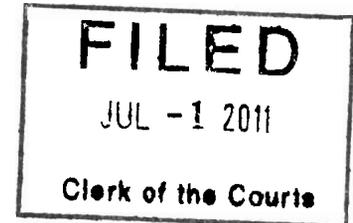


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: RULE 13, SECTION 7,
RULES OF THE TENNESSEE SUPREME COURT

No. M2011-01411-SC-RL2-RL

ORDER



The Court is considering an amendment to Tenn. Sup. Ct. R. 13 to provide for an alternative method of compensating attorneys who provide legal services to indigent persons pursuant to the rule. In summary, proposed new Section 7 of the rule would authorize the Administrative Director of the Courts to enter into contracts with attorneys, law firms or associations of attorneys to provide legal services to indigent persons for a fixed fee.

As currently proposed, new Tenn. Sup. Ct. R. 13, § 7 would provide as follows:

Section 7. Contracts for Indigent Representation.

(a) In addition and as an alternative to the procedures for appointment and compensation of court-appointed counsel for services described above, the Administrative Director is authorized to enter into contracts for such services with attorneys, law firms, or an association of attorneys. Such contracts may establish a fixed fee for representation in a specified number and type of cases; provided, however, that any such fixed fee shall not exceed the rates specified in Section 2.

(b) Any such contract for indigent representation shall be awarded pursuant to the solicitation of proposals for professional services from interested parties and shall not be awarded solely on the basis of cost. Each proposal shall be evaluated to determine the quality of representation to be provided, including the ability of the attorney(s) who would provide services under the contract to exercise independent judgment on behalf of each client and the ability of the attorney(s) to maintain workload rates that would allow the attorney(s) to devote adequate time to each client covered by such contract.

(c) Attorneys providing legal services under any contract entered into pursuant to this Section shall be given first priority for appointment to any case where a district public defender is not available or eligible for such appointment and in which the litigant is otherwise entitled to the appointment of counsel pursuant to this rule.

(d) The Administrative Director shall prescribe adequate procedures to ensure compliance with the terms of such contracts and shall report to the Court annually on the effectiveness of the contract process for the provision of indigent representation.

The Court hereby publishes the proposed amendment for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is Friday, September 1, 2011. Written comments should be addressed to:

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM