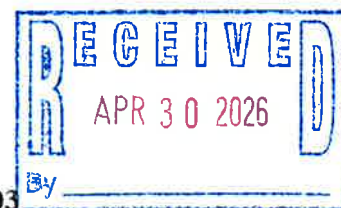


**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**



**IN RE: PUBLIC COMMENTS ON
POTENTIAL REGULATORY
REFORMS TO INCREASE
ACCESS TO QUALITY
LEGAL REPRESENTATION**

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No. ADM2025-01403

**COMMENT OF THE TENNESSEE BAR ASSOCIATION
IN RESPONSE TO THE REQUEST FOR PUBLIC COMMENT**

The Tennessee Bar Association (“TBA”) submits the following comment regarding the Tennessee Supreme Court’s (“Court”) request for comments from the legal community and the public on potential legal reforms to increase access to quality legal representation. After extensive information gathering and months of comprehensive research and discussion on these important issues, the TBA respectfully asks the Court to consider this comment and the recommendations contained herein.

PROCESS FOR GATHERING INFORMATION AND ANALYSIS

On September 16, 2025, the Tennessee Supreme Court issued an Order (“Order”) soliciting comments from the legal community and the public on seven issues related to access to legal services and regulatory reform of the legal profession. In response, the Tennessee Bar Association Executive Director and the Director of Access to Justice & Strategic Initiatives worked with TBA President Heidi Barcus to develop a comprehensive plan for the Association’s engagement and response to the Order. Following careful planning and consideration, President Barcus announced in November the formation of the TBA Legal Access & Regulatory Reform Task Force (“Task Force”), chaired by former TBA President Sarah Sheppard.¹ The Task Force convened for the first time on December 1 and promptly organized into subgroups, each supported by TBA staff, to gather information and to conduct a thorough analysis of specific issues identified in the Order. In

¹ See Appendix A for the list of Task Force members.

addition to in-depth research and analysis, the Task Force considered feedback from the legal community through individual email submissions, six virtual town halls, written input from the TBA Young Lawyers Division (YLD), sections and committees, and responses to a survey that was sent to members and non-members. Select virtual town halls also included educational presentations by law professors to provide additional context and facilitate informed discussion. The town halls were moderated by a Task Force member and focused on specific issues identified in the Supreme Court's Order, as well as issues of importance to rural attorneys.²

To collect information from attorneys across the state, a statewide attorney survey regarding the Supreme Court Order was developed and distributed February 10, 2026, through February 20, 2026, to Tennessee attorneys. The TBA received 1,168 responses, providing substantial quantitative and qualitative input to inform its deliberations.³

As a part of the effort to educate members and non-members on the issues presented, the TBA launched a public resource webpage in early December 2025 to provide background and context on the complex issues raised in the Order.⁴ This webpage was updated over time to provide information to attorneys and the public. This effort was further supplemented by a five-part educational series published through a series of weekly articles in TBA Today. The TBA has also communicated with peer organizations and stakeholders across the state to share information and support its development of informed and thoughtful comments on the Order.

The Task Force established subject-matter subgroups to conduct focused legal and policy research on the issues presented in the Order. The subgroups then presented their findings to the Task Force in weekly meetings from February 13, 2026, through March 6, 2026.

During the remainder of March and part of April, the Task Force transitioned from information-gathering to deliberation and drafting. Specifically, the Task Force analyzed survey data and town hall feedback, reviewed individual written comments received via email, considered written input from the Young Lawyers Division, Ethics & Professional Responsibility Committee, and Access to Justice Committee, engaged with local bar associations and legal aid organizations,

² See Appendix B (Town Halls).

³ See Appendix C for survey information not including individual comments.

⁴ See Tenn. Bar Ass'n, *Legal Access & Regulatory Reform*, https://www.tba.org/?pg=regulatory_reform.

and studied the research conducted by the Task Force and its subgroups to develop recommendations, which were evidence-based and carefully considered. The Task Force also considered presentations by law school faculty and others who have studied these issues. It is also important to note that the TBA House of Delegates (“House”), which is made up of 68 elected attorneys representing judicial districts across Tennessee, discussed these issues in two meetings. Members of the House reviewed relevant information such as the Order and engaged in thoughtful discussion on these issues. That information was considered in the formulation of this Comment as well. Finally, the TBA considered the comments filed with the Court on this issue. It should be noted that the importance of these issues is highlighted by the number and breadth of the comments received. Given the number and extent of these comments, the TBA does not address them individually but considered them in reaching these recommendations as well.

The Task Force presented its recommendations in a comprehensive comment which was provided to the Board of Governors prior to a special Board of Governors meeting held on April 27, 2026, where the Board of Governors (“Board”) approved the filing of this comment on behalf of the TBA. The Board is made up of 27 members, including the TBA officers, who govern the activities of, administer the business of, and act for the Association on all matters.

The following sections address each issue presented in the Court’s Order. Please note the information on funding and possible further consideration of these issues in the Conclusion section of this Comment.

Issues #1 and #2

“Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee bar.”

“Whether there are any practicable alternatives to ABA accreditation that the Court should consider.”

After review of the two issues presented here, the TBA concluded that the current system, anchored by national accreditation through the Council of the ABA Section of Legal Education and Admissions to the Bar (“Council”), which is independent and structurally separate from the broader American Bar Association (“ABA”), and also includes the recognition of Tennessee approved schools, continues to serve Tennessee effectively. The Council’s accreditation is the only

nationally recognized system for accreditation by the U.S. Department of Education and preserves portability of law degrees.

Importantly, Tennessee is already a leader in this area. Because Tennessee Rule 7 includes mechanisms for approving non-ABA schools (Sections 2.02 and Section 17.01(a)-(d)), the state already offers an innovative option. These existing provisions allow Tennessee to maintain educational standards while providing pathways for locally trained applicants.

Tennessee was an innovator in allowing graduates of non-ABA-accredited law schools to sit for the bar exam and qualify for licensure in Tennessee. This existing flexibility means Tennessee already provides multiple pathways to licensure without the need for a rule change. As noted above, Tennessee Supreme Court Rule 7 contains two separate provisions, Sections 2.02(a)-(b) and Section 17.01 (a)-(d), that allow graduates of non-ABA-accredited schools to sit for the bar exam and be eligible for licensure in Tennessee. The most pertinent sections of those rules are as follows:

Tennessee Supreme Court Rule 7. Licensing of Attorneys

ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION

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.⁵

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

⁵ See Tenn. Sup. Ct. R. 7, § 2.02 (Tennessee Law Schools), <https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-7-licensing-attorneys>.

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.

(d) Graduates of Tennessee-Approved Law Schools. Graduates of Tennessee-Approved Law Schools are eligible to seek admission in Tennessee.⁶

For example, the Nashville School of Law (“NSL”) is a Tennessee approved law school but not an ABA accredited law school. Nevertheless, its graduates are eligible to sit for the Tennessee bar exam and to become licensed to practice in Tennessee. As the Court is aware, Tennessee has many fine lawyers and judges from its Tennessee law schools, including NSL.

The Council, recognized by the U.S. Department of Education, ensures minimum educational quality through national standards. In its role as an accreditor, it is functionally independent from the ABA. The Council’s independence is evidenced by the process for selecting Council leadership, by financial independence (it operates on the fees associated with the accreditation process), and by its authority to make standards and rule provisions. Autonomy is also ensured by the requirements of the strict rules set by the U.S. Department of Education. Finally, the Council’s heavy reliance on volunteers in the accreditation process ensures that decisions remain focused solely on educational quality, not policy positions of the ABA at large. As legal education requirements change with advances in technology as well as the emergence of new areas of law (such as artificial intelligence), and as the legal profession evolves with our society, an advisory committee that includes supreme court justices, deans, and other experts plays a key role in the Council’s mission.

This national accreditation structure preserves essential portability for newly licensed lawyers, allowing them to practice across jurisdictions without being limited by state-specific accreditation requirements. While non-ABA accredited schools play an important role in Tennessee for those graduates who want to remain in Tennessee throughout their career, for law students who want to preserve their ability to practice in other states, portability is a major concern.

⁶ See Tenn. Sup. Ct. R. 7, § 17.01 (Tennessee Law Schools), <https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-7-licensing-attorneys>.

The Council's accreditation, which is the only nationally recognized system for accreditation at present, preserves that portability, which is important for both law students and law schools. Law schools, in particular, rely on this portability to attract students, which in turn affects the number of graduates who may choose to practice in Tennessee.

Tennessee already has an alternative to the national accreditation provided by the Council. Under the current rules, this Court can approve a school so that their graduates can take the Tennessee bar exam and be admitted to practice in Tennessee. No rule changes or action is needed to update this system with its built-in flexibility.

Recent actions in Florida and Texas do not yet create proven alternative systems. In fact, the Florida order states as follows: "To be clear, under the rule changes, graduates of ABA-accredited law schools will continue to be eligible to sit for the bar examination, and the rule changes do not preclude any law school from continuing to seek ABA accreditation."⁷

It is unclear how or if alternative systems will be created and approved by the U.S. Department of Education. Because Tennessee already has built-in flexibility, establishing multiple accreditation models risks greater costs, confusion, and reduced portability for new lawyers. Existing Tennessee law schools already have established systems for the accreditation process; adding another or different layer of review will increase costs for our law schools and for law students.

Several states have local accreditation processes, such as Alabama, California, Massachusetts, and Connecticut. California does have an existing state accreditation process for law schools in that state. There are three categories of schools: (1) schools accredited by the ABA Council, (2) schools accredited by the State Bar of California's Committee of Bar Examiners, and (3) unaccredited law schools that are registered with the State Bar of California. Students attending unaccredited law schools are subject to additional requirements, including, for example, taking a First-Year Law Students' Examination after their first year of law school. A concern related to

⁷ *In re Amendments to Rules Regulating the Fla. Bar & Rules of the Supreme Court Relating to Admissions to the Bar*, No. SC2025-2064 (Fla. Jan. 15, 2026), https://flcourts-media.flcourts.gov/content/download/2483731/opinion/Opinion_SC2025-2064.pdf.

these systems is that graduates from state accredited law schools may encounter limited reciprocity for licensing in other states and limited employment opportunities outside of that state.

The TBA has found no evidence that modifying Tennessee’s flexible accreditation or approval system would narrow the justice gap in Tennessee by increasing lawyer presence in rural or economically distressed communities. Additionally, in response to the TBA’s survey on these potential reforms, 72.66% of respondents believe that the Court should make no changes to its current reliance on ABA accreditation, and 71.96% did not believe there were any practicable alternatives to that system. Several respondents included comments affirming the value of the Nashville School of Law and Tennessee’s current system, which provides for approval of schools such as NSL.

At present, the TBA has identified no alternative system that has been demonstrated to be more effective than Tennessee’s current approach. As noted, Tennessee already provides an alternative to Council accreditation and has approved a law school under that process. Tennessee is a leader in this area, and no further changes are warranted at this time.

Issue #3

“Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.”

The Court's third question asks whether less costly alternatives to the traditional three-year law school curriculum would adequately prepare individuals for the practice of law. This is both an empirical and a structural question—empirical because the answer depends on what data shows about preparation and outcomes, and structural because cost itself is partly a function of how legal education is delivered, not merely how long it takes.

Several delivery models demonstrably reduce the cost of legal education without evidence of proportionate reductions in graduate competency. The table in Appendix D summarizes the primary legal education models in Tennessee and their associated tuition costs.⁸

⁸ See Appendix D (Comparative Tuition Models for Legal Education Pathways).

Apprenticeship-based pathways, also known as reading for the law, offer the most significant cost reduction—potentially eliminating tuition—by allowing candidates to qualify for bar admission through supervised legal practice rather than formal coursework, as seen in programs in Vermont, Virginia and California. These programs are not widely utilized and generally have lower bar passage rates than graduates of traditional law schools. For example, the bar passage rate in Virginia for those who participated in the reading law program is significantly lower than the overall average; from February 2001 through July 2022, the pass rate was 20.21%, compared to 68.47% overall.⁹

For Tennessee, online and hybrid legal education models are particularly relevant because they have the potential to address both the cost and the geographic barrier simultaneously. Working professionals in rural counties cannot easily relocate for several years of residential legal education, but asynchronous or hybrid programs with limited in-person requirements can expand access statewide. Nashville School of Law's evening program reflects this approach, and a digitally delivered equivalent could extend it further.

