

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 32**

No. ADM _____

PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9, SECTION 32

Comes now the Board of Professional Responsibility of the Supreme Court of Tennessee (Board), and respectfully petitions this Honorable Court to amend and clarify Tennessee Supreme Court Rule 9, Section 32.1 regarding disciplinary hearings.

Historically, the Board has taken the position that disciplinary hearings are public, unless or until a protective order is entered pursuant to Tenn. Sup. Ct. R. 9, Sec. 32.6. However, Tenn. Sup. Ct. R. 9, Sec. 32.1 and 32.2 provides:

32.1 All matters, investigations, or proceedings involving allegations of misconduct by or the disability of an attorney, including all hearings and all information, records, minutes, correspondence, files or other documents of the Board, district committee members and Disciplinary Counsel shall be confidential and privileged, and shall not be public records or open for public inspection, except as otherwise provided in this Section.

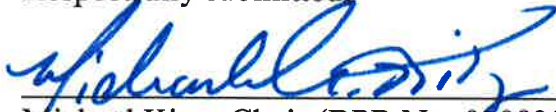
32.2 Upon (a) the Board's imposition of public discipline without the initiation of a formal disciplinary proceeding pursuant to Section 15.2, or (b) the filing of a petition for formal discipline pursuant to Section 15.2, the following documents, subject to the provisions of any protective order which may be entered pursuant to Section 32.6, shall be public records and open for public inspection:

- (i) all pleadings, petitions, motions, orders, correspondence, exhibits, transcripts or documents filed in the formal disciplinary proceeding;
- (ii) the written complaint(s) and any additional or supplemental submissions received by the Board;
- (iii) the written response(s) to the complaint received by the Board;
- (iv) the formal written public discipline imposed by the Board in the matter.

To promote transparency and to further confidence in our self-regulating profession, the Board respectfully proposes revisions to Tenn. Sup. Ct. R. 9, Sec. 32 clarifying that disciplinary hearings are open to the public, unless a protective order has been entered, as set forth in the attached Exhibit A.

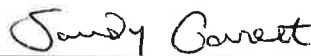
For the foregoing reason, the Board respectfully requests this Court enter an Order amending Tenn. Sup. Ct. R. 9, Sec. 32.1.

Respectfully submitted,



Michael King, Chair (BPR No. 020830)
Board of Professional Responsibility


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CERTIFICATE OF SERVICE

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Avenue North, Suite 400, Nashville, Tennessee by U.S. mail, on this the 13th day of March, 2017.

By: 

MICHAEL U. KING (#020830)
Chairman of the Board

By: 

SANDY L. GARRETT (#013863)
Chief Disciplinary Counsel

Exhibit A

- 32.1 All matters, investigations, or proceedings involving allegations of misconduct by or the disability of an attorney, including ~~all hearings and~~ all information, records, minutes, correspondence, files or other documents of the Board, district committee members and Disciplinary Counsel shall be confidential and privileged, and shall not be public records or open for public inspection, except as otherwise provided in this Section.

All hearings held before a duly appointed hearing panel or Court shall be public, subject to the provisions of Section 32.6 and Tenn. Sup. Ct. R. 30.