

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



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

No. M2011-01411-RL2-RL - Filed: May 16, 2012

ORDER

On July 1, 2011, the Court filed an order soliciting public comments concerning a proposed amendment to Tenn. Sup. Ct. R. 13 to provide for an alternative method of compensating attorneys providing legal services to indigent persons pursuant to the rule. In summary, proposed new Section 7 of the rule would have authorized 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. The public comment period ended on September 1, 2011.

After due consideration of the proposed amendment, as well as the many comments received during the public comment period, the Court has decided against amending Tenn. Sup. Ct. R. 13 at the present time. In the alternative, the Court is establishing a pilot project in the Davidson County Juvenile Court to assess the effectiveness of contracting with attorneys for representation of indigent defendants facing child support contempt charges. The project shall commence on July 1, 2012 and shall be conducted during fiscal year 2012-13.

The following provisions are adopted as temporary supplemental provisions of Tenn. Sup. Ct. R. 13. However, because these supplemental provisions are of limited duration, they are not to be published as an amendment to Tenn. Sup. Ct. R. 13.

The Court hereby adopts the following provisions to implement the pilot project in the Davidson County Juvenile Court:

Pilot Project – Contracts for Indigent Representation:

(a) A pilot project is hereby established under Tenn. Sup. Ct. R. 13 to assess the feasibility of contracting with attorneys, law firms, or an association of attorneys for representation of indigent defendants facing contempt charges for failure to pay

child support. This pilot project shall be conducted in and limited to the Davidson County Juvenile Court, and shall take place from July 1, 2012 through June 30, 2013. The Administrative Director is authorized to enter into contracts for such services in Davidson County. 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 Tenn. Sup. Ct. R. 13, § 2.

(b) Contracts for indigent representation shall be awarded pursuant to the solicitation of proposals for professional services from interested parties, and shall not be awarded based solely on the basis of cost. Each proposal shall be evaluated to determine the quality of representation to be provided, including the ability of 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 for the attorney(s) to devote adequate time to each client covered by such contract.

(c) Attorneys providing legal services under contracts entered into pursuant to this Order shall be appointed by the Juvenile Court to represent all indigent defendants facing child support contempt charges in Davidson County Juvenile Court during this pilot project unless such representation is otherwise prohibited by the Rules of Professional Conduct. *See* Tenn. Sup. Ct. R. 8. In any such case, the Court shall appoint qualified counsel pursuant to the provisions of Tenn. Sup. Ct. R. 13, § 1.

(d) The Administrative Director shall prescribe adequate procedures to ensure compliance with the terms of all contracts, shall monitor the pilot project, shall gather data necessary to evaluate the effectiveness of the project, and shall report to the Court on the effectiveness of the contract process for the provision of these services upon completion of the project.

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