The 2025 CLEAR Report explicitly recommends that state supreme courts encourage an accreditation process that promotes innovation, experimentation, and cost-effective legal education, and specifically identifies expanding opportunities for cost-effective rural education by promoting distance learning as a means to address rural legal needs.¹⁰ Tennessee's existing Tennessee Board of Law Examiners (“TBLE”) approval authority, if extended to hybrid and online programs operating under competency-based standards, could enable exactly this kind of innovation. The Court has already been a leader in distance CLE learning. These same principles are applicable to a hybrid model. The TBA has concerns about a fully remote program, recognizing that in-person interaction remains important for professional development, socialization, and collegiality.

Tennessee’s law schools have taken meaningful, independent steps to address the access to justice gap through targeted programs, scholarships, and curricular innovations aimed at

⁹ See Va. Bd. of Bar Exam’rs, *Memorandum on the Concept of Reading Law Under an Attorney’s Supervision 2*, <https://barexam.virginia.gov/lr-memorandum>.

¹⁰ See Conf. of Chief Justices & Conf. of State Ct. Adm’rs, *Committee on Legal Education and Admissions Reform (CLEAR): Report and Recommendations* (July 2025), https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf.

strengthening the pipeline of practice-ready lawyers. The University of Tennessee's Winston Scholars Program reduces the financial barriers that often steer graduates away from public interest work by providing scholarship support tied to service commitments, while Lincoln Memorial University offers a part-time hybrid program that expands access for working professionals. Belmont emphasizes clinical and experiential learning to produce graduates who can enter practice more quickly, and Vanderbilt supports public interest careers through loan repayment assistance. These examples are illustrative rather than exhaustive, as these and other law schools in Tennessee are also undertaking additional efforts to address access to justice in meaningful ways. Collectively, these initiatives reflect a growing recognition that access to justice is shaped not only by regulation, but also by how lawyers are trained, funded, and deployed.

The TBA recommends building on these efforts through coordinated policy support and incentives. This includes expanding scholarship models like Winston Scholars, aligning incentives such as fee waivers and supervised practice opportunities with service in underserved areas, and leveraging institutional strengths across schools. Nashville School of Law offers a particularly cost-effective model, demonstrating that lower-cost legal education can produce practice-ready attorneys through a focused, practitioner-driven approach. By calibrating the regulatory framework to reward schools that prioritize community impact and affordability, Tennessee can strengthen the pipeline of lawyers serving rural and underserved populations while maximizing the effectiveness of existing institutional innovation.

Based on this analysis, the TBA offers the following recommendation for curriculum alternatives for the Court's consideration regarding less costly curriculum alternatives. Nashville School of Law's existing four-year evening program provides a potential foundation for a structured supervised practice model in which fourth-year students could have the option to complete their remaining coursework through distance learning while simultaneously engaging in supervised public interest legal work. Under this framework, qualifying students who have successfully completed the first three years of NSL's curriculum—including all required doctrinal courses, legal research and writing, and professional responsibility—would be permitted to practice under the supervision of licensed Tennessee attorneys in approved public interest settings, including legal aid organizations, public defenders' offices, district attorneys' offices, and government agencies. The distance learning component of the fourth year could be designed to

complement the supervised practice experience, with coursework focused on advanced skills, professional development, and the substantive areas most relevant to public interest practice. Supervision would be provided by a licensed Tennessee attorney with at least five years of experience, approved by the Board of Law Examiners, with defined documentation and evaluation obligations.

This model has the potential to address multiple barriers. It may reduce the practical cost of the final year by allowing students to gain work experience while completing their education, and it could help strengthen the pipeline of practice-ready attorneys into public interest settings. Second, and more importantly for Tennessee's access to justice goals, it creates a direct pipeline of practice-ready lawyers into the public interest settings that most acutely feel the legal desert problem. Unlike alternative pathway programs that lack mandatory placement mechanisms—and therefore produce graduates who follow the same market-driven employment patterns as traditionally licensed attorneys—this model embeds the access to justice mission into the licensure pathway itself. For example, a student who spends a full year under supervision at West Tennessee Legal Services or the Knox County Public Defender's Office is not merely a lawyer who might choose public service; they are a lawyer whose competency has been demonstrated in public service, whose professional identity has been shaped by it, and who has established the relationships and experience that make continued public interest practice the path of least resistance rather than the path of greatest sacrifice.

Issue #4

“Whether the Court should consider adopting alternative pathways for admission to the Tennessee bar – for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization.”

Several states have implemented pilot programs exploring alternative pathways to licensure. The Arizona Lawyer Apprenticeship Program (ALAP), now in its pilot phase with its first graduates expected in late 2026, represents the most structured and carefully designed modern apprenticeship model for an alternative pathway to licensure. ALAP requires post-JD participants who narrowly fail the bar exam to apply and complete a structured two-year supervised practice

period with documented competency assessments before being admitted. South Dakota’s public service pathway pilot program provides an alternative route to bar licensure that allows selected law students to practice without taking the traditional bar exam. Participants complete supervised legal work with public service entities and commit to at least two years of full-time public service employment while demonstrating competence through evaluated work product and character review. The limited pilot, administered by the University of South Dakota and the Board of Bar Examiners, is designed to expand access to legal services while emphasizing practical training and public service.

These programs would require significant resources to implement and oversee in Tennessee, and their impact on access to justice may be limited given the relatively small number of participants in similar programs in Arizona and South Dakota. Additionally, nearly 67% of TBA survey respondents answered that the Court should not consider adopting alternative pathways for admission to the Tennessee Bar.

Issue #5

“Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other states to promote interstate practice and mobility.”

Interstate mobility is increasingly important to attract and retain the best legal talent to serve the needs of Tennesseans. Reciprocity is a balance between access to the Tennessee legal market and protecting clients against those who should not be admitted to practice in Tennessee. In general, the TBA favors reforms aimed at making the licensure process in Tennessee by those admitted to practice in another state and in good standing faster and easier.¹¹

The TBA continues to support the following means of licensure or admission of attorneys licensed in other states who are in good standing:

- (1) Reciprocity/comity¹²;
- (2) The admission of military spouses;
- (3) UBE/NextGen Bar Examination score transfers; and

¹¹ Although there is no specific data that would correlate additional attorneys with lessening the justice gap, shortening the time frame for specific attorneys, such as those employed by legal service organizations, would help in that setting.

¹² For purposes of this comment, these words will be used interchangeably.

(4) In-house non-admitted registration.

The TBA sought to examine the current system of admission by reciprocity/comity. The Board of Law Examiners (“Board”) website indicates that it can take “up to 14 months” from application to admission by reciprocity.¹³ Anecdotally, the TBA understands from the information gathered for this comment that it can take longer than 14 months to receive a decision on a request for admission by reciprocity. The TBA has heard from several Tennessee attorneys reporting longer waits for admission by reciprocity.¹⁴

The TBA reviewed the average times for our neighboring states to act on an application for admission by reciprocity. Based on the information available, it appears that our bordering states act on applications for admission by reciprocity in a more expeditious manner with the shortest reported processing time being four months and the bulk of our bordering states acting on applications in eight to twelve months.¹⁵ The TBA sees the time from completed application to admission or rejection as an area that should be improved. As the Board staff is understandably limited based on their existing budget, this is an area for the Court to consider additional funding, simplifying the process, and/or the use of additional volunteer attorneys in the short term.

The TBA sought to understand the process by which an application for admission by reciprocity is considered and acted upon. Based on the information made available, it appears an application for admission by reciprocity is reviewed by either the Executive Director or the Deputy Director of the Board before it is then considered by the Board itself. The TBA understands that the Board has a process by which applications are subjected to an initial review by staff to determine if the application presents any issues requiring a detailed review. If the application appears in order and there are no disciplinary, conduct, ethical, or similar issues, then the application moves forward in the process. Those applications flagged in the initial review as containing some issue are then segregated for a more detailed review. The TBA believes this segmented review helps serve the purpose of speeding up the time for review while still protecting the public.

¹³ See Tenn. Bd. of Law Exam’rs, *Comity – How to Apply*, https://bwp.tnble.org/?page_id=328.

¹⁴ Under Tennessee Supreme Court Rule 7, Section 10.07, an attorney may register for practice pending admission, which allows for temporary practice with limitations. Tenn. Sup. Ct. R. 7, Section 10.07.

¹⁵ See BCG Att’y Search, *Bar Admission & Portability: The Complete 2026 Guide*, <https://www.bcgsearch.com/article/900056477/Bar-Admission-Portability-The-Complete-2026-Guide/>.

The TBA makes the following recommendations to simplify and speed up the reciprocity/comity admissions process:

- (1) Increase the number of volunteer attorneys appointed by the Court to assist the Board as needed with the character and fitness interviews, which are part of the investigation of applicants to decrease the backlog and time to a decision. The TBA is willing to include information about these volunteer appointments in TBA Today to help address this issue;
- (2) Enable the Board to streamline the processes based on the staff's knowledge of the process and the most likely reasons for delays or denial of admission through rule/policy changes;
- (3) Work toward a target of six months for the Board to act on applications for admission, at least for the applications in the expedited categories;
- (4) Improve website information and increase transparency for applicants (The Board is already working on an enhanced website and increased FAQs);
- (5) Continue or implement “fast track” processes for some categories of attorneys:
 - a. Prioritize applications of attorneys who are employed by legal service organizations serving low-income clients; simplify the process and make it faster/easier for attorneys hired by these organizations;
 - b. Examine ways to support the Board by simplifying the process for comity admission, especially for attorneys with no disciplinary background or other flags on the application (building on the segmented process described above) and consider automatic approvals for those who meet certain criteria;
 - c. Consider simplifying the process for law professors coming into the state's law schools;
 - d. Consider shortening the five-year practice requirement if lawyers practicing fewer than five years but admitted in another state provide 50 hours (or more) of pro bono service for two years to Tennesseans through a recognized pro bono provider or Tennessee Free Legal Answers; and
- (6) Consider shortening and streamlining the actual application for admission – by definition everyone applying for admission by reciprocity/comity has already been

reviewed and admitted in another jurisdiction. Consider whether the process requires listing every address the person has lived, every state in which the person has been admitted to practice, etc. In other words, consider whether a streamlined application seeking less information would serve the purpose of protecting the public while simplifying the process.

In addition to the research conducted by the TBA, a virtual town hall was held on this topic on February 26, 2026. Those who attended the town hall reported that it is taking too long from submitting the application to receive a decision. The consensus of those attending the town hall was that a streamlined and faster process should be implemented and that six months was an appropriate target for acting on an application that did not otherwise show a history of disciplinary issues in another state or another issue requiring additional screening.

Issue #6

“Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.”

Paraprofessionals in Tennessee are referred to as paralegals or legal assistants. Other manners of reference are used in other states across the country. Within our Tennessee Rules of Professional Conduct, paraprofessionals, paralegals or legal assistants are not defined. However, the Rules refer to non-lawyer assistants. Non-lawyer assistants are required to be supervised.¹⁶

In Tennessee, a paralegal is frequently described as one who conducts legal research, drafts documents (pleadings, contracts, or briefs), manages case files, and interviews clients or witnesses. This activity is conducted under the supervision of a licensed attorney. Paralegals are generally prohibited from practicing law, giving legal advice, representing clients in court and setting or quoting legal fees.

¹⁶ See Tenn. Sup. Ct. R. 8, RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), <https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-8-rules-professional-conduct>.

Other states have persons known as licensed paralegal practitioners, limited license legal technicians, licensed legal paraprofessionals, and community justice workers. See Appendix E for a collection of state experiences considered on this issue.¹⁷

The community justice worker (“CJW”) is a non-lawyer trained in discrete legal areas, working under the supervision or oversight of a licensed attorney. The CJW may be certified for proficiency, but they are not separately licensed. They operate within nonprofit structures, such as legal aid organizations and domestic violence organizations. The CJW assists clients in correctly completing approved domestic relations forms; assists with understanding and navigating landlord-tenant claims; and/or gathers information and prepares initial drafts for simple wills or powers of attorney for attorney review. CJWs expand the capacity for supervising legal aid attorneys but would not appear in court or act independently. The eligibility, criteria and practice areas are usually in the fields of domestic relations, landlord-tenant, wills/estates and Social Security claims. Volunteer-only CJW models are unlikely to be sustainable, particularly in legal deserts, that may also be volunteer deserts. Paid CJWs will likely require new funding streams, potentially via donors and foundations dedicated to access to justice initiatives.

The TBA’s survey included the following question: “The Court asked whether any legal services currently provided by lawyers could be competently provided by paraprofessionals. Do you think there are any legal services that are currently provided by lawyers that the Court should consider allowing paraprofessionals to conduct?” Of the 1,026 persons taking the survey, 68.91% said no.

