

JOSEPH H. VAN HOOK  
ATTORNEY AT LAW  
(865) 435-1145 (Voice)  
(865) 435-9639 (Facsimile)

Mailing Address:  
Post Office Box 613  
Oliver Springs, Tennessee 37840

Street Address:  
1042 East Tri County Boulevard  
Oliver Springs, Tennessee 37840

January 8, 2019

James M. Hivner, Clerk  
Re: Tenn. Sup. Ct. R. 9, section 10  
Tennessee Appellate Courts  
100 Supreme Court Building  
401 7th Avenue North  
Nashville, Tennessee 37219-1407

Re: Amendments to Rule 9, Section 10  
No. ADM2018-02186

Dear Mr. Hivner:

This letter is offering written comments as to amendments to Rule 9 Section 10 wherein the Supreme Court wishes to require an electronic form to be submitted as to compliance with Rule 9 Section 10 and wishes to require all annual fees paid to the Board pursuant to this rule shall be paid electronically through the Board's Attorney Portal.

I am totally opposed to any form of mandatory electronic filing. There are still a substantial number of (probably older) attorneys that do not necessarily wish to conduct all their business electronically over the internet. I am one of those attorneys.

I am not comfortable with the electronic communication system as it gives rise to opportunities for identity theft and other forms of electronic data breaches and problems.

I do not pay any of my bills (except in unusual situations) electronically. I always demand an invoice and pay by check.

I am also the City Judge and Recorder for the Town of Oliver Springs (municipal and general sessions criminal jurisdiction by private act). As an elected official, I have to file an ethics disclosure in January of every year, which is, generally speaking, a mandatory electronic filing. Several of those years I have attempted to file in early January, but the computer system at the appropriate office in Nashville was down, and my paralegal and I spent several hours of my valuable time attempting to file a one page form. This computer filing requirement became a waste of my time. Note that I said "my paralegal and I," as I depend on my paralegal for all of my electronic communication and internet activities, as I am "computer illiterate." I had been

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able to file a paper document, I would have taken ten or fifteen minutes, filed out the paper, and mailed it.

I just do not trust electronic filing and I am not comfortable with mandatory electronic filing.

I would respectfully request that the rule be modified to allow either a paper form filing or an electronic form filing.

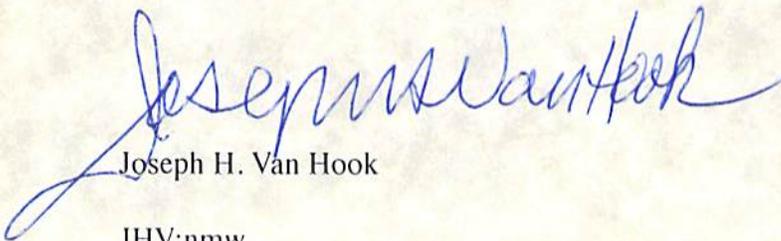
I further do not think that all notices required or permitted to be served must be served electronically for the same reasons. My paralegal and I have experienced numerous occasions where the electronic communication is "sent" but is not "received." In view of the problems I have experienced, if I send something electronically of great importance, I generally follow it up with a written mail transmission also.

I believe the correct solution is to **allow both a paper document filing and an electronic filing.**

If you have any questions, please feel free to call me.

I shall appreciate any kind consideration that you will give my views in this letter.

Sincerely,



Joseph H. Van Hook

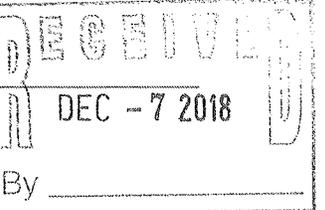
JHV:nmw

Hivner Letter (1.8) (2)

**appellatecourtclerk - Proposed changes to Supreme Court Rule 9, Section 10**

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**From:** Randy Hooper <jrhooper@hooperzinn.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 12/6/2018 7:04 PM  
**Subject:** Proposed changes to Supreme Court Rule 9, Section 10



Dear Clerk,

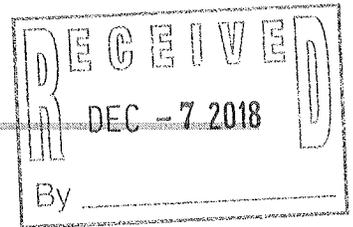
In my opinion, it is not yet time to require attorneys to file their annual registration and pay their annual fees electronically. It is still easier for me to pay by check. Our firm does not have a business credit card because we have decided the risk of abuse outweighs the convenience. We make online payments using each attorney's personal credit card and then reimburse the attorney by check. This is how we file and pay for our clients with the Secretary of State online, for example. The Secretary of State offers an online print and pay by check option, which we use with some clients and situations. I suppose if electronic options like PayPal and Venmo are offered under the rule, I might get on board.

If electronic payment is somehow favorable to the Court or BPR, it seems some incentive should be offered to the attorneys for using that option. If bad checks are a problem, it seems some penalty should be imposed for bad checks.

I expect in a few years we will all be using Venmo or some other online payment vendor. We are not there yet.

