score who:

- (a) have been approved for licensing and admission,
- (b) have not completed the admission process prior to the 2 year expiration of the Certificate of Eligibility, and
- (c) have a bar examination or UBE transfer score that has not expired as provided in Rule 7, section 1.02

may receive a one-time extension of the Certificate of Eligibility by submitting to the Board the Application for Re-Activation of Application for Admission, a supplemental NCBE character and fitness application if the previous investigation has expired, and the required fee. Upon receipt of the completed supplemental NCBE investigation and approval by the Board, an amended Certificate of Eligibility will be issued.

### ARTICLE X. SPECIAL OR LIMITED PRACTICE

#### P-10.03 Law Student Practice

As used in Rule 7, section 10.03(b)(1), a law school in the state of Tennessee that has been accredited by the ABA includes any law school that has ABA provisional or full accreditation, wherever located.

#### P-10.04 Practice before Admission by Examination

Practice before Admission by Examination ("Supervised Practice") pursuant to section 10.04 is available to an applicant for admission by bar examination<sup>1</sup> or by transferred UBE score<sup>2</sup> who is a recent law school graduate, who is not licensed in any U.S. jurisdiction, and who wishes to practice under supervision while the application for admission to Tennessee is pending before the Board. In order to engage in Supervised Practice, an applicant must register timely by submitting to the Board the following:

- (a) The Registration Application for Supervised Practice (form available on the website at [www.tnble.org](http://www.tnble.org));
- (b) For applicants seeking admission by transferred UBE score, evidence from the NCBE of a score that:
  - (1) meets or exceeds the minimum score of 270 required by Tennessee;

<sup>1</sup> Tenn. Sup. Ct. R. 7, section 3.03

<sup>2</sup> Rule 7, section 3.05

- (2) was earned in a single administration of the UBE;
  - (3) was released in another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
  - (4) has not expired as defined in Rule 7; and
- (c) Payment of the fee for the Application for Permission to Practice Pending Admission.

**P-10.06. Temporary License of Spouse of a Military Servicemember.**

Applicants who wish to practice pending approval by the Board and admission to practice must register as provided in Rule 7, section 10.07. Related Policies can be found at P-10.07.

**P-10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction**

Practice Pending Admission pursuant to section 10.07 is available to an applicant for admission by bar examination<sup>3</sup>, by transferred UBE score<sup>4</sup>, without examination<sup>5</sup>, or as a Spouse of a Military Service Member<sup>6</sup>, who is licensed in another U.S. jurisdiction and who wishes to practice while the application for admission to Tennessee is pending before the Board. In order to practice pending admission, the attorney-applicant must timely register as follows:

- (a) Bar Exam Applicant: A Bar Exam Applicant shall submit a Registration Application for Permission to Practice Pending Admission within thirty (30) days of establishing an office or presence in Tennessee, even if the application period for admission by bar examination, specifically March 1 – May 20 and October 1 – December 20, is not open. No later than the fifth (5<sup>th</sup>) business day after the bar examination application period immediately following the attorney’s registration for practice pending admission opens, the Applicant **shall** submit the Application for Admission to Tennessee by examination, the NCBE character and fitness application, and the filing fee. Failure to do so will result in immediate termination of the right to practice pending admission.
- (b) Comity, UBE Transfer or SMS Applicant: A Comity, UBE Transfer or SMS Applicant shall submit the Application for Admission to Tennessee, the NCBE character and fitness application, the filing fee and Registration Application for Permission to Practice Pending Admission no later than thirty (30) days after establishing an office or other systematic, continuous presence for the practice of law in Tennessee.
- (c) Registration Process for Practice Pending Admission: In order to register for practice pending admission, an applicant must submit to the Board the following:
  - (1) Registration Application for Permission to Practice Pending Admission (form available on the website at [www.tnble.org](http://www.tnble.org));
  - (2) For UBE Transfer Applicants, evidence from the NCBE of a score that:
    - (i) has not expired as defined in Rule 7, section 4.07,
    - (ii) meets or exceeds the minimum score of 270 required by Tennessee,
    - (iii) was earned in a single administration of the UBE, and
    - (iv) was released by another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
  - (3) Certificates of Good Standing for every jurisdiction in which the applicant is licensed; and

<sup>3</sup> Tenn. Sup. Ct. R. 7, section 3.03

<sup>4</sup> Rule 7, section 3.05

<sup>5</sup> Rule 7, section 5.01

<sup>6</sup> Rule 7, section 10.06

- (4) Payment of the fee for the Registration Application for Permission to Practice Pending Admission.
- (d) Failure to timely register for practice pending admission will result in denial of the Registration Application for Permission to Practice Pending Admission and delay in determination of the Application for Admission.

## **ARTICLE XI. FEES**

### **P-11.02 Payment Mandatory**

Fees must be paid in full for an application to be considered “submitted” and eligible for review. Applicant’s cancelled check or credit card billing operates as applicant’s receipt. The Board and its employees will not review an application or provide any notice of deficiency until the fees are paid in full. Time in practice, when required to be calculated, will start from the later of submission of the Synergy application or full payment of fees.

## **ARTICLE XII. ORGANIZATION AND POWERS OF BOARD**

### **P-12.04 Formal Actions; Quorum**

The Tennessee Board of Law Examiners does not give advisory opinions.

### **P-12.11 Confidentiality of Board Records and Files.**

Pursuant to Tenn. Code Ann. section 10-7-503(g), the Board has adopted and the Tennessee Supreme Court has approved the **Public Records Policy** attached as [Appendix B](#).

Employees of the Board shall timely and efficiently provide access and assistance to Tennessee citizens requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Board shall be protected as provided by current law. Concerns about this Policy should be addressed to the Board’s Public Records Request Coordinator.

This Policy is posted online at <http://www.tnble.org/tn-supreme-court-rule-7> under Board Policies and Procedures. This Policy shall be reviewed as needed, but no less frequently than every two years.

## **ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD**

## **ARTICLE XIV. REVIEW OF BOARD DECISIONS**

## **ARTICLE XV. SURRENDER OF LAW LICENSE**

## **ARTICLE XVI. REINSTATEMENT OF LAW LICENSE**

## **ARTICLE XVII. TENNESSEE-APPROVED LAW SCHOOLS**

## APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS

### REQUESTS FOR NON-STANDARD TESTING ACCOMMODATIONS:

- A. **Regular Requests:** A regular Non-Standard Testing (NST) Application shall be on forms prescribed by the Board and shall consist of all of the following:
- i. the NST Application, including a description of the applicant's disability and the testing accommodations requested;
  - ii. a statement on the prescribed form from the applicant's qualified professional in the field related to the applicant's claimed disability (see Qualified Professional in paragraph B., below) listing the disability and the accommodation recommended;
  - iii. a statement on the prescribed form, if applicable, from any educational institution that provided testing accommodations to the applicant while the applicant attended the educational institution
  - iv. a statement on the prescribed form, if applicable, from the testing authority that provided testing accommodations to the applicant on the LSAT, MPRE or bar examination in another jurisdiction; and
  - v. additional documentation for specific disabilities as detailed in Sub-Appendices A-1, A-2, and A-3, which shall include:
    1. a diagnostic report summary from the Qualified Professional typed in English , on letterhead, dated and signed;
    2. for applicable disabilities, the specific diagnosis/diagnoses based upon the Diagnostic and Statistical Manual of Mental Disorders (DSM-5); and
    3. a specific recommendation regarding the accommodation in terms of the bar examination; see Paragraph C, below for additional information regarding additional testing time accommodations.
- B. **Qualified Professional:** Professionals conducting assessments, rendering diagnoses and making recommendations for accommodations must be qualified to not only diagnose the applicant's identified condition, but also be qualified to thoroughly assess, diagnose, and ultimately rule out any other potentially confounding issues/diagnoses with similar clinical presentations (differential diagnosis). For multiple diagnoses, the professional must be qualified to make all diagnoses given. Comprehensive training and relevant experience in differential diagnosis are essential. *Diagnoses made by an otherwise qualified family member will not be considered due to the inherent conflict of interest such a recommendation presents.*
- i. *For ADHD:* the evaluation must be performed by a licensed mental health professional who is trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment of adults.

- ii. *For a Learning Disorder:* the evaluation must be performed by a professional who is certified or licensed in the area of adults with learning disabilities and trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment.
- iii. *For a Psychological/Emotional/Behavioral Health Disorder:* the diagnosis must be done by a licensed mental health professional such as a psychologist or a psychiatrist and must include a license number.
- iv. *For a Physical Disability:* the evaluation must be performed by a medical doctor who specializes in the specific claimed disability and who can support an assessment of current limitations.

Upon request, the applicant shall submit an authorization for release of records from the Qualified Professionals who provided statements to the Board if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for a disability set forth in this policy.

- C. When a Qualified Professional recommends **additional time accommodations**, the Qualified Professional shall provide, in addition to the documentation outlined above, a rationale for each accommodation requested, including the specific amount of additional time recommended. The current functional limitations caused by the impairment must be relevant to each part of the bar examination (multiple choice testing, essay testing, or both) and must be necessary to ameliorate the applicant's current limitation.
  - i. Additional time accommodations permitted are time and one-half and double time.
  - ii. Approval for additional time may be for the full examination or for a specific part of the examination, depending on the current functional limitations of an applicant.
  - iii. If a specific amount of additional time is not indicated, applicant's request may not be approved due to insufficient information.
  - iv. Generally, please note that double time testing is conducted in Nashville, Tennessee, for all examination administrations; however, in appropriate circumstances, testing may be conducted in other locations.
- D. Any changes in the way the test is administered requires an Application for Non-Standard Testing, including but not limited to permission to eat food, take medication, test blood sugar and use medical equipment during the examination.
- E. All applicable items must be completed and received by the Board on or before the filing deadline for the current examination period. Applicants must submit a new request and supporting documentation for each examination. The application is specific to one examination administration and does not carry forward.
- F. Applicants with disabilities have the responsibility to meet the same deadline for application as individuals without disabilities. As some of the forms require input from third parties, the Board strongly recommends that applicants request the appropriate individuals complete the forms well

in advance of the deadline for filing the application for non-standard testing accommodations. Incomplete submissions may result in denial due to insufficient information. Materials related to accommodation requests must meet examination deadlines. Deadlines apply to receipt of all information, including documentation requested from third parties, and is a “received by” deadline, not a “postmarked by” deadline.

G. Emergency Requests

- i. An applicant may file an emergency NST Application after the time prescribed in Paragraph E of this policy, above, but no fewer than 7 days preceding the scheduled bar examination, if all of the following conditions are met:
  1. the applicant’s Application to the Bar of Tennessee or Application for Re-examination was timely filed and complete in all other respects;
  2. at the time of filing the Application to the Bar of Tennessee or the Application for Re-examination, the applicant did not have the disability;
  3. after acquiring the disability, the applicant promptly submits both of the following:
    - a. an emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose; and
    - b. a complete NST Application, with all required documentation as outlined above and in the Sub-Appendices, attached.
- ii. FORMS: All forms necessary to complete a regular or emergency NST Application are available on the Board website at [www.tnble.org](http://www.tnble.org).

H. Applicant may be referred by the Board to the Tennessee Lawyer’s Assistance Program for interview, recommendations, or review. Further, an applicant may be required to submit to independent diagnostic testing. The Board may, at its expense, have the information submitted by the applicant evaluated by a specialist selected by the Board.

I. All reasonable accommodations granted by the Board will be provided at no additional testing cost to the applicant. Accommodations granted in other jurisdictions or by Tennessee previously do not entitle an applicant to accommodations for the current administration of the Tennessee bar exam.

J. **Applicant’s Burden of Proof under the ADA.** The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for non-standard testing accommodations. Requests for testing accommodations are evaluated on a case-by-case basis. Applicants are required to complete the NST Application in accordance with the instructions provided. The documentation necessary to support a request for testing accommodations varies with the nature of the disability. Documentation which sufficed in other testing situations or for prior Tennessee bar examinations may not be sufficient to support a request for accommodations for the current administration of the Tennessee bar examination. Applicants are encouraged to review the requirements in effect at the time of each administration of the examination.

- K. CONFIDENTIALITY: All NST Applications, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.

### **SUB-APPENDIX A-1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING DISABILITY**

In order to be entitled to accommodations based on learning disability, the applicant's specific learning disabilities must have been identified by an appropriate psychoeducational assessment process that is well documented in the form of a comprehensive diagnostic report that provides clear evidence that the specific learning disability exists. The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. Although a learning disability normally is lifelong, the severity and manifestations can change. The Board generally requires documentation from an evaluation conducted within the past five (5) years and after the applicant's eighteenth (18<sup>th</sup>) birthday in order to establish the current impact of the disability. Applicant must provide documentation that (s)he has a learning disability that substantially limits a major life activity, and the learning disability results in functional limitations that required accommodations in order to take the examination on an equal basis with other applicants for the examination.

The evaluation in the form of a comprehensive diagnostic report must include:

- An account of a thorough diagnostic interview that summarizes relevant components of the individual's developmental, medical, family, social and educational history;
- Clear, objective evidence of a substantial limitation to learning or performance provided through assessment in the areas of cognitive aptitude, achievement and information processing abilities (results must be obtained on standardized test(s) appropriate for the general adult population and be reported in standard scores and percentiles);
- Interpretation of the diagnostic profile that integrates assessment data, background history, observations made during the evaluation process, as well as the inclusion or ruling out of possible coexisting conditions (such as previously diagnosed psychological issues, or English as a second language) affecting the individual's performance;
- A clear diagnostic statement of a specific learning disorder based upon the DSM-5 which should not include nonspecific terms such as "learning differences," "learning styles" or "academic problems," and that specifies all academic domains and subskills that are impaired and identify the current severity of symptoms (mild, moderate or severe).
- A rationale for each recommended accommodation based on diagnostic information presented (background history, test scores, documented observations, etc). See Board Policy P-3.11 Appendix A, sub-paragraph B.

**Formal Testing:** It is important that the tests used in the evaluation are reliable, valid, and age-appropriate, and that the most recent edition of each diagnostic measure is used. Scores should be reported as age-based standard scores and percentiles. The following diagnostic criteria are provided as a guide to assessment instruments appropriate for the adult population. Specific tests will vary with the needs of the individual being evaluated but such assessments must be designed to rule-out

alternative diagnoses or explanations and result in a clear diagnostic statement with age-based standard scores used for all normed measures:

1. A comprehensive diagnostic interview that summarizes the applicant's academic history and learning processes throughout applicant's education, as well as other relevant developmental, medical, family, psychosocial and employment history.
2. A neuropsychological, psychological and/or psychoeducational assessment consisting of a comprehensive battery of tests that addresses aptitude, achievement and relevant aspects of cognitive function and information processing, including but not limited to the following requirements:
  - The battery must include current levels of academic functioning in reading (decoding and comprehension).
  - If requesting extra time, a timed reading measure that has been normed on adults and allows for both extended and regular administration, such as the Scholastic Abilities Test for Adults (SATA), is useful.
  - Cognitive measures that relate to the processing of words and sentences presented visually are most relevant as the examination is a reading-based test.
  - If informal assessment procedures are used for any reason, those procedures must be described in sufficient detail to establish clinical validity and utility.