The Task Force also held a virtual town hall meeting to create a discussion dialogue for Tennessee lawyers on the subject of paraprofessionals. Professor Ben Barton of the University of Tennessee Winston College of Law began the town hall with a presentation on the access to justice needs in Tennessee and programs in other states. It is the sense of the subgroup members who participated in this town hall that there is no real support for the creation of a licensed paraprofessional program in Tennessee. There was some positive support for the use of community justice workers and how they might work within the existing legal services organizations in

¹⁷ See Appendix E (A Collection of State Experiences).

Tennessee. Concern was expressed for the root cause of the access to justice concerns, and that cause is poverty.

The TBA does not recommend that the Tennessee Supreme Court proceed with the creation of a licensure or certification program for paraprofessionals in Tennessee. As additional data and experience emerge from other states, the Court may wish to revisit this issue in the future. At present, the anticipated costs of establishing and maintaining such a program appear to outweigh its potential benefits, particularly with respect to improving access to justice for underserved populations in Tennessee.

The TBA recommends that the Tennessee Supreme Court authorize the Tennessee Supreme Court Access to Justice Commission to establish a pilot project to fund and oversee the development of a community justice worker program administered by legal services organizations in each of the state's three grand divisions: West Tennessee Legal Services, the Legal Aid Society of Middle Tennessee and the Cumberlands, and Legal Aid of East Tennessee. The Tennessee Supreme Court may consider utilizing the Tennessee Supreme Court Access to Justice Commission to assist in establishing and administering the pilot program.

The pilot program would operate for a period of five years and provide community justice worker services in selected Tennessee counties. The TBA suggests Shelby, Madison, Davidson, Lawrence, Knox, and Cocke counties as potential pilot locations, while recognizing that the legal services organizations should be consulted in making final selections. The program would focus on key areas of need, including family law, landlord-tenant matters, and consumer debt.

The Access to Justice Commission would assist the participating legal services organizations in securing adequate funding to fully support the pilot project, which would be contingent on funding. In addition, the Commission would provide annual reports to the Tennessee Supreme Court on the program's status, including data on services provided and the number of individuals assisted.

Issue #7

“Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.”

The TBA has been made aware through virtual town hall discussions, survey results, and its own research that there is an initial underlying disharmony and tension between profit-seeking financial interests and allegiance to the core values of the legal profession, which include an obligation of independent judgment and zealous representation, and the avoidance of conflicts of interest. The Task Force conducted substantial investigation on the two states that currently permit non-lawyer ownership of law firms/fee sharing with non-lawyers – (1) Arizona, which launched its program in 2021; and (2) Utah, which is currently engaged in a pilot program that began in 2020 and is scheduled to end in 2027.

As a result of this investigation, the TBA has concluded that although the theoretical merits of allowing non-lawyer ownership of law firms or fee sharing with non-lawyers may be subject to debate, there is scant, if any, empirical evidence demonstrating that allowing non-lawyer ownership of law firms or fee sharing with non-lawyers has meaningfully improved, or is likely to meaningfully improve, access to justice. Meanwhile, both states have experienced significant problems associated with their non-lawyer ownership programs. Reported outcomes in these jurisdictions raise significant concerns. For example, an investigation by *The Arizona Republic* found that Arizona’s alternative business structure program has become a “nationwide epicenter for consumer complaints,” with numerous operators accused of misconduct across the United States and internationally.¹⁸ Allegations associated with the program have included illegal robocalling practices and deceptive schemes targeting vulnerable individuals, including efforts described by prosecutors as commoditizing accident victims.¹⁹

In addition, regulators have identified systemic issues with the program, including firms operating in a call center-like manner with minimal legal work performed, conflicts of interest among oversight board members, and insufficient regulatory safeguards.²⁰ These concerns have

¹⁸ See Laura Gersony, *Arizona Supreme Court May Change Law License Rules After Investigation*, *Ariz. Republic* (Feb. 12, 2026), <https://www.azcentral.com/story/news/local/arizona-investigations/2026/02/12/arizona-law-license-program-may-change-after-republic-investigation/88626994007/>.

¹⁹ *Id.*

²⁰ *Id.*

prompted Arizona regulators to consider tightening oversight and revising program rules. Similar concerns have arisen in Utah where a substantial number of previously issued licenses have been withdrawn following program review.²¹

Taken together, these developments underscore the risks associated with non-lawyer ownership models and the absence of clear evidence that such changes meaningfully advance access to justice.

Equally important as the lack of evidence of a correlation between non-lawyer ownership of law firms and increased access to justice, it appears that the overwhelming majority of lawyers who participated in the information gathering by the TBA oppose any changes to the current regulations. Eighty-eight percent (88%) of the more than 1,000 attorneys who responded to the TBA's survey said that the Court should "[m]ake no changes" to the current regulations prohibiting non-lawyer ownership of law firms and sharing fees with non-lawyers. Likewise, an overwhelming majority of those who participated in the TBA's town hall meetings or have made public comments through other means strongly oppose changing the current regulations. Given the extremely high level of consensus among attorneys statewide, the TBA does not support and, in fact, affirmatively opposes, any changes to the regulations currently prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers in Tennessee.

Alternative Solution: Statewide Pro Bono Mediation

Although the TBA does not support several of the structural reforms discussed above, it believes there are targeted, practical solutions that can meaningfully improve access to justice. The TBA strongly recommends the development of a statewide pro bono mediation program as a targeted and cost-effective means of addressing the access to justice gap identified by the Court. Although not expressly included in the Court's Order, mediation directly advances the goal of expanding access to legal services, particularly in high-volume civil matters affecting underserved populations.

Tennessee already has a foundation upon which such a program can be built, as there are already efforts by several organizations to meet this need. The Tennessee Supreme Court's Mediators for Justice Program recognizes Rule 31 mediators who provide at least 50 hours of pro

²¹ *Id.*

bono service annually.²² Section 15(c) of Rule 31 also provides that Rule 31 mediators, if requested by a court, are required to “conduct three pro bono mediations per year, not to exceed 20 total hours for all mediations.” Anecdotal information indicates that courts are rarely appointing mediators under this requirement. However, nonprofit organizations such as the Nashville Conflict Resolution Center provide mediation services in matters including landlord-tenant disputes, small claims, and parenting plans, with demonstrated success in both participation and settlement rates.²³ In Warren County alone, the program mediated 54 small claims cases, served 116 litigants, and resolved more than \$60,000 in debt, achieving an agreement rate of approximately 80%—exceeding the statewide average.²⁴ These results, as reported by a sitting Tennessee judge, underscore the effectiveness of community-based mediation programs in resolving disputes efficiently and improving outcomes for unrepresented litigants. Community mediation centers across the state similarly provide services regardless of ability to pay.²⁵ However, these efforts lack the uniform method and scope that could yield a larger impact on the statewide justice gap.

Pilot programs within Tennessee further demonstrate the effectiveness of mediation. For example, Hamilton County’s Medical Debt Online Dispute Resolution Pilot, which launched in 2020, has shown that mediation can efficiently resolve high-volume consumer matters and expand access to relief for unrepresented litigants.²⁶ These results suggest that a coordinated, statewide approach could significantly increase impact on access to justice.

Other states have successfully implemented similar models. Ohio has long supported court-connected mediation programs staffed by trained volunteers to provide free dispute resolution services in small claims and misdemeanor cases.²⁷ Florida and Utah have implemented online

²² See Tenn. Sup. Ct., *Mediators for Justice Program*, <https://www.tncourts.gov/ProBonoRecognition>.

²³ See Nashville Conflict Resolution Ctr., *By the Numbers*, <https://www.nashvilleconflict.org/by-the-numbers> (reporting that during the 2024–2025 fiscal year, the organization served 2,067 individuals across 614 mediations, achieved a 73% settlement rate, and provided more than 825 volunteer hours, with the majority of cases involving parenting plans, civil matters, and victim-offender mediation).

²⁴ See Appendix F (Letter from Judge Ryan J. Moore, Gen. Sessions, Juv. & Dom. Rel. Cts. of Warren Cnty., Tenn. (Nov. 19, 2025)).

²⁵ See Appendix G (Pro Bono Mediation Centers in Tennessee).

²⁶ See Appendix H (Medical Debt ODR Pilot Phase 2 Results).

²⁷ See Sup. Ct. of Ohio, Dispute Resolution Section, *Court-Connected Mediation in Ohio*, <https://www.supremecourt.ohio.gov/courts/services-to-courts/dispute-resolution/court-connected-mediation-in-ohio/> (describing court-connected mediation programs utilizing trained staff and volunteer mediators and emphasizing accessibility at little or no cost to litigants).

dispute resolution platforms that allow parties to negotiate and access mediators at no cost.²⁸ Maryland likewise provides free mediation services for civil and landlord-tenant matters through both court-based and community programs.²⁹ These models demonstrate that mediation can be scaled effectively to improve access to justice.

A statewide program in Tennessee could be supported at least in part by emeritus and retired attorneys and judges, who represent a valuable and underutilized resource. Many of these programs are using senior lawyers and retired judges for mediation. More than 40 states have emeritus pro bono practice rules authorizing retired or senior-status attorneys, and in some cases judges, to provide pro bono legal services, including mediation.³⁰ Many of these include online dispute resolution platforms. Tennessee Supreme Court Rule 50A also authorizes emeritus pro bono practice. Consideration of revisions to the rule to expand the scope and simplify the process would allow Tennessee to leverage this experienced cohort to enhance the quality and effectiveness of mediation services while minimizing program costs. A modernized Rule 50A that removes barriers to participation and provides a clear, simple path to emeritus status could convert this talent pool into an active statewide network of experienced pro bono mediators and counsel.

For these reasons, the TBA recommends that the Tennessee Supreme Court appoint a committee, possibly under the Alternative Dispute Resolution Commission, to design and implement a statewide pro bono mediation program. Such a program should incorporate pro bono, online, pre-trial, and pre-filing mediation options, in addition to in-person services, and should focus on areas of greatest need—including family law, landlord-tenant disputes, and consumer debt—while building upon existing community-based and court-connected mediation efforts. A coordinated approach would expand access to justice without compromising the quality of legal services or the Court’s commitment to protecting the public.

²⁸ See Fla. Eighteenth Jud. Cir. Cts., *Online Dispute Resolution*, <https://flcourts18.org/odr/> (providing a free, court-managed platform allowing parties to negotiate and request mediators at no cost); Utah State Courts, *Small Claims Online Dispute Resolution*, <https://www.slc.gov/courts/2026/02/10/small-claims-online-dispute-resolution-odr-coming-soon/> (describing an online platform that facilitates communication and settlement between parties with assistance from facilitators).

²⁹ See Md. Judiciary, *Alternative Dispute Resolution (ADR)*, <https://www.courts.state.md.us/district/adr/home> (providing free mediation and settlement conferences for civil and landlord-tenant matters, both pretrial and on the day of trial, as well as access to community mediation services statewide).

³⁰ See David M. Godfrey, *Update on Emeritus Pro Bono Practice Rules: What You Need to Know*, 40 Bifocal, no. 5 (May 22, 2019), https://www.americanbar.org/groups/law_aging/publications/bifocal/vol-40/vol-40--issue-5/update-on-emeritus-pro-bono-practice-rules/.

CONCLUSION

For the reasons set out above, and after careful consideration, the TBA respectfully submits these comments and recommendations for the Court's consideration. The TBA would like to acknowledge and thank its Board of Governors, House of Delegates, Young Lawyers Division, Ethics & Professional Responsibility Committee, Access to Justice Committee and especially the members of the Legal Access and Regulatory Reform Task Force, as well as the members, sections and committees, and the other lawyers across the state, who provided feedback on these important issues. The TBA also acknowledges and thanks the many individuals who engaged in thoughtful discussions on these issues.

As the TBA studied the issues raised by the Court and proposed solutions as discussed in this Comment, one recurring issue was identified: a number of the reforms suggested or discussed would need funding. Although some of this funding may be sought through grant applications, given the competition for existing grant funding, it is likely that additional state funding would be needed. Likewise, any expansion of the services from existing providers of legal services for low-income individuals would also need to be supported with additional funding. As the Court considers these issues and ways to address the justice gap, this factor merits consideration to avoid placing an unintended burden on these organizations. Given that legal services organizations already operate under significant workload pressures and limited resources, any expansion of access to justice programs or responsibilities should not impose additional operational burdens on legal services organizations, including securing funding on their own. Adequate and sustainable funding is necessary in order to support any proposed programs.

The TBA encourages the Court to include stakeholders across the state in the further study of these issues. If the Court determines that further consideration of the issues presented in the Order or other access to justice initiatives is warranted, the Tennessee Bar Association respectfully recommends that any such process include representatives from the TBA, local and specialty bar associations, members of the judiciary, other stakeholders such as rural practitioners, and representatives from legal services organizations with direct experience and expertise in aiding underserved communities.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that this Comment will be shared in TBA Today on the 30th day of April 2026.



