

Tennessee Board of Law Examiners

Statement of Policies and Procedures

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Tennessee Board of Law Examiners

Statement of Policies and Procedures

ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE

P-1.02 License; Certificate of Eligibility Required

Applicants seeking admission by bar examination or by transferred UBE score who:

- (a) have been approved for licensing and admission,
- (b) have not completed the admission process prior to the 2 year expiration of the Certificate of Eligibility, and
- (c) have a bar exam or UBE transfer score that has not expired as provided in Rule 7, Sec. 1.02

may receive a one-time extension of the Certificate of Eligibility by submitting to the Board the Re-Activation Application, a supplemental NCBE application and request for background investigation, and the required fee. Upon receipt of the completed supplemental background investigation and approval by the board, an amended Certificate of Eligibility will be issued.

ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION

P-2.02 Legal Education and Approval of Law Schools

Evidence of the J.D. Degree as referenced in section 2.02 of Rule 7 shall be submitted in the following form:

- (a) For an applicant seeking admission by examination or transfer Uniform Bar Examination (“UBE”) score, a “Law Degree Verification” form submitted directly from the applicant’s law school to the Board; and
- (b) For an applicant seeking admission without examination under Article V of Rule 7, an Official Transcript either uploaded by the applicant or mailed directly to the Board by the law school.

ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION

P-3.01 Application Form

- (a) A complete application for admission by examination consists of the following:
 - (1) The Tennessee Online Application (Synergy);
 - (2) The completed, signed and notarized application to the NCBE for background investigation uploaded to the Tennessee online application website (Synergy) **and** submitted to the NCBE; the NCBE application must be finalized with the NCBE prior to beginning the Tennessee Online Application;
 - (3) Undergraduate Transcripts mailed directly from the school or transcript service to the Board of Law Examiners;
 - (4) Law Degree Verification, completed and signed by the law school Dean or designee, mailed directly from the law school to the Board of Law Examiners;
 - (5) Current Resume (.pdf format only);

- (6) Passport Photo uploaded to Synergy in .jpeg format; see P-3.01(c), below;
- (7) For foreign-educated applicants without a J.D., an equivalency evaluation as noted in Rule 7, Section 7.01 and Board Policy P-7.01 and/or Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, and a completed Affidavit of Practice in a Foreign Country, if required;
- (8) For applicants licensed in another U.S. or foreign jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted plus, if licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which applicant is licensed who can verify that applicant is licensed and attest to applicant's practice in that country; see P-3.01(b) and (d) and P-7.01 below for additional information regarding documents required to be submitted with the application, provided:
 - (i) **Letters Attesting to Practice:** The three letters from attorneys or judges verifying applicant's license in a foreign country and attesting to applicant's practice in that country must relate to applicant's work with the recommender in the practice of law and, if from a relative, the relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
 - (ii) **Documents not in English:** For documents that are not in English, a translation to English by a certified translator must be provided with the original document;
- (9) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing in the jurisdiction in which the law school was located and an Affidavit of Past Practice;
- (10) For applicants with a J.D. who did not graduate from an accredited undergraduate school as required in Rule 7, Sec. 2.01, a petition pursuant to Section 2.01(c) to the Board to waive the requirement; and
- (11) Full payment of the filing fee; see P-11.02, below.

All forms and additional information about these requirements are available on the website at www.tnble.org.

- (b) **Passport Photo:** All applicants must upload a passport-type photo in a ".jpeg" format with the application on or before the deadline for submitting applications or the applicant will be ineligible to take the examination.
- (c) **Expiration of Application Documents:** The NCBE Application and letters attesting to practice in a foreign country are valid for two years; the Law Degree Verification and undergraduate transcripts only have to be submitted with the first application; all other documentation, including the passport photo and resume, and the Affidavit of Past Practice (when required to be submitted with the original application), must be updated and submitted for each exam; and Certificates of Good Standing only need to be updated if applicant's status has changed in the jurisdiction that issued the license.

P-3.03 Date for Filing Application for Examination and Reexamination

DEADLINE	JULY EXAM	FEBRUARY EXAM
Initial Deadline	May 1	December 1
Final Deadline	May 20	December 20

- (a) The Tennessee Online (Synergy) Application must be submitted and the filing fee paid on or before the Final Deadline. All documents enumerated in Policy P-3.01(a)(2)-(10) that are components of a complete application must be received by the TBLE in the proper format on or before May 20 for the July exam and December 20 for the February examination (“Final Deadline”).
- (b) If an Applicant submits the application and pays the filing fee on or before the Initial Deadline (May 1 for the July exam or December 1 for the February exam), the TBLE will notify the Applicant at least once of any missing, non-conforming, or incorrectly submitted documents prior to the Final Deadline to provide the Applicant an opportunity to correct any deficiencies.
- (c) **Applicants to the Bar of Tennessee are responsible for ensuring that all documents are RECEIVED by the TBLE and that any deficiencies are corrected by the Final Deadline to be eligible to sit for the examination.** If an application has any missing, non-conforming or incorrectly submitted documents after the Final Deadline, the applicant will not be permitted to sit for the examination. The TBLE strongly recommends that Applicants use a mailing service with tracking or delivery confirmation as the TBLE cannot immediately verify receipt of a document by mail. The Final Deadline requires submission of original documents or online filing of documents as set forth in Rule 7. A fax or email of a document for which the original is required will not satisfy a deadline. A postmark on or before the deadline does not constitute timely receipt unless actually received by the TBLE by the deadline.
- (d) Applicants who fail to submit the Tennessee Online (Synergy) Application and the fee by the Initial Deadline as provided in paragraph (b) above, may still submit an application and pay the fee on or before the Final deadline (May 20 for July; December 20 for February) but will not be provided any notice of deficiencies.

P-3.05 Admission by Transferred Uniform Bar Examination Score

- (a) Applications for Admission by Transferred Uniform Bar Examination Score will be accepted beginning **January 2, 2019**.
- (b) A complete application for admission by transferred UBE score consists of the following:
 - (1) The Tennessee Online Application (Synergy);
 - (2) The completed, signed and notarized application to the NCBE for background investigation uploaded to the Tennessee online application website (Synergy) **and** submitted to the NCBE; the NCBE application must be finalized with the NCBE prior to beginning the Tennessee Online Application;

- (3) Evidence in the form of an official NCBE Score Report sent directly from the NCBE of a score that:
 - (i) has not expired as defined in Rule 7,
 - (ii) meets or exceeds the minimum score on bar examination as required by Tennessee and set forth in Policy P-4.07,
 - (iii) was earned in a single administration of the Uniform Bar Examination,
 - (iv) and was reported in another jurisdiction prior to submitting an application for admission pursuant to Rule 7, Section 3.05;
- (4) Undergraduate Transcripts mailed directly from the school or transcript service to the Board of Law Examiners;
- (5) Law Degree Verification, completed and signed by the law school Dean or designee, mailed directly from the law school to the Board of Law Examiners;
- (6) Current Resume (.pdf format only);
- (7) For applicants licensed in another U.S. jurisdiction, certificates of admission and of good standing for each jurisdiction in which applicant has been admitted;
- (8) For foreign-educated applicants without a J.D., an equivalency evaluation as noted in Rule 7, Section 7.01 and Board Policy P-7.01 and/or Certification of Dean of Legal Studies in the United States, completed and signed by the law school Dean or designee, a completed Affidavit of Practice in a Foreign Country, if required, and if licensed in a foreign jurisdiction, three letters from attorneys in the country(ies) in which the applicant is licensed who can verify that applicant is licensed and attest to applicant's practice in that country; see P-3.01(b) and (d) and P-7.01 herein for additional information regarding documents required to be submitted with the application for foreign-educated applicants, provided:
 - (i) **Letters Attesting to Practice:** The three letters from attorneys or judges verifying applicant's license in a foreign country and attesting to applicant's practice in that country must relate to applicant's work with the recommender in the practice of law and, if from a relative, the relationship must be disclosed in the letter. Letters from an Applicant's parents, grandparents, siblings or spouse who are practicing attorneys are not permitted; and
 - (ii) **Documents not in English:** For documents that are not in English, a translation to English by a certified translator must be provided with the original document.
- (9) For applicants who attended a law school outside of Tennessee that was not an ABA-accredited law school at the time of the applicant's graduation, proof of licensing in the jurisdiction in which the law school was located and an Affidavit of Past Practice; and
- (10) Full payment of the filing fee; see P-11.02, below.

All forms and additional information about these requirements are available on the website at www.tnble.org.

P-3.11 Applicants Requiring Non-Standard Testing Accommodations

It is the policy of the Tennessee Board of Law Examiners (“Board”) to administer the bar examination in a manner that does not discriminate, on the basis of disability, against a qualified applicant with a disability. An applicant who is otherwise eligible to take the Tennessee bar examination may file a request for non-standard testing accommodations (herein, “NST Petitions”) if, by virtue of a disability, the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Tennessee and the Board have determined are appropriate to require for admission to the practice of law in Tennessee. The process for submitting an NST Petition is attached hereto as Appendix A.

In deciding NST Petitions submitted by bar examination applicants, the Board relies upon the following definition of disability contained in the Americans with Disabilities Act Amendment Act (ADAAA): A “disability,” as used herein, is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Thus, merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify a bar applicant for an accommodation. To qualify under ADAAA, an applicant must demonstrate that the impairment limits a major life activity and that the limitation of the major life activity is "substantial." The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses or contact lenses. The determination of a disability by the Board is an individualized inquiry and will be made on a case-by-case basis, per individual and per examination administration.

As used herein, “accommodations” means any reasonable change to the standard administration of the examination awarded to an applicant who has submitted a request for non-standard testing accommodations. Reasonable accommodations will be provided to applicants determined to have a disability. A reasonable accommodation is an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:

- fundamentally altering the nature of the examination or the Board’s ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court of Tennessee and the Board have determined are appropriate to require for admission to the practice of law in Tennessee;
- imposing an undue burden on the Board; and/or
- compromising the security of the examination.