#### **SUB-APPENDIX A-2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION DEFICIT/HYPER-ACTIVITY DISORDER (AD/HD)**

The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. The Board generally requires documentation from an evaluation conducted within the past three (3) years and after the applicant's eighteenth (18<sup>th</sup>) birthday in order to establish the current impact of the disability. The diagnostic criteria as specified in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5 or most current version) are used as the basic guidelines for determination of Attention-Deficit Hyperactivity Disorder (ADHD) diagnosis. The diagnosis depends on objective evidence of ADHD symptoms across the applicant's development and cause the applicant clinically significant impairment within multiple environments. An applicant's self-report alone is insufficient to establish evidence for the diagnosis. Any assessment must be designed to rule out alternative diagnoses. An applicant warranting an ADHD diagnosis should meet basic DSM-5 criteria including:

- Sufficient numbers of symptoms (delineated in DSM-5) of inattention and/or hyperactivity-impulsivity that have persisted for at least six months to a degree that is inconsistent with developmental level and that negatively impacts directly on social and academic/occupational. The exact symptoms should be described in detail.
- Developmental history that is consistent with an ADHD diagnosis, including
  - Objective historical evidence showing that symptoms have interfered with, or reduced the quality of, functioning over time with evidence of symptom presentation prior to age 12;

- Review of family system including specific review of family history of the presence or absence of ADHD, or symptoms consistent with ADHD, and other educational, learning, physical or psychological difficulties;
  - academic history, including elementary, secondary, and postsecondary education, as well as performance on standardized tests such as the SAT, ACT, and LSAT, IEPs, 504 Plans, report cards, and accommodations previously utilized, if any; and
  - relevant medical history, including the absence of a medical basis for the symptoms, effects of medication (positive or negative), and whether prescribed medication had been taken at the time of the evaluation.
- Clear evidence that the symptoms interfere with, or reduce the quality of, social, academic, or occupational functioning, and several symptoms must be present in two or more settings. There must be objective evidence of clinically significant impairment within the academic setting and evidence that these problems are not confined to the academic setting.
  - In addition to the applicant's self-report, the information should include objective historical and current evidence from third-party sources such as rating scales filled out by parents, teachers, or others; job performance evaluations; third-party interviews; historical information garnered from transcripts, teacher comments, tutoring evaluations, and report cards; and IEPs or 504 Plans, if any, as well as relevant psychosocial history and interventions and relevant employment history.
  - Indication of the specific ADHD diagnostic subtype; predominantly inattentive type, hyperactive-impulsive type, combined type, or not otherwise specified.

**Formal Testing:** ADHD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of ADHD symptoms beginning during childhood and persisting to the present day. It can rarely be completed in one visit with the evaluator. The evaluation should provide a broad, comprehensive understanding of:

- the applicant's relevant background including family, academic, social, vocational, medical, and psychiatric history;
- how ADHD symptoms have been manifested across various settings over time;
- how the applicant has coped with the problems; and
- what success the applicant has had in coping efforts.

Psychological testing and self-report checklists cannot be used as the sole indicator of ADHD diagnosis independent of history and interview. However, such findings can augment clinical data. Psychological testing is particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, to describe type and severity of learning problems and to assess the severity of cognitive deficits associated with ADHD (inattention, working memory, etc.). The report should identify which symptoms have persisted for at least six months and which symptoms were present prior to age 12 years. Further, the report should specify if symptoms are in partial remission, and should also specify the current severity of symptoms (mild, moderate, or severe).

### **SUB-APPENDIX A-3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL DISABILITY**

As used herein, “psychological disability” refers to a range of syndromes and conditions characterized by different types and degrees of emotional, developmental, cognitive, and/or behavioral manifestations. In order to be entitled to accommodations based on psychological disability, the applicant’s disability must have been identified by a comprehensive diagnostic/clinical evaluation that is well documented in the form of a comprehensive report conducted within the preceding 12 months. An evaluation that was conducted more than 12 months ago may suffice, depending on the following variables:

- a) the nature and type of the psychological disability, including its expected course;
- b) the severity of symptoms;
- c) the history of onset and/or duration of the disability; and
- d) other conditions at the time of last assessment, such as treatment status and stability of functioning.

However, if the Board determines that a submitted report from more than 12 months is insufficient and an applicant opts to withdraw from the examination, the applicant is not entitled to a refund other than that permitted by Rule 7. In addition, if symptoms vary in their chronicity and/or severity, up-to-date documentation of current level of functioning is helpful in determining appropriate accommodations.

The comprehensive evaluation report must include the following:

- psychiatric/psychological history, including presenting symptoms when disability is active
- onset, duration, and severity of symptoms, including a description that distinguishes common test-taking anxiety from a diagnosed condition
- relevant developmental, educational and familial history
- relevant medical and medication history
- current functional limitations in academic, social, or employment settings, with the understanding that a psychological disorder usually presents itself across a variety of settings other than just the academic domain and that its expression is often influenced by context-specific variables
- review of prior accommodations utilized by the applicant (e.g., for standardized examinations such as the LSAT, ACT, or SAT; school examinations; licensing or certification examinations; classroom; etc.) and the extent to which the accommodations met the applicant’s needs, recognizing, however, that accommodation needs can change over time and in different settings
- results of any tests or instruments used to support the clinical interview and support the presence of functional limitations, including any psychoeducational or neuropsychological testing, rating scales, or personality tests
- diagnostic formulation, including ***demonstration that symptoms are not better accounted for by another mental disorder, including substance intoxication, substance withdrawal or substance use disorder and do not occur exclusively during the course of another mental disorder***

- prognosis including expected progression or stability of the impact of the condition over time, if relevant to test-taking performance
- clinical rating scales as necessary to corroborate the severity of the diagnosed disorder and effort testing to identify possible malingering, as may be appropriate

## **APPENDIX B: PUBLIC RECORDS POLICY OF THE TENNESSEE BOARD OF LAW EXAMINERS**

The Public Records Policy of the Tennessee Board of Law Examiners (“TBLE”) has been adopted in order to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq. The TPRA provides that all state, county, and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen unless otherwise provided by state law. Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the TBLE are presumed to be open for inspection unless otherwise provided by state law.

*Pursuant to Tennessee Supreme Court Rule 7, section 12.11, records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity including any person, firm, or institution to the Board or their members, employees, or agents, applications for admission, examination papers and grades, and all investigative records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under sections 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, and 17.10 of this Rule, whether in paper or electronic form, shall be confidential and shall not be open to inspection without written application to and authorization by an appropriate order of the Tennessee Supreme Court.*

### **A. Definitions:**

- i. Records Custodian is the office, official or employee lawfully responsible for the direct custody and care of a public record. Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- ii. Public Records includes all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. Tenn. Code Ann. § 10-7-503(a)(1)(A). This excludes all information deemed confidential pursuant to Tennessee Supreme Court Rule 7, section 12.11.
- iii. Public Records Request Coordinator is the individual, or individuals, designated in Section C.i.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- iv. Requestor is a person seeking access to a public record, whether it is for inspection or duplication.

- v. Employee is any person in a full-time or part-time status that is on the TNBLE's payroll register.

**B. Requesting Access to Public Records**

- i. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- ii. Requests for inspection (without copies) may be made orally or in writing and may be made in person or by U.S. mail to the Administrative Office of the Courts ("AOC") located at 511 Union Street, Suite 600, Nashville, TN 37219 by phone at (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov). Requests for inspection only do not have to be made in writing. The PRRC shall, however, request a U.S. mail address or email address from the requestor for providing any written communication required under the TPRA.
- iii. Requests for copies or inspection and copies shall be made in writing and may be made in person or by U.S. mail to the AOC located at 511 Union Street, Suite 600, Nashville, TN 37219; by phone at (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov).
- iv. Unless there is an indication that the requestor is not a Tennessee citizen, proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is not required as a condition to inspect or receive copies of public records.

**C. Responding to Public Records Requests**

- i. Public Record Request Coordinator
  - 1. The PRRC shall review public record requests and make an initial determination of the following:
    - a. If the requestor is a Tennessee citizen;
    - b. If the records requested are described with sufficient specificity to identify them; and
    - c. If the TBLE is the custodian of the records.
  - 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
    - a. Deny the request on the basis that:
      - (i) The requestor is not, or has not presented evidence of being, a Tennessee citizen.
      - (ii) The request lacks specificity and/or needs clarification.
      - (iii) An exemption makes the records not subject to disclosure under the TPRA and/or pursuant to Tenn. Sup. Ct. Rule 7, Section 12.11.
      - (iv) The TBLE is not the custodian of the requested records.
      - (v) The requested records do not exist.
    - b. Contact the requestor to see if the request can be narrowed.

- c. Forward the records request to the records custodian at the Tennessee Board of Law Examiners with notice of the date the request was received and the deadline for when a response is due.
  - d. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC is:
- a. Name or title: AOC Communications Director
  - b. Contact information: 511 Union Street, Suite 600, Nashville, TN 37219, phone number (615) 741-2687; or by email at [AOCpublicrecords@tncourts.gov](mailto:AOCpublicrecords@tncourts.gov).

ii. Records Custodian

1. Upon receiving a public records request from the PRRC, if the requested records are practicably available and not exempt from disclosure, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B)(i). If the records custodian is uncertain whether an applicable exemption applies, the custodian may consult with the PRRC, the Office of the Attorney General, or counsel.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the PRRC shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a Public Records Request Response pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii).
3. If a records custodian reasonably determines production of records should be in installments, the records custodian shall inform the PRRC. The PRRC shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a Public Records Request Response informing the requestor that the production of the records will be in installments and that a records production schedule will be provided as expeditiously as practicable.
4. If a records custodian determines that a public records request should be denied because of an applicable exemption, the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, deny the request in writing and include the basis for such denial, pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(ii).
5. If a records custodian discovers records responsive to a records request were omitted in a production, the records custodian shall notify the PRRC, who shall contact the requestor concerning the omission and produce the records as quickly as practicable.

iii. Redaction

1. If a non-exempt record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access.

2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction, which shall be general in nature and not disclose confidential information. A records custodian is otherwise not required to provide any sort of privilege log.

#### **D. Inspection of Records**

- i. There shall be no charge for inspection of public records that are subject to inspection under TPRA.
- ii. Inspection of records shall take place at the TBLE located at 511 Union Street, Suite 525, Nashville, TN 37219. The location for inspection of records within the TBLE shall be determined either by the PRRC or the appropriate records custodian.
- iii. Appointments for inspection of records are required and may be scheduled by contacting the AOC Communications Director at (615) 741-2687. Appointments for inspection of records will not be permitted during times of testing, hearings, release of examination results, or within 3 business days before or after these events.

#### **E. Copies of Records**

- i. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- ii. Copies will be available for pickup at the office of the Tennessee Board of Law Examiners, 511 Union Street, Suite 525, Nashville, Tennessee.
- iii. Upon payment for postage and copies, copies will be delivered to the requestor's home address by the United States Postal Service.
- iv. A requestor will not be allowed to make copies of records with any type of personal equipment, including but not limited to cell phones, portable scanners, or portable copy machines.

#### **F. Fees and Charges and Procedures for Billing and Payment**

- i. Fees and charges for copies of public records should not be used to hinder access to public records.
- ii. Prior to producing copies of records, records custodians shall provide requestors with an itemized estimate of the fees, including labor costs, to the extent possible.
- iii. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of records, the TBLE shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the Office of Open Records Counsel, available at: <http://www.comptroller.tn.gov/openrecords/>. If less than one hour of labor is expending in fulfilling the request, no labor fee will be assessed.
- iv. A records custodian may waive fees if:
  1. The fees total less than ten dollars (\$10.00);
  2. The person requesting the copies does so on behalf of a government agency; or

3. The person requesting the copies is indigent pursuant to Federal poverty guidelines and signs a sworn statement to that effect.
- v. Payment is to be made by cash, personal check, cashier's check or money order, payable to the TBLE.
- vi. Payment in advance is required for all requests for copies of records.
- vii. The Tennessee Board of Law Examiners will not aggregate record requests.

## **APPENDIX C: LAPTOP TESTING - Terms, Conditions and Release of Liability**

By completing an application for admission by examination to Tennessee, an applicant agrees to test by laptop unless the applicant elects to HANDWRITE the exam. The Software limits access to anything other than the word processing function provided by the Software, and facilitates essential administrative functions.

To test by laptop, you must register and download the secure examination testing software. All applicants will be sent an email from the Software provider to register for laptop testing. An applicant wishing to opt for handwriting the examination will not respond or download the Software.

Taking the examination on a laptop requires a software license fee of \$100, payable directly to the Software Provider at the time of online registration and prior to download of the Software. The Software registration fee is a NON-REFUNDABLE fee. You must apply for laptop testing and pay the registration fee each time you take the exam. The license is a one-time test license; previously installed versions will not work for the current bar examination.

In order to test by laptop, you must:

- Review items I. Terms, Conditions for Use of Laptop, below, for the UBE in Tennessee;
- Review and agree to the terms in II. Release of Liability, below; and
- Download the required Software during the open registration dates and pay the required fee.

### **A. Terms and Conditions for Use of Laptop**

By downloading the Software, you certify that you have read, understand and agree to the following:

- (1) You must pay the fee and install the Software during the specified dates. If you fail to download and pay for the Software during the registration period, you will be required to handwrite the exam.
- (2) If you withdraw from the examination after downloading the Software, you will not receive a refund of the fees. If you wish to write the examination but registered for testing by laptop, you will notify the TBLE in writing no later than the 15th day of the month of the examination (February 15 or July 15).
- (3) If you are requesting non-standard testing, you are required to complete the laptop registration and download the Software unless you elect to handwrite the exam.
- (4) Your laptop must meet the System Requirements. Please see the ExamSoft website at <https://bar.examsoft.com/system-requirements/>.
- (5) You must test the Software by following the vendor's instructions for taking a mock or practice examination to test the Software's compatibility with your computer, to make sure your computer passes the security check and to familiarize yourself with the Software and keyboard functions.
- (6) You acknowledge that limited technical support will be provided at the bar examination test site but your Software must be downloaded prior to entering the testing area.