Kimberly G. Silvas, #24448
General Counsel for the Tennessee Bar Association

Appendix A – TBA Legal Access & Regulatory Reform Task Force

Heidi Barcus
Brandon Bass
Lisa Cole
Dixie Cooper
Michael Galligan
Ed Lanquist Jr.
Mary Beth Maddox
Jimmie Miller
Randy Noel
Sarah Sheppeard
Scott Sims
Charles Swanson
Danny Van Horn
Howard Vogel
John Wilks

Appendix B - Town Halls

To promote transparency and broad participation, the Task Force conducted six virtual town halls, each moderated by a Task Force member and focused on specific issues identified in the Supreme Court's Order:

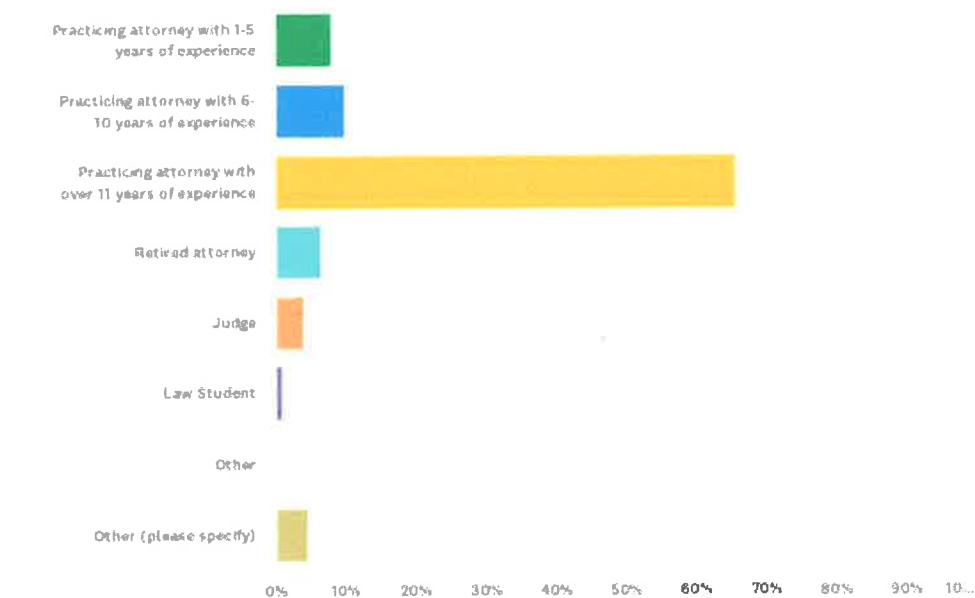
- **Jan. 22 – Rural Attorneys Town Hall**
Moderated by **Mike Galligan**. Professors **Ben Barton** and **Alex Long** (University of Tennessee Winston College of Law) provided an educational presentation touching on all seven issues. Discussion also addressed all seven issues, with emphasis on rural access and workforce challenges.
- **Feb. 10 – Alternative Education & Licensure Pathways (Issues 3–4)**
Moderated by **John Wilks**. Discussion centered on potential alternatives to the traditional three-year law school curriculum and alternative pathways to Tennessee bar admission. An educational overview was provided by the TBA Access to Justice & Strategic Initiatives Director.
- **Feb. 13 – Non-lawyer Ownership of Law Firms (Issue 7)**
Moderated by **Randy Noel**, focusing on regulatory structure and consumer protection considerations.
- **Feb. 19 – Paraprofessionals (Issue 6)**
Moderated by **Howard Vogel**. Professor **Ben Barton** (University of Tennessee Winston College of Law) provided a 20-minute educational presentation on paraprofessionals and community justice worker models prior to discussion.
- **Feb. 23 – ABA Accreditation (Issues 1–2)**
Moderated by **Jimmie Miller**, addressing potential modification of reliance on ABA accreditation and practicable accreditation alternatives.
- **Feb. 26 – Interstate Practice & Mobility (Issue 5)**
Moderated by **Danny Van Horn**, focusing on whether the Court should consider making modifications to the requirements for admission to the Tennessee Bar for those licensed in other states to promote interstate practice and mobility.

Appendix C – Survey Questions & Answers (Written Responses Not Included)

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q1 What best describes you?

Answered: 1,167 Skipped: 1



Answer Choices	Percentage	Responses
● Practicing attorney with 1-5 years of experience	8.06%	94
● Practicing attorney with 6-10 years of experience	9.95%	116
● Practicing attorney with over 11 years of experience	65.78%	767
● Retired attorney	6.60%	77
● Judge	4.03%	47
● Law Student ^①	1.03%	12
● Other	0%	0
Total		1166

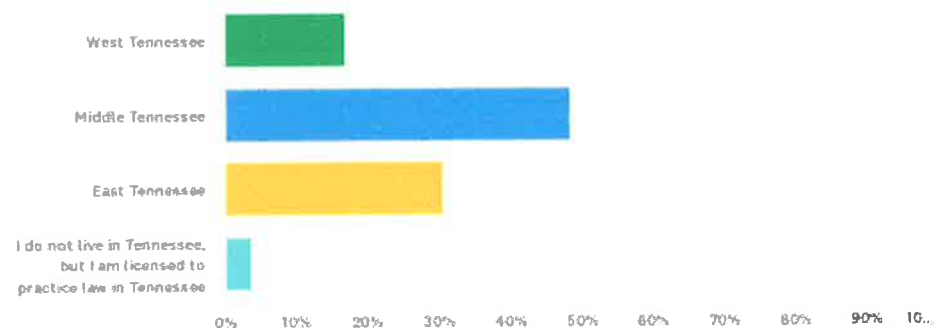
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Answer Choices	Percentage	Responses
 Other (please specify) Show responses	4.55%	53

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q2 What grand division do you reside in?

Answered: 1,132 Skipped: 36



Answer Choices	Percentage	Responses
West Tennessee	17.05%	193
Middle Tennessee	48.50%	549
East Tennessee	30.74%	348
I do not live in Tennessee, but i am licensed to practice law in Tennessee	3.71%	42
Total		1132

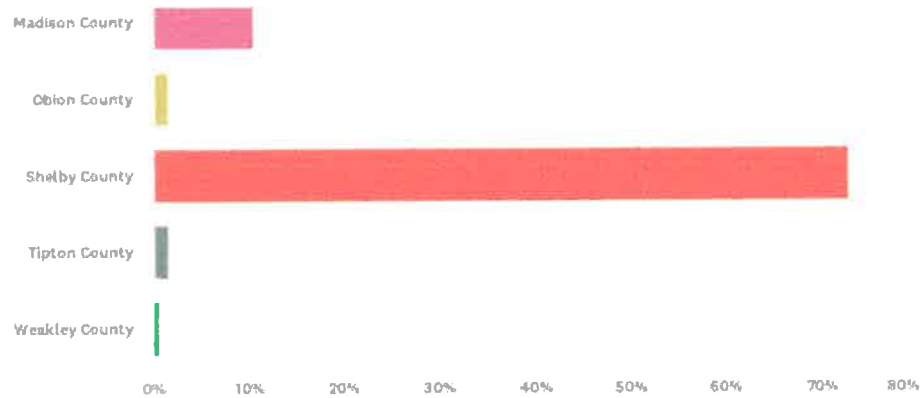
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q3 192 responses

Please select the West Tennessee county in which you reside



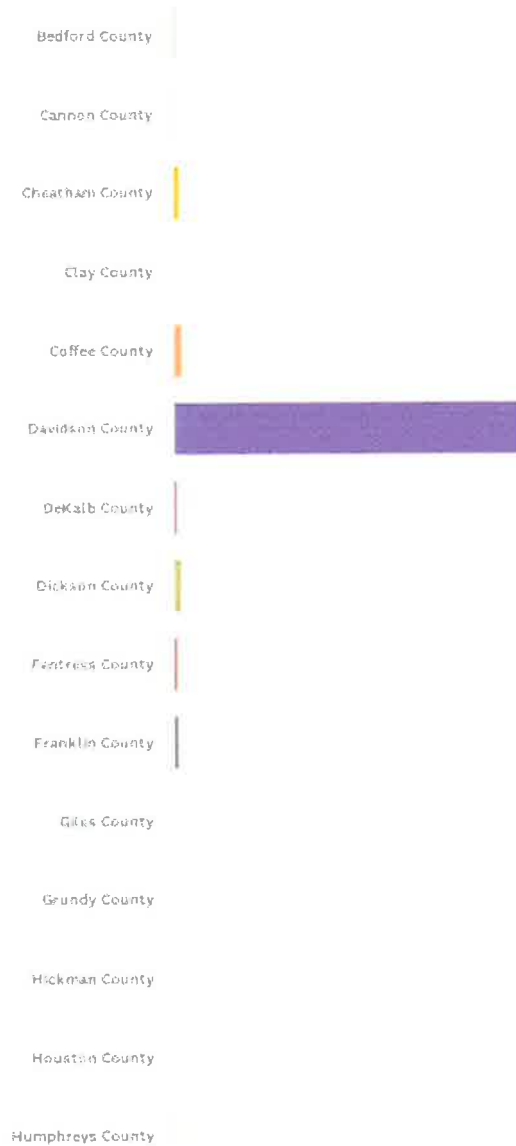
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase
Access to Quality Legal Representation

Q4 Please select the Middle Tennessee county in which you reside:

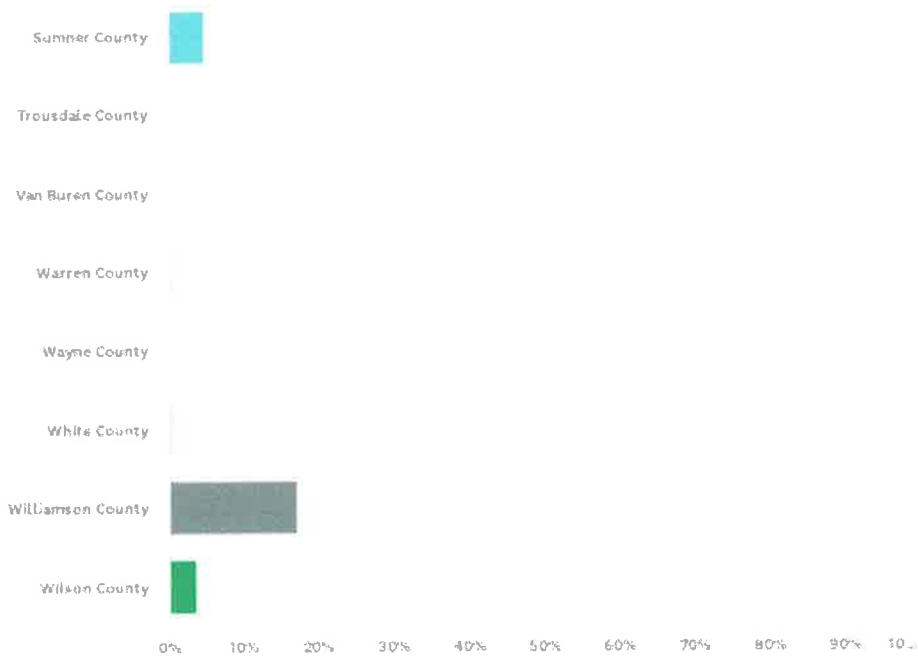
Answered: 546 Skipped: 622



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



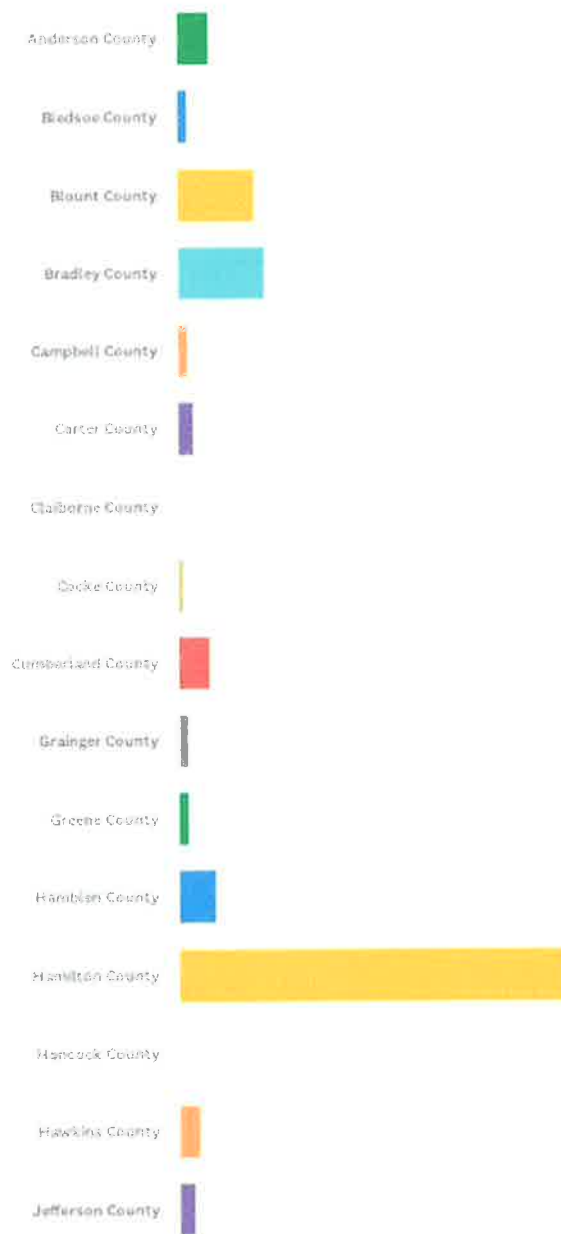
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



