

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION OF THE TENNESSEE COMMISSION
ON CONTINUING LEGAL EDUCATION TO AMEND
TENNESSEE SUPREME COURT RULE 21**

No. ADM2025- 00453

The Tennessee Commission on Continuing Legal Education (the Commission) petitions this Court to amend Rule 21 governing the operations of the Commission.

These proposed amendments are intended primarily to support an overhaul of the Commission's regulations, which the Commission employs in its day-to-day operations to administer and enforce the Rule. The Commission's regulations last were adopted in 2008, and this proposal incorporates updates to properly align the Rule and regulations, as well as to improve processes for attorneys.

One such process is the annual reporting requirement. Today, an attorney's status with the Commission is mostly independent of their licensure status with the Board of Professional Responsibility (BPR), which often creates confusion for attorneys. An attorney who chooses to take an inactive status with the BPR typically maintains a requirement under Rule 21 to report annually to the Commission, despite the fact they are unable to practice in Tennessee. These attorneys often are eligible for an exemption from the CLE requirements that attorneys must claim annually. Failure to do so in a timely manner results in fees and, in some cases, law license suspension.

The proposal would align attorney CLE statuses with the various inactive provisions of Tennessee Supreme Court Rule 9, Section 10.3. An attorney who chooses to make their law license inactive would also become inactive with the Commission without an annual reporting requirement. To further support and streamline this change, the Commission proposes eliminating the current annual exemptions in favor of a simple active/inactive approach. If adopted, attorneys who previously claimed annual exemptions from the Tennessee CLE requirement may change their law license to inactive status, or, if they live out-of-state, may attain CLE compliance in Tennessee via comity compliance in another jurisdiction.

The age exemption would remain intact, although the Commission does propose some language updates.

The Commission recognizes the need to offer flexibility for attorneys in special circumstances and believes such situations can be addressed fully using the current Exceptional Relief provisions in Section 2.04. The Commission suggests removing similar language in Section 3.02.

The Commission's structure and duties do not require the services of the offices of secretary or treasurer, and the Commission recommends removing that provision from Section 1.05.

Finally, the Commission recently updated its website address and wishes to refer to the website more generically in the Rule, rather than point to a specific URL.

The proposed amendments to Rule 21, including a blackline comparison, are in Appendices A and B. A proposed replacement to the current regulations is provided in Appendix C, with a copy of the current regulations in Appendix D.

The Tennessee Commission on Continuing Legal Education respectfully requests the Court grant the Commission's Petition for amendment and modification of Tennessee Supreme Court Rule 21 and approve for adoption by the Commission when appropriate the proposed regulations.

Respectfully Submitted,

TENNESSEE COMMISSION ON CLE

By: 

Julie Poe Bennett, BPR No. 015607
Chairperson, *Tennessee Commission*
on Continuing Legal Education

CERTIFICATE OF SERVICE

The undersigned certifies that this Petition was emailed to the attached list of individuals and organizations and was posted on the Commission's website this 3rd day of April, 2025.

Michele Wojciechowski

Michele Wojciechowski, BPR No. 031758
Executive Director, *Tennessee Commission on
Continuing Legal Education*

Recipients of the Foregoing by Email

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Sheree Wright
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APPENDIX A

No. ADM2025-_____

[New text is indicated by bold and underlining. Deleted text is indicated by strikethrough.]

Tenn. Sup. Ct. R. 21, § 1.05 is amended to read as follows:

1.05. Officers of the Commission shall consist of the Chairperson and, Vice Chairperson, ~~Secretary and Treasurer~~. The Chairperson shall be appointed by this Court. The Vice Chairperson ~~Each of the other officers~~ shall be elected by members of the Commission during their first meeting of each calendar year.

Tenn. Sup. Ct. R. 21, § 2.03 is amended to read as follows:

...

~~(b) Members of the Armed Forces on active duty shall not be subject to this Rule. Any attorney claiming active duty military exemption shall provide to the Commission a copy of his/her military orders in order to qualify for exemption. An attorney who leaves active duty military service prior to September 1st of the compliance year shall not be entitled to the military exemption for that year. This exemption shall be claimed by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission;~~

~~(c) An attorney shall not be subject to the requirements of the Rule after age seventy (70), upon claiming application of the exemption. This exemption shall not include the calendar year in which the attorney becomes seventy (70) years of age. However, any attorney who reached age sixty-five (65) on or before December 31, 2014, shall also be eligible for exemption from the requirements of this Rule pursuant to the age-related exemption granted by the version of Rule 21 in effect on December 31, 2014 upon filing an application with the Commission. This exemption shall be claimed by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission;~~

(b) Attorneys who have reached the age of 71 shall not be subject to this Rule.

~~(cd) An attorney who is licensed to practice law in Tennessee but who resided outside of the State and did not practice Tennessee law during the compliance year may request **annually** an annual exemption from this Rule **if the attorney is licensed in another U.S. jurisdiction approved by the Commission and the attorney is compliant with that jurisdiction's continuing legal education requirements at the time the attorney files their Annual Report Statement**. This exemption shall be requested by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission;~~

~~(e) Full time Tennessee law school professors who did not engage in the practice of law during the compliance year shall not be subject to this Rule. This exemption shall be claimed annually by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission;~~

~~(f) An attorney holding an elective office in the Executive or Legislative branches of government and who is prohibited by law from practicing law or who certifies that s/he has not practiced law during the compliance year is exempt while holding such office. This exemption shall be claimed annually by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission;~~

~~(g) All Justices, Judges, and Magistrate Judges of the federal system shall not be subject to the requirements of this Rule in view of their required comparable continuing legal education programs.~~

~~This exemption shall be claimed annually by completing the pertinent section on the Annual Report Statement and filing the Statement with the Commission; and~~

~~(dh) An attorney who is no longer practicing law in any United States Jurisdiction and who has placed his/her their Tennessee law license on inactive status with the Tennessee Board of Professional Responsibility may claim exemption from this Rule by completing and filing the Request for Inactive Status form with the Commission. The Request for Inactive Status form can be found on the CLE website ~~www.cletn.com~~ under Rule 9, Section 10.3 or who has been placed on disability inactive status under Rule 9, Section 27 shall be exempt from the annual reporting requirement under this Rule.~~

Tenn. Sup. Ct. R. 21, § 3.02 is deleted entirely.