- (7) You understand that you are NOT allowed to use an iPad or other tablet-type device, external keyboard or external mouse whether wired or wireless. If you are found with these items during the exam, you will be dismissed from the exam.
- (8) If you do not own the laptop you intend to use, you must verify that there are no restrictions in place for that laptop which will prevent you from downloading and running the Software for the UBE in Tennessee.
- (9) You accept that you are not permitted to take the bar examination using your laptop battery, although it must be fully charged on the day of the exam; electrical hookups will be provided in the laptop testing area.
- (10) You will use your laptop only for the MPT and MEE portions of the UBE in Tennessee.
- (11) Should your laptop malfunction on the day of the examination, you will be required to handwrite your examination answers in answer booklets for the remainder of the exam. In the event of a laptop malfunction, every effort will be made to retrieve your essay answers from the laptop to the point of malfunction. Such attempts are usually successful; however, in the case of a catastrophic failure of the laptop, you understand that your answers may not be recovered and this information might not be available until a week or more following the examination after all options for recovery are exhausted.
- (12) You are required to be experienced working with your laptop computer, including the process of saving a file to a USB drive or uploading a file via the internet. You will need to find access to an internet connection after the examination in order to upload answers to the TBLE as internet connections at the examination locations may be insufficient to handle the volume of uploads after the exam.
- (13) You understand that, for standard and time and one-half testing, the deadline for uploading answers is 9:00 p.m. local prevailing time based on your examination testing location (Knoxville – Eastern time; Nashville and Knoxville – Central time) on the last day of standard or time and one-half testing (Wednesday). For double-time testing, the deadline is 6:00 p.m. local prevailing time on the last day of double-time testing.
- (14) You understand that for any answer not uploaded by the deadline you will receive a score of zero on the missing answer(s).
- (15) You must follow the instructions and type or write in the designated tabs or books. The TBLE will not search for your answers or make changes to incorrectly formatted or numbered MPT or MEE answers resulting from failure to follow the laptop testing instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers. The answer, as printed after the examination, will be given to the grader assigned to grade the question indicated on the cover sheet of the answer. If your answer does not match the question or is blank, you will receive a zero.
- (16) You acknowledge that you will not receive a printed copy of your essay answers. All editing will be done on your computer screen. Your answers will be uploaded to a USB drive provided by the Software vendor or uploaded to a website, printed, and provided to the TBLE for grading.
- (17) You must remove your laptop from any computer bag, case, backpack, sleeve, hard case cover or other carrying cases (collectively, “laptop case”) prior to the entering the examination room and store the laptop case at the designated bag drop area. Laptop cases may not be accessed during any testing session.

(18) You understand that laptops MUST be left in the testing room during the lunch break. The testing room will be staffed or locked.

(19) You understand and agree that the TBLE does not assume responsibility for any computer equipment.

**B. Release of Liability**

By downloading the Software, Applicant requests permission from the Tennessee Board of Bar Examiners (“TBLE”) to take the MPT and MEE portions of the UBE in Tennessee by laptop computer (“computer”) in lieu of handwriting my answers and acknowledges that the use of Applicant’s computer is subject to the following terms, conditions, and warnings, which Applicant accepts:

- (1) Applicant certifies that Applicant has carefully read the Terms and Conditions for Use of Laptop (“Terms and Conditions”) above and that Applicant fully understands and accepts the contents.
- (2) Applicant understands and accepts that the TBLE has exclusive authority to determine Applicant’s eligibility to use a computer to answer the examination and that download of the Software does not constitute authorization from the TBLE to use a computer during the examination and that, at any point, the TBLE can require that Applicant handwrite the examination.
- (3) Applicant certifies that Applicant is aware that the TBLE offers the alternative of taking the essay portion of the examination by computer or by handwriting, and that Applicant has voluntarily chosen to use a computer.
- (4) Applicant understands and accepts that the authorization to use a computer during the examination implies that Applicant will have to use a computer provided by Applicant, and Applicant certifies that it will be available before, during, and after the administration of the bar examination. Further, Applicant authorizes the TBLE staff to inspect the provided computer before, during, and after the examination.
- (5) Applicant certifies that the provided computer meets the requirements and the specifications set forth in the Laptop Instructions and on the website at <http://www.examssoft.com/tnbar>.
- (6) Applicant agrees to install the testing Software (“Software”) on the provided computer. Applicant understands and accepts that the TBLE does not guarantee the Software, its use or its proper functioning.
- (7) Applicant understands and accepts that the authorization to use the provided computer during the examination entails a Software license fee that will pay to the Software provider at the time and in the manner established by that company. I acknowledge and accept that said fee is nonrefundable and that it is separate from and in addition to the bar examination application fee required by the TBLE.
- (8) Applicant understands that anti-virus software must be disabled during the examination for the Software to run. Further, Applicant assumes the obligation to keep the Software installed on the provided computer until after the results of the bar examination have been released.
- (9) Applicant assumes the obligation to ensure that the provided computer is in good working order to be used on the day of the examination.
- (10) Applicant declares that Applicant has sufficient experience and practice using the computer. Applicant agrees to have sufficient experience and practice with the Software before taking the exam, including taking the mock exam.

- (11) Applicant understands that the TBLE will not search for answers or make changes to incorrectly formatted or numbered answers to the MPT or MEE questions resulting from failure to follow the laptop testing instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers. The answer, as printed after the examination, will be given to the grader assigned to grade the question indicated on the cover sheet of the answer. If the answer does not match the question or is blank, Applicant will receive a zero.
- (12) Applicant agrees to use the Software according to the instructions and under the terms and conditions imposed by the Software provider and in accordance with the instructions provided in the Laptop Instructions.
- (13) Applicant acknowledges that the use of the computer carries with it certain technological risks, including but not limited to computer or Software malfunction or power failure. Applicant accepts that by requesting to use a computer to answer the exam, Applicant is assuming all these risks.
- (14) Applicant agrees not to delay and/or prevent commencement of the examination because of any problem or difficulty arising from Applicant's lack of skill or preparedness or from technical problems resulting from computer or Software malfunction.
- (15) Applicant accepts that if there is a problem of any kind that would make it difficult or prevent from use of the computer to answer the exam, at the request of the TBLE staff, Applicant will begin and/or continue to handwrite answers in the answer books to be provided by said staff, and that Applicant will remain in the same seat. Applicant understands and accepts that the decision to handwrite the answers is final.
- (16) Should Applicant experience any difficulty or problem with the use of the computer, Applicant is required to immediately notify the TBLE staff and to assist them in every way in an attempt to retrieve Applicant's answers, including placing the computer used at their disposal. Applicant understands and accepts that there is no guarantee that such answers will be totally or partially recovered and understands and accepts that in the event that any or all of my answers are lost or irretrievable, only those portions retrieved, if any, will be graded. Applicant understands and accepts that there is a risk that answers may be totally or partially lost and/or irretrievable due to problems related to the use of the computer. However, Applicant has decided that the convenience of typing answers on the computer outweighs these risks, which Applicant accepts without reservation of any kind.
- (17) Applicant understands and accepts that should Applicant experience any difficulties and/or problems related to the use of the computer, Applicant is not entitled to receive additional time or any other accommodation or consideration for that reason. In case Applicant does not achieve a score sufficient for admission to Tennessee on the UBE, Applicant understands and accepts that Applicant is not entitled to request or be granted any reconsideration or modification of results due to problems related to the use of the computer to answer the examination and that the only recourse available for a score that does not meet the minimum required score in Tennessee is re-examination.
- (18) Applicant understands and accepts that the computer must remain at Applicant's seat during the entire MPT and MEE portions of the examination, including the lunch break, until the last MEE session is finished, even if Applicant has to handwrite my answers. Applicant understands and accepts that Applicant may not unplug the computer at any time, even if finished with the

examination before time is called by the TBLE, unless authorized to do so by authorized TBLE staff. Applicant understands and accepts that if Applicant unplugs, turns off, and/or removes the computer from the testing area before the end of MPT or MEE testing without being authorized by the TBLE staff, Applicant's answers to the MPT and MEE questions will not be graded and, consequently, will be treated as blank answer books.

- (19) Applicant understands and accepts that the Software provider and its representatives do not represent the TBLE in matters related to TBLE procedures and policies.
- (20) Applicant understands and accepts that Applicant has an obligation to be in the pre-assigned seat at the time noted in Applicant's Seating Assignment for the morning session and at 1:15 p.m. for the afternoon session for the purpose of making the necessary arrangements to use the computer and the Software. Applicant understands that if late, Applicant may not be allowed to use the computer, and, if not allowed to use the computer, must handwrite the answers and remain in the same pre-assigned seat.
- (21) Applicant understands and accepts that after Applicant finishes the exam, Applicant will follow the instructions of the authorized staff in order to upload the answers to a web address. Applicant understands and accepts that if Applicant fails to upload answers by the deadline, the answers will not be graded.
- (22) Applicant understands and accepts that Applicant is not authorized to make any copy of the answers or to use any data storage device to record questions or answers. If Applicant is found to have copied or stored questions or answers, none of Applicant's answers to the MPT or MEE questions will be graded and, if discovered during the examination, Applicant will not be allowed to continue the examination.
- (23) Applicant understands and accepts that once Applicant enters the testing area that accessing the Internet and/or opening or examining any program, file or document other than the Software is a violation subject to penalties by the TBLE.
  - (a) If Applicant is caught by a Proctor or TBLE Staff in any program other than the Software after entering the testing area, Applicant will be dismissed from the exam.
  - (b) Additionally, upon suspicion that Applicant has examined any unauthorized material in the testing area before or during the exam, the computer will be immediately confiscated and Applicant will be required to handwrite answers. Applicant understands and accepts that the computer will not be returned until after the TBLE has examined it, and under no circumstances will it be returned during the exam.
  - (c) If Applicant is found to have examined any unauthorized material during the exam, Applicant's examination will not be graded and Applicant will have to appear before the Board.
- (24) Applicant understands and accepts that the Tennessee Supreme Court of Tennessee and the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacities, assume no liability for the difficulties, mishaps and/or problems that may arise from the use of a computer to take the bar examination.
- (25) Applicant hereby releases, discharges, and exonerates the Tennessee Supreme Court and the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacity, from any and all contractual and/or noncontractual [tort] liabilities of every nature and kind arising from Applicant's decision to use a computer to take the bar**

examination, including, without being limited to, any damage caused to the computer by the installation and/or use of the Software;

- (26) Applicant understands and accepts that Applicant has no right to sue and/or file a claim and that Applicant will not sue or file any claim against the Tennessee Supreme Court, the TBLE, its members, representatives, agents, proctors, employees and staff, in their official and personal capacity, for any difficulty, problem or event arising from Applicant's decision to use a computer during the exam, and that download of the Software constitutes acceptance of the terms and sufficient grounds for summarily dismissing with prejudice any claim that Applicant may file in connection with Applicant's decision to use a computer to take the bar exam; and**
- (27) Applicant agrees to indemnify the Tennessee Supreme Court, the TBLE, its members, representatives, agents, proctors, employees and staff for the costs, expenses, and attorney's fees, and for the damage resulting from any claim Applicant may file against them in connection with Applicant's decision to use a computer to take the bar exam.**
- (28) Applicant understands and accepts that Applicant will be dismissed from the examination for any violation of these terms, including using an external mouse or keyboard, whether wired or wireless, using an iPad or tablet, or having a computer case, sleeve or other bag at the examination table.**

# BARBARA MORRIS ZOCCOLA

## EDUCATION

University of Missouri

Bachelor of Journalism and Bachelor of Arts - political science 1983  
General Honors Degree, Mystical Seven

Washington and Lee University School of Law

Juris Doctor- 1986

Law Review - Writer 1984 to 1985, Business Manager 1985 to 1986

## EXPERIENCE

Assistant United States Attorney, Financial Litigation Unit Coordinator 1991 to present  
Memphis, TN

Thomason Hendrix 1989 to 1991  
Memphis, TN

McDonnell Boyd 1987 to 1989  
Memphis, TN

Walton and Adams 1986 to 1987  
McLean, VA

## PROFESSIONAL CONTRIBUTIONS

President of Tennessee Bar Association Young Lawyers Division- 1996

President of Association for Women Attorneys- 2000

President of Tennessee Lawyers Association for Women- 2008

President of Memphis Bar Association- 2006

President of Memphis Bar Foundation- 2006-2008

President of the Tennessee Board of Law Examiners- 2019

## COMMUNITY INVOLVEMENT

Chairman of Girls, Inc. Board of Directors

Leadership Memphis- 2000

## PROFESSIONAL CONTRIBUTIONS

Public Service Award from Memphis Bar Association -199

Recipient of Sam A. Myar, Jr. Memorial Award for Outstanding Young Lawyer from the  
Memphis Bar Association- 2000

Recipient of the Frances Loring-Marion Griffin award for outstanding achievement in the legal  
profession from the Association for Women Attorneys-2006

U.S. Attorney's Award for outstanding work of the Financial Litigation Unit-2013



## William L. Harbison



Member

p. (615) 742-4524

f. (615) 742-4539

bharbison@srvhlaw.com

Bill Harbison works primarily in the areas of corporate law and trusts and estates. He also handles litigation in those same practice categories.

Mr. Harbison graduated cum laude from Harvard Law School and received his bachelor's degree with highest honors in English from the University of North Carolina at Chapel Hill. He is a member of Phi Beta Kappa.

### Professional Activities

Immediate Past President of the Tennessee Bar Association 2016

President of the Tennessee Bar Association 2015

Member of the Tennessee Supreme Court Board of Law Examiners

Fellow, The American College of Trust and Estate Counsel

Fellow, American Bar Foundation

Past president of the Nashville Bar Association

American College of Trust and Estate Counsel Fellow

Member of the Nashville, Tennessee and American Bar Associations

Tennessee Bar Foundation Fellow

Nashville Bar Foundation Fellow

Past president of the Nashville Bar Foundation, 2002-2006

Former general counsel to the Tennessee Bar Association

Lecturer for the Tennessee and Nashville Bar Associations

Member and past president of the Nashville Estate Planning Council

Selected by the Tennessee Supreme Court to serve on the Board of Professional Responsibility Advisory Committee

Hearing panel member of the Tennessee Board of Professional Responsibility

Publisher of several articles in the Tennessee Bar Journal

### Practice Areas

Litigation and Dispute Resolution

Trusts & Estates

Utility and Municipal

### Education

J.D., Harvard, 1980

B.A., University of North Carolina at Chapel Hill, 1977

### Bar Admissions

United States Supreme Court

Tennessee

### Honors/Publications

Woodward/White: *The Best Lawyers In America* 2001-2020 (Bet-the-Company Litigation, Commercial Litigation, Litigation-Trusts & Estates, Elder Law, and Trusts and Estates)

Woodward/White: *The Best Lawyers In America* Lawyer of the Year 2019 (Elder Law)

Woodward/White: *The Best Lawyers In America* Lawyer of the Year 2018 (Trusts and Estates)

Woodward/White: *The Best Lawyers In America* Lawyer of the Year 2014 and 2017 (Bet-the-Company Litigation)

*Benchmark Litigation* 2013 - 2018 ("Litigation Star" )

Chambers USA: America's Leading Lawyers 2006-2019 (Litigation)

Supreme Court Pro Bono Service Award 2015-2017

2015 Nashvillian of the Year



## Civic Activities

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Past member of the Nashville Metropolitan Planning Commission

## Honors/Publications (cont.)

ACLU Bill of Rights Award  
2015

Nashville Business Journal  
Best of The Bar 2008-2009,  
2011-2015

Woodward/White: *The Best  
Lawyers In America* Lawyer of  
the Year 2015 (Litigation-  
Trusts and Estates)

Selected for inclusion in Super  
Lawyers 2006-2018 (Estate  
Planning and Probate)  
(Tennessee Top 100, 2011,  
2014) (Nashville Top 50, 2013  
-2014)

Woodward/White: *The Best  
Lawyers In America* Lawyer of  
the Year 2011, 2013 (Trusts  
and Estates)

Attorney of the Month as  
featured in *Attorney at Law  
Magazine*, December 2015

Recipient of the 2012  
Tennessee Bar Association's  
Harris Gilbert Pro Bono Award

Business TN Magazine 150  
Best Lawyers - 2010

The Best Attorneys Network  
2007-2008 (Commercial/  
Business Litigation and Wills)

The Best of the U.S. LLC 2006  
-2008 (Trusts and Estates,  
Tax Law and Commercial  
Litigation)

# WILLIAM M. "MUECKE" BARKER

Chambliss, Bahner & Stophel, P.C. | 605 Chestnut Street, Chattanooga, TN 37450  
(423) 757-0213 | wbarker@chamblisslaw.com

## EMPLOYMENT HISTORY

- Chambliss, Bahner & Stophel, P.C.** 2008 — Present
- Member of Firm's Litigation Section concentrating practice in mediation, arbitration and alternative dispute resolution.
- Tennessee Supreme Court** 1998 — 2008
- Chief Justice and Justice
- Tennessee Court of Criminal Appeals** 1995 — 1998
- Judge
- Eleventh Judicial District of Tennessee** 1983 — 1995
- Circuit Judge

## EDUCATION

- JD, University of Cincinnati College of Law, 1967
- BS, University of Tennessee at Chattanooga, 1964

## PROFESSIONAL

- Tennessee Board of Law Examiners, 2014-Present
- American Inns of Court, Brock-Cooper Chapter
- Conference of Chief Justices Problem Solving Court's Committee, Past Chairman, 2008
- Past Chairman of the State Law Library Commission, 2005-2008
- Past Chairman of the Supreme Court Buildings Commission, 2005-2008
- Past Chairman of Tennessee Code Commission, 2005- 2008
- Past Chairman of Tennessee Judicial Council, 1998-2004
- Tennessee Supreme Court Historical Society, President, 2009
- Board of Directors of Conference of Chief Justices, 2007
- Board of Governors of the Tennessee Trial Lawyers Association, 1980-1982
- American Law Institute, 2005-2008
- Certified Mediator pursuant to Supreme Court Rule 31
- Approved Federal Court Mediator, United States District Court, Eastern District of Tennessee
- American Arbitration Association, Member, Commercial and Judicial Settlement Services Panel

## BAR ASSOCIATIONS

- Chattanooga Bar Association
- Tennessee Bar Association
- American Bar Association
- Tennessee Bar Foundation, Fellow
- Chattanooga Bar Foundation, Fellow, Past President

## COMMUNITY SERVICE

- President's Council, University of Tennessee System
- University of Chattanooga Foundation, Past Member of Board of Trustees
- Joseph Johnson Mental Health Center, past Board Member
- Team Evaluation Center, Past Board Member
- Valley Psychiatric Hospital, Past Board Member
- Chattanooga Rotary Club, Member
- University of Tennessee at Chattanooga Advisory Board

## HONORS AND AWARDS

- Best Lawyers in America, Arbitration and Mediation
- Equal Access to Justice Award, Legal Aid of East Tennessee and Young Lawyers Division of Chattanooga Bar Association, 2010
- Appellate Judge of the Year, Tennessee Chapter of the American Board of Trial Advocates, 2008
- Distinguished Alumnus of the University of Tennessee at Chattanooga, 2007
- Distinguished Alumnus for the University of Cincinnati College of Law, 2007
- Frank F. Drowota III, Outstanding Judicial Service Award, 2008
- Outstanding Adjunct Professor, University of Tennessee at Chattanooga, 2002
- Legal Aid of East Tennessee's Pro Bono Hall of Fame, 2016

## **Margaret L. Behm**

Margaret L. Behm has earned a reputation as the go-to person in 40 years of representing clients and forging coalitions for change.

After beginning her legal career in 1976 at Legal Services of Middle Tennessee, Inc., Behm and Marietta Shipley in 1980 founded Shipley and Behm, the city's first all-woman law firm. *"Back then, women just weren't taken seriously as business owners or lawyers,"* Behm says. *"I wanted to run my own business and demonstrate that women could not only run a law firm, but also be good lawyers."*

Today, Behm's practice concentrates on business law, employment, municipal law, land use, estate planning, bankruptcy, and commercial litigation. Behm also serves as general counsel for the Metropolitan Transit Authority.

Behm has been selected by her peers for inclusion in editions of The Best Lawyers in America<sup>®</sup> in the field of labor & employment law each year since 2001. She was named the 2013 Best Lawyers<sup>®</sup> Nashville Lawyer of the Year for Labor and Employment Litigation and the 2016 Best Lawyers<sup>®</sup> Lawyer of the Year for Municipal Law in the Nashville area. For the 2018 edition of the publication, she was selected for inclusion in eight practice areas: corporate law, employment law (for both employees and management), municipal law, labor & employment litigation, non-profit/charities, and commercial litigation.

Since 2003, Margaret has served as General Counsel for the Metropolitan Transit Authority, for which she also serves as Board Secretary. For more than seventeen years, Behm served as general counsel for the Metropolitan Development and Housing Authority. She taught courses including Legal Writing, Trial Advocacy, Professionalism and Practice, and Clinic at Vanderbilt University Law School for more than thirty years. From 1996 to 2002, she served on the board of the Federal Home Loan Bank of Cincinnati, which serves banks and thrifts in Tennessee, Kentucky, and Ohio and chaired the Audit and Budget Committees. In 2006, she was one of three finalists for appointment by the Tennessee Supreme Court as state Attorney General.

Behm's practice focuses on business law, municipal law, employment, estate planning, bankruptcy, land use, and commercial litigation.

Behm's advocacy has been lauded locally and nationally. In 2001, she received the John C. Tune Public Service Award, the highest honor given by the Nashville Bar Association. She has been honored with the YWCA Women of Achievement Award, the Athena Award, and the CABLE Promote Women Award. Behm has also received the prestigious Margaret Brent Women Lawyers of Achievement Award, given nationally to only five lawyers a year by the American Bar Association.

Behm received the 2016 Lawyers' Association for Women Judge Martha Craig Daughtrey Award, recognizing her achievements in and service to the legal profession, especially in the areas of promoting women. In 2011, Tennessee State University named her one of its Women of Merit and Legend. In 2012, she received the David C. Rutherford Award from the Nashville Bar Foundation, recognizing the highest standards of professionalism and charitable contribution in the legal field and community as a whole. She was also named to the 2013 Class of the Tennessee Women's Hall of Fame, an honor given to women who have made outstanding, unique and lasting contributions to the economic, political, and cultural well-being of Tennessee.

- General Counsel and Secretary, Metropolitan Transit Authority, 2003 to present

- General Counsel, Metropolitan Development and Housing Agency, 2003-2017
- Adjunct Professor of Law, Professionalism in Practice, Trial Advocacy, Appellate Advocacy, and Legal Clinic 1981-2014, Vanderbilt University School of Law

Behm has often been called upon to serve on commissions related to the legal system and recognized for her leadership. In 1994, Behm was appointed by the Speaker of the House to the Tennessee Judicial Selection Commission. She was the Commission's first chair and served as a member for ten years. In 2009, Behm was appointed by the Tennessee Supreme Court for a three-year term as chair of the newly-created Access to Justice Commission to help address the growing civil legal needs crisis in Tennessee. She received the B. Riney Green Award in 2012 from the Tennessee Alliance for Legal Services for her contributions to strengthening access to justice across the state. In 2015-2016, Behm led the record breaking fundraising campaign for the Legal Aid Society of Middle Tennessee and the Cumberland's Equal Justice Campaign. Also in 2015, Behm was inducted into the Tennessee Justice Center's first Hall of Fame class. In 2017, the Tennessee Supreme Court appointed her to the Tennessee Board of Law Examiners.

In addition to her service to the legal profession and matters involving access to justice, Behm is an active community volunteer. Behm was named by Mayor Bill Purcell as co-chairman of Celebrate Nashville, Nashville's year-long celebration of its 200th birthday in 2006. She has been a key advisor to numerous political candidates and is particularly known for her encouragement of, and support for, women candidates.

A big basketball fan, Behm co-chaired with Vice Mayor Diane Neighbors the city's successful effort to host the Women's Final Four in 2014. Recently, she served on the selection committee for Vanderbilt's women's basketball coach. She is a longtime board and executive committee member of the Nashville Sports Council and was the founder and chair of its Women in Sports Committee. Currently, she is serving her second term as a board member of the Metropolitan Sports Authority, which oversees the professional sports facilities in Nashville, and is the past chair of the Finance Committee.

For many years, Behm has served on the board and executive committee of the YWCA. Behm has also been involved with scouting as a Girl Scout leader and member of the board and executive committee of Girl Scouts of Middle Tennessee, Inc. She has also served on the Nashville Downtown Rotary Club Board. From 1999 to 2008, Behm served as a member of the Board of Health for the Metropolitan Health Department.

Behm received her B.A. and J.D. degrees from the University of Tennessee. She is married to her law partner Harlan Dodson. The couple has two children.

## **BIO OF JEFFREY M. WARD**

Jeffrey M. Ward is partner in the law firm of Milligan & Coleman, PLLP located in Greeneville, Tennessee. He has over twenty-five (25) years of experience practicing law in the area of civil litigation and was inducted as a Fellow of the American College of Trial Lawyers in 2018. He has been listed in Tennessee as a Rule 31 General Civil Mediator since 2013 and has been approved as a Certified Mediator for the Federal Mediation Program of the United States District Court of the Eastern District of Tennessee since 2014.

Mr. Ward graduated from the University of Tennessee College of Law, summa cum laude, in 1993. Prior to that, he graduated from the University of Tennessee in 1990 with a Bachelor of Science degree, with honors, in Electrical Engineering. He is a member in good standing of the Bar of the State of Tennessee, the Sixth Circuit Court of Appeals, the United States District Court for the Eastern District of Tennessee, and the United States District Court for the Middle District of Tennessee.

On January 1, 2014, Mr. Ward was appointed by the Tennessee Supreme Court to serve as a Board Member of the Tennessee Board of Law Examiners (“TBLE”) and has continued serving as a Board Member since that time. He was also elected by the TBLE to serve as the President of the TBLE for the years 2016, 2017 and 2018. In 2018, the Tennessee Supreme Court appointed Mr. Ward to serve as the Chair of the Tennessee Law Course Committee, and he is one of the presenters of the Tennessee Law Course that the Court approved.

\*\*\*\*UNAUDITED - FOR DISCUSSION PURPOSES ONLY

**Tennessee Board of Law Examiners  
Fiscal Year Ended 06/30/2018**

	<b>Budget 2017-18</b>	<b>YTD 6/30/2018</b>	<b>Remaining Balance</b>
<b>Income:</b>			
Exam Fees	\$ 980,200.00	\$ 897,955.37	82,244.63
Interdepartmental Revenue		\$ -	-
Current Services Revenue		\$ 15,620.50	15,620.50
<b>Total Income</b>	<b>\$ 980,200.00</b>	<b>\$ 913,575.87</b>	<b>\$ 66,624.13</b>
<b>Expenditures:</b>			
Salaries & Wages	\$ 462,200.00	\$ 516,102.53	(53,902.53)
Employee Benefits	\$ 147,800.00	\$ 143,492.02	4,307.98
<b>Total Salaries and Benefits</b>	<b>\$ 610,000.00</b>	<b>\$ 659,594.55</b>	<b>(49,594.55)</b>
Travel	\$ 14,500.00	\$ 18,262.37	(3,762.37)
Printing, Duplicating, and Film Processing	\$ 90,100.00	\$ 81,846.00	8,254.00
Utilities and Fuel	\$ -	\$ 7,475.00	(7,475.00)
Communication and Shipping Costs	\$ 7,000.00	\$ 4,590.62	2,409.38
Maintenance, Repairs and Services Performed by Others	\$ -	\$ -	-
Professional and Administrative Services-Third Parties	\$ 52,400.00	\$ 57,696.05	(5,296.05)
Supplies	\$ 24,500.00	\$ 15,165.61	9,334.39
Rentals and Insurance	\$ 139,300.00	\$ 133,388.21	5,911.79
Motor Vehicle Operation	\$ -	\$ 70.95	(70.95)
Awards and Indemnities	\$ -	\$ -	-
Grants and Subsidies	\$ -	\$ -	-
Interest Payments	\$ -	\$ -	-
Equipment	\$ -	\$ -	-
Training for State Employees	\$ -	\$ 494.57	(494.57)
Computer Related Items	\$ 12,300.00	\$ 19,067.03	(6,767.03)
Professional Services Performed by Other State Agencies	\$ 30,100.00	\$ 15,604.95	14,495.05
<b>Total Other Expenditures</b>	<b>\$ 370,200.00</b>	<b>\$ 353,661.36</b>	<b>16,538.64</b>
<b>Total Expenditures</b>	<b>\$ 980,200.00</b>	<b>\$ 1,013,255.91</b>	<b>(33,055.91)</b>
<b>Total Income Over (Under) Expenditures</b>		<b>\$ (99,680.04)</b>	
Previous Fund Balance		\$ 689,063.38	
Fund Balance as of 06/30/2018		\$ 589,383.34	

\*\*\*\*UNAUDITED - FOR DISCUSSION PURPOSES ONLY

**Tennessee Board of Law Examiners  
Fiscal Year Ended 06/30/2019**

	<b>Budget 2018-19</b>	<b>YTD Thru 06/30/19</b>	<b>Remaining Balance</b>
<b>Income:</b>			
Exam Fees	\$ 997,500.00	\$ 983,578.13	13,921.87
Interdepartmental Revenue		\$ -	-
Current Services Revenue		\$ 6,831.42	6,831.42
<b>Total Income</b>	<b>\$ 997,500.00</b>	<b>\$ 990,409.55</b>	<b>\$ 20,753.29</b>
<b>Expenditures:</b>			
Salaries & Wages	\$ 473,700.00	\$ 522,260.74	(48,560.74)
Employee Benefits	\$ 153,600.00	\$ 138,240.13	15,359.87
<b>Total Salaries and Benefits</b>	<b>\$ 627,300.00</b>	<b>\$ 660,500.87</b>	<b>(33,200.87)</b>
Travel	\$ 14,500.00	\$ 14,183.79	316.21
Printing, Duplicating, and Film Processing	\$ 90,100.00	\$ 85,688.11	4,411.89
Utilities and Fuel	\$ -	\$ -	-
Communication and Shipping Costs	\$ 7,000.00	\$ 5,219.80	1,780.20
Maintenance, Repairs and Services Performed by Others	\$ -	\$ -	-
Professional and Administrative Services-Third Parties	\$ 52,400.00	\$ 57,942.43	(5,542.43)
Supplies	\$ 24,500.00	\$ 5,526.09	18,973.91
Rentals and Insurance	\$ 139,300.00	\$ 159,993.79	(20,693.79)
Motor Vehicle Operation	\$ -	\$ 170.65	(170.65)
Awards and Indemnities	\$ -	\$ 70.56	(70.56)
Grants and Subsidies	\$ -	\$ -	-
Interest Payments	\$ -	\$ -	-
Equipment	\$ -	\$ -	-
Training for State Employees	\$ -	\$ 690.50	(690.50)
Computer Related Items	\$ 12,300.00	\$ 24,447.24	(12,147.24)
Professional Services Performed by Other State Agencies	\$ 30,100.00	\$ 13,409.83	16,690.17
<b>Total Other Expenditures</b>	<b>\$ 370,200.00</b>	<b>\$ 367,342.79</b>	<b>2,857.21</b>
<b>Total Expenditures</b>	<b>\$ 997,500.00</b>	<b>\$ 1,027,843.66</b>	<b>(30,343.66)</b>
<b>Total Income Over (Under) Expenditures</b>		<b>\$ (37,434.11)</b>	
Previous Fund Balance		\$ 589,983.34	
Projected Fund Balance as of 06/30/2019		\$ 552,549.23	

# Grading - Summary of Statistics

## February 2019

<u>Overall</u>		<u>First Time Takers</u>		<u>Repeaters</u>	
<b>Applicants:</b>	289	<b>Applicants:</b>	98	<b>Applicants:</b>	191
<b>Passed:</b>	134 (46.37%)	<b>Passed:</b>	63 (64.29%)	<b>Passed:</b>	71 (37.17%)
<b>Failed:</b>	155 (53.63%)	<b>Failed:</b>	35 (35.71%)	<b>Failed:</b>	120 (62.83%)
<u>MBE</u>		<u>Essay Question Averages</u>			
<b>Mean Scaled:</b>	134.66	<b>MPT1:</b>	3.45		
<b>Mean Raw:</b>	134.66	<b>MPT2:</b>	3.6		
<b>Below 135:</b>	52.25%	<b>MEE1:</b>	3.49		
<b>Below 130:</b>	35.29%	<b>MEE2:</b>	3.44		
<b>Below 125:</b>	23.18%	<b>MEE3:</b>	3.5		
		<b>MEE4:</b>	3.51		
		<b>MEE5:</b>	3.45		
		<b>MEE6:</b>	3.49		

## February 2019 School Statistics - Retakes

SCHOOLS	TOTAL TAKING		1ST TAKE		TOTAL 1st TAKES	1st TAKE PASS RATE	RETAKE		TOTAL RETAKES	RETAKE PASS RATE
	# TAKING	PASS RATE	PASS	FAIL			PASS	FAIL		
BELMONT UNIVERSITY	7	71.43%	0	0	0		5	2	7	71.43%
DUNCAN SCHOOL OF LAW	17	47.06%	3	2	5	60.00%	5	7	12	41.67%
NASHVILLE SCHOOL OF LAW	70	30.00%	3	4	7	42.86%	18	45	63	28.57%
UNIVERSITY OF MEMPHIS	35	51.43%	3	6	9	33.33%	15	11	26	57.69%
UNIVERSITY OF TENNESSEE	23	43.48%	3	2	5	60.00%	7	11	18	38.89%
VANDERBILT UNIVERSITY	6	83.33%	4	0	4	100.00%	1	1	2	50.00%
ALL OTHERS	131	51.15%	47	21	68	69.12%	20	43	63	31.75%
<b>SUBTOTALS</b>	<b>289</b>	<b>46.37%</b>	<b>63</b>	<b>35</b>	<b>98</b>	<b>64.29%</b>	<b>71</b>	<b>120</b>	<b>191</b>	<b>37.17%</b>

TOTAL TAKERS	TOTAL PASSING	TOTAL FAILING
<b>289</b>	<b>134 (46.37%)</b>	<b>155 (53.63%)</b>
FIRST TIME TAKERS	FIRST TIME PASSING	FIRST TIME FAILING
<b>98</b>	<b>63 (64.29%)</b>	<b>116 (35.71%)</b>
RE-EXAM	RE-EXAM PASSING	RE-EXAM FAILING
<b>191</b>	<b>71 (37.17%)</b>	<b>120 (62.83%)</b>

## February 2019 Pass/Fail by School

TENNESSEE SCHOOLS	PASS	FAIL
BELMONT UNIVERSITY	5	2
DUNCAN SCHOOL OF LAW	8	9
NASHVILLE SCHOOL OF LAW	21	49
UNIVERSITY OF MEMPHIS	18	17
UNIVERSITY OF TENNESSEE	10	13
VANDERBILT UNIVERSITY	5	1
<b>TOTAL TENNESSEE SCHOOLS</b>	<b>67</b>	<b>91</b>

OUT OF STATE SCHOOLS	PASS	FAIL
APPALACHIAN SCHOOL OF LAW	1	2
ARIZONA SUMMIT	0	1
ATLANTA'S JOHN MARSHALL LAW SCHOOL	1	1
BARRY UNIVERSITY	0	2
BOSTON UNIVERSITY	1	0
BROOKLYN LAW SCHOOL	1	0
CHARLESTON SCHOOL OF LAW	0	2
CHARLOTTE SCHOOL OF LAW	0	1
CHICAGO-KENT COLLEGE OF LAW	2	0
COLUMBIA UNIVERSITY SCHOOL OF LAW	1	0
DEPAUL UNIVERSITY	3	0
EMORY UNIVERSITY	1	0
FAULKNER UNIVERSITY	0	2
FLORIDA COASTAL SCHOOL OF LAW	1	5
FLORIDA STATE UNIVERSITY	1	1
GEORGETOWN UNIVERISTY	1	0
GEORGIA STATE UNIVERSITY	2	0
INDIANA (INDIANAPOLIS) UNIVERSITY	1	1
INTER AMERICAN UNIVERSITY OF PUERTO RICO	0	1
JOHN MARSHALL LAW SCHOOL (CHICAGO)	1	0
LIBERTY UNIVERSITY SCHOOL OF LAW	1	0
LOUISIANA STATE UNIVERSITY	1	0
LOYOLA UNIVERSITY - NEW ORLEANS	1	2
MARQUETTE UNIVERSITY	0	1
MERCER UNIVERSITY	2	0
MISSISSIPPI COLLEGE	3	5
NORTH CAROLINA CENTRAL UNIVERSITY	0	1
NORTHERN KENTUCKY UNIVERSITY	1	3
PACE UNIVERSITY	0	1
PENN STATE U - UNIVERSITY PARK	0	1
PEPPERDINE UNIVERSITY	1	0
REGENT UNIVERSITY	1	0
SAMFORD UNIVERSITY	3	3
SOUTHERN METHODIST UNIVERSITY	1	1
SOUTHERN UNIVERSITY LAW CENTER	0	2
SOUTHWESTERN UNIVERSITY SCHOOL OF LAW	1	1
SUFFOLK UNIVERSITY	0	1
TEXAS SOUTHERN UNIVERSITY	1	0
THOMAS JEFFERSON SCHOOL OF LAW	1	0
THOMAS M COOLEY LAW SCHOOL	1	3
TULANE UNIVERSITY	2	0
UNIVERSITY OF AKRON	1	0
UNIVERSITY OF ALABAMA	1	1

<b>OUT OF STATE SCHOOLS cont.</b>	<b>PASS</b>	<b>FAIL</b>
UNIVERSITY OF ARIZONA	0	1
UNIVERSITY OF ARKANSAS AT LITTLE ROCK	1	3
UNIVERSITY OF ARKANSAS FAYETTEVILLE	0	1
UNIVERSITY OF CALIFORNIA AT LOS ANGELES	2	0
UNIVERSITY OF CALIFORNIA-BERKLEY	1	0
UNIVERSITY OF DAYTON	0	2
UNIVERSITY OF DISTRICT OF COLUMBIA	0	1
UNIVERSITY OF GEORGIA	2	0
UNIVERSITY OF HOUSTON	1	0
UNIVERSITY OF KANSAS	1	0
UNIVERSITY OF KENTUCKY	1	1
UNIVERSITY OF LOUISVILLE	1	0
UNIVERSITY OF MAINE	0	1
UNIVERSITY OF MARYLAND	1	0
UNIVERSITY OF MINNESOTA	0	1
UNIVERSITY OF MISSISSIPPI	5	6
UNIVERSITY OF PENNSYLVANIA	0	1
UNIVERSITY OF PITTSBURGH	2	0
UNIVERSITY OF TOLEDO	1	0
UNIVERSITY OF WISCONSIN	2	0
VALPARAISO UNIVERSITY	0	1
VERMONT LAW SCHOOL	1	0
WAKE FOREST UNIVERSITY	1	0
WHITTIER COLLEGE	1	0
WIDENER UNIVERSITY	1	0
WILLIAM MITCHELL COLLEGE OF LAW	1	0
<b>TOTAL OUT OF STATE SCHOOLS</b>	<b>67</b>	<b>64</b>

**Applicant pass list for - February 2019****Applicant Count: 134**

First Name	Middle Name	Last Name
Mark	Edward	Atchison
Evan	Phillip	Baddour
Amos	Patrick	Bailey
Melissa	Ann	Baker
Lauren	Michelle	Barter
Mary		Becker
Cameron	Lee	Beier
Nicolas	Jose	Bianchi
Shaniqua	Shardae	Biggins
Nicholas	Shane	Bishop
Rekha	Elizabeth	Blackerby
Anne	Kuykendall	Boatner
Chicara	Mayes	Bonner
Fredricka	Jatarya	Brown
James	Derek	Brown
Constance	Kiara	Brown
Christopher	Dale	Burt
Lucie	Therese	Butner
Mitchell	Andrew	Campbell
John	Clark	Carden
Shelby		Carroll
Aerial	Cheyvonne	Carter
alexander	Michael	chissler
Kevin	Eugene	Christopher
Kyle	Brooks	Cokkinias
Tessa	Shaye	Courtney

**Applicant pass list for - February 2019****Applicant Count: 134**

Gloria	Dianne	Crawford
Hugh	Phoenix	Cross
Jack	Phillip Reynolds	Culler
Anthony	Alex	Daher
Timothy	Scott	Daniel
Hardy	Isaac	DeLaughter
Charles	Robert	Delorey
Kandis	Renea	Deskins
Jessi	Thomas	Diamond
Rosalyn	Sherelle	Dobbins
Ivannoel	Gonzalez	Dollar
Lori	Rose	Dowell
Kelsey	B.	Duckett
Shonda	Renee	Duncan
Jordan	Phillip	Dye
William	Kenneth	Dyer
Andrew	Raymond	Elbert
Johnika	Nichelle	Everhart
Awni	A	Filat
Ashley	Lynn	Fine
Hallie	Goodman	Flanagan
Brittany	Leigh	Ford
Samantha	Ashley	Foster
Chantley	Trinique	Frazier
Jon	Curtis	Fromke
Steven	Jordan	Gagliano
Ryan	Ramsey	Gallagher

**Applicant pass list for - February 2019****Applicant Count: 134**

Denania	Lanelle	Galloway
Kevin	Hamilton	Griffin
Thomas	Ryan	Hager
Julia	Marie	Hale
Miranda	Carol	Hall
Cullen	Daniel	Hamelin
Jaclyn	Deeann	Hardin
Catherine	Mary	Harrington
Chanse	Joseph	Hayes
Don	Scott	Herron
Michael	Anthony	Hill
Brient	Christian	Hobbs
Brittany	Aaron	Holland
Richard	Dale	Hutcherson
Carletta		Hylick
Matthew	L	Jacobs
Eboni	Eva Amor	James
Adam	Hill	Jefferson
Celsy	Rimmer	Johnson
J	Zachary	Johnston
Michael	Steven	Jones
Jacob	William	Kacynski
Kun-Chol		Kim
McKenna		Klemz
Ann	Lee	Knuckles Mahoney
Emily	Pauline	Linehan
Christina	Rae Burgart	Lopez

**Applicant pass list for - February 2019****Applicant Count: 134**

Jessica	Danielle	Lovely
Jonathan	Paul	Lucas
Carmen	Noelle	Manes
Catherine	Rachael	Massey
Levi	David	Mauldin
John	Sims	McCool
Karla	Maria	Mendez
Andrew	Charles	Montgomery
Justine	Marie	Moreau
Nathaniel	Jaraad	Nabaa
Lynleigh	Georgana	Noel
Trent	North	Notestine
Misty	Leigh	O'Neal
Joseph	Harold	O'Neill
Chelsea	Marie	Orland
Janus		Pan
Steven	Chase	Parker
Surya	Chowdary	Pavuluri
Jessica	LeeAnn	Penrod
James	Arthur	Perkins
Andrea	Beth	Pierpoint
Scott	Wade	Polzin
Terrence	Laneaux	Rand
Robert	Benjamin	Reardon
Kathryn	B	Reddy
Miroslav		Remec
Zachary	J	Richards

**Applicant pass list for - February 2019****Applicant Count: 134**

Joshua	Jude	Roberts
Janaya	Santiya	Robinson
Robert	Brian	Rogers
Matthew	Joseph	Ross
Alia		Saaed
Kaila	Danielle	Sewell
Lauren	Marie	Shadrick
Jennifer	Leigh	Shea
Michael	Allan	Skidmore
Michael	Robert	Small
Benton	Chandler	Smith
Brandon	James	Smith
Chelsea	Paulette	Sparkman
Amber	Kay	Spelman
Sandra	Page	Stanzione
Nathan	Robert	Stuckey
Robin	Kevin	Sullins
Jonathan	Patrick	Tepe
Rodolfo		Urquieta Cortes
BENJAMIN	ISAAC	WACHTEL
Patricia	Anderson	Weinberg
Saxby		Wiles
Andrew	Hamilton	Williamson
Elizabeth	Marie	Woodard
Sheldon	Bradley	Wright
Rachel	Proby	Wright
Julie	Ann	Yriart

TENNESSEE BOARD OF LAW EXAMINERS

# TENNESSEE BAR EXAM

GENERAL INSTRUCTION MANUAL – February 2019

PURPOSE OF THE GENERAL INSTRUCTION MANUAL  
FOR THE TENNESSEE BAR EXAMINATION

This information has been prepared by the Tennessee Board of Law Examiners for bar exam applicants. The purpose of this Manual is to provide information regarding testing policies and procedures, as well as what to expect on exam days. Please carefully read all of the information provided herein to help insure that you do not unknowingly violate procedures. You will be required to sign an Honor Pledge at the end of the exam attesting to the fact that you did not violate these procedures.

Failure to follow the Policies and Procedures of the Board during the exam or while at the exam location in a Secure Area will result in expulsion from the test and nullification of exam scores. You may be required to appear before the Board, as well.