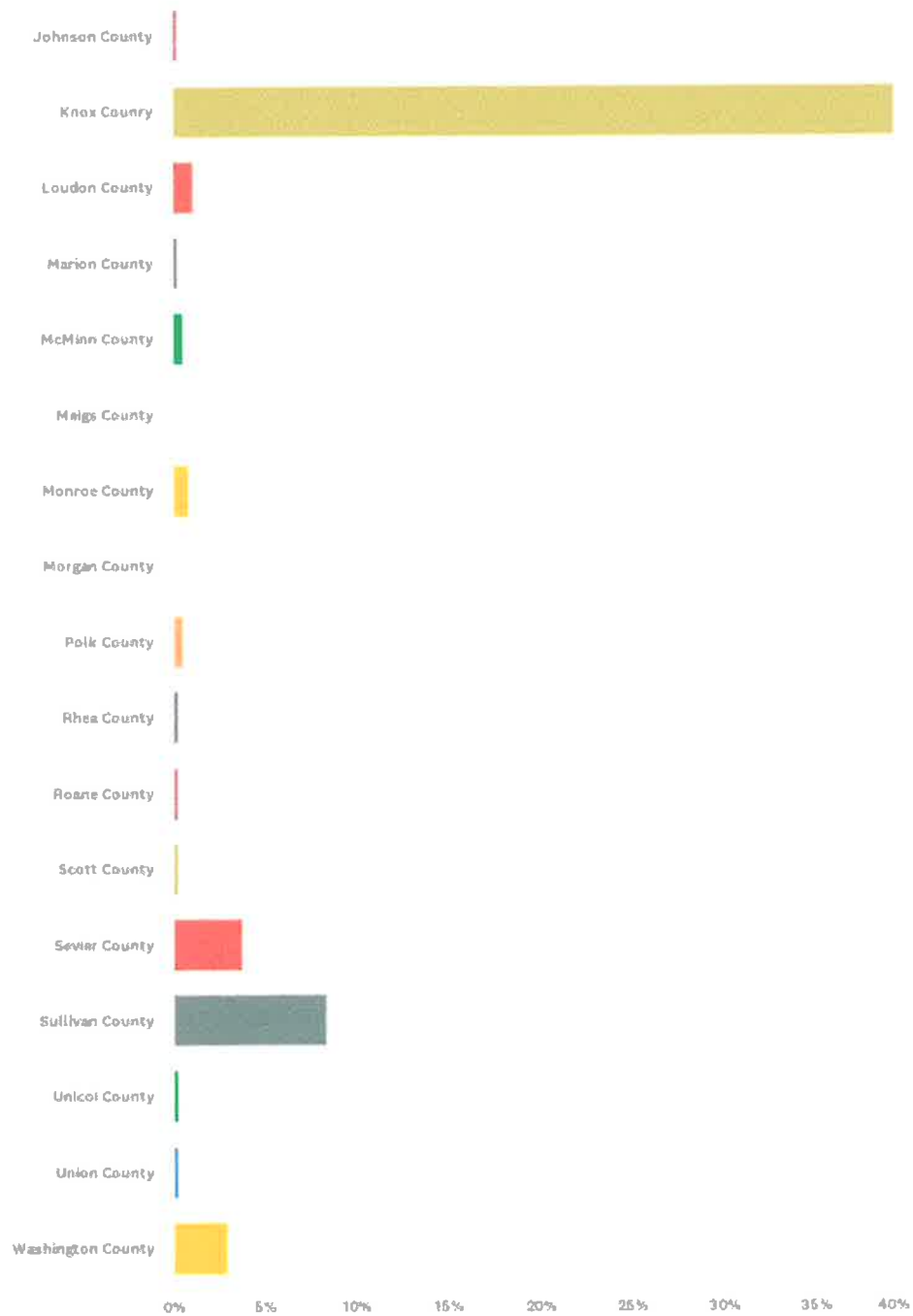
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q5 345 responses

Please select the East Tennessee county in which you reside:



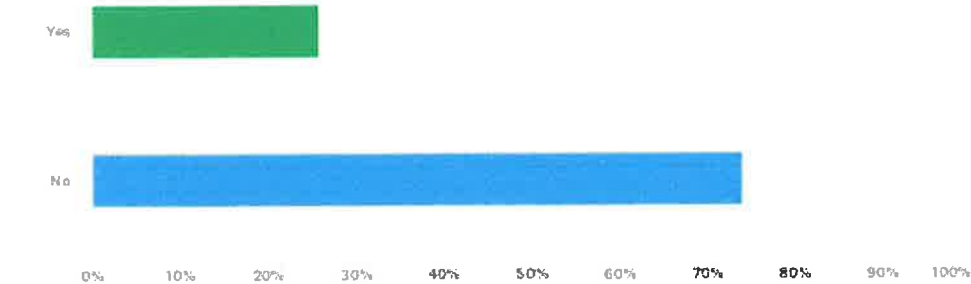
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q6 Within the past year, have you regularly served clients in West Tennessee?

Answered: 1,129 Skipped: 39

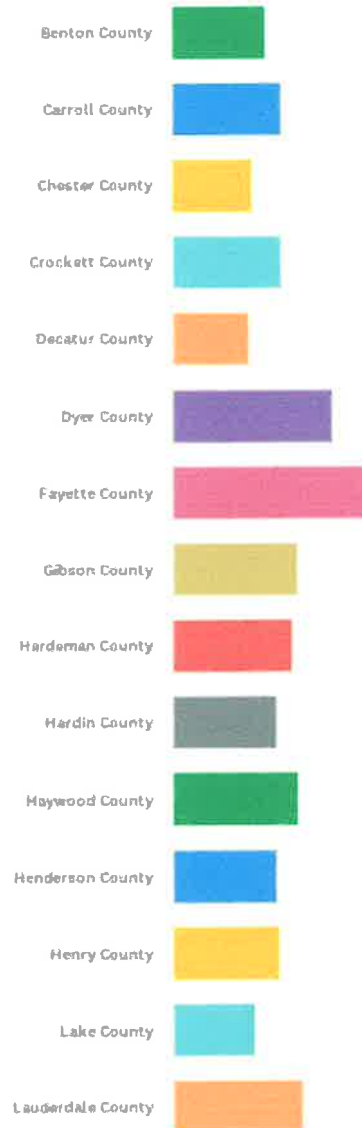


Answer Choices	Percentage	Responses
Yes	25.78%	291
No	74.22%	838
Total		1129

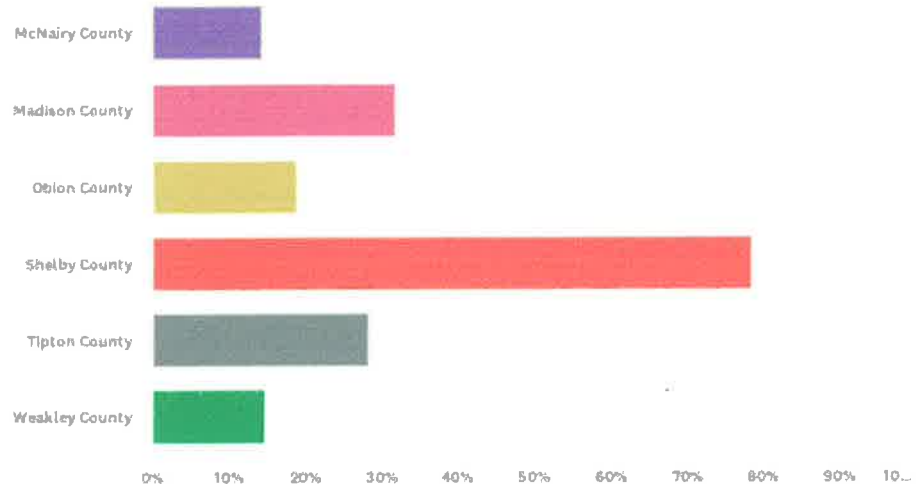
**TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase
Access to Quality Legal Representation**

**Q7 Please select all of the West Tennessee counties in which you regularly
served clients within the past year:**

Answered 286 Skipped 882



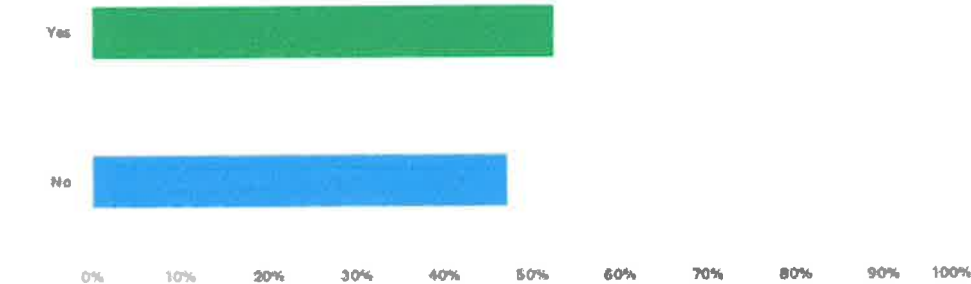
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q8 Within the past year, have you regularly served clients in Middle Tennessee?

Answered: 1,119 Skipped: 49

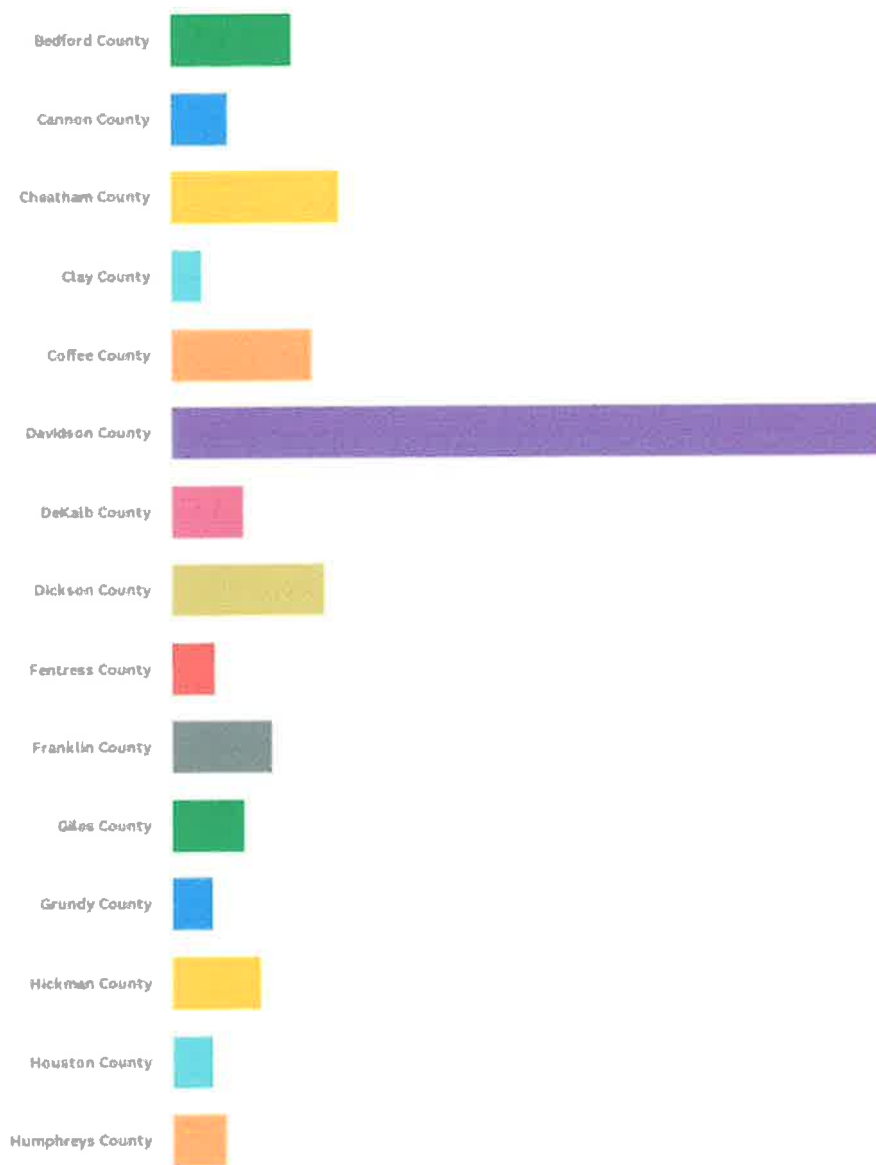


Answer Choices	Percentage	Responses
Yes	52.55%	588
No	47.45%	531
Total		1119

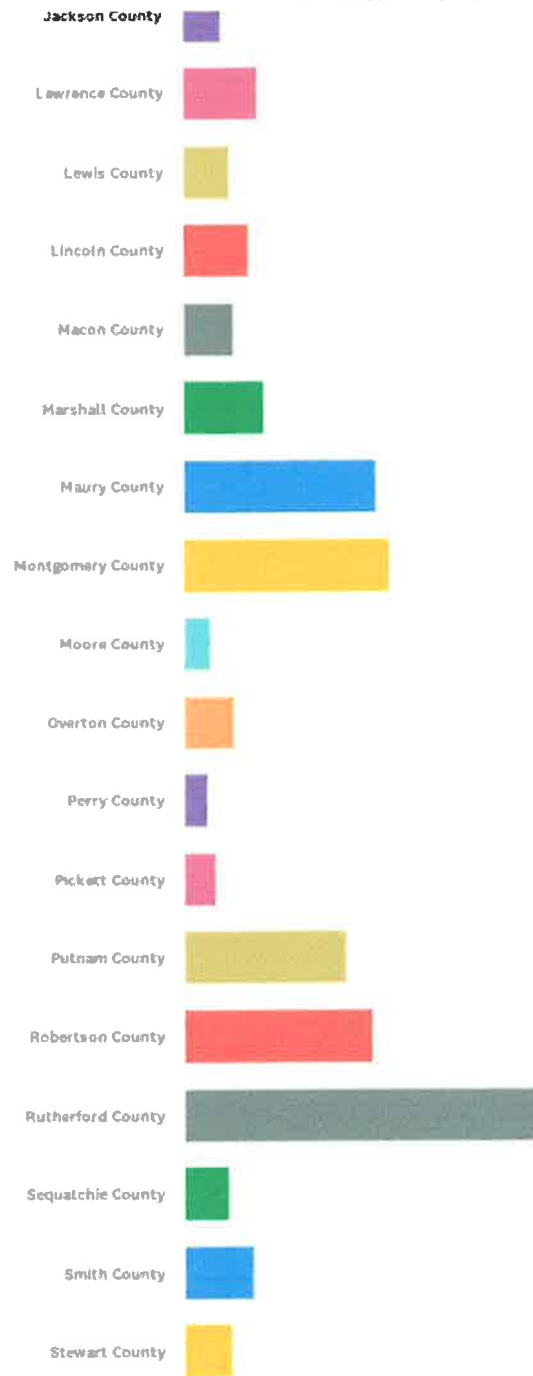
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q9 578 responses

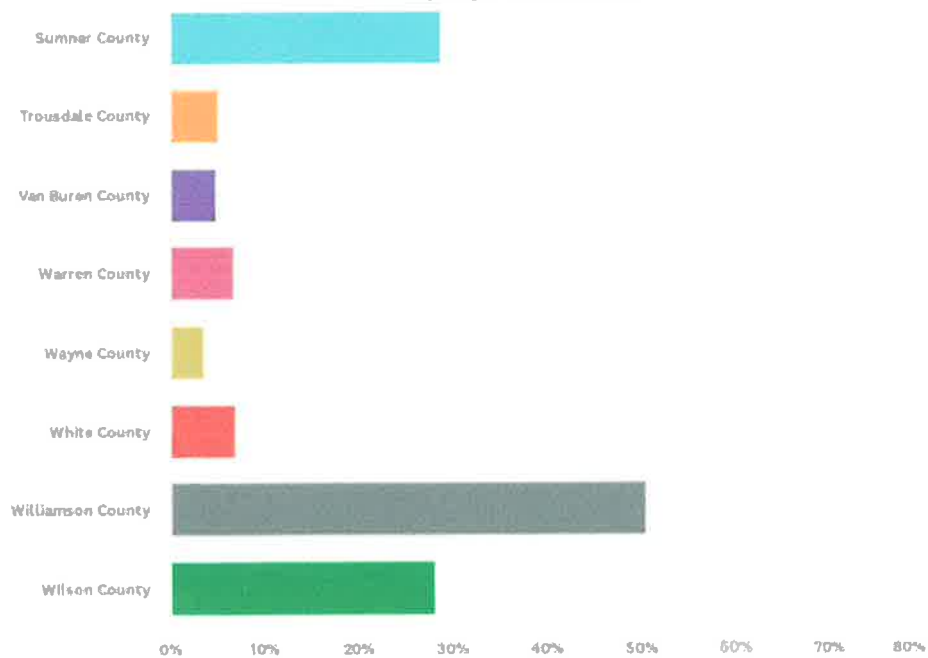
Please select all of the Middle Tennessee counties in which you regularly served clients within the past year:



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



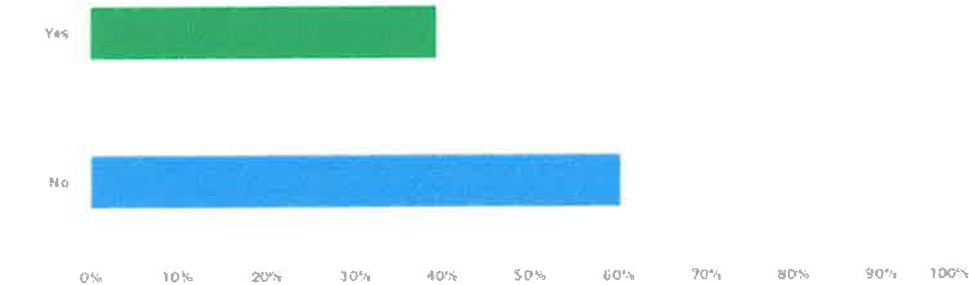
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q10 Within the past year, have you regularly served clients in East Tennessee?

Answered: 1,110 Skipped: 58

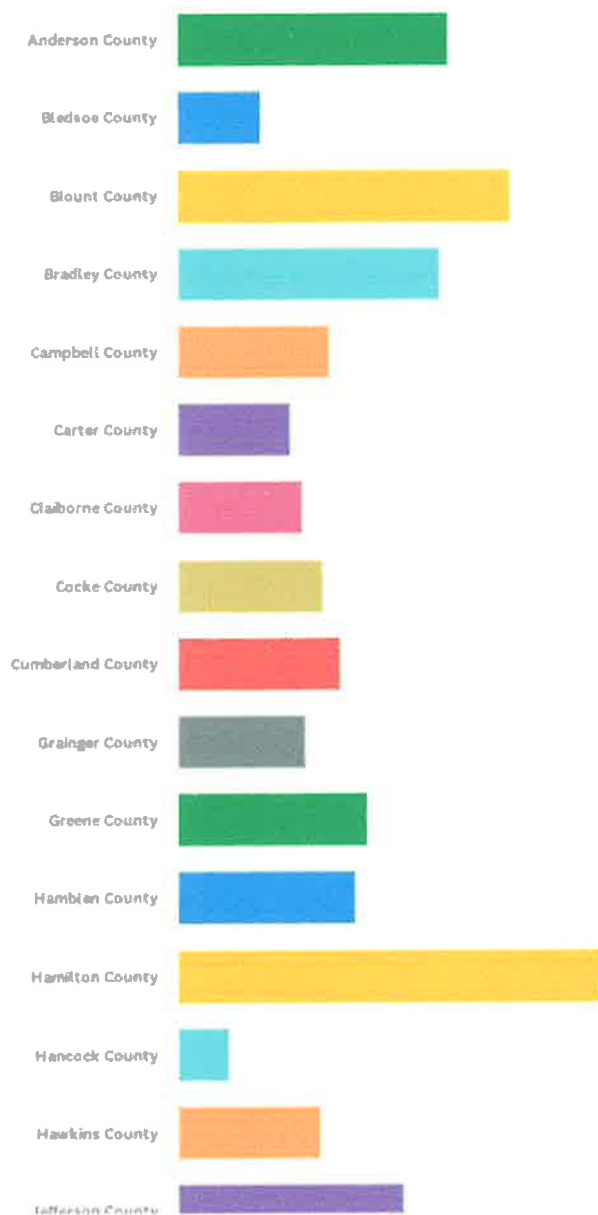


Answer Choices	Percentage	Responses
Yes	39.55%	439
No	60.45%	671
Total		1110

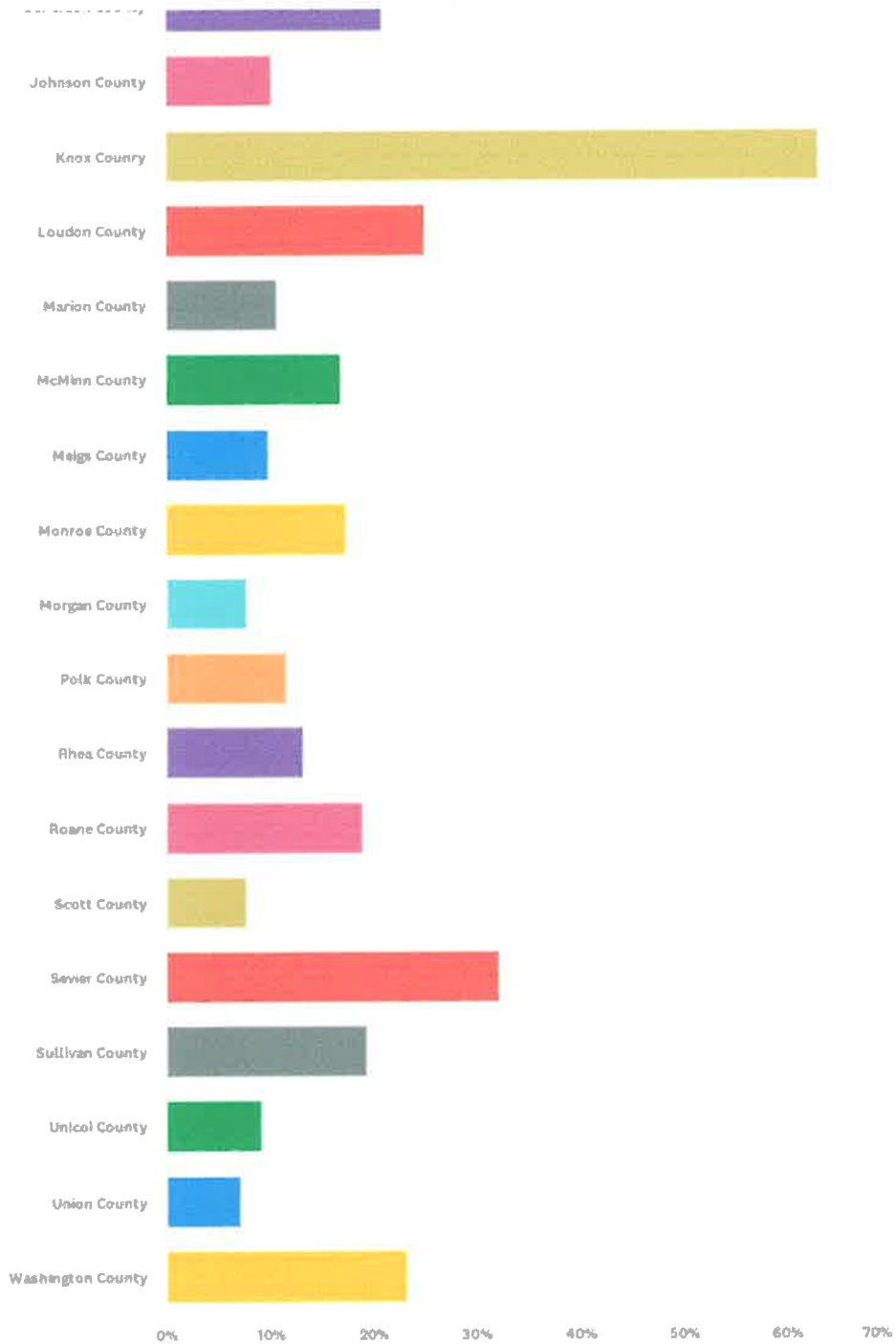
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q1 438 responses