~~**3.02.** (a) An attorney who has a disability that prevents compliance with Section 3.01(a) may annually file a Request for Substitute Program Based Upon Disability with the Commission. The request must include a statement from a medical provider in support of the relief requested. An attorney shall provide an updated statement of disability, each compliance year, when filing his or her Annual Report Statement.~~

~~The Request for Substitute Program Based upon Disability form can be found on the CLE website ~~www.cletn.com~~.~~

~~(b) An attorney who has a disability that prevents compliance with Section 3.01(c) may file a Request for a Substitute Program in Lieu of Attendance form and shall therein set out continuing legal education plans tailored to their specific abilities. The Commission shall review and approve or disapprove such plans on an individual basis. Denial of any requested substitute for attendance will be accompanied by reasons for the denial of the application and suggestions how the attorney might improve his or her application for an approved substitute for attendance.~~

~~This is a one year exemption and must be renewed annually using the same initial process. The Request for Substitute Program in Lieu of Attendance form can be found on the CLE website ~~www.cletn.com~~.~~

Tenn. Sup. Ct. R. 21, § 4 is amended to read as follows:

...

4.05. Credit may be earned through service as a bar examiner in Tennessee or in any of the sister states. The Commission will award twelve (12) hours of General credit and three (3) hours of EP credit annually for the preparation and grading of one or more bar examination questions during a given compliance year.

...

4.08. The Commission may, in its discretion, award:

...

(b) Up to one-half of the annual requirement (six (6) General credits and one and one-half (1.5)

EP credits) for published writings concerning substantive law, the practice of law, or the ethical and professional responsibilities of attorneys if the writing is published in approved publications intended primarily for attorneys. Credit shall be awarded in the amount of one (1) hour for every 1,000 words, not including footnotes, endnotes, or citations of authority. Credit shall not be awarded to a named author when the actual principal author was another person acting under the direction or supervision of the named author. ~~In requesting credit under this subsection, the attorney shall provide the Commission with an affidavit stating the facts of authorship.~~

(c) An annual maximum of three (3) EP credits earned at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment, an organized bar association program, or an approved legal assistance organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 8 of this Rule.

An “approved legal assistance organization” for the purposes of this section is an organization or professional association that (1) provides pro bono legal services and (2) is approved by this Court. An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Organizations or groups which do not provide legal assistance as their primary service or business but wish to develop an initiative or project designed specifically to provide pro bono legal services may apply to be approved by this Court under this section. Any organization seeking approval under this section must file a petition with the clerk of this Court. The Application for Tennessee Supreme Court Approval of Legal Assistance Organization form can be found on the ~~CLE~~Commission’s website—~~www.cletn.com~~.

(d) An attorney who provides indigent-defense representation at a reduced hourly rate may receive EP credit for the uncompensated portion of the representation based upon the Commission’s formula as set out in the ~~Request for Earned Indigent Defense Credit~~ form. A maximum of three (3) hours of credit may be earned in any compliance year. Indigent ~~Defense~~representation credit hours earned in a compliance year in excess of the three (3) credit annual maximum may be carried forward for credit in the succeeding compliance year, but only for the succeeding compliance year and only up to three (3) credit hours. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 8 of this Rule. ~~The form Request for Earned Indigent Defense Credit can be found on the CLE website—www.cletn.com.~~

(e) An attorney may receive a combined maximum of three (3) credits of pro bono and/or indigent ~~defense~~representation credit in any compliance year.

Tenn. Sup. Ct. R. 21, § 5.05 is amended to read as follows:

...

(c) Any provider may submit to the Commission an application for accreditation seeking approval of a program after the program is conducted. The form is available ~~on the Becoming a Provider page~~ on the Commission’s website—~~www.cletn.com~~.

Tenn. Sup. Ct. R. 21, § 11.06 is amended to read as follows:

11.06. The Commission shall maintain the Roll of Certified Specialists, taking special care to ensure the accuracy and timeliness of information contained therein. The Commission shall also

make the Roll of Certified Specialists available for public inspection and shall publish the Roll from time to time. The Commission may satisfy the obligation to publish the Roll of Certified Specialists by maintaining the Roll on the Commission's website—~~www.cletn.com~~.

APPENDIX B

No. ADM2025-_____

[Edited Text of Proposed Rule]

Tenn. Sup. Ct. R. 21, § 1.05 is amended to read as follows:

1.05. Officers of the Commission shall consist of the Chairperson and Vice Chairperson. The Chairperson shall be appointed by this Court. The Vice Chairperson shall be elected by members of the Commission during their first meeting of each calendar year.

Tenn. Sup. Ct. R. 21, § 2.03 is amended to read as follows:

...

(b) Attorneys who have reached the age of 71 shall not be subject to this Rule.

(c) An attorney who is licensed to practice law in Tennessee but who resided outside of the state may request annually an exemption from this Rule if the attorney is licensed in another U.S. jurisdiction approved by the Commission and the attorney is compliant with that jurisdiction's continuing legal education requirements at the time the attorney files their Annual Report Statement.

(d) An attorney who has placed their Tennessee law license on inactive status with the Board of Professional Responsibility under Rule 9, Section 10.3 or who has been placed on disability inactive status under Rule 9, Section 27 shall be exempt from the annual reporting requirement under this Rule.

Tenn. Sup. Ct. R. 21, § 3.02 is deleted entirely.

Tenn. Sup. Ct. R. 21, § 4 is amended to read as follows:

...

4.05. Credit may be earned through service as a bar examiner in any state. The Commission will award twelve (12) hours of General credit and three (3) hours of EP credit annually for the preparation and grading of one or more bar examination questions during a given compliance year.

...

4.08. The Commission may, in its discretion, award:

...