**Attached to this Manual is a form that you must complete and upload by 4:00 p.m. CDT, Friday, February 15, 2019.**

# TENNESSEE BOARD OF LAW EXAMINERS

February 2019 Tennessee Bar Examination

## GENERAL INSTRUCTION MANUAL

### Table of Contents

DAILY SCHEDULE .....	1
GENERAL EXAM DAY INFORMATION.....	1
SECURITY POLICY.....	1
HONOR PLEDGE.....	1
EXAM DAY PROCEDURES.....	1
DAY 1 – AM SESSION: MPT-1ANDMPT-2.....	1
DAY 1 – PM SESSION: MULTISTATE ESSAY EXAMINATION.....	1
DAY 2 – MULTISTATE BAR EXAMINATION .....	1
FAILURE TO FOLLOW PROCEDURES .....	1
POST-EXAM INTERVIEW.....	1
GRADING AND GRADE RELEASE .....	1
ACKNOWLEDGMENT OF RECEIPT OF TENNESSEE BAR EXAMINATION GENERAL INSTRUCTION MANUAL – FEB 2019 .....	1
Appendix I – Power Adapters .....	i

**YOU ARE REQUIRED TO READ THIS  
MANUAL COMPLETELY AND THOROUGHLY  
ON OR BEFORE FEBRUARY 15, 2019, EVEN IF  
YOU PREVIOUSLY READ THE MANUAL AS  
INFORMATION MAY CHANGE.**

**Return the Acknowledgement on Page 12 on or before  
February 15, 2019.**

TENNESSEE BOARD OF LAW EXAMINERS  
General Instruction Manual

**DAILY SCHEDULE: ALL TIMES CENTRAL STANDARD TIME**

**STANDARD TESTING SCHEDULE: For all Applicants other than those who receive notice of Approval of a Timely-Submitted Request for Non-Standard Testing:**

DAILY SCHEDULE	MORNING	LUNCH	AFTERNOON
<b>TUESDAY</b>	<i>Instructions at 8:30 a.m.</i> 9:00: 3 hours of testing MPT-1 and MPT-2	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing 6 MEE questions
<b>WEDNESDAY</b>	<i>Instructions at 8:30</i> 9:00 a.m.: 3 hours of testing 100 MBE questions.	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing 100 MBE questions

**THE SCHEDULES BELOW ARE ONLY FOR THOSE APPLICANTS APPROVED FOR NON-STANDARD TESTING, AS WILL BE NOTED IN YOUR SEATING ASSIGNMENT LETTER:**

**The following is ONLY for Applicants approved for Time and One-Half testing:**

DAILY SCHEDULE	MORNING	LUNCH	AFTERNOON
<b>TUESDAY</b>	<i>Instructions at 7:00 a.m.</i> 7:30 4.5 hours of testing MPT-1 and MPT-2	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 4.5 hours of testing 6 MEE questions
<b>WEDNESDAY</b>	<i>Instructions at 7:00 a.m.</i> 7:30 4.5 hours of testing 100 MBE questions	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 4.5 hours of testing 100 MBE questions

**The following is ONLY for Applicants approved for Double Time testing:**

DAILY SCHEDULE	MORNING	LUNCH	AFTERNOON
<b>TUESDAY</b>	<i>Instructions at 8:30a.m.</i> 9:00: 3 hours of testing MPT-1	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing MPT-2
<b>WEDNESDAY</b>	<i>Instructions at 8:30</i> 9:00 a.m.: 3 hours of testing 50 MBE questions.	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing 50 MBE questions
<b>THURSDAY</b>	<i>Instructions at 8:30</i> 9:00 a.m.: 3 hours of testing 50 MBE questions.	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing 50 MBE questions
<b>FRIDAY</b>	<i>Instructions at 8:30a.m.</i> 9:00: 3 hours of testing 3 MEE questions	12:10 – 1:15	<i>Instructions at 1:15 p.m.</i> 1:30 p.m.: 3 hours of testing 3 MEE questions

**If you complete any session of the exam prior to time being called, you must remain seated and refrain from talking. During the last 30 minutes of each session, you may not leave your seat for any reason. No early dismissals from any examination session are permitted.**

**LATE ARRIVAL**

No additional time will be granted to anyone arriving late. No exceptions will be made under any circumstances. *Note:* Schedules for Applicants with certain accommodations will vary and will be provided with exam seating assignment.

# GENERAL EXAM DAY INFORMATION

## 1. EXAM BADGE

You will be given a picture ID badge at registration each morning of the exam. The badge will include your name, seat number, Applicant ID number and NCBE number. You are required to wear the badge throughout the exam. Lanyards will be provided. Both the lanyards and the name badge must be returned each evening as directed by the Chief Proctor. You may not write anything on the ID or put anything other than the ID in the lanyard pocket. Not returning the badge/lanyard, writing on the badge or putting other items in the lanyard will result in expulsion from the exam and nullification of your exam scores. Any violation will be reported to the Board and you may be required to appear for a character and fitness hearing.

## 2. LUNCH

You are on your own for lunch. There are restaurants or food vendors near the testing venues. No one is allowed to remain in the exam room during lunch. Proctors will be preparing the room for the afternoon session. **On Tuesday<sup>1</sup>, laptops must remain in the exam room during the lunch break.**

## 3. PARKING AND HOTEL ACCOMMODATIONS

Ample parking is available at all testing locations, some at a fee of \$7 - \$20 per day. The Board of Law Examiners does not pay for parking. Several hotels are within walking distance or a short drive from all testing locations. Unless the exam is in a hotel, the Board of Law Examiners does not arrange for room blocks or special rates at hotels. If a block of rooms at a special rate is available, the information will be posted on our website at [www.tnble.org](http://www.tnble.org). You are responsible for all room charges.

## 4. LAPTOP TESTING REGISTRATION AND REMINDERS

- Registration for Laptop Testing **opens on January 28 at 10:00 a.m. and closes on February 4 at 2:00 p.m.** Please check your email for the registration links. If you register for testing by laptop, **you MUST complete the mock exam** and practice switching tabs for the answers to your essay questions.
- Please note that the **bar exam testing software works differently** than software used during law school, even if provided by the same software provider.
- Additional information on Laptop Testing can be found below under *Exam Day Procedures* and at <https://ei.examssoft.com/GKWeb/login/tnbar>.

## 5. INCORRECTLY FORMATTED ANSWERS

If you fail to follow the instructions and type an answer in the wrong space or delete, add, edit or renumber the preloaded laptop software dividers, or write multiple answers in one answer booklet or incorrectly number an answer booklet, you will not be given additional time to move the answers. Once time is called, you may not work on your answers any longer. No additional time will be awarded for failing to follow instructions. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, you will receive a zero for that question.

## 6. ATTIRE

Please refrain from using perfumes or colognes on exam days as other examinees may be sensitive to the scent. Also, be considerate of others by not wearing any jewelry or footwear (such as flip-flops) that makes noise. HATS, HOODS, and HOODIES are not allowed in the testing room. **You will be**

<sup>1</sup>Tuesday and Friday for those with double-time testing accommodations.

**required to empty your pockets.** It is advisable to bring nothing more to the exam than what is required or permitted as provided below.

## 7. TENNESSEE BAR EXAM FAQs

Tennessee bar exam FAQs can be found on the Board of Law Examiners website at <http://www.tnble.org/faq>.

## 8. NO EXPECTATION OF PRIVACY

Examinees should expect to be photographed or videotaped during the examination, as needed. Photography or videotaping will be done in such a way as to minimize any distractions during testing.

## 9. SUGGESTIONS FOR ANSWERING ESSAY QUESTIONS

Suggestions from graders for answering essay questions can be found on the Board of Law Examiners website at <http://www.tnble.org/tnlaw/first-time/essay-questions>. You can find information regarding MPT and MEE questions at <http://www.ncbex.org/exams/>.

# SECURITY POLICY

## 1. SECURE AREA

Each exam location has a Secure Area. The Secure Area includes the registration tables, restrooms, designated bag drop (defined below), and any hallway area to, from or around the registration tables, restrooms, or designated bag drop areas, as well as the exam room. If the exam is the only event in the building, only examinees, bar exam proctors, BLE staff members, and building personnel will be allowed in the building. All exam location secure areas are inaccessible beginning at noon on the Monday before the examination. You may not enter the room until the room opens for testing on Tuesday.

*If you leave the Secure Area during a testing session for any reason, including using a restroom not designated for use by examinees, you cannot re-enter it during that testing session or any subsequent testing session, **you will be disqualified from the entire exam and your scores will be nullified.** Do not leave the Secure Area during any testing session for any reason, other than during an emergency and then only as directed by the Chief Proctor.*

## 2. REQUIRED DOCUMENT

You *must* present a valid, unexpired government-issued photo ID, passport, or driver's license in order to enter the Secure Area. A school ID is not acceptable, even if issued by a state school. Do not bring your seat assignment email.

## 3. PERMITTED ITEMS

In addition to the photo ID, you are permitted to bring only the following items into the Secure Area on all testing days:

- Room or car key (just one key, not the full key ring)
- Tissues: up to two, out of package and placed on the table prior to the start of the exam
- Hard mints, cough drops or hard candy – unpackaged, unwrapped and placed on table prior to start of exam (no gum or chewable candies of any type)
- Non-Medicated eye drops in clear bottle with label removed
- Chap stick with the label removed
- Non-hooded sweatshirt or sweater which may be placed on the back of chair if not worn; coats and/or jackets heavier than a sweatshirt must be placed in the designated area for bags
- Proctors may determine that an item does not meet these criteria and direct you to remove the item from the testing area

#### 4. PROVIDED ITEMS

We will provide clocks visible to all, pens, pencils, erasers, sharpeners, blue books, earplugs (one pair each day), tissues and water stations. Scratch paper is included in the question booklets. No loose paper is permitted.

#### 5. PROHIBITED ITEMS

Anything not listed above as a Required Item, Permitted Item, or Provided Item is **PROHIBITED** in the Secure Area. **Cell phones are PROHIBITED. If you bring a cell phone or any other Prohibited Item into the Secure Area** (other than in the designated bag drop area or at the registration table in a properly labeled brown bag), **whether or not testing is in session, the cell phone or other Prohibited Item will be confiscated, you will be ejected from the exam and your exam will not be graded.** We will report violations to the Board, who may conduct a hearing into your character and fitness, and/or take other actions in addition to your disqualification from the exam. Before entering the Secure Area, leave all prohibited items you may have brought with you in the designated bag drop or at the registration table.

**Prohibited items include but are not limited to:**

- ✗ Cell phones, smart watches, fitness trackers, and any other electronic device or item with a battery
- ✗ Watches of any type, digital watches, analog watches, timers, clocks
- ✗ Pens and Pencils, including highlighters and erasers; pencil sharpeners; pencil grips
- ✗ External mouse or keyboard, whether wired or wireless, USBs or other plug-in devices
- ✗ Food and beverages (other than hard candy or cough drops, as noted in Permitted Items, above)
- ✗ Cameras, scanners, recorders, or any device that has the ability to capture and/or store an image
- ✗ Hats, scarves, headgear (except religious items that have been approved & inspected)
- ✗ Headphones, earplugs, or any sound suppression device other than foam earplugs without a string that have been provided by the Board
- ✗ Billfolds, wallets, cardholders
- ✗ Calculators
- ✗ Tobacco products of any kind, including smokeless tobacco, E-cigs/Vapor devices
- ✗ Backpacks, purses, tote bags, laptop cases, sleeves or shells
- ✗ Correction fluid/pens or tape
- ✗ Weapons and guns—even if you have a license to carry a concealed handgun
- ✗ Any other item deemed by the Chief Proctor to be inappropriate or distracting

#### 6. EMPTY POCKETS

All pockets in your clothing (including any sweatshirt or sweater not worn but taken into the testing room) **MUST BE EMPTIED** of all items, including wallets. There will be brown bags at the registration desk in which you can place your phone or other small items and a cordoned area (the “Designated Bag Drop”) for placing bags. Phones and other devices placed in brown bags or left in the Bag Drop must be SILENCED. Proctors will be at the registration desk which will be in sight of the Bag Drop during the exam and breaks. ***The Board of Law Examiners is not responsible for bags, items left in bags, or items left at the registration table in brown bags.***

#### 7. EMERGENCIES

In the rare event there is an emergency that affects all or part of the testing venue, please pay close attention to the instructions that will be provided by the Chief Proctor. Do not leave your seat unless told to do so.

## 8. CONVERSATIONS

You cannot converse or otherwise communicate with anyone other than a proctor or Board staff during any testing session. This prohibition includes even casual comments to other examinees in the restroom or other parts of the Secure Area during a testing session. Communicating with anyone during a testing session ***will disqualify you from the exam and nullify your scores.*** Please be mindful that there may be people testing on a schedule different from yours in an area proximate to your testing area so it is important to remain as quiet as possible in any secure area, even before testing begins or after testing ends each day.

## 9. END OF EXAM SESSION

When time is called, you must STOP typing, writing, reading or filling in bubbles immediately. Continuing the test after “STOP” is called is a violation of the Honor Pledge. You will be reported to the Board, your exam results will be nullified and you may be required to appear before the Board at a hearing into your character and fitness or take other actions. Violation of exam security and/or proctor instructions will result in nullification of your scores.

All handwritten answers must be turned in at the end of the testing session or they will not be graded. Laptop examinees must upload answers by the stated deadline (*see Laptop Testing, below*) or they will not be graded.

If you fail to follow the instructions and type an answer in the wrong space or delete, add, edit or renumber the preloaded laptop software dividers, or write multiple answers in one answer booklet or incorrectly number an answer booklet, you will not be given additional time to move the answers. Once time is called, you may not work on your answers any longer. No additional time will be awarded for failing to follow instructions. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, you will receive a zero for that question.

## HONOR PLEDGE

At the end of the examination, you will be given a Pledge Card, affirming that you have not violated the Security Policy, above, cheated, given or received assistance on the examination, or otherwise compromised the integrity of the Bar Exam, and that if you observed anyone else doing so, you have fulfilled your ethical duty to report your observations to a proctor or other Board staff at the exam site. If you cannot honestly sign the pledge, you must contact the Chief Proctor or Bar

The Honor Pledge:

***I have read and understand the Tennessee Bar Exam Security Policy. I have not given or received aid on the exam, I have not knowingly allowed anyone to see my answers, and I have not used unauthorized materials on this examination or otherwise violated the Security Policy. If I am aware of anyone else having done so, I have already reported this to the Chief Proctor or the Board of Law Examiners Staff.***

## EXAM DAY PROCEDURES

### 1. REGISTRATION

You must register, show your ID, receive your badge and lanyard, and place items in the appropriate bag storage area or in a brown bag at the designated registration table prior to entering the exam room each morning. When returning from lunch, return any items removed from the bag drop or registration table prior to having your badge checked before entering the exam room. *You may only enter or exit the exam room using the doors indicated by the proctors or staff.*

## 2. APPLICANT IDENTIFICATION NUMBER

Your randomly assigned 5-digit examinee number can be found in your Seat Assignment email. The Bar Exam is processed and scored entirely by Applicant ID numbers. ***For the February 2019 exam, the Applicant ID number begins with 42.*** This number will be on your name badge and at your seat. You **MUST** put this number on all of your papers, including test booklets, or your papers cannot be graded.

## 3. ASSIGNED SEATING

You must sit in the seat marked with your pre-assigned seat number. Do not change your seat without permission from a proctor or other Board staff. Sitting in a seat not assigned to you is a violation of the Security Policy. You will be dismissed from the exam and your exam will not be graded. We will report violations to the Board, who may conduct a hearing into your character and fitness, and/or take other actions in addition to your disqualification from the exam. Do not print and bring your seat assignment email with you. If you do not remember your seat number, anyone at the registration table can provide it to you.