ARTICLE IV. THE EXAMINATION

P-4.02 The Structure of the Examination

- (a) Use of Laptop for Essay Examination: All applicants for the Tennessee Bar agree by making application for examination to utilize applicant’s laptop computer unless the applicant elects to handwrite the exam. All applicants will be sent an email from the Software Provider (ExamSoft) to register for laptop testing. Taking the exam on a laptop requires an additional, non-refundable fee for the Software paid directly to the Software Provider. - Failure to register, pay

and download the Software by the download deadline provided in the registration email (this is not fixed by Rule but is established for each exam), intentionally or unintentionally, is an election to handwrite the exam. The Software for the exam is not the same as that used in law school; applicants must register and download the Software prior to each bar examination. By registering for laptop testing, applicants agree to the terms and conditions in the Release of Liability found on the Tennessee Board of Law Examiner's website at www.tnble.org/tnlaw/first-time/laptop-testing.

- (b) Laptop computers must be in one piece with an attached keyboard and working cursor pad. Applicants are not permitted to use an external keyboard or mouse during the bar examination.

P-4.07 Grading

- (a) GRADING: Applicants must achieve a score of 270 or higher out of 400 in order to successfully complete the Tennessee bar examination or to transfer a Uniform Bar Examination score to Tennessee. Beginning with the February 2019 administration of the Uniform Bar Examination, the total scaled score will be released to all applicants who complete the examination. The TBLE will not re-grade any of the written components of the examination (MPT or MEE).
- (b) The TBLE will not search for answers or make changes to incorrectly formatted or numbered MPT or MEE answers resulting from failure to follow the laptop testing or answer booklet instructions, including typing an answer in the wrong space or deleting, adding, editing or renumbering the preloaded dividers, or writing multiple answers in one answer booklet or incorrectly numbering an answer booklet. The answer will be given to the grader assigned to grade the question indicated on the cover sheet or booklet cover of the answer. If the answer does not match the question or is blank, applicant will receive a zero for that question.
- (c) In order to provide unsuccessful applicants some insight regarding areas that require additional study, the Board will report the following scores to unsuccessful applicants: the overall total Tennessee Bar Examination score, the MBE scaled score, the total scaled essay score and the raw scores for each MPT and essay question. A raw score of 1 through 6 is assigned by a Tennessee attorney appointed as a grader by the Supreme Court, with a zero assigned if no attempt was made to answer the essay or the attempt was completely incorrect. A score of 6 does not mean that the answer was perfect; rather, the answer was in the group that reflects the best of the answers provided by the entire group of examinees.
- (d) Through the July 2018 examination, the score given for the MPT is 12.5% of the total scaled score (25% of the total essay component) and the remaining 9 essays account for 37.5% of the total scaled score (75% of the essay component); the MBE is 50% of the total scaled score. Beginning with the February 2019 examination, the weights assigned for the UBE is as follows: the MBE is 50%, the 2 MPT questions are 20% and the 6 MEEs are 30%; scores are reported on a 400-point scale.

- (e) The minimum score that must be achieved prior to licensing and admission on the Multistate Professional Responsibility Examination (MPRE) for applicants by examination or transferred UBE score is 82, beginning with first time applications for admission by examination for July 2018.
- (1) Re-Examination Applicants: MPRE scores of 75 or higher will be accepted until the MPRE score is no longer valid, provided the applicant meets all of the following requirements:
- (i) the applicant is not licensed in another jurisdiction; and
 - (ii) the applicant first sat for a Tennessee bar examination prior to the July 2018 bar examination; and
 - (iii) the applicant is applying for re-examination for the July 2018 exam or later; and
 - (iv) the score was earned prior to the November 2017 MPRE administration.

After an MPRE score expires for a re-examination applicant who meets all of the requirements above, but is not successful on the examination, the applicant must achieve an MPRE score of 82 or higher to be eligible for admission.

- (2) Applicants Successful on prior Tennessee Bar Exam but not Licensed by July 2018 Exam: An MPRE score of 75 or above will be accepted for applicants who were successful on a bar examination less than two years prior to the July 2018 examination but who have not completed all steps required for licensing. If the applicant has not provided a passing MPRE score prior to the time bar exam scores expire after two years, the minimum MPRE score required at the time of re-examination will be required for licensing.

ARTICLE V. PERSONS ADMITTED IN OTHER JURISDICTIONS SEEKING WAIVER OF EXAMINATION

P-5.01 Minimum Requirements for Admission of Persons Admitted in Other Jurisdictions

Practice Pending Admission: Practice Pending Admission pursuant to Section 5.01(g) is available to an applicant for admission by bar examination¹ (Bar Exam Applicant), by transferred UBE score² (UBE Transfer Applicant), without examination³ (Comity Applicant), or as a Spouse of a Military Service Member⁴ (SMS Applicant) who is licensed in another U.S. jurisdiction and who wishes to practice while the application for admission to the Tennessee Bar is pending before the Board of Law Examiners. In order to practice pending admission, the attorney-applicant must timely register as follows:

- (a) Bar Exam Applicant: A Bar Exam Applicant shall register for Practice Pending Admission within 30 days of establishing an office or presence in Tennessee, even if the application period for admission by bar examination, specifically March 1 – May 20 and October 1 – December 20, is not open. No later than the fifth (5th) business day after the bar examination application period immediately following the attorney's registration for practice pending admission opens, the Applicant **shall** submit the Application for

¹ Tenn. Sup. Ct. R. 7, Sec. 3.03

² Rule 7, Sec. 3.05

³ Rule 7, Sec. 5.01

⁴ Rule 7, Sec. 10.06

Admission to Tennessee by examination, the NCBE background investigation application, and the filing fee. Failure to do so will result in immediate termination of the right to practice pending admission.

- (b) Comity, UBE Transfer or SMS Applicant: A Comity, UBE Transfer or SMS Applicant shall submit the Application for Admission to Tennessee, the NCBE background investigation application, the filing fee and register for Practice Pending Admission no later than 30 days after establishing an office or other systematic, continuous presence for the practice of law in Tennessee.
- (c) Registration Process for Practice Pending Admission: In order to register for Practice Pending Admission, an applicant must submit to the Board the following:
- 1) Registration Application for Practice Pending Admission (form available on the website at www.tnble.org);
 - 2) For UBE Transfer Applicants, evidence from the NCBE of a score that:
 - (i) has not expired as defined in Rule 7, Sec. 4.07,
 - (ii) meets or exceeds the minimum score of 270 required by Tennessee,
 - (iii) was earned in a single administration of the Uniform Bar Examination, and
 - (iv) was released by another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
 - 3) Certificates of Good Standing for every jurisdiction in which the applicant is licensed; and
 - 4) Payment of the fee for the Application for Permission to Practice Pending Admission.
- (d) Failure to Register: Failure to timely register for Practice Pending Admission will result in denial of the Application for Permission to Practice Pending Admission and delay in determination of the Application for Admission.
- (e) Transitional Provision for UBE Transfer Applicants to Practice Pending Admission prior to January 2, 2019: A UBE Transfer Applicant who is licensed in another jurisdiction and who moves to Tennessee and establishes an office or presence in Tennessee prior to the time applications open for transferred UBE scores (January 2, 2019), shall register for Practice Pending Admission as provided in sub-paragraph P-5.01c) above, within 30 days of establishing an office or presence in Tennessee. No later than January 9, 2019, the Applicant **shall** submit the complete UBE Transfer Application as provided in Policy P-3.05. Failure to do so will result in immediate termination of the right to practice pending admission.

ARTICLE VI. CHARACTER AND FITNESS INVESTIGATION

P-6.02 Investigatory Committees

- (a) Applicants seeking admission who are not licensed and not in good standing in at least one other U.S. jurisdiction **must** appear for an in-person interview. If an applicant has requested a specific interview county in the application for admission but prefers to interview in a different county, the applicant may request an interview in a different Tennessee county in writing by email to BLE.Administrator@tncourts.gov if the request is made within 10 calendar days following the most recent bar examination and the applicant explains why the change is necessary. The Board will notify applicant if the request is approved.

- (b) In cases of extreme hardship, an Applicant required to appear for an in-person interview may file a written request with the TBLE for a telephone or Skype interview. The interviewer must agree to the request before it will be considered by the Board. The request must include an explanation as to why the Applicant cannot appear in person at the interview. The preference of the Board is for the interview to be conducted in person or by Skype or similar distance conferencing program.
- (c) The requirement to be interviewed cannot be waived. Applicant will not be eligible for licensing until the interview has been completed.
- (d) Applicants seeking admission who are licensed and in good standing in at least one other U.S. jurisdiction may be notified by the Board that they must participate in an interview as specified by the Board.
- (e) An applicant who is required to be interviewed and who has not completed the licensing and admissions process must be interviewed every two years.

P-6.03 Investigating Procedures

An application filed with the Tennessee Board of Law Examiners (TBLE) but not filed with the National Conference of Bar Examiners (NCBE) is not a complete application. Applicant will not be approved to sit for the examination or for admission unless the application is submitted to both organizations. However, an application to be registered as In-House Counsel under Section 10.01 of Rule 7 does not have to be submitted to the NCBE but must be prepared using the NCBE online application forms for Tennessee.

ARTICLE VII. FOREIGN-EDUCATED APPLICANTS

P-7.01 Eligibility to Take Examination

- (a) Eligibility based on foreign education only. A foreign-educated applicant who seeks approval to take the bar examination in Tennessee or who seeks admission by transferred UBE score shall have the foreign education equivalency evaluation required pursuant to **Rule 7, Section 7.01(a)**, sent directly to the Board of Law Examiners from the company completing the evaluation.
- (b) Eligibility based on foreign legal education plus an LL.M. A foreign-educated applicant who seeks approval to take the bar examination in Tennessee or who seeks admission by transferred UBE score must submit or cause to be submitted to the Board of Law Examiners on or before the deadline for filing applications, the following documents as part of the application for admission by examination or transferred UBE score:
 - (1) an official transcript from the school at which the applicant received his/her legal education, as well as documentation showing that the school was accredited by the competent accrediting agency of the jurisdiction in which the law school is located;
 - (2) a completed Certification of Dean of Legal Studies in the United States from each school the applicant attended in the United States, whether or not an LL.M. was awarded;

- (3) a certified copy of the record or license from the highest court or agency of each foreign jurisdiction having authority over admission to the practice of law attesting to applicant's admission to practice law in that jurisdiction;
- (4) three (3) letters from attorneys or judges in each country in which applicant is admitted verifying that applicant is licensed in that country and attesting to applicant's practice in that country; and
- (5) a completed Affidavit of Foreign Practice.