Randy  
J. Randall Hooper  
Safe Estates Law Group  
Hooper Zinn & McNamee, PLLC  
109 Westpark Drive, Suite 300  
Brentwood, TN 37027  
[\(615\)661-5472](tel:(615)661-5472)  
[jrhooper@hooperzinn.com](mailto:jrhooper@hooperzinn.com)

**Lisa Marsh - Proposed Change to Rule 9. Section 10**



**From:** <norma.shirk@complianceriskadvisor.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 12/7/2018 12:25 PM  
**Subject:** Proposed Change to Rule 9. Section 10

ADM2018-02186

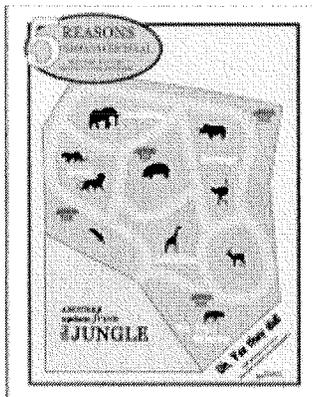
Mr. Hivner:

Respectfully, if lawyers are going to be required to pay fees on-line only, then we should not be stung for the "administrative fee", "convenience fee" or whatever other euphemism is used for these charges. It's no longer a matter of administrative ease or convenience if we have no choice but to pay on-line. Either waive the charges applicable to paying by credit card or provide an alternative method of payment that doesn't include such fees.

Norma J. Shirk  
Bar # 021989

**Norma Shirk**  
Manager/Owner  
**Corporate Compliance Risk Advisor**  
**Website:** [www.complianceriskadvisor.com](http://www.complianceriskadvisor.com)  
**HR Blog:** [www.hrcompliancejungle.com](http://www.hrcompliancejungle.com)  
**History Blog:** [www.normashirk.com](http://www.normashirk.com)  
**Blog:** [www.hersavvy.com](http://www.hersavvy.com)  
Phone: [615-479-1832](tel:615-479-1832)

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**Lisa Marsh - proposed changes to Rule 9, Section 10 presented for comment**

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**From:** "Arnold Cohen" <agc@dmrpclaw.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 12/7/2018 11:03 AM  
**Subject:** proposed changes to Rule 9, Section 10 presented for comment  
**Cc:** "Susan Wolfe" <dtrplegal@dmrpclaw.com>, "Jim MacDonald" <jsm@dmrpclaw.co...>

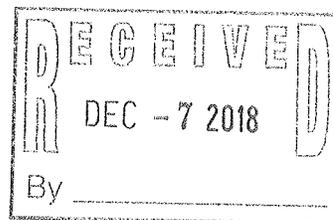
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ADm2018-02186

Dear Mr. Hivner,

Many firms pay the annual fees for all or most of their lawyers in a single check or draft managed by an office manager or bookkeeper. In the event the proposed rule is adopted, it should provide that the fee for all or a group of the lawyers in the firm **may** be paid by a single transaction collectively on behalf of each such lawyer, and the portal system should permit the transmittal of payment and information to be copied as a confirmation to each such lawyer for whom the fee is paid in a single email transmission from the person designated by the law firm to do so. Thank you for your consideration.

Arnold G. Cohen  
Dunn, MacDonald & Reynolds, PC  
6204 Baum Dr.  
Knoxville, Tennessee 37919  
865-524-0510 Ext. 108  
865-525-6001 [Facsimile]  
Assistant to Arnold G. Cohen: Ceil Sheahan, Ext. 113



**Lisa Marsh - Re: Proposed Change Rule Change on Registration and Payment of Fees**

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**From:** K D Grissom <grissomkd@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 12/6/2018 5:33 PM  
**Subject:** Re: Proposed Change Rule Change on Registration and Payment of Fees

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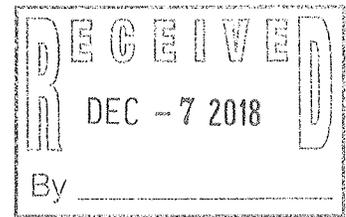
ADM 2018-02186

I am opposed to this rule change. For those if us who are not in the active practice if law, and thus have no office staff, we are confronted with necessity of having to become technologically sufficient to meet this new rule. At age 75, I really have no desire to go to such effort.

I have already had a bad experience with the Department of Revenue. Two years ago I tried to file my Professional Priviledge Tax and ended up paying twice and having to go through the refund process. The revenue office is totally unreachable. I tried to reach them by calling, going to a DoR office and finally by written correspondence. A staff person in the DoR office in Cookeville told me they could not give any advice. The web site for the DoR makes me think of a rat in a maze. I finally had to get my grand-daughter to complete my filing.

Please drop this proposal.

K. Dickson Grissom  
BPR 2999

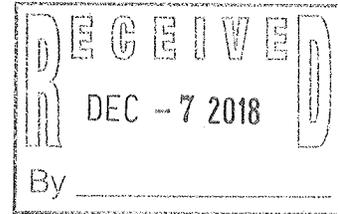


ADM2018-02186

**From:** Michael Mossman <michael@mossman.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 12/6/2018 5:34 PM  
**Subject:** Proposed on line registration/payment

This is not a good idea for those of us who are technologically challenged.  
Michael Mossman

Sent from my iPhone



**Lisa Marsh - Comments to Rule 9 Section 10**

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ADM2018-02186

**From:** Thomas Hutto <Thomas@muletown.law>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 12/7/2018 10:35 AM  
**Subject:** Comments to Rule 9 Section 10

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Please add to Section 10.2 in either subsection (b) or (c) as appropriate:

"The Board shall not collect a fee as a reimbursement for payments made by credit card or ACH payment or direct debit. These fees, if any, shall be included and paid as part of the annual fee."

If the Supreme Court is going to mandate payment be made electronically, the Board should absorb the costs of that payment the same as attorneys across the state who must deduct credit card fees from their payments received.

Thank you,

Thomas M. Hutto  
Attorney-at-Law

Lawwell, Dale, Graham & Hutto  
805 S. Garden Street  
Columbia, TN 38401  
931-388-2822  
<http://www.lawwelldaleandgraham.com/>