Please select all of the East Tennessee counties in which you regularly served clients within the past year:



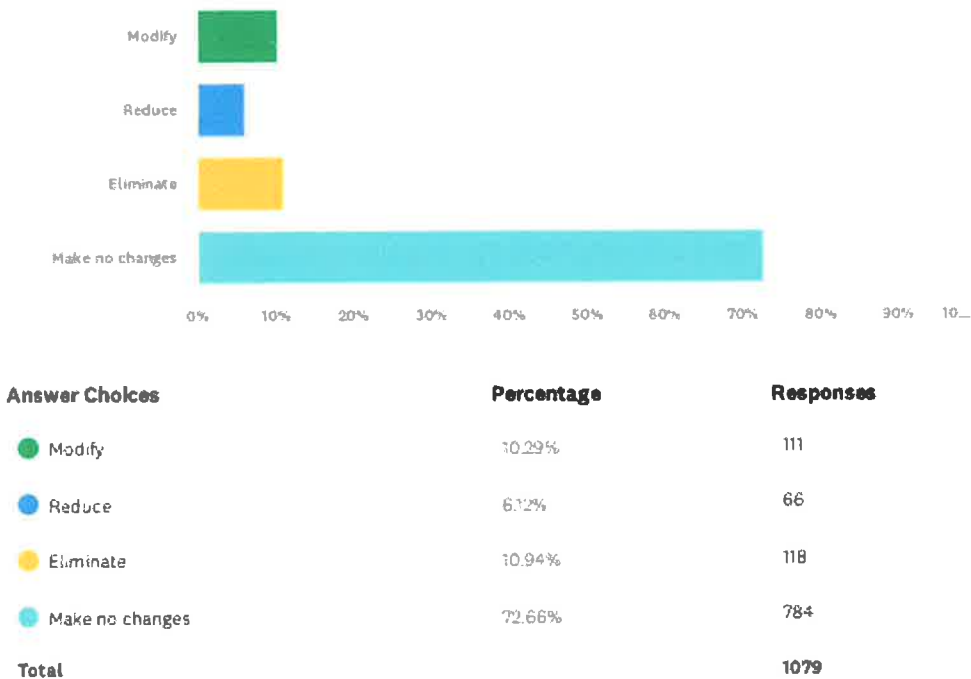
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q12 The Tennessee Supreme Court wants feedback on whether Tennessee should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar. Do you believe that the Court should modify, reduce, eliminate or make no changes to its reliance on ABA accreditation?

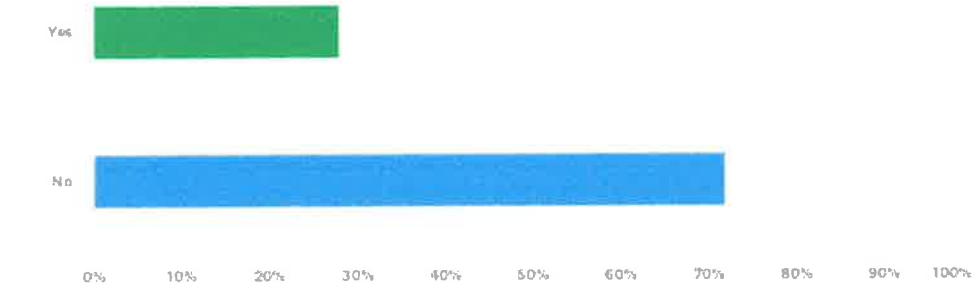
Answered: 1,079 Skipped: 89



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q13 Do you believe there are any practicable alternatives to ABA accreditation for Tennessee law schools?

Answered: 1,070 Skipped: 98



Answer Choices	Percentage	Responses
Yes	28.04%	300
No	71.96%	770
Total		1070

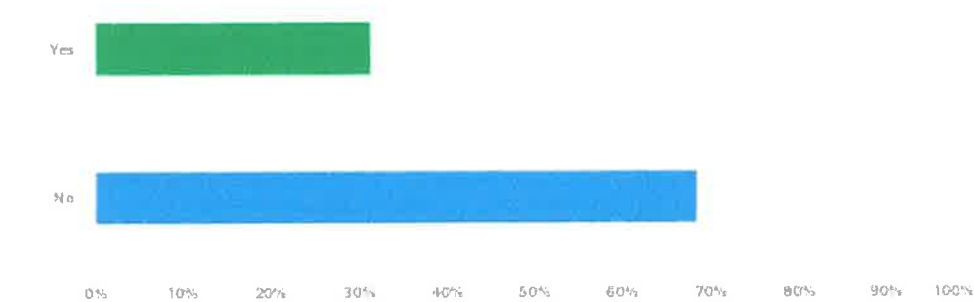
TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase
Access to Quality Legal Representation

**Q14 If yes, please provide one suggestion for a practicable alternative to
ABA accreditation for Tennessee law schools.**

Answered: 204 Skipped: 934

Q15 Another issue before the Court is whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law. Do you believe there are less costly alternatives?

Answered: 1,057 Skipped: 111



Answer Choices	Percentage	Responses
Yes	35.41%	332
No	68.59%	725
Total		1057

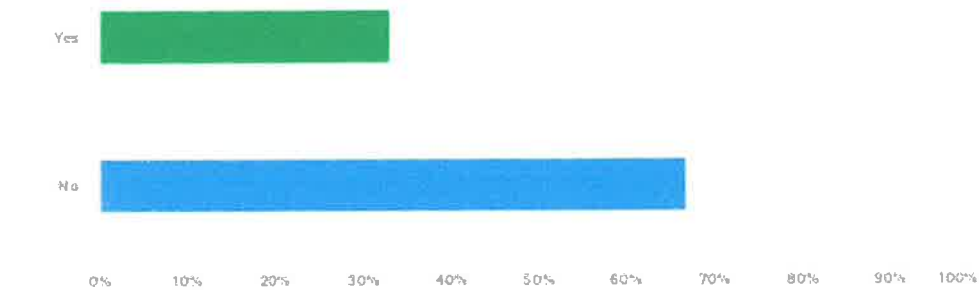
Q16 If yes, please provide one suggestion for a less costly alternative to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.

Answered: 299 Skipped: 869

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q17 Some states are allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization. Do you believe that the Court should consider adopting these or other alternative pathways for admission to the Tennessee Bar?

Answered: 1,052 Skipped: 116



Answer Choices	Percentage	Responses
☒ Yes	33.08%	348
☐ No	66.92%	704
Total		1052

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase
Access to Quality Legal Representation

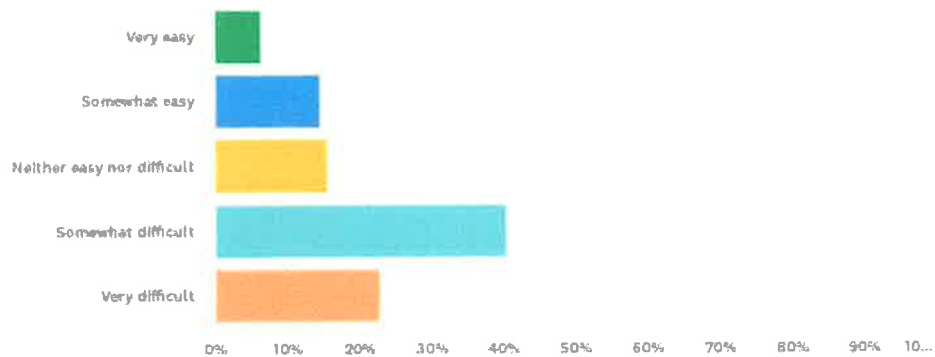
**Q18 If yes, which alternative pathway(s) would you suggest be
implemented?**

Answered: 302 Skipped: 866

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q19 Generally, how easy/difficult do you feel it is for lower-income individuals in your community to find legal representation when needed?

Answered: 1,042 Skipped: 125



Answer Choices	Percentage	Responses
● Very easy	6.33%	66
● Somewhat easy	14.68%	153
● Neither easy nor difficult	15.55%	162
● Somewhat difficult	40.50%	422
● Very difficult	22.94%	239
Total		1042

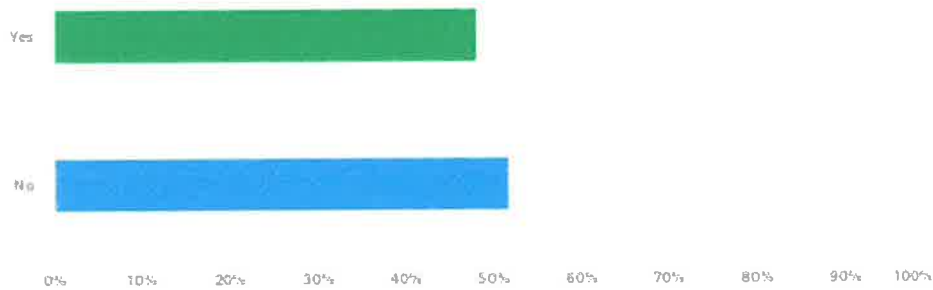
Q20 For what reasons do you think it can be difficult for lower-income individuals in your community to find legal representation when needed? Please use the space provided to explain. Your perspective is very much appreciated.

Answered: 581 Skipped: 587

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q21 Tennessee has a process for attorneys licensed in other states to become admitted to practice in our state. Do you think that the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other states to promote interstate practice and mobility?

Answered: 1,025 Skipped: 143

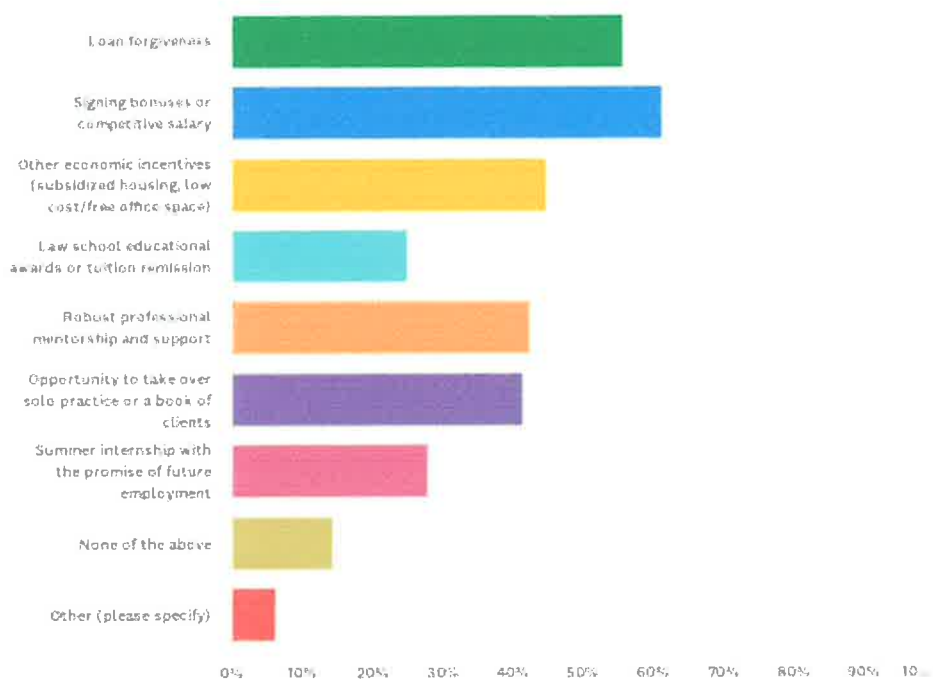


Answer Choices	Percentage	Responses
● Yes	48.20%	494
● No	51.80%	531
Total		1025

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q22 If offered at the beginning of your career, which of the following might have incentivized you to live or practice in a legal desert? Legal deserts are defined as geographic areas with less than one attorney per 1,000 residents. Select all that apply.

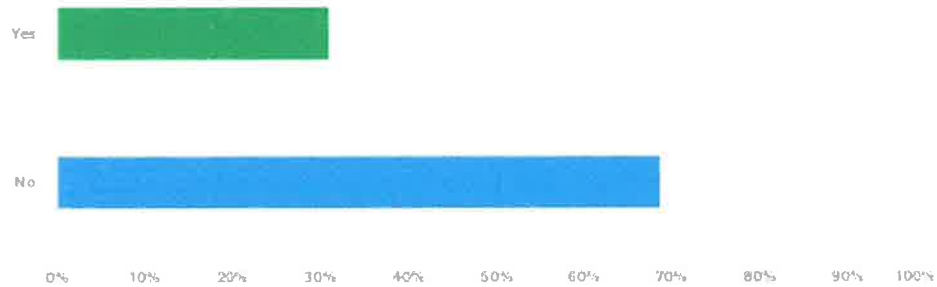
Answered: 1,029 Skipped: 139



TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q23 The Court asks whether any legal services currently provided by lawyers could be competently provided by paraprofessionals. Do you think there are any legal services that are currently provided by lawyers that the Court should consider allowing paraprofessionals to conduct?

Answered: 1,026 Skipped: 142



Answer Choices	Percentage	Responses
☒ Yes	31.09%	319
☐ No	68.91%	707
Total		1026

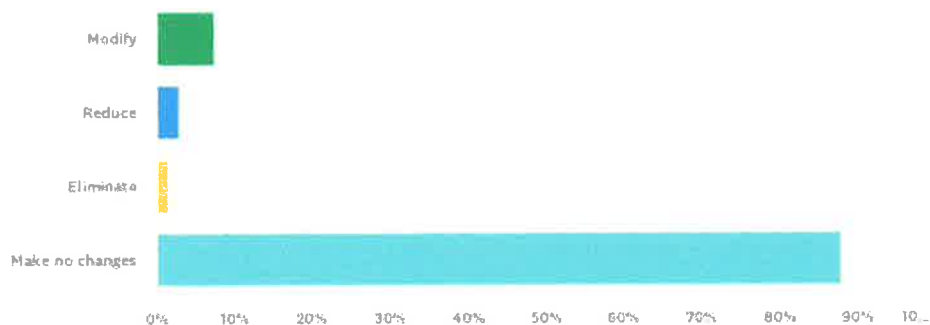
**Q24 If yes, what qualifications, limitations, or subject matter restrictions
should be imposed?**

Answered: 281 Skipped: 887

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q25 Do you believe that the Court should modify, reduce, eliminate or make no changes to regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers?

Answered: 1,022 Skipped: 146



Answer Choices	Percentage	Responses
 Modify	7.44%	76
 Reduce	2.94%	30
 Eliminate	1.57%	16
 Make no changes	88.06%	900
Total		1022

**TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase
Access to Quality Legal Representation**

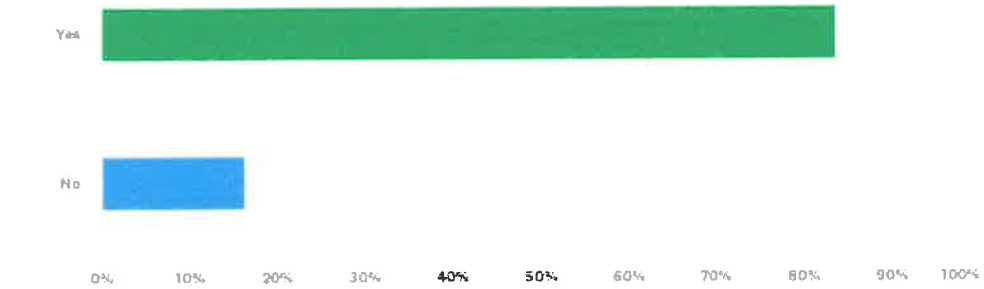
**Q26 If you selected modify, reduce or eliminate, what changes to the
regulations prohibiting non-lawyer ownership of law firms or fee sharing
with non-lawyers would you suggest?**

Answered: 95 Skipped: 1,073

TBA Survey on the Tennessee Supreme Court Order: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Q27 Are you a member of the Tennessee Bar Association?

Answered: 1,027 Skipped: 141



Answer Choices	Percentage	Responses
Yes	83.74%	860
No	16.26%	167
Total		1027

Appendix D - Comparative Tuition Models for Legal Education Pathways³¹

Model	Estimated Total Tuition	Duration	Delivery Format	Key Examples
Traditional ABA Accredited Full-Time (Private)	\$170,000–\$240,000+	3 years	In-person	Vanderbilt (~\$78K/year), Belmont (~\$56K/year)
Traditional ABA Accredited Full-Time (Public, In-State)	\$60,000–\$90,000	3 years	In-person	University of Tennessee (~\$20K/year in-state), University of Memphis (~\$21K/year in-state)
TBLE-Approved Evening Program (NSL Model)	~\$47,000	4 years (evenings)	In-person (evenings)	Nashville School of Law (avg. ~\$11K/year for four years)
Apprenticeship / Reading Law	Minimal to none	3–4 years	Supervised practice	Vermont (active), Virginia, California (historical)
Hybrid 3+1 Supervised Practice	TBD	4 years	In-person + remote + supervised practice	NSL 3+1 Proposed Model

³¹ See Vanderbilt Univ. Law Sch., *Costs & Financial Aid*, <https://law.vanderbilt.edu/jd-program/costs-financial-aid/>; Belmont Univ. Coll. of Law, *Admissions FAQ*, <https://www.belmont.edu/law/admissions/faq.html>; Univ. of Tenn. Coll. of Law, *Financial Aid*, <https://winston.utk.edu/admissions/financial-aid/>; Univ. of Memphis Cecil C. Humphreys Sch. of Law, *Tuition and Costs*, <https://www.memphis.edu/law/admissions/tuition-and-costs.php>; Nashville Sch. of Law, *Tuition & Financial Aid*, <https://nsl.law/tuition-and-financial-aid/>.

Appendix E - A Collection of State Experiences

Alaska has a community justice worker program, designed to help bridge the justice gap in rural Alaska by training and supervising qualified non-lawyers to serve Alaskans who could not afford or otherwise access civil legal assistance. Over 100 community justice workers from 40 different Alaskan communities have completed some form of training and are available to assist clients. In 2023, the CJW program entered its next phase with the establishment of a resource center and preparations to expand regionally.³²

Utah was among the first states to establish a regulatory sandbox approach to the questions of access to justice for the underserved. They created a licensed paralegal practitioner program that provided services in the areas of family law, debt collection, and landlord-tenant. LPPs in Utah are permitted to open solo offices without supervision. The program is funded by licensing fees. The Utah program remains a seven-year court-supervised pilot project at this time.³³

Arizona has a licensed legal professional program. The primary focus is on the area of family law. Other areas that are addressed include defined aspects of civil and criminal law, state agency administrative law and juvenile matters. Arizona is working to broaden its program awareness.³⁴

New Hampshire has a paraprofessional pilot project that has been extended to December 2029. It focuses upon two areas: family law and housing. Attorney supervision is required. The paraprofessionals can make limited court appearances. The program is available exclusively to clients who earn up to 300% of the federal poverty level.³⁵

Colorado has a program involving licensed legal paraprofessionals. As of January 2025, there were a total of 91 LLPs. Family law is the designated service area. The LLPs can practice independently. Colorado is considering expanding into the areas of eviction law and debt collection.³⁶

Oregon has a licensed paralegal program. The practice areas are family and landlord-tenant. Oregon was the first state to use a portfolio requirement for licensure. Applicants provide samples of their work and experience. Oregon has a comity rule that permits practice within Oregon by licensed paralegals from other jurisdictions.³⁷

³² See Alaska Legal Servs. Corp., *Community Justice Worker Program*, <https://www.alse-law.org/cjw/>.

³³ See Utah State Bar, *Licensed Paralegal Practitioner*, <https://www.utahbar.org/licensed-paralegal-practitioner/> (describing the scope of practice and authorization for licensed paraprofessionals); Utah Sup. Ct., Office of Legal Servs. Innovation, *Regulatory Sandbox*, <https://utahinnovationoffice.org/> (explaining the court-supervised pilot program established to expand access to legal services).

³⁴ See Ariz. Jud. Branch, *Legal Paraprofessional Program*, <https://www.azcourts.gov/cld/Legal-Paraprofessional>.

³⁵ See Tom Jarvis, *Newly Enacted Paraprofessional Pilot Program Helps Promote Access to Justice*, N.H. Bar Ass'n (Dec. 21, 2022), <https://www.nhbar.org/newly-enacted-paraprofessional-pilot-program-helps-promote-access-to-justice/>.

³⁶ See Colo. Off. of Att'y Regul. Counsel, *Licensed Legal Paraprofessionals (LLP) Program*, <https://www.coloradolegalregulation.com/aboutus/pals/>.

³⁷ See Or. State Bar, *Licensed Paralegal Program*, <https://www.osbar.org/lp/> (describing Oregon's licensure of paraprofessionals to provide limited legal services in areas such as housing and family law).

Washington State has a limited licensed legal technician program. The focus is family law. The Washington Supreme Court sunset the program in 2021 because of sustainability concerns. Previously licensed legal technicians can continue to practice. Efforts are underway to reinstate the program.³⁸

Texas began an effort to address these issues in 2022. Proposals included creation of a licensed paraprofessional program. The efforts in Texas have stalled out and the future of the program is uncertain.

California has reviewed various options and has concluded its effort without going forward.

³⁸ See Wash. State Bar Ass'n, *Limited License Legal Technicians*, <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>.

Appendix F - Letter from Judge Ryan J. Moore



RYAN J. MOORE
JUDGE

GENERAL SESSIONS, JUVENILE, AND DOMESTIC RELATIONS COURTS OF WARREN COUNTY, TENNESSEE

111 SOUTH COURT SQUARE
MCMINNVILLE, TN 37110
P.O. BOX 7142
MCMINNVILLE, TN 37111

E: RMOORE@WARRENCOUNTYTN.GOV
P: (931) 473-8351
F: (931) 473-0614

November 19, 2025

Mr. Mike Galligan, Esq.
309 W. Main St.
McMinnville, TN 37110

Dear Mike,

I enjoyed our conversation last week regarding the AOC's proposed regulatory reforms in civil matters. As we discussed, I do not support moving toward a paraprofessional model. Instead, I believe it is important to highlight the meaningful work already being done to assist *pro se* litigants—particularly through the Nashville Conflict Resolution Center (NCRC), which has become a tremendous asset to General Sessions Courts across the State.

Beyond the enclosed overview showing NCRC's footprint in 15 counties across Tennessee, I wanted to highlight the specific impact NCRC has had here in Warren County over the last fiscal year: 54 small-claims cases mediated; 116 litigants served; Over \$60,000 in debt resolved; an 80% agreement rate (exceeding the statewide average of 73%); I credit much of this success to our friends Jim Tate and Fritz Ring, who generously volunteer on Monday civil dockets).

In other counties, NCRC also provides parenting mediations for unmarried parents (I believe this area is better left to the private bar due to its complexity), juvenile mediation in delinquency matters (a model I strongly support because it brings students and families together), and victim-offender mediation. As you prepare your presentation to the committee, I respectfully ask that you consider including these points in your brief. NCRC's work demonstrates that we already have effective, community-based solutions helping litigants navigate the civil system—without the need to create a paraprofessional track. With best wishes, I remain,

Very truly yours,



Ryan J. Moore

Enclosure

Appendix G - Pro Bono Mediation Centers in Tennessee

- Nashville Conflict Resolution Center (NCRC) – 50 Vantage Way, #250, Nashville, TN 37228.
- Community Mediation Center (CMC) – 912 South Gay Street, Suite L -300, Knoxville, TN 37902; (865) 594-1879; Judicial District 6;
- Community Mediation Services (CMS) – P.O. Box 4081, Oak Ridge, TN 37831-4081; (865) 463-6888; Judicial District 7;
- The Mediation Center (TMC) – One Public Square, Suite 10, Columbia, TN 38401; (931) 840-5583; Judicial Districts 22, 17, and 21;
- Tennessee Community Mediation Center (TCMC) – P.O. Box 281344, Memphis, TN 38168; (901) 351-4125; Judicial Districts 10, 20, and 25;
- VORP/Community Mediation Center – 584 Highway 70 East, Crossville, TN 38555 (931) 484-0972; Judicial District 13 and 31.
- The Medical Debt Online Dispute Resolution Pilot in Hamilton County

Appendix H - Medical Debt ODR Pilot Phase 2 Results

THE MEDICAL DEBT ODR PILOT PHASE 2 RESULTS

The results demonstrate mediation's powerful impact on access to justice:

- Of 736 email invitations sent to guarantors who had previously been unresponsive to Erlanger through four months of statements, phone calls, and collection letters, 197 (27%) engaged as a direct result of the ODR invitation;
- Of all guarantors who engaged, 72% were able to resolve their outstanding debt through lump-sum payments, payment plans, or application of financial assistance;
- 140 matters were resolved, with total debt resolution of \$408,663.52;
- \$16,127 in financial assistance was approved – critically, the ODR program enabled those who had previously been unable or unwilling to complete financial assistance applications to successfully do so, directly benefiting working poor families;
- Erlanger resolved 30% of the total \$1.38 million in invited debt, significantly outperforming external collection agencies during the same period.