

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: AMENDMENT TO SUPREME COURT RULE 31**

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**Filed: October 10, 2007**

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Rule 31 of the Rules of the Tennessee Supreme Court is hereby amended to replace Section 11 pertaining to proceedings for discipline of Rule 31 Mediators with the following new Section 11 to Rule 31:

**Section 11. Proceedings for Discipline of Rule 31 Mediators.**

(a)(1) Any grievance against a Rule 31 Mediator who is an attorney that raises a substantial question as to the attorney's honesty, trustworthiness, or fitness as a lawyer in other respects shall be filed with the Board of Professional Responsibility. If such a grievance is filed with the ADRC, the ADRC shall promptly refer the grievance to the Board of Professional Responsibility. If the Board of Professional Responsibility imposes a penalty on the attorney for conduct as a Rule 31 Mediator, the Grievance Committee may also conduct a hearing and impose a penalty pursuant to Section (b)(6) of this Rule.

(2) All grievances against a Rule 31 Mediator who is an attorney that do not raise a substantial question as to the attorney's honesty, trustworthiness, or fitness as a lawyer shall be filed with the ADRC and shall be processed in accordance with Section (b) of this Rule.

(b)(1) Any grievance against a Rule 31 Mediator who is not an attorney regarding the failure of the Rule 31 Mediator to comply with the provisions of this Rule or any standard promulgated under this Rule shall be filed with the ADRC.

(2) The grievance shall be reviewed in the first instance by a Grievance Committee of three Commissioners, appointed by the Chair and, where possible, from the Grand Division in which the alleged act or failure to act giving rise to the grievance took place.

(3) The Grievance Committee shall determine whether the allegations contained in the grievance, if true, would constitute a violation of Rule 31. If the Grievance Committee finds that the conduct that is the subject of the grievance

does not constitute a violation of Rule 31, the Grievance Committee shall dismiss the grievance with prejudice. If the Grievance Committee determines that the allegations, if true, could constitute a violation of Rule 31, the Committee shall conduct a hearing and file a written decision stating whether the grievance has merit. If the Grievance Committee finds that the grievance has merit, it shall impose an appropriate penalty on the Rule 31 Mediator, including a private admonition, a public reprimand, suspension, or disqualification.

(4) Any party who desires to obtain a review of the decision of a Grievance Committee may appeal to the full ADRC by filing a written notice of appeal with the ADRC through the AOC Programs Manager, within thirty (30) days following the Grievance Committee's decision.

(5) The ADRC will then hear the grievance de novo sitting without those members who served on the Grievance Committee that initially heard the grievance.

(6) The ADRC will hear and determine the grievance and then issue a written decision stating whether the grievance has merit. If the ADRC determines that the grievance has merit, it shall impose an appropriate penalty on the Rule 31 Mediator, including a private admonition, a public reprimand, suspension, or disqualification. The decision of the ADRC is final.

IT IS SO ORDERED.

PER CURIAM