(b) Up to one-half of the annual requirement (six (6) General credits and one and one-half (1.5) EP credits) for published writings concerning substantive law, the practice of law, or the ethical and professional responsibilities of attorneys if the writing is published in approved publications intended primarily for attorneys. Credit shall be awarded in the amount of one (1) hour for every 1,000 words, not including footnotes, endnotes, or citations of authority. Credit shall not be awarded to a named author when the actual principal author was another person acting under the direction or supervision of the named author.

(c) An annual maximum of three (3) EP credits earned at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment, an organized bar association program, or an approved legal assistance organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 8 of this Rule.

An “approved legal assistance organization” for the purposes of this section is an organization or professional association that (1) provides pro bono legal services and (2) is approved by this Court. An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Organizations or groups which do not provide legal assistance as their primary service or business but wish to develop an initiative or project designed specifically to provide pro bono legal services may apply to be approved by this Court under this section. Any organization seeking approval under this section must file a petition with the clerk of this Court. The Application for Tennessee Supreme Court Approval of Legal Assistance Organization form can be found on the Commission’s website.

(d) An attorney who provides indigent representation at a reduced hourly rate may receive EP credit for the uncompensated portion of the representation based upon the Commission’s formula as set out in the request form. A maximum of three (3) hours of credit may be earned in any compliance year. Indigent representation credit hours earned in a compliance year in excess of the three (3) credit annual maximum may be carried forward for credit in the succeeding compliance year, but only for the succeeding compliance year and only up to three (3) credit hours. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 8 of this Rule.

(e) An attorney may receive a combined maximum of three (3) credits of pro bono and/or indigent representation credit in any compliance year.

Tenn. Sup. Ct. R. 21, § 5.05 is amended to read as follows:

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(c) Any provider may submit to the Commission an application for accreditation seeking approval of a program after the program is conducted. The form is available on the Commission’s website.

Tenn. Sup. Ct. R. 21, § 11.06 is amended to read as follows:

11.06. The Commission shall maintain the Roll of Certified Specialists, taking special care to ensure the accuracy and timeliness of information contained therein. The Commission shall also make the Roll of Certified Specialists available for public inspection and shall publish the Roll from time to time. The Commission may satisfy the obligation to publish the Roll of Certified Specialists by maintaining the Roll on the Commission’s website.

REGULATIONS

of the

Tennessee Commission on Continuing Legal Education

These regulations express the standard procedures of the Tennessee Commission on Continuing Legal Education as it operates to fulfill the requirements set forth in Tennessee Supreme Court Rule 21. These regulations were last reviewed, modified, and adopted by the Commission on February 27, 2025 and approved by the Tennessee Supreme Court on _____.

Section 1 – The Commission

A. Definitions

1. **Commission:** The Tennessee Commission on Continuing Legal Education.
2. **Rule:** The Rule for Mandatory Continuing Legal Education, as set forth in Rule 21 of the Supreme Court of Tennessee.
3. **Continuing Legal Education or CLE:** Legal education programming taught by one or more qualified presenters that has significant intellectual or practical content designed to increase or maintain the lawyer’s professional competence and skills as a lawyer.
4. **General CLE Credit:** Credit applicable only to the General CLE requirement.
5. **Ethics/Professionalism (EP) Credit:** Courses focusing solely on the ethical obligations, well-being, or professionalism of attorneys. All EP credit is considered Dual credit.
6. **Dual CLE Credit:** Credit that may be applied to either the General CLE or EP CLE requirement, but not both.
7. **Provider or Sponsor:** An entity having substantial experience offering continuing legal education or demonstrated ability to organize and effectively present continuing legal education.
8. **Annual Report Statement:** A statement published by the Commission after the close of the compliance year and provided to each attorney listing all continuing legal education courses properly reported for that attorney.
9. **Compliance Year:** January 1 through December 31 of a given year.
10. **Request for Exceptional Relief:** A written request for extraordinary relief or exemption from some provision of either the Rule or regulations governing continuing legal education submitted for consideration by the full Commission.
11. **Compliance:** An attorney is compliant with the Commission when they complete all required CLE credits or claim an appropriate exemption from the requirements and pay all outstanding fees.
12. **Comity Compliance:** An attorney active in Tennessee is eligible to claim a comity compliance exemption from the requirements of Tennessee Supreme Court Rule 21 if they are actively licensed

in and have completed the CLE course requirements for the corresponding time period in any state that the Commission has approved as eligible for comity compliance. Comity compliance may not be achieved if that attorney is exempt from the CLE requirements of that state.

B. Supervisory Authority over Administration of Rule – Tenn. Sup. Ct. R. 21, § 1.02

Suggestions for changes in MCLE requirements or the Commission’s policies, procedures, or regulations will be considered at the discretion of the Commission.

Section 2 – Exemptions from Annual CLE Requirements

A. Temporary practice – Tenn. Sup. Ct. R. 21, § 2.03(a)

The Rule does not apply to attorneys who are temporarily admitted to practice, or who are practicing pending admission. Any CLE credits earned during the time attorneys are practicing pending admission may be applied after full admission to the practice of law in Tennessee, provided the attorney has an obligation during that compliance year.

B. Age Exemption – Tenn. Sup. Ct. R. 21, § 2.03(b)

An attorney is eligible to claim an age exemption for the year in which the attorney turns 71 years of age. An attorney shall notify the Commission that they wish to claim the exemption, as it is not automatically applied.