## 4. LAPTOP TESTING

- If you have registered for testing by laptop, you **MUST** complete the mock exam and practice switching between pre-numbered tabs for the answers to your essay questions.
- If you have properly registered to use your laptop and downloaded Examplify, you will use it on Tuesday only<sup>2</sup>.
- Prior to entering the secure area, be sure to:
  - **disable any anti-virus software** you may have installed;
  - **close all programs that might be running in the background;** and
  - remove all external devices, including USBs or Bluetooth receivers as any removable device found during the exam will be confiscated. See **SECURITY POLICY** above.
- You cannot use a wired or wireless mouse and your keyboard must be an integral part of your laptop; *it cannot be detachable*.
- You must bring your power cord with you, preferably without the large (adapter) block; rather, use a cord and small adapter (see Appendix 1 for examples). You cannot complete the exam on battery power only.
- Once you enter the **Secure Area** and open your laptop, you must launch Examplify immediately—you cannot use your laptop to read notes, check e-mail, or browse the internet once you enter the Secure Area. **Once in the Secure Area, accessing anything on your laptop other than Examplify is a violation of the Honor Pledge.**
- Instructions for launching Examplify will be distributed to you at the exam site. **You must read and follow these instructions.** Passwords will be provided at the beginning of each testing session.
- The laptop testing software may not work the same way your software for law school worked. Each answer is typed in a different tab so that each answer is printed separately for the graders. If you fail to follow the instructions and type an answer in the wrong space or delete, add, edit or renumber the preloaded laptop software dividers, you will not be given additional time to move your answers. Once time is called, you may not work on your answers any longer. The answer will be given to the grader assigned to grade the question indicated on the cover sheet of the answer. If the answer does not match the question or is blank, you will receive a zero for that question.
- **You must leave your laptop at your seat in the exam room during the lunch break.** Staff will be present in the exam room during the break to monitor laptops.

<sup>2</sup> Tuesday and Friday for double-time testing

- The **DEADLINE** for uploading essay answers is **9:00 p.m. Central Time, Wednesday, February 27, 2019<sup>3</sup>**. Answers uploaded after the deadline will not be graded. Although all locations have internet service, such service might not be sufficient for upload of all answers at the same time. *It is strongly recommended that you upload the answers as soon as possible upon reaching your final destination on Tuesday night.*

## 5. LEAVING YOUR ASSIGNED SEAT

You cannot leave your assigned seat from the time instructions begin until the exam starts or as announced by the Chief Proctor in each exam session. If you leave your seat for a restroom break, follow this procedure:

- Flags will be used to indicate when you may leave your seat for a restroom break. The Chief Proctor will provide full instructions prior to each exam session regarding when you may leave your seat.
- Take your printed test materials (all question books, answer books or sheets, laptop instructions), to the table designated by the Chief Proctor during instructions for restroom sign-out. Your Applicant ID Number and Seat Number must be on your materials.
- Place your test materials *face down* on the proctor table and sign out as instructed by the Proctor.
- When you return, show your badge to the proctor, who will confirm your identity and return your test materials to you.
- You may not leave the Secure Area for any reason during the examination. Leaving the secure area **will disqualify you from the exam and nullify your scores, and subject you to review by the Board.**

## 6. MARKING IN TEST BOOKS

You may underline, mark, diagram, write, and make notes on all question books, but such markings will not be graded. You cannot remove any pages from any of the test materials.

## 7. SCRATCH PAPER

You cannot bring your own scratch paper for any testing session. Blank space, including the inside covers, is included in each test booklet. No additional paper will be provided.

Do not write anything on your test booklets, laptop instructions or passwords, exam answer books, tissues, or any other surface before the exam begins other than as directed by the Chief Proctor. You will be dismissed from the exam and your exam will not be graded. We will report violations to the Board, who may conduct a hearing into your character and fitness, and/or take other actions in addition to your disqualification from the exam.

## 8. PROCTOR AND NCBE INSTRUCTIONS

The Chief Proctor will give verbal instructions before the start of each session. You must remain seated and attentive as there is information beyond that included in this manual that you must follow. Further, there are instructions that you are required to read before beginning each testing session. You must follow the written instructions on the MPT, MEE and MBE books, as well. Failure to follow instructions **will disqualify you from the exam and nullify your scores.**

## 9. EXAM MATERIAL SECURITY

Before examinees are dismissed from a testing session, all test materials, including question books and answer booklets, must be counted and reconciled to the distribution charts. Therefore, when time is called at the end of a testing session, you must remain seated and refrain from talking until proctors and staff account for the test materials. Please consider this as you make plans for meeting any responsibilities you may have at the end of these testing sessions. As always, your cooperation is greatly appreciated.

<sup>3</sup> Deadline for those with double-time testing accommodations is Friday, March 1, 2019 at 6:00 p.m. Central time.

## 10. STARTING, BUT NOT COMPLETING, THE BAR EXAMINATION

If you do not register for the first morning session of the examination, you will not be allowed to enter subsequent exam sessions. Likewise, if you do not return for any section of the exam, you will not be allowed to enter subsequent exam sections. Failure to complete the examination will be treated as a withdrawal from the exam and your exam will not be graded.

## 11. GENERAL ADVISORY

The Board of Law Examiners makes every effort to provide appropriate testing conditions. Dress in layers to adjust to the temperature in the exam room. Be prepared to be flexible.

### DAY 1 – AM SESSION: MPT-1 AND MPT-2

1. The MPT is an exam designed to test your ability to use fundamental lawyering skills in a realistic situation and to complete a task a beginning lawyer should be able to accomplish. You will be provided two booklets, MPT-1 and MPT-2, each with a separate question and related documents. For more information about the MPT, see “About NCBE Exams” at [www.ncbex.org](http://www.ncbex.org).
  - a. If you are using a laptop, the name of the morning answer files and password for the MPT answers will be on the [laptop instruction page](#) that will be at your assigned seat. Be sure to type your answers in the correct answer tabs for MPT-1 (green book) and MPT-2 (purple book). If you type both of your answers in the screen for one answer, you will only be graded on the one answer that was supposed to be in that screen. You will not be provided extra time to separate your answers.
  - b. If you handwrite your response, you will be provided two yellow answer books, one for each MPT question. If you need an additional answer booklet or pen, raise your hand for a proctor. You must use a different answer book that is properly labeled for each question; instructions on labeling the books will be provided by the Chief Proctor. If you write the answers to more than one question in one answer book, you will only be graded on the one answer that corresponds to the question labeled on the answer booklet.
  - c. A black ink pen will be provided. You can only use the pens provided by the Board of Law Examiners.
2. You must **remain in your seat** and refrain from talking during morning instruction, the last **30 minutes** of testing and during the collection of all test materials
3. When time is called, you must stop typing/writing. If you finish early, sit quietly at your desk. The Chief Proctor will dismiss all examinees in an orderly manner after all materials have been collected and properly accounted.

### DAY 1 – PM SESSION: MULTISTATE ESSAY EXAMINATION

1. The MEE is an examination consisting of six (6) 30-minute essay questions. You will have 3 hours to answer the MEE questions. Answers to MEE questions should apply generally accepted fundamental legal principles to issues raised in each question. For more information about the MEE, see “About NCBE Exams” at [www.ncbex.org](http://www.ncbex.org).
  - a. If you are using a laptop, the name of the essay answer file and the password will be provided. You must type each answer in the separate answer screen provided. If you type all of your answers in the screen for one answer, you will only be graded on the one answer that was supposed to be in that screen. You will not be provided extra time to separate your answers.
  - b. If you are handwriting your answers, you will be provided 6 blue answer booklets, one for each of the MEE questions. You must use a different answer booklet that is properly labeled

for each question; instructions on labeling the books will be provided by the Chief Proctor. If you write the answers to more than one question in one answer book, you will only be graded on the one answer that corresponds to the question labeled on the answer booklet.

- c. A black ink pen will be provided. You can only use the pens provided by the Board of Law Examiners.
2. You must ***remain in your seat*** and refrain from talking during afternoon instruction, the last **30 minutes** of testing and during the collection of all test materials.
3. If you finish early, sit quietly at your desk. The Chief Proctor will dismiss all examinees in an orderly manner after all materials have been collected and properly accounted.
4. As proctors collect the test materials after the last test session, remove your name badge from the lanyard and place both on the table in front of you. **YOU CANNOT TAKE THE LANYARD OR THE NAME BADGE FROM THE EXAM ROOM.** Proctors will collect your name badge and lanyard while materials are being reconciled. You will receive a new badge and lanyard at Registration on Day 2.

## DAY 2 – MULTISTATE BAR EXAMINATION

1. The Multistate Bar Examination (MBE) consists of 200 multiple-choice questions, divided equally into two 3-hour testing sessions with a lunch break between sessions. For more information about the MBE, see “NCBE Exams” at [www.ncbex.org](http://www.ncbex.org).
2. The MBE is machine-graded and must be taken with the provided No. 2 pencils. Pencils, erasers and sharpeners will be provided by the Board of Law Examiners. You may not bring your own (see Prohibited Items, above).
3. You must ***remain in your seat*** and refrain from talking during instructions at the start and end of each session, the last **30 minutes** of testing and during the collection of all test materials.
4. You must enter your answers on the answer grid, before time is called. Answers circled in the question book will *not* be graded.
5. During the last 30 minutes of the afternoon session, proctors will place the Pledge Card at your exam table. Do not complete the card until instructed to do so by the Chief Proctor.
6. All MBE materials must be counted and reconciled before examinees are dismissed. Therefore, no one is dismissed early. You must remain seated and refrain from talking until proctors and staff collect and account for all testing materials.
7. Complete the Pledge Card following the Chief Proctor instructions. Proctors will collect the cards while test materials are reconciled. ***Your exam scores will not be released if you do not turn in a signed Pledge Card.***
8. As proctors collect the test materials *after the last test session*, remove your name badge from the lanyard and place both on the table in front of you. **YOU CANNOT TAKE THE LANYARD OR THE NAME BADGE FROM THE EXAM ROOM.** Proctors will collect your name badge and lanyard while materials are being reconciled.

**DAY 2: DEADLINE FOR UPLOAD OF ESSAY ANSWERS IS 9:00 P.M. FOR LAPTOP TESTERS**

## FAILURE TO FOLLOW PROCEDURES

Failure to follow Board Policies and Procedures, written instructions, and Proctor Instructions during the exam or while at the exam location in a Secure Area will result in dismissal from the exam and nullification of exam scores. Further, an applicant dismissed from the exam might be required to appear before the Board for a character and fitness hearing.

## POST-EXAM INTERVIEW

First-time applicants who are not licensed and/or are not in good standing in at least one other U.S. jurisdiction, some re-examination applicants and any other applicant referred by the Board must appear for an in-person interview as part of the character and fitness investigation. A member of the District Committee in the interview district you designated on your application will contact you to schedule the interview during the time between the exam and grade release. If you move or change your phone number or email address, **please update your profile in Synergy as soon as possible or email** the Board at [BLE.administrator@tncourts.gov](mailto:BLE.administrator@tncourts.gov) to avoid delays. On rare occasions and only due to extenuating circumstances, the Board will approve a request to change your interview location. Such a request to change the county of your interview county must be submitted in writing to [BLE.Administrator@tncourts.gov](mailto:BLE.Administrator@tncourts.gov) **no later than ten (10) days after the first day of the exam**. Such request must include a description of the extenuating circumstances that give rise to the request. Selection of the wrong county or the need to travel to the interview location does not constitute extenuating circumstances. The interview is a **required component** of the character and fitness investigation. You cannot be approved for licensing without completing the interview.

## GRADING AND GRADE RELEASE

**GRADING:** Upon completion of the February 2019 bar examination in Tennessee, you will earn a Uniform Bar Examination (UBE) score that may be accepted for admission in other jurisdictions. For your score to be accepted for admission in Tennessee, you must score at least 270 out of 400. The score given for the two MPT answers is 20% of the total scaled score; the MEE answers are 30% and the MBE is 50%. Answers to the MPT and MEE questions are graded on, among other things, identification of issues, application of fundamental legal principals, organization of your answer, responsiveness to the call of the question, and cogency of the arguments put forth. Written components are separated into 6 levels with 1 the lowest and 6 the highest, and then scaled to the MBE to achieve a total scaled score. For more information on scaled scoring, please see this December 2014 article from [The Bar Examiner](#), a publication of the NCBE. The Tennessee Board of Law Examiners does not regrade MPT or MEE answers. **Your only recourse in the event of an unsuccessful examination is re-examination.**

**GRADE RELEASE:** February 2019 bar exam results are scheduled to be release on **Friday, April 5, 2019, by 2:00 p.m. CDT**. Please do not CALL OR EMAIL the Board to ask if results will be released before this date or when results will be posted on grade release day. Although never anticipated, if the date grades will be released changes, you will be notified by email and notice will be posted on the Board website at [www.tnble.org](http://www.tnble.org). We will deliver results of the Bar Exam as follows:

- By e-mail to you. It is important to [keep your e-mail address updated](#) in Synergy. Login and navigate to “My Profile.” If you are using a school email address (you@lawschool.edu), consider changing your email address as law schools may delete your account after you graduate.
- **On our website.** We will post a list of the names of successful examinees on the Board’s website at <http://www.tnble.org/tnlaw/first-time/success-list>.

## ADDITIONAL LICENSING REQUIREMENTS

You cannot be admitted to the Tennessee Bar until you satisfy all requirements set out in Rules 6 and 7 of the Tennessee Supreme Court Rules. Being approved to sit for the Tennessee Bar Examination does not mean that your character and fitness investigation is complete. You may pass the bar exam but not be eligible for licensing, pending completion of all steps in the licensing and admission process. In addition to achieving a score of at least 270 on the Uniform Bar Exam, requirements for licensing also include:

- Approval of the Character and Fitness requirements in Rule 7, Section 6.03
- Passing the Multistate Professional Responsibility Examination (MPRE); and

- Completing the Tennessee Law Course (which is projected to be available on or before April 1, 2019)

All of these requirements must be met prior to licensing. *See:* Tenn. Sup. Ct. Rules 6 and 7, and the Policies and Procedures of the Board on the TBLE website.

Once you have met all of the requirements to be eligible for licensing and admission, you must complete the following before you can practice law in Tennessee:

- Complete new attorney registration with the Tennessee Board of Professional Responsibility; and
- Take the oath of admission as required by Tennessee Supreme Court Rule 6.

If you do not satisfy *all* licensing and admission requirements within 2 years of the date we notify you of your passing Bar Exam score, you must submit an updated Character and Fitness Investigation application and, if required, appear for an in person interview. Scores are valid for licensing and admission for 3 years from the date grades are released. See Tenn. Sup. Ct. R. 7, Section 4.07. Your license will be issued after you have completed attorney registration and been administered the Oath of Admission.

[Required Acknowledgement on next page]

**ACKNOWLEDGMENT OF RECEIPT OF TENNESSEE BAR EXAMINATION  
GENERAL INSTRUCTION MANUAL – FEB 2019**

Name: \_\_\_\_\_  
(Print or Type Applicant Name)

By signing below, I certify that I have received the Tennessee Bar Examination General Instruction Manual for February 2019 and that I have read the complete Manual. I understand that failure to follow Board Policies and Procedures, written instructions, and Proctor Instructions during the exam or while at the exam location in a Secure Area, will result in dismissal from the exam and nullification of exam scores. Further, I understand that I might be required to appear before the Board to explain my actions.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Sign and save this Acknowledgment as a .pdf document and upload to your Synergy application under item, “Acknowledgement: TN Bar Exam General Instructions,” on or before **4:00 p.m., February 15, 2019.**

## Appendix I – Power Adapters

Instead of a power cord/adapter like this:



please use a power cord/adapter like one of these:



## **TENNESSEE BOARD OF LAW EXAMINERS: THE UNIFORM BAR EXAMINATION AND TENNESSEE LAW COURSE**

The Tennessee Supreme Court adopted amendments to Tennessee Supreme Court Rule 7 ("Rule 7"), that change the content of the bar examination and add pre-admission requirements to the licensing process for lawyers wishing to practice in Tennessee. First, the Court adopted changes to Rule 7 in April, adding a new way to gain admission to the bar of Tennessee and changing the content of the bar examination. On October 16, 2018, the Court entered an order adopting the Tennessee Law Course for all applicants seeking a law license in Tennessee.

The April amendments added Tennessee to the growing list of jurisdictions that utilize the Uniform Bar Examination (the "UBE"), which consists of the Multistate Bar Examination, two Multistate Performance Tests, and the Multistate Essay Examination, consisting of six questions. The Tennessee Bar Examination last administered in July, 2018, included the Multistate Bar Examination and one Multistate Performance Test, plus 9 essay questions that were drafted by Tennessee attorneys. The questions included in the Multistate Essay Examination, while not specific to Tennessee law, are drafted and reviewed by national experts in each field, and pre-tested, which is a step that is difficult to do for a state-prepared essay examination, regardless how expert and talented the Tennessee drafters are. However, even without specific Tennessee content, the Multistate Essay Examination is effective for measuring competency of attorneys prior to admission by testing knowledge of the subject matter, issue identification, and persuasive writing ability.

Lawyers are more mobile than they once were, no longer settling and practicing in one state until retirement. Moreover, multi-jurisdictional or cross-border practice is more common, particularly in Tennessee, where we border more states than any other state in the Union. This can be seen in the increased applications for admission without examination in recent years<sup>1</sup>.

Adoption of the UBE acknowledges that certain legal concepts and lawyering skills span our borders. The UBE assures uniformity in testing from administration to administration while still utilizing local attorneys to grade essay and practice tasks. Further, the methods used to develop the MEE and MPT tests result in a high quality and reliable test. While the Board members and exam assistants work diligently to prepare high quality tests, what the Board can do locally does not compare to the resources available for the development of the MEE and MPT test items.

In addition to changing the content of the bar examination to be given in Tennessee, the April amendments add a new form of admission, allowing an applicant to transfer to Tennessee a UBE score that meets the Tennessee threshold. Lawyers who earn a score of 270 or higher on the UBE in another jurisdiction may be eligible for admission in Tennessee on the basis of their UBE score. Applicants by transferred UBE score will have to undergo a character and fitness investigation and meet all other Tennessee eligibility requirements. Complete details on admission by transferred UBE score are available on the Tennessee Board of Law Examiners website at [www.tnble.org](http://www.tnble.org).

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<sup>1</sup> In 2012, the TBLE received 125 applications for admission without examination (comity); in 2016, the TBLE received 238, an increase of 90.4% in a five year period. Similarly, in 2012, the TBLE received 28 In-House Counsel registration applications; in 2016, the TBLE received 89, an increase of 218% over the same period.

As part of the adoption of the Uniform Bar Examination, the Tennessee Supreme Court established the Tennessee Law Course Committee to study the need, feasibility and scope of a required Tennessee Law Course for applicants to the Tennessee bar. The Tennessee Law Course Committee recommended that the Court adopt a new pre-admission requirement for all applicants to the Tennessee bar requiring completion of a course on the distinctions found in Tennessee law.

The Uniform Bar Examination is a highly reliable test but does not include law specific to the state in which it is administered. Applicants to the Tennessee bar need basic instruction in areas of Tennessee law that do not align with uniform codes or majority trends. A uniform course delivered to all applicants for a license in Tennessee, including those seeking admission without examination (comity) and military spouses, ensures that newly approved Tennessee attorneys who have not been examined on Tennessee-specific law nonetheless have been instructed in the distinctions found in Tennessee law.

In addition to the recommendation to adopt a Tennessee Law Course, the Committee recommended topics as well as the delivery method for the Course. Topics will initially include Professional Responsibility, Administrative Law, Constitutional Law, Criminal Law, Torts, Property, Tennessee Rules, Business Organizations, Wills, Estates and Trusts, and Family Law. The course will be produced and managed by the Tennessee Board of Law Examiners in conjunction with the Tennessee Law Course Committee and reviewed by the Court. The members of the Tennessee Board of Law Examiners and the Tennessee Law Course Committee are grateful to our Tennessee law school professors who have volunteered to participate in the preparation of the materials for the Tennessee Law Course. It was recommended further that the course content be reviewed periodically to add, modify or delete content as required. The Tennessee Law Course will be delivered digitally and outlines will be available on the Tennessee Board of Law Examiners website. The required program will be instructive but will not include an additional examination.

After posting recommended changes to Rule 7 for comment, the Supreme Court adopted the amendment as proposed, making completion of the Tennessee Law Course a requirement for admission to the Tennessee bar. The adoption of the Uniform Bar Examination and a Tennessee Law Course is a positive development for the practice of law in Tennessee. The portable UBE score provides a new path for admission and all newly licensed attorneys, not just those sitting for examination, will receive instruction in Tennessee law.

It is anticipated that the Tennessee Law Course will be online for applicants to complete by April 2019. To access the course, applicants will be provided instructions once they have been approved by the Board of Law Examiners for licensing or with the notification of a successful Tennessee bar examination.

Applications are now open for the February 2019 bar examination, which will be the first administration of the Uniform Bar Examination in Tennessee, while applications for admission by transferred UBE score will open on January 2, 2019. Lawyers licensed in another jurisdiction who wish to practice in Tennessee prior to admission may register for limited practice with submission

of the application for admission by examination or prior to the time application by transferred UBE score open.

For more information on the Uniform Bar Examination, please see the website for the National Conference of Bar Examiners at [www.ncbex.org/ube](http://www.ncbex.org/ube). For more information about how to apply and the UBE in Tennessee, please visit the website for the Tennessee Board of Law Examiners at [www.tnble.org](http://www.tnble.org).

## TENNESSEE SUPREME COURT APPROVES TENNESSEE LAW COURSE FOR NEW LAWYERS

October 17, 2018

The Tennessee Supreme Court has revised one of its rules to require new lawyers to successfully complete a course focused specifically on the law in Tennessee before they begin practicing law. This requirement comes in the wake of the Court's adoption in April 2018 of the Uniform Bar Examination ("UBE") and ensures that new lawyers are knowledgeable about both general law and Tennessee law.

The Court's adoption of the UBE in April added Tennessee to the growing list of states that use the uniform exam, which consists of three sections, including the Multistate Essay Examination ("MEE"). The questions included in the MEE, while not specific to Tennessee law, are drafted and reviewed by national experts in each field. The questions are also pre-tested, which is difficult to accomplish for a state-prepared essay examination, regardless of the talent and expertise of the Tennessee drafters. The MEE is effective for measuring competency of attorneys before admission by testing knowledge of the subject matter, issue identification, and persuasive writing ability. The UBE, although very effective and reliable, does not test on Tennessee-specific law. The Supreme Court's revision to Tennessee Supreme Court Rule 7 includes the establishment of the Tennessee Law Course and provides an additional layer of required knowledge that is specific to Tennessee law.

The adoption of the UBE allows a law school graduate in Tennessee who earns a set minimum score on the exam to transfer the score for admission to any other state that also uses the UBE exam. In addition, a law school graduate from another state using the UBE can transfer the score to Tennessee without taking a new exam. Applicants who seek to be licensed in Tennessee by transferred UBE score will still have to undergo a character and fitness investigation and meet all of the other eligibility requirements. Complete details on admission by transferred UBE score are available on the Tennessee Board of Law Examiners website at [www.tnble.org](http://www.tnble.org).

Before adopting the Tennessee Law Course requirement, the Supreme Court appointed a committee to study the need, feasibility, and scope of a required course on Tennessee law. The Supreme Court adopted the committee's recommendations to require completion of the Tennessee Law Course before admission to the Tennessee bar. The Course will highlight the distinctions found in Tennessee law. Course topics will initially include Professional Responsibility, Administrative Law, Constitutional Law, Criminal Law, Torts, Property, Tennessee Court Rules, Business Organizations, Wills, Estates and Trusts, and Family Law. Professors from Tennessee law schools and Supreme Court staff attorneys will assist in preparing and presenting materials for the Tennessee Law Course. The Course content will be reviewed periodically to add, modify, or delete content as required. The Course will be delivered digitally, and outlines will be available on the Tennessee Board of Law Examiners website.

"The adoption of the Uniform Bar Examination and a Tennessee Law Course is a positive development for the practice of law in Tennessee. All newly licensed attorneys, not just those sitting for examination, will receive instruction in Tennessee law, which will benefit the public," said Jeffrey Ward, president of the Board of Law Examiners and chair of the Tennessee Law Course Committee.

Justice Sharon G. Lee, liaison to the Tennessee Board of Law Examiners, expressed the Court's gratitude to the Board of Law Examiners for its work in advancing bar exam testing methods; to the Tennessee Law Course Committee for its thorough study of the requirements and methods for delivery of the Tennessee Law Course; and to law professors at Belmont University College of Law, Lincoln Memorial University Duncan School of Law, Nashville School of Law, University of Memphis Cecil C. Humphreys School of Law, University of Tennessee College of Law, and Vanderbilt University Law School as well as Supreme Court staff attorneys for their willingness to assist in preparing and teaching the Course.

The UBE will be given for the first time in Tennessee in February 2019. By January 2019, the Tennessee Law Course will be online for applicants to complete. Applicants will be provided instructions once they have been approved by the Board of Law Examiners for licensing or with the notification of a successful bar examination.

To read the Court's order click [here](#).

To read the appendix showing the changes to Tennessee Supreme Court Rule 7 click [here](#).

## TENNESSEE ADOPTS UNIFORM BAR EXAM

April 18, 2018

Nashville, Tenn. – The Tennessee Supreme Court has adopted the Uniform Bar Exam (UBE) as the key testing component for bar admission for aspiring Tennessee attorneys. The UBE is a nationwide test that has been adopted in 31 jurisdictions and allows test takers to transfer scores between states, greatly improving the mobility of Tennessee attorneys. The change comes after the Tennessee Board of Law Examiners filed a petition with the Supreme Court to adopt the change and a public comment period. The comments received by the Court were overwhelmingly supportive of the change. The UBE allows the Court to adapt to changing times while protecting the public. The UBE will be given for the first time in Tennessee in February, 2019.

“As the legal field continues to evolve, the Court understands its rules must modernize and adapt to changing practice realities,” said Chief Justice Jeff Bivins. “At the same time, it is essential we ensure attorneys practicing in Tennessee are well-qualified and prepared to represent clients with the vigor and excellence the law requires. The changes we have adopted strike that necessary balance.”

Under current rules, a Tennessee lawyer needing to obtain a license to practice law in another state has to meet waiver requirements, which often include a significant experience component, or retake the bar exam in that state. The UBE allows scores earned in Tennessee to be transferred to other states for licensure. In addition, attorneys from other states utilizing the UBE can petition for admittance in Tennessee based on those results.

“Lawyers are more mobile than they once were. No longer do lawyers always settle in one state and practice in that state until retirement,” said Jeffrey Ward, President of the Tennessee Board of Law Examiners. “Multi-jurisdictional, or cross-border, practice is more common, particularly in Tennessee, where we border more states than any other state in the Union. This can be seen in the increase in applications for admissions without examination in recent years.” Between 2012 and 2016, the Board of Law Examiners saw a 90.4 percent increase in requests for admission without examination and a 218% increase in in-house counsel registration applications. In Tennessee, in order to be eligible for admission without exam, lawyers must be

in good standing in at least one other jurisdiction and have at least five to seven years of experience. The proposal would provide more mobility for younger, or more recently admitted, attorneys. In this region, Alabama, Missouri, West Virginia, North Carolina, and South Carolina have adopted the UBE.

“The Board of Law Examiners recited in its petition the statistics that demonstrate the demand for mobility in the legal profession, and the Tennessee Bar Association agrees that this is a laudable goal in order to encourage lawyers and businesses to operate in Tennessee,” the Tennessee Bar Association stated in its official comment letter. “Toward

that end, the proposed rule change, which adopts the UBE, and its portability provisions is positioned to benefit the profession, and the Tennessee Bar Association supports such action.” The Bar Association’s letter was signed by more than 65 local bar associations as well as the Tennessee federal bar, public defenders conference, and associations representing Women, Hispanic, African-American, and Asian attorneys.

The UBE is prepared and coordinated by the National Conference of Bar Examiners and consists of three parts: the Multistate Bar Examination, which includes 200 multiple choice questions; two Multistate Performance Test tasks, which are 90-minute exercises testing basic lawyering skills; and six Multistate Essay Examination questions. The test covers a dozen topics and is given over two days. The current Tennessee Bar Exam uses the multiple choice questions, one performance test task, and nine Tennessee-specific essay questions. The nine essay questions are prepared and graded in the state. One benefit of using the UBE essay questions is the vast amount of testing and resources that go into developing each question, something that is hard to duplicate on a small scale, according to the Board of Law Examiners. The essay questions will still be graded by Tennessee attorneys.

The Tennessee Supreme Court will determine the minimum passing score for the UBE. The Supreme Court will also consider requiring newly admitted attorneys to complete a course of study focused on Tennessee law within one year of admission. The Supreme Court will continue to set educational, character, and fitness requirements for those requesting admission to the bar, and the Board of Law Examiners will continue to determine an applicant’s eligibility for admission based on the standards set by the Supreme Court.

The Court’s Order may be viewed on this website by clicking [here](#).

###

Sunset Public Hearing Supplemental Questions for  
**Board of Law Examiners**  
Created by Section 23-1-101, *Tennessee Code Annotated*  
(Sunset Termination June 2020)

*At the request of the Chairman of the House Government Operations Committee, all agencies who provide responses to questions as part of the Q&A process should also provide the following information.*

1. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.

Lisa Perlen, Executive Director  
William L. Harbison, Vice President  
Justice Roger Page, Supreme Court Liaison to the Board

2. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Lisa Perlen, Executive Director  
William L. Harbison, Vice President  
Justice Roger Page, Supreme Court Liaison to the Board

3. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Board of Law Examiners  
511 Union Street, Suite 525  
Nashville, TN 37219  
615-741-3234

[lisa.perlen@tncourts.gov](mailto:lisa.perlen@tncourts.gov)

[bharbison@srvhlaw.com](mailto:bharbison@srvhlaw.com)

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