For documents that are not in English, a translation to English by a certified translator must be provided with the original document.

- (c) An applicant who was approved to sit for the Tennessee bar examination in July 2015 or later is not required to submit a new educational equivalency evaluation for subsequent examinations as such applicant previously provided proof of substantially equivalent education to the Board.
- (d) An applicant who was approved to sit for an examination prior to July 2015 who either has not applied for examination since that time or has applied but been denied eligibility because the applicant's foreign education was not substantially equivalent to the requirements of Rule 7, sections 2.01 and 2.02, may qualify for examination if the applicant meets the requirements of amended Rule 7, section 7.01(a) or (b). Applicant shall submit all of the required documentation with the new application.
- (e) All forms are available on the website at www.tnble.org and must be submitted on or before the deadline for filing applications.

ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE

ARTICLE IX. ISSUANCE OF LICENSE – EFFECTIVE DATE OF ADMISSION

ARTICLE X. SPECIAL OR LIMITED PRACTICE

P-10.04 Practice before Admission by Examination

Practice before Admission by Examination ("Supervised Practice") pursuant to Section 10.04 is available to an applicant for admission by bar examination⁵ (Bar Exam Applicant) or by transferred UBE score⁶ (UBE Transfer Applicant) who is a recent law school graduate and who wishes to practice under supervision while the application for admission to the Tennessee Bar is pending before the Board of Law Examiners. In order to engage in Supervised Practice, applicant must register timely as follows:

- (a) **Registration Process for Supervised Practice:** In order to register for Supervised Practice, an applicant must submit to the Board the following:
- (b) The Registration Application for Supervised Practice (form available on the website at www.tnble.org);

⁵ Tenn. Sup. Ct. R. 7, Sec. 3.03

⁶ Rule 7, Sec. 3.05

- (c) For UBE Transfer Applicants, evidence from the NCBE of a score that:
 - (1) meets or exceeds the minimum score of 270 required by Tennessee,
 - (2) was earned in a single administration of the Uniform Bar Examination,
 - (3) was released in another jurisdiction prior to submitting a Registration Application for Practice Pending Admission;
 - (4) has not expired as defined in Rule 7; and
- (d) Payment of the fee for the Application for Permission to Practice Pending Admission.
- (e) **Transitional Provision for UBE Transfer Applicants to engage in Supervised Practice prior to January 2, 2019.** A UBE Transfer Applicant who is not licensed in another jurisdiction and who moves to Tennessee and wishes to engage in Supervised Practice prior to the time applications open for transferred UBE scores (January 2, 2019), shall register for Supervised Practice as provided in sub-paragraph P-10.04(a), above, within 30 days of establishing an office or presence in Tennessee. No later than January 9, 2019, the Applicant *shall* submit the complete UBE Transfer Application as provided in Policy P-3.05. Failure to do so will result in immediate termination of the right to practice pending admission. To qualify for Supervised Practice, the applicant must meet the requirements of Supervised Practice found in Rule 7, Section 10.04(a).

ARTICLE XI. FEES

P-11.02 Payment Mandatory

Fees must be paid in full for an application to be considered “submitted” and eligible for review. Applicant’s cancelled check or credit card billing operates as applicant’s receipt. The Board and its employees will not review an application or provide any notice of deficiency until the fees are paid in full.

ARTICLE XII. ORGANIZATION AND POWERS OF BOARD

P-12.04 Formal Actions; Quorum

The Tennessee Board of Law Examiners does not give advisory opinions.

P-12.11 Confidentiality of Board Records and Files.

Pursuant to Tenn. Code Ann. § 10-7-503(g), the TENNESSEE BOARD OF LAW EXAMINERS (“TBLE”) has adopted and the Tennessee Supreme Court has approved the **Public Records Policy** attached as Appendix B. *Pursuant to Tenn. Sup. Ct. R. 7, Section 12.11, applications for admission, examination papers and grades, and all investigative records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under Rule 7, Sections 2.03, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, and 2.15, whether in paper or electronic form, shall be treated as confidential and shall not be open to inspection by members of the public without written application to and authorization by an appropriate order of the Supreme Court.*

Employees of the TBLE shall timely and efficiently provide access and assistance to Tennessee citizens requesting to view or receive copies of public records. No provisions of this Policy shall be used to

hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the TBLE shall be protected as provided by current law. Concerns about this Policy should be addressed to the TBLE's Public Records Request Coordinator.

This Policy is posted online at <http://www.tnble.org/tn-supreme-court-rule-7> under Board Policies and Procedures. This Policy shall be reviewed as needed, but no less frequently than every two years.

ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD

ARTICLE XIV. REVIEW OF BOARD DECISIONS

ARTICLE XV. SURRENDER OF LAW LICENSE

ARTICLE XVI. REINSTATEMENT OF LAW LICENSE

APPENDIX A: PROCEDURE FOR APPLYING FOR NON-STANDARD TESTING ACCOMMODATIONS

REQUESTS FOR NON-STANDARD TESTING ACCOMMODATIONS:

- A. **Regular Requests:** A regular Non-Standard Testing (NST) Application shall be on forms prescribed by the Board and shall consist of all of the following:
- i. the NST Application, including a description of the applicant's disability and the testing accommodations requested;
 - ii. a statement on the prescribed form from the applicant's qualified professional in the field related to the applicant's claimed disability (see Qualified Professional in paragraph B., below) listing the disability and the accommodation recommended;
 - iii. a statement on the prescribed form, if applicable, from any educational institution that provided testing accommodations to the applicant while the applicant attended the educational institution
 - iv. a statement on the prescribed form, if applicable, from the testing authority that provided testing accommodations to the applicant on the LSAT, MPRE or bar examination in another jurisdiction; and
 - v. additional documentation for specific disabilities as detailed in Sub-Appendices A-1, A-2, and A-3, which shall include:
 1. a diagnostic report summary from the Qualified Professional typed in English , on letterhead, dated and signed;
 2. for applicable disabilities, the specific diagnosis/diagnoses based upon the Diagnostic and Statistical Manual of Mental Disorders (DSM-5); and
 3. a specific recommendation regarding the accommodation in terms of the bar examination; see Paragraph C, below for additional information regarding additional testing time accommodations.
- B. **Qualified Professional:** Professionals conducting assessments, rendering diagnoses and making recommendations for accommodations must be qualified to not only diagnose the applicant's identified condition, but also be qualified to thoroughly assess, diagnose, and ultimately rule out any other potentially confounding issues/diagnoses with similar clinical presentations (differential diagnosis). For multiple diagnoses, the professional must be qualified to make all diagnoses given. Comprehensive training and relevant experience in differential diagnosis are essential. *Diagnoses made by an otherwise qualified family member will not be considered due to the inherent conflict of interest such a recommendation presents.*

- i. *For ADHD:* the evaluation must be performed by a licensed mental health professional who is trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment of adults.
- ii. *For a Learning Disorder:* the evaluation must be performed by a professional who is certified or licensed in the area of adults with learning disabilities and trained in psychiatric, psychological, neuropsychological and/or psychoeducational assessment.
- iii. *For a Psychological/Emotional/Behavioral Health Disorder:* the diagnosis must be done by a licensed mental health professional such as a psychologist or a psychiatrist and must include a license number.
- iv. *For a Physical Disability:* the evaluation must be performed by a medical doctor who specializes in the specific claimed disability and who can support an assessment of current limitations.

Upon request, the applicant shall submit an authorization for release of records from the Qualified Professionals who provided statements to the Board if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for a disability set forth in this policy.

- C. When a Qualified Professional recommends **additional time accommodations**, the Qualified Professional shall provide, in addition to the documentation outlined above, a rationale for each accommodation requested, including the specific amount of additional time recommended. The current functional limitations caused by the impairment must be relevant to each part of the bar examination (multiple choice testing, essay testing, or both) and must be necessary to ameliorate the applicant's current limitation.
 - i. Additional time accommodations permitted are time and one-half and double time.
 - ii. Approval for additional time may be for the full examination or for a specific part of the examination, depending on the current functional limitations of an applicant.
 - iii. If a specific amount of additional time is not indicated, applicant's request may not be approved due to insufficient information.
 - iv. Generally, please note that double time testing is conducted in Nashville, Tennessee, for all exam administrations; however, in appropriate circumstances, testing may be conducted in other locations.

- D. Any changes in the way the test is administered requires an Application for Non-Standard Testing, including but not limited to permission to eat food, take medication, test blood sugar and use medical equipment during the examination.
- E. All applicable items must be completed and received by the Board on or before the filing deadline for the current exam period. Applicants must submit a new request and supporting documentation for each examination. The application is specific to one examination administration and does not carry forward.
- F. Applicants with disabilities have the responsibility to meet the same deadline for application as individuals without disabilities. As some of the forms require input from third parties, the Board strongly recommends that applicants request the appropriate individuals complete the forms well in advance of the deadline for filing the application for non-standard testing accommodations. Incomplete submissions may result in denial due to insufficient information. Materials related to accommodation requests must meet examination deadlines. Deadlines apply to receipt of all information, including documentation requested from third parties, and is a “received by” deadline, not a “postmarked by” deadline.
- G. Emergency Requests
 - i. An applicant may file an emergency NST Application after the time prescribed in Paragraph E of this policy, above, but no fewer than 7 days preceding the scheduled bar examination, if all of the following conditions are met:
 - 1. the applicant’s Application to the Bar of Tennessee or Application for Re-examination was timely filed and complete in all other respects;
 - 2. at the time of filing the Application to the Bar of Tennessee or the Application for Re-examination, the applicant did not have the disability;
 - 3. after acquiring the disability, the applicant promptly submits both of the following:
 - a. an emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose; and
 - b. a complete NST Application, with all required documentation as outlined above and in the Sub-Appendices, attached.
 - ii. FORMS: All forms necessary to complete a regular or emergency NST Application are available on the Tennessee Board of Law Examiners website.
- H. Applicant may be referred by the Board to the Tennessee Lawyer’s Assistance Program for interview, recommendations, or review. Further, an applicant may be required to submit

to independent diagnostic testing. The Board may, at its expense, have the information submitted by the applicant evaluated by a specialist selected by the Board.