C. Comity Compliance and Attorney Mobility – Tenn. Sup. Ct. R. 21, § 2.03(c)

1. An attorney who maintains an active Tennessee license but who resided outside of Tennessee for the entire compliance year and who can certify active attorney licensure and CLE compliance in a jurisdiction approved by the Commission shall be eligible for the comity compliance exemption. The exemption must be claimed by completing the Annual Report Statement that is emailed to attorneys after the close of the compliance year. Exemptions are applied only to the most recent compliance year that ended on December 31.
2. The Commission shall maintain a record of all U.S. jurisdictions that have CLE requirements comparable to those of Tennessee for the purposes of comity compliance. Factors the Commission should consider include: number and type of hours required; length of the compliance period; and reporting and accreditation requirements. The Commission shall review the eligibility of each jurisdiction at least once every three years.
3. Attorneys who move out of Tennessee on or before April 30 of the compliance year may claim an exemption for that compliance year upon application to the Commission. Attorneys who move out of Tennessee on or after May 1 shall be subject to the Rule for that compliance year.
4. Attorneys who move into or become licensed in Tennessee on or before August 31 shall be subject to the Rule for that compliance year. Attorneys who move into or become licensed in Tennessee on September 1 or later shall be exempt from the Rule for the compliance year that they moved into Tennessee but shall be subject to the Rule beginning the next compliance year.
5. Attorneys operating under an in-house counsel registration whose in-house counsel registration

terminates on or before April 30 of the compliance year shall not have a CLE obligation for that compliance year for purposes of re-registration for in-house counsel in a subsequent compliance year. The date for termination is based on the notification date to the Board of Professional Responsibility. Attorneys whose in-house counsel registration takes effect on or after September 1 of the compliance year shall not have a CLE obligation for that compliance year.

D. Inactive Status with the Board of Professional Responsibility – Tenn. Sup. Ct. R. 21, §2.03(d)

1. Inactive or suspended status
 - a. Attorneys on any inactive status with the Board of Professional Responsibility shall be designated as inactive with the Commission during the time they are inactive, unless otherwise ordered by the Tennessee Supreme Court.
 - b. Attorneys on suspended status with the Board of Professional Responsibility shall be designated as suspended with the Commission during the time they are suspended, unless otherwise ordered by the Tennessee Supreme Court.
 - c. Attorneys may earn and report CLE during the time their license is on inactive or suspended status. The Commission will maintain such attendance as it is reported.
2. Returning to active status
 - a. An attorney returning to active status from inactive status, other than those inactive statuses prescribed in Tennessee Supreme Court Rule 9, Section 10.3 (a), (c), or (d), on or before August 31 of any compliance year shall earn and report continuing legal education credits for the time that the attorney was inactive, up to a maximum of two years of credits. Only credits earned in the two years immediately preceding reinstatement shall be counted. Attorneys returning to active status September 1 or later may include the current compliance year in their two-year calculation.
 - b. An attorney returning to active status from suspended status with the Commission shall earn and report continuing legal education credits for the time that the attorney was suspended, up to a maximum of five years of credits. Only credits earned in the five years immediately preceding reinstatement shall be counted. Attorneys returning to active status September 1 or later may include the current compliance year in their five-year calculation.
 - c. Attorneys wishing to return to active status from inactive status under Tennessee Supreme Court Rule 9, Section 10.3(a), (c), or (d) will not be required to earn or report CLE to become active if they certify that their occupation involved the application of legal principles, the practice of military law, or the study or instruction of law at a law school during the last two years they were inactive.
 - d. Attorneys on inactive status under provisions of Tennessee Supreme Court Rule 9, Section 10.3 (e), or suspended attorneys who wish to return to active status and have been practicing in a jurisdiction other than Tennessee and can certify that they have been in compliance with that jurisdiction's CLE requirements are not required to make up any CLE for the time they were inactive in Tennessee. See Section 2C of these regulations.
 - e. Inactive attorneys who may have been eligible for the age exemption under Tennessee

Supreme Court Rule 21, Section 2.03 for any period of their inactive status and who wish to return to active status must follow the provisions of Section 2D(2)(a). Suspended attorneys who may have been eligible for the age exemption for any period of their suspended status and who wish to return to active status must follow the provisions of Section 2D(2)(b).

3. Disability Status

- a. Attorneys on disability inactive status with the Board of Professional Responsibility shall also be given disability inactive status with the Commission. Before an attorney may reactivate his/her Tennessee law license, the attorney shall make up the CLE credits missed during the time the attorney was on disability inactive status, up to a maximum of two years of credits. Only credits earned in the two years immediately preceding reinstatement shall be counted.
 - b. Attorneys seeking deferment of mandatory CLE who have a long-term disability of one year's duration or longer are encouraged to seek disability inactive status with the Board of Professional Responsibility. Attorneys who have received disability inactive status with the Board of Professional Responsibility shall have their CLE obligation deferred during the period of disability.
4. The provisions of this section are applicable only to mandatory CLE requirements, and attorneys are advised to check independently with the Board of Professional Responsibility on applicable provisions of the rules administered by that organization.
 5. An attorney who files an application for retired or inactive status with the Board of Professional Responsibility or petitions to surrender their law license is not required to complete outstanding CLE hours but must pay any outstanding fees. If the attorney requests the change after the initial \$100 noncompliance fee has been assessed, the fee is waived as long as the licensure change occurs prior to March 31 of the current compliance year.

E. Exceptional Relief – Tenn. Sup. Ct. R. 21, § 2.04

1. Attorneys may request Exceptional Relief by submitting to the Commission a Request for Exceptional Relief form (found on the Commission's website) along with any supporting documentation demonstrating that extraordinary circumstances warrant some relief from the CLE requirement and deadlines.
2. Requests for Exceptional Relief are considered by Commission members at their next meeting. Typically meetings are held at least four times per year. The request must be received by the Commission no later than two weeks prior to the meeting in order for the request to be vetted and reviewed by the members of the Commission.
3. Attorneys must state with specificity the relief they are requesting. The Supreme Court does not grant authority to the Commission to waive the annual 15-hour CLE requirement, but the Commission will consider requests such as a waiver of fees, an extension of time to complete

the required CLE hours, or some type of alternate program.

4. The burden is on the attorney seeking relief to clearly explain the basis for the requested relief and to specify in detail the particular relief being sought. The Commission will vote to approve or deny the request based on the information provided.
5. Medical or Disability Exceptions
 - a. An attorney experiencing a temporary or short-term disability who realizes that they are unable to complete their CLE requirements by December 31 of the compliance year shall timely file a Request for Exceptional Relief under Section 2E of these regulations.
 - b. The Request shall include a statement from a qualified medical provider supporting the relief requested. The Request shall also include a proposed plan to obtain the required hours of CLE credit during the compliance year and shall set forth with specificity the reasons for the exceptional relief sought.
6. Commission decisions regarding Exceptional Relief are final.

