

September 14, 2005

The Honorable Michael W. Catalano
Appellate Court Clerk
Tennessee Supreme Court
401 Seventh Avenue North
Nashville, TN 37219-1407

IN RE: Practice of Law by Lawyers Displaced by Hurricane Katrina

Dear Mike:

Attached please find an original and six copies of a petition and draft order in the above styled matter.

Your immediate attention to filing and expedited distribution to the court would be appreciated.

Sincerely,

Allan F. Ramsaur
Executive Director

Cc: Bill Haltom, TBA President
Gail Ashworth, TBA General Counsel
TBA Board of Governors, via email

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PRACTICE OF LAW)
BY LAWYERS DISPLACED)
BY HURRICANE KATRINA) No. _____
)

PETITION OF THE TENNESSEE BAR ASSOCIATION

The Tennessee Bar Association petitions this Honorable Court to grant emergency, temporary admission to practice law in the State of Tennessee for sixty (60) days without fee to lawyers in good standing from Louisiana, Mississippi and Alabama who were displaced by Hurricane Katrina and to permit them to represent clients on an emergency, temporary basis from offices in Tennessee.

In support of this petition the Tennessee Bar Association would show:

1. On August 27, 2005, the President of the United States issued a declaration of a state of emergency in Gulf States expected to be affected by Hurricane Katrina. On Sunday, August 28 and Monday, August 29 category 3 & 4 winds and huge storm surge assaulted the Gulf coast. The result was massive and catastrophic flooding, wind, and other damage. Reports indicate that as many as 6,000 Louisiana lawyers and scores of lawyers from other Gulf coast jurisdictions have been displaced. Many law offices and courts were demolished. Clients of these lawyers need legal services. In fact, many such clients now have an even greater need for legal services because of the storm. If these displaced

lawyers locate offices in Tennessee without the benefit of a license, doing so could place them in violation of Tennessee Supreme Court Rules 7, 8 and 9. In addition, absent some sort of temporary license, such lawyers could be violating TCA Title 23 relative to attorney licensing.

2. It is well-settled that the Tennessee Supreme Court has the inherent power to address licensure of attorneys. In addition, TCA § 23-1-105 states, “The supreme court may make such provisions, rules and regulations as it deems proper for admission of persons who have been licensed to practice in other states or countries.”

3. Granting the temporary, emergency admission to practice law in Tennessee will allow the Tennessee Bar Association, the Tennessee Board of Law Examiners and the Tennessee Board of Professional Responsibility to consider the long-term issues presented by reciprocal licensing, discipline, and temporary admission during the continued existence of the state of emergency.

4. The Texas, Arkansas, and Arizona Supreme Courts have granted similar temporary relief to the attorneys from the affected states and state supreme courts are expected to follow suit.

5. Requiring that the displaced lawyers be in good standing and that they be subject to registration and discipline in Tennessee will provide adequate protection for the public. Because of the temporary and emergency character of this action, the Tennessee Bar

Association respectfully submits that a waiver of any admission or disciplinary fee is appropriate for these displaced attorneys.

6. Considering the emergency and temporary circumstances of this petition, the Tennessee Bar Association respectfully requests the Court to act immediately on this petition without subjecting the issues to the usual notice, hearing, and comment.

7. Since this petition is filed in the public interest, the Tennessee Bar Association respectfully requests waiver of any court costs for filing this petition.

RESPECTFULLY SUBMITTED

by: _____/s/_____
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by: _____/s/_____
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by: _____
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit "A" to the petition by regular U.S. Mail, postage prepaid on this the 14th day of September.

Allan F. Ramsaur

Exhibit A

DRAFT

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PRACTICE OF LAW)
BY ATTORNEYS DISPLACED)
BY HURRICANE KATRINA) No. _____)

ORDER

On August 29, 2005, Hurricane Katrina made landfall and caused devastating damage to the states of Louisiana, Mississippi, and Alabama. Thousands of citizens, including many lawyers, from these states have been displaced from their homes and offices. The Tennessee Bar Association has petitioned this court to permit lawyers in good standing displaced by the disaster to practice law on a temporary, emergency basis in Tennessee in order that their client’s interests be maintained.

The Supreme Court has inherent authority over the practice of law in Tennessee and has enacted Tennessee Supreme Court Rules 7, 8 and 9 regulating admission and practice. In addition TCA Section 23-1-105, authorizes the court to set the standards for admission of persons from other jurisdictions.

Now, therefore, IT IS ORDERED that, notwithstanding Tennessee Supreme Court Rules 7, 8 and 9 an attorney holding a valid license issued by Louisiana, Mississippi or Alabama, who is in good standing with the attorney’s home state bar and who is displaced from the attorney’s home jurisdiction due to Hurricane Katrina, is permitted to practice law for sixty (60) days from the date of this Order from a location in Tennessee as if the attorney were located in the state in which the attorney is licensed.

IT IS FURTHER ORDERED that attorneys practicing pursuant to this Order shall be subject to Tennessee Supreme Court Rules 8 and 9 in all other respects. Said attorneys shall register with the Board of Law Examiners and Board of Professional Responsibility by providing their Tennessee addresses or contact information, and license numbers, as issued by their home state within five (5) days of engaging in the practice of law in Tennessee pursuant to this Order. There shall be no fee for such registration.

DRAFT

IT IS FURTHER ORDERED that, because the Tennessee Bar Association has provided invaluable public service to the bench and bar in this matter, any costs associated with this matter are hereby waived.

Dated this _____ day of September 2005.
FOR THE COURT:

E. RILEY ANDERSON
Chief Justice