- I. All reasonable accommodations granted by the Board will be provided at no additional testing cost to the applicant. Accommodations granted in other jurisdictions or by Tennessee previously do not entitle an applicant to accommodations for the current administration of the Tennessee bar exam.
- J. **Applicant's Burden of Proof under the ADA.** The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for non-standard testing accommodations. Requests for testing accommodations are evaluated on a case-by-case basis. Applicants are required to complete the NST Application in accordance with the instructions provided. The documentation necessary to support a request for testing accommodations varies with the nature of the disability. Documentation which sufficed in other testing situations or for prior Tennessee bar examinations may not be sufficient to support a request for accommodations for the current administration of the Tennessee bar examination. Applicants are encouraged to review the requirements in effect at the time of each administration of the examination.
- K. **CONFIDENTIALITY:** All NST Applications, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.

SUB-APPENDIX A-1 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON LEARNING DISABILITY:

In order to be entitled to accommodations based on learning disability, the applicant's specific learning disabilities must have been identified by an appropriate psychoeducational assessment process that is well documented in the form of a comprehensive diagnostic report that provides clear evidence that the specific learning disability exists. The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. Although a learning disability normally is lifelong, the severity and manifestations can change. The Board generally requires documentation from an evaluation conducted within the past five (5) years and after the applicant's eighteenth (18th) birthday in order to establish the current impact of the disability. Applicant must provide documentation that (s)he has a learning disability that substantially limits a major life activity, and the learning disability results in functional limitations that required accommodations in order to take the examination on an equal basis with other applicants for the examination.

The evaluation in the form of a comprehensive diagnostic report must include:

- An account of a thorough diagnostic interview that summarizes relevant components of the individual’s developmental, medical, family, social and educational history;
- Clear, objective evidence of a substantial limitation to learning or performance provided through assessment in the areas of cognitive aptitude, achievement and information processing abilities (results must be obtained on standardized test(s) appropriate for the general adult population and be reported in standard scores and percentiles);
- Interpretation of the diagnostic profile that integrates assessment data, background history, observations made during the evaluation process, as well as the inclusion or ruling out of possible coexisting conditions (such as previously diagnosed psychological issues, or English as a second language) affecting the individual’s performance;
- A clear diagnostic statement of a specific learning disorder based upon the DSM-5 which should not include nonspecific terms such as “learning differences,” “learning styles” or “academic problems,” and that specifies all academic domains and subskills that are impaired and identify the current severity of symptoms (mild, moderate or severe).
- A rationale for each recommended accommodation based on diagnostic information presented (background history, test scores, documented observations, etc). See Board Policy P-3.11 Appendix A, sub-paragraph B.

Formal Testing: It is important that the tests used in the evaluation are reliable, valid, and age-appropriate, and that the most recent edition of each diagnostic measure is used. Scores should be reported as age-based standard scores and percentiles. The following diagnostic criteria are provided as a guide to assessment instruments appropriate for the adult population. Specific tests will vary with the needs of the individual being evaluated but such assessments must be designed to rule-out alternative diagnoses or explanations and result in a clear diagnostic statement with age-based standard scores used for all normed measures:

1. A comprehensive diagnostic interview that summarizes the applicant’s academic history and learning processes throughout applicant’s education, as well as other relevant developmental, medical, family, psychosocial and employment history.
2. A neuropsychological, psychological and/or psychoeducational assessment consisting of a comprehensive battery of tests that addresses aptitude, achievement and relevant aspects of cognitive function and information processing, including but not limited to the following requirements:
 - The battery must include current levels of academic functioning in reading (decoding and comprehension).

- If requesting extra time, a timed reading measure that has been normed on adults and allows for both extended and regular administration, such as the Scholastic Abilities Test for Adults (SATA), is useful.
- Cognitive measures that relate to the processing of words and sentences presented visually are most relevant as the examination is a reading-based test.
- If informal assessment procedures are used for any reason, those procedures must be described in sufficient detail to establish clinical validity and utility.

SUB-APPENDIX A-2 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON ATTENTION DEFICIT/HYPER-ACTIVITY DISORDER(AD/HD):

The provision of reasonable accommodations is based on assessment of the *current* impact of the disability on the specific testing activity. The Board generally requires documentation from an evaluation conducted within the past three (3) years and after the applicant's eighteenth (18th) birthday in order to establish the current impact of the disability. The diagnostic criteria as specified in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5 or most current version) are used as the basic guidelines for determination of Attention-Deficit Hyperactivity Disorder (ADHD) diagnosis. The diagnosis depends on objective evidence of ADHD symptoms across the applicant's development and cause the applicant clinically significant impairment within multiple environments. An applicant self-report alone is insufficient to establish evidence for the diagnosis. Any assessment must be designed to rule out alternative diagnoses. An applicant warranting an ADHD diagnosis should meet basic DSM-5 criteria including:

- Sufficient numbers of symptoms (delineated in DSM-5) of inattention and/or hyperactivity-impulsivity that have persisted for at least six months to a degree that is inconsistent with developmental level and that negatively impacts directly on social and academic/occupational. The exact symptoms should be described in detail.
- Developmental history that is consistent with an ADHD diagnosis, including
 - Objective historical evidence showing that symptoms have interfered with, or reduced the quality of, functioning over time with evidence of symptom presentation prior to age 12;
 - Review of family system including specific review of family history of the presence or absence of ADHD, or symptoms consistent with ADHD, and other educational, learning, physical or psychological difficulties;
 - academic history, including elementary, secondary, and postsecondary education, as well as performance on standardized tests such as the SAT, ACT, and LSAT, IEPs, 504 Plans, report cards, and accommodations previously utilized, if any; and

- relevant medical history, including the absence of a medical basis for the symptoms, effects of medication (positive or negative), and whether prescribed medication had been taken at the time of the evaluation.
- Clear evidence that the symptoms interfere with, or reduce the quality of, social, academic, or occupational functioning, and several symptoms must be present in two or more settings. There must be objective evidence of clinically significant impairment within the academic setting and evidence that these problems are not confined to the academic setting.
- In addition to the applicant's self-report, the information should include objective historical and current evidence from third-party sources such as rating scales filled out by parents, teachers, or others; job performance evaluations; third-party interviews; historical information garnered from transcripts, teacher comments, tutoring evaluations, and report cards; and IEPs or 504 Plans, if any, as well as relevant psychosocial history and interventions and relevant employment history.
- Indication of the specific ADHD diagnostic subtype; predominantly inattentive type, hyperactive-impulsive type, combined type, or not otherwise specified.

Formal Testing: ADHD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of ADHD symptoms beginning during childhood and persisting to the present day. It can rarely be completed in one visit with the evaluator. The evaluation should provide a broad, comprehensive understanding of:

- the applicant's relevant background including family, academic, social, vocational, medical, and psychiatric history;
- how ADHD symptoms have been manifested across various settings over time;
- how the applicant has coped with the problems; and
- what success the applicant has had in coping efforts.

Psychological testing and self-report checklists cannot be used as the sole indicator of ADHD diagnosis independent of history and interview. However, such findings can augment clinical data. Psychological testing is particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, to describe type and severity of learning problems and to assess the severity of cognitive deficits associated with ADHD (inattention, working memory, etc.). The report should identify which symptoms have persisted for at least six months and which symptoms were present prior to age 12 years. Further, the report should specify if symptoms are in partial remission, and should also specify the current severity of symptoms (mild, moderate, or severe).

SUB-APPENDIX A-3 - ADDITIONAL DOCUMENTATION FOR ACCOMMODATIONS BASED ON PSYCHOLOGICAL DISABILITY:

As used herein, “psychological disability” refers to a range of syndromes and conditions characterized by different types and degrees of emotional, developmental, cognitive, and/or behavioral manifestations. In order to be entitled to accommodations based on psychological disability, the applicant’s disability must have been identified by a comprehensive diagnostic/clinical evaluation that is well documented in the form of a comprehensive report conducted within the preceding 12 months. An evaluation that was conducted more than 12 months ago may suffice, depending on the following variables:

- a) the nature and type of the psychological disability, including its expected course;
- b) the severity of symptoms;
- c) the history of onset and/or duration of the disability; and
- d) other conditions at the time of last assessment, such as treatment status and stability of functioning.

However, if the Board determines that a submitted report from more than 12 months is insufficient and an applicant opts to withdraw from the examination, the applicant is not entitled to a refund other than that permitted by Rule 7. In addition, if symptoms vary in their chronicity and/or severity, up-to-date documentation of current level of functioning is helpful in determining appropriate accommodations.

The comprehensive evaluation report must include the following:

- psychiatric/psychological history, including presenting symptoms when disability is active
- onset, duration, and severity of symptoms, including a description that distinguishes common test-taking anxiety from a diagnosed condition
- relevant developmental, educational and familial history
- relevant medical and medication history
- current functional limitations in academic, social, or employment settings, with the understanding that a psychological disorder usually presents itself across a variety of settings other than just the academic domain and that its expression is often influenced by context-specific variables
- review of prior accommodations utilized by the applicant (e.g., for standardized examinations such as the LSAT, ACT, or SAT; school examinations; licensing or certification examinations; classroom; etc.) and the extent to which the accommodations met the applicant’s needs, recognizing, however, that accommodation needs can change over time and in different settings

- results of any tests or instruments used to support the clinical interview and support the presence of functional limitations, including any psychoeducational or neuropsychological testing, rating scales, or personality tests
- diagnostic formulation, including ***demonstration that symptoms are not better accounted for by another mental disorder, including substance intoxication, substance withdrawal or substance use disorder and do not occur exclusively during the course of another mental disorder***
- prognosis including expected progression or stability of the impact of the condition over time, if relevant to test-taking performance
- clinical rating scales as necessary to corroborate the severity of the