Section 3 – Continuing Legal Education Requirement

A. Ethics and Professionalism (EP) Credits – Tenn. Sup. Ct. R. 21, § 3.01

1. EP Credit may be granted to programs or sessions within programs to the extent that the subject matter is entirely the Rules of Professional Conduct or ethical considerations applicable only to attorneys.
2. EP Credit may be granted to such programs or topics created specifically for attorneys that are designed to:
 - a. address the tenets of the legal profession by which a lawyer demonstrates civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rules of law, the courts, clients, other lawyers, witnesses and unrepresented parties;
 - b. sustain or increase the capacity of attorneys to strive for and to achieve the highest levels of professionalism, including programs aimed at increasing attorney well-being, optimism, resilience, relationship skills, and engagement in their practices;
 - c. help lawyers reconnect with, strengthen, and apply their values, strengths of character, and sense of purpose toward achieving outstanding professionalism;
 - d. protect lawyers or help them recover from the deleterious effects on professionalism including stress, substance abuse, staff management, financial, law or time management; and/or
 - e. support the development of organizational cultures within firms, law departments, and legal agencies that recognize, support, and encourage outstanding professionalism.
3. Topics that will be approved for EP credit include, but are not limited to: mindfulness, well-being, client confidentiality, diversity, implicit bias, social media, cybersecurity, lawyer advertising, trust accounting, substance abuse, and technology.
4. EP credits shall not be awarded for undergraduate classes. To qualify for EP credits, the course

must be taught at a law school and must be entirely devoted to the topic of legal ethics.

5. Programs and topics focused on advertising or marketing legal services will be denied all credit, except to the extent the program or topic deals with the ethical restrictions concerning advertising legal services.
6. In addition to the other requirements set forth in this regulation, in order to qualify for EP credit, the topics must be presented in a session or section separate and apart from the General credit topics, with specific time or word count allocated to only such topics.

B. Dual Credits – Tenn. Sup. Ct. R. 21, § 3.01(b)

1. Dual credits may count toward either the EP or General requirement as defined in Section 1 of these regulations. All EP credits, with the exception of pro bono and indigent representation credits, are recorded as Dual credit.
2. Dual credit does not mean that the attorney receives CLE credit in both EP and General categories for the time spent earning credit. Credit awarded may not exceed the total amount earned for the course but may be split among the two categories to fulfill requirements.

C. Distance Learning Credits – Tenn. Sup. Ct. R. 21, § 3.01(c)

1. Distance learning formats do not have a live commentator at the viewer's location.
2. The Commission approves the following distance learning formats:
 - a. Sessions streamed live via the internet to any personal electronic device.
 - b. Recorded sessions streamed on demand and attended via any personal electronic device.
3. Distance learning may include audio and video or audio only, but the streaming platform must include the ability to track attendance, specifically when a participant joins and leaves a session. In lieu of tracking, a provider may provide keywords throughout the program that are verified by the provider as proof of attendance.

Section 4 – Continuing Legal Education Credits

A. Credit Earned While Exempt – Tenn. Sup. Ct. R. 21, § 4.02(b)

If an attorney was exempt from the CLE requirement and earned credit hours during the exempt compliance year, only those hours exceeding the 15-hour annual requirement will carry forward to the succeeding compliance year.

B. Credit for Teaching a CLE Course to Attorneys – Tenn. Sup. Ct. R. 21, § 4.03(a)

1. To receive credit as the presenter of an accredited CLE program, the attorney should instruct the course provider to report their hours as an instructor/teacher/panel member.
2. Attorneys teaching a CLE course with five or more pages of handouts will receive CLE credit equal to four times the number of hours taught.
3. Attorneys teaching a CLE course with four or fewer pages of handouts will receive credit equal

to two times the number of hours taught.

4. Course instructors will not receive additional CLE credit for attending the course being taught.
5. No CLE credit is awarded for courses that are cancelled, or for course preparation.
6. Textual materials should be made available in written or electronic form to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable. Textual materials must be high quality, readable, and carefully prepared, not merely outlines or copies of caselaw or statutes without citations or explanatory notations.
7. PowerPoint presentations are acceptable as written materials and will count as one page for every five substantive slides.
8. Each attorney participating as a co-instructor or as part of a panel of an approved activity shall receive credit as though he or she were the only instructor/panel member.

C. Credit for Teaching at a Community College, College, University, or Law School – Tenn. Sup. Ct. R. 21, § 4.03(b)

1. Teaching a law-related course at a community college, college, university, or law school will provide General CLE credit for the attorney instructor. EP credit may be earned only for courses taught at a law school as part of the regular curriculum if the course is entirely devoted to the topic of legal ethics.
2. Law schools offering classes in Tennessee must report and pay for credits awarded to their faculty.
3. For attorneys teaching at law schools outside Tennessee, the attorney should provide to the Commission a letter on the school's letterhead, signed by a school administrator, identifying the attorney as the instructor of the course and including the following information: the attorney's Tennessee Board of Professional Responsibility number, the name of the course taught, the dates when the course was taught, and the number of credit hours awarded by the school to a student for successfully completing the course.
4. The award of Dual credit shall be governed by Section 3 of these regulations. Only courses that are entirely devoted to attorney ethics and taught to students enrolled in a law school are eligible for Dual credit.

D. Credit for Passing the Bar Exam – Tenn. Sup. Ct. R. 21, § 4.06

1. Credit for passing a bar exam shall be applied to the year in which the attorney passed the bar exam, regardless of when that attorney becomes licensed in Tennessee. If the attorney passed the bar exam in a year prior to becoming a licensed in Tennessee, no bar exam credit shall be granted.
2. Any credit for passing the Tennessee bar exam is applied without fees to an attorney's account.

E. Credit for Published Writing - Tenn. Sup. Ct. R. 21, § 4.08(b)

1. An attorney seeking credit under Rule 21, Section 4.08(b) shall submit the form available on the Commission's website along with a Word or PDF (not a scanned image) of the written

work. A maximum credit of six General credit hours and one and one-half EP credit hours may be awarded during a compliance year. Credit in the amount of one hour for every 1,000 words shall be awarded, not including footnotes, endnotes or citations of authority.

2. In order to qualify for EP credit, the topic must be presented in a section separate and apart from the General credit topics. The attorney shall submit a separate word count for the EP section and for the General section in order to receive appropriate credit.
3. Attorneys seeking credit as joint authors must indicate the division of labor for the article.

F. Pro Bono Credit – Tenn. Sup. Ct. R. 21, § 4.08(c)

1. An attorney may receive an annual maximum of three EP credits for performing pro bono work for an approved legal assistance organization, through court appointment, through an organized bar association program, or through mediation services under Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee.
2. An organization may apply to the Supreme Court for approval as an “Approved Legal Assistance Organization” by using the form linked on the Commission’s website.

G. Indigent Representation Credit – Tenn. Sup. Ct. R. 21, § 4.08(d)

1. An attorney may receive an annual maximum of three EP credits for performing indigent representation work submitted through the Court’s system for compensation.
2. In order to receive indigent representation credit, the attorney must complete the form found on the Commission’s website. The attorney must attach copies of the claim for attorney fees supporting their request, or a signed order from the judge indicating the uncompensated hours.
3. The Commission shall review annually the calculation to determine the uncompensated portion of indigent representation work that is applicable to CLE credit.

Section 5. Continuing Legal Education Providers

A. Approved Continuing Legal Education Credits – Tenn. Sup. Ct. R. 21, § 5.01

1. If a course is not listed on the Commission’s website, it has not been approved for CLE credit in Tennessee, and the Commission does not guarantee accreditation of such courses.
2. Courses that have expired are noted in the course details on the Commission website. Credit will not be awarded for courses that are expired at the time the attorney participated in the course, regardless of whether the course was expired at the time the course was purchased.
3. One hour of credit will be awarded for each 60 minutes of instruction.
4. The Commission reserves the right for staff or Commission members to audit any CLE course for which a provider seeks or has received accreditation from the Commission, including attending in person or reviewing recordings, without fees. Providers are not required to report CLE hours for such staff attendance.

5. The Commission reserves the right to audit provider attendance records at any time.

B. Submission of Written Materials – Tenn. Sup. Ct. R. 21, § 5.01(e)

1. A provider requesting program approval need not submit materials provided to participants unless requested to do so by the Commission or its staff.
2. See Section 4B of these regulations for more information regarding course materials.

C. Applications for Reconsideration – Tenn. Sup. Ct. R. 21, § 5.05(b)

1. Upon request from an attorney or provider, the Commission will review staff accreditation decisions. Requests for such review must be in writing, state the basis for the applicant's position that staff has erred, and include all relevant materials for the Commission's consideration. In-person presentations or discussions with the applicant are at the discretion of the Commission.
2. The Commission will reconsider denial of program accreditation only upon an application showing that the Commission staff misapprehended a material fact concerning such application. If a provider made changes to a program, such as subject matter, speakers, or audience, the Commission will not consider the appeal. The provider must resubmit the course for accreditation to the staff.

D. Attorney Request for Accreditation – Tenn. Sup. Ct. R. 21, § 5.05(d)

1. Any attorney may request approval of CLE credit for programming held outside Tennessee by non-Tennessee providers if the Commission has not accredited the program. Attorneys must complete the appropriate information as outlined on the Commission's website and pay the appropriate fees.
2. No activity conducted in Tennessee or sponsored by Tennessee-based providers or sponsors will be approved except upon application by the provider or sponsor.

E. Credit for Law-Firm Sponsored Courses, In-House Sponsored Courses, Vendor Sessions

1. Courses otherwise appropriate for credit that are sponsored by law firms will be accredited if they are open in some significant manner to a broad spectrum of the bar either in a geographical area or in the field of practice. Programs strictly limited to the firm's attorneys or clients will not be accredited.
2. An in-house activity shall be defined as an activity conducted primarily for the benefit of attorneys in, or clients of a single firm, corporation, or governmental department except as follows:
 - a. Any training activity conducted for the attorneys of a governmental department shall not be considered "in-house" if it:
 - i. is available to all attorneys in that department on a state-wide basis, and
 - ii. at least 50% of the hours of approved instruction are taught by persons with no

continuing relationship or employment with the department.

3. In-house activities will not be approved for CLE credit in Tennessee.
4. Presentations or training offered by organizations that sell legal or technology services are not eligible for CLE credit.
5. Notwithstanding technical compliance with this regulation, the Commission may deny accreditation to activities lacking substantive merit as a continuing legal education activity.

Section 8. Attendance – Fees and reports

A. Attendance Reporting and Fees for Activities Held in Tennessee – Tenn. Sup. Ct. R. 21, § 8.02

1. A provider conducting a CLE course in Tennessee is required to report and pay for credits for any Tennessee-licensed attorney if the attorney wishes to receive credit for the activity.
2. Course attendance shall be posted online via the Commission's website.

B. Attorney Reporting and Payment for Out-of-State Activities – Tenn. Sup. Ct. R. 21, § 8.03

An attorney may not report credits earned for courses held in Tennessee. Attorneys may request credit for courses attended out of state only if they are not accredited by the provider.

C. Reporting Fee Waiver

1. The per-hour fee assessed to sponsors on in-state programs is hereby waived if
 - a. the program is priced to attorneys at \$10.00 per hour or less;
 - b. gross proceeds from the program are contributed to the Tennessee Lawyers Assistance Program or an organization that is an approved legal assistance organization under Tennessee Supreme Court Rule 21, Section 4.08; and
 - c. attendance is reported electronically through the attendance reporting system available on the Commission's website.

APPENDIX D
No. ADM2025-_____

Regulations

These regulations express the standard procedures of the Tennessee Commission on Continuing Legal Education. For compelling reasons, the Commission may suspend or alter any part of these regulations in particular matters. These Regulations were last reviewed, modified, and adopted by the Commission on March 18, 2008.

Definitions

Commission: The Tennessee Commission on Continuing Legal Education

Rule: The Rule for Mandatory Continuing Legal Education, Rule 21 of the Supreme Court of Tennessee

General Credit: Credit applicable only to the general CLE requirement

EP Credit: Credit applicable only to the Ethics & Professionalism requirement

Dual Credit: Credit applicable to either the general or EP requirements

Section 2 Regulations

2A. Exemption Due To Physical Disability

1. Exemptions from the requirements of the Rule due to physical, mental or emotional disability may be made by the Commission upon receipt of an application from the affected attorney. An attorney receiving such an exemption shall be required to reaffirm when filing his or her Annual Report Statement that the circumstances warranting such exemption continue. In any case, such exemption shall not extend past the resumption of the regular, active practice of law.

2B. Inactive Status with Board of Professional Responsibility

1. Attorneys on inactive or suspended status with the Board of Professional Responsibility shall not be exempt from the Rule.
2. Attorneys who are not actively practicing law in any United States jurisdiction will, upon request, be granted exceptional relief by designation as "inactive" for years while they are not practicing.
3. An attorney returning to active status from either inactive or suspended status must earn and report CLE credits sufficient to meet the requirements of the years while inactive or suspended, to a maximum of five (5) years prior to having his or her license reinstated.
4. The provisions of this section are applicable only to MCLE requirements and attorneys are advised to check independently with the Board of Professional Responsibility on applicable provisions of the rules administered by that organization.

2C. Non Residents

1. Attorneys who reside outside of Tennessee and do not practice law in Tennessee may receive exceptional relief from the Rule upon application to the Commission.
2. Attorneys who move out of Tennessee during a calendar year and cease practicing law in Tennessee may receive exceptional relief from the Rule for that calendar year upon application to the Commission.
3. Attorneys who move into Tennessee on or before August 31 shall be subject to the Rule for that calendar year. Attorneys who move in after August 31 shall be subject to the Rule beginning the following calendar year.

Section 3 Regulations

3A. Computation of Credit

1. One hour of credit will be awarded for each sixty (60) minutes of instruction, not including introductory remarks, keynote speeches, luncheon speeches, or breaks (but including question and answer periods). Portions of an hour will be rounded down to the nearest hundredth of an hour.
2. Each teacher involved in a joint or panel portion of an approved activity shall receive credit as though he or she were the only teacher.
3. Approved on-site commentators at satellite or video seminars will receive credit at the rate of two hours for each hour of the program if they have either viewed the program in advance or otherwise engaged in preparation appropriate to the role of commentator.

Section 4 Regulations

4A. Credit Earned While Exempt

1. Hours of credit earned during a year in which the attorney earning them is exempt from the requirements of the Rule may be carried forward to succeeding non-exempt years only to the extent they would have carried forward had the attorney not been exempt.

4B. Credit for Published Writing

1. An attorney seeking credit under Rule 21, §4.07(b) shall submit an Affidavit of Authorship in the form available from the Commission. Credit will be awarded in the amount of 1 hour for every 1,000 words, not including footnotes, endnotes or citations of authority. The attorney shall submit a word count and a statement of the percentage, if any, of the article devoted to ethics/professionalism issues to receive appropriate credit toward the ethics/professionalism requirement.
2. Attorneys seeking credit as joint authors shall complete an Affidavit of Joint Authorship, available from the Commission. The authors must indicate the

division of labor for the article and how the total credits allowed should be divided.

Section 5 Regulations

5A. In-House Activities

1. An "in-house activity" shall be defined as an activity conducted primarily for the benefit of attorneys of a single firm, corporation, or governmental department except as follows:
 - a. Any joint training activity conducted for the attorneys of a governmental department shall not be considered "in-house" if it
 1. is available to all attorneys in that department on a state-wide basis, and
 2. at least 50% of the hours of approved instruction are taught by persons with no continuing relationship or employment with the department.
2. In-house activities will not be approved for continuing legal education credits in Tennessee.
3. Notwithstanding technical compliance with this regulation, the Commission may deny accreditation to activities lacking substantive merit as a continuing legal education activity.

5B. Remote Locations and Distance Learning

1. **Remote Locations:** Seminars consisting of viewing or hearing the presentations at remote sites via electronic transmission as part of an organized CLE event for multiple participants at that site will receive credit if participants have a reasonable opportunity to submit questions to the speaker at the broadcast's origination site. Programs presented via video tape replay must have a live commentator as required by Rule 21. Further, the Commission encourages the use of live commentators at satellite programs to enhance the educational value of such programs. Remote locations of live seminars are not considered a "distance learning format" pursuant to Rule 21 Section 4.08 and are not subject to the per year maximum on such credits established by that section.
2. **Distance Learning:** Pursuant to Rule 21, Section 4.08 and 5.01 (f), the Commission approves the following distance learning formats:
 - a. on-line programs with interactive components, accredited for actual time spent for programs involving video or audio components, but to a maximum of one (1) hour of credit for text-only programs,
 - b. "real-time" or "streamed" seminars whether through "conference call" or via the internet ("webcast") if the submission of questions or other interactive components are included, and

- c. interactive stand-alone programs without a web component if they include participation monitoring, or a testing component, and completion certification from the sponsor, ac-credited for normal completion time, but to a maximum of one (1) hour of credit for text-only programs.

5C. Seminars Held Outside the United States

1. All seminars held outside the United States, even those sponsored by presumptively approved providers, must be individually approved by the Commission.

5D. Attorney Request for Accreditation

1. Any attorney may request approval in advance of an activity to be held outside Tennessee by completing and submitting a Uniform Application for Accreditation form available from the Commission. No activity conducted in Tennessee will be approved in advance except on application by the provider.

5E. Submission of Written Materials

1. A provider requesting single program approval need not submit materials provided to participants unless requested to do so by the Commission or its staff.

5F. Applications for Reconsideration

1. Upon request from an attorney or provider, the Commission will review decisions made by staff. Requests for such review must be in writing, state the basis for the applicant's position that staff has erred, and include all relevant materials for the Commission's consideration. In-person presentations or discussion are at the discretion of the Commission.
2. The Commission will reconsider denial of credit to an activity only upon an application showing that the Commission misapprehended a material fact concerning such application, or that the program, subject matter or audience for the activity has substantially changed. The Commission will not consider an application which fails the foregoing requirements.
3. Suggestions for changes in MCLE requirements or the Commission's policies, procedures, or regulations will be considered at the discretion of the Commission.

5G. [Deleted by Commission action August 8, 2009.]

5H. Ethics and Professionalism Credit

1. Dual credit will be granted to programs or topics within programs to the extent that the subject matter is the Rules of Professional Conduct or ethical considerations applicable to attorneys.
2. Dual credit will also be granted to programs or topics:

- a. designed to sustain or increase the capacity of attorneys to strive for and to achieve the highest, aspirational levels of professionalism, including programs aimed at increasing attorney well-being, optimism, resilience, relationship skills, and energy and engagement in their practices,
 - b. designed to help lawyers re-connect with, strengthen, and apply their values, strengths of character, and sense of purpose toward achieving outstanding professionalism,
 - c. designed to protect lawyers or help them recover from the deleterious effects on professionalism of stress, substance abuse, and poor staff, financial, or time management, or
 - d. designed to support the development of organizational cultures within firms, law departments, and legal agencies that recognize, support, and encourage outstanding professionalism.
3. All programs accredited under this section must be clearly and primarily designed and intended for attorneys, not a general audience.
 4. Programs and topics focused on advertising legal services will be denied all credit, except to the extent they deal with the ethical restrictions concerning advertising.
 5. In addition to the other requirements set forth in this Regulation 5H, in order to qualify for credit, the topics must be presented in a session separate and apart from the general credit topics, with specific time allocated to only such topics.

5I. Law Firm Sponsored Courses

1. Courses otherwise appropriate for credit which are sponsored by law firms will be accredited if they are open in some significant manner to a broad spectrum of the bar either in a geographical area or in the field of practice. However, programs strictly limited to in-house counsel for clients will not be accredited.

5J. Credit for Individual Coaching

The Commission, after consideration as a body and not through staff, will give dual credit for “Courses” consisting of individual coaching sessions on topics described in 5H.2 above if:

1. The coaching sessions must be submitted in advance as a complete offering involving a set number and length of sessions, defined topics, content to be covered, readings or other material to be assigned, the qualifications and experience of the coach, a general description of actions expected of participating attorneys, and price.
2. Courses will be accredited under this section only for the time included in the approved coaching sessions. Time invested by the attorney outside such sessions to complete readings or assignments will not receive credit.
3. The Coach agrees to report and pay for attendance for the attorney upon completion of the sessions including adequate performance by the attorney on assignments made by the Coach as part of the program.

4. Accreditation of a “Course” under this section will be for one calendar year only (or the portion of a year remaining at the time of approval). Courses must be re-submitted annually.

Section 8 Regulations

8A. Attendance Report and Evaluation Summaries for Activities Held in Tennessee

1. Pursuant to Rule 21 § 8.04, the per-hour charge for attendance reporting is \$2.00.
2. The alphabetical list of attendees required by Rule 8.02 shall include the following information:
 - a. a number list of attendees and speakers alphabetized by last name,
 - b. Board of Professional Responsibility numbers for attendees and speakers,
 - c. an indication of which persons on the list were speakers,
 - d. hours of credit earned by each participant (including additional hours awarded for teaching), and
 - e. total number of hours of credit.
3. In lieu of the printed list under subparagraph 1, a provider may report attendees through the online attendance reporting system available at www.cletn.com at a discount of \$1/hr of attendance reported.
4. For any course submitted for accreditation through www.Form1.org, the Commission will accredit the provider's account \$1 for use against attendance reporting fees only.

8B. Reporting Fee Waiver

1. The per/hour fee assessed to sponsors on in-state programs is hereby waived if:
 - a. The program is priced to attorneys at \$10/hr or less;
 - b. The gross proceeds from the program are contributed to:
 1. Tennessee Lawyers Assistance Program, or
 2. an organization whose primary purpose is to provide legal services to those who cannot afford them, such as:
 1. Memphis Area Legal Services
 2. West Tennessee Legal Services
 3. Southeast Tennessee Legal Services
 4. Legal Aid Society of Middle Tennessee
 5. Legal Aid of East Tennessee; and
 - c. Attendance is reported electronically through the attendance reporting system available at www.cletn.com.

Section 10 Regulations

10A. Disciplinary History Review

In reviewing the history of disciplinary complaints against an applicant for certification, the Commission will consider the following factors:

1. The nature and seriousness, or lack thereof, of the acts or omissions alleged. In this regard, matters dismissed as frivolous by the Board of Professional Responsibility (the "Board") will normally not be considered by the Commission at all, and matters administratively dismissed will be considered only if they are part of a pattern of alleged action or inaction by the applicant raising questions concerning the competency of the attorney, or the adequacy of the applicant's communications with clients or law practice management systems. The underlying facts of all other complaints including those receiving "administrative" or "investigative" dismissals, or dismissed by the Board, may be reviewed by the Commission in accordance with these regulations.
2. The nature of any discipline imposed.
3. The relation of the complaints to the specialty area.
4. The age and experience of the attorney at the time of the complaint.
5. The subsequent passage of time and the lawyer's experience and reputation since the incident.
6. Any evidence of reform or rehabilitation.
7. The candor and integrity of the attorney in reporting the complaint to the Commission.
8. The client references received on the attorney. The Commission may request additional client references for this purpose.
9. Whether the conduct complained of is part of a pattern of behavior which raises questions concerning the ethics, client communication practices, or practice management systems of the attorney in the specialty area .
10. Any other factors deemed relevant by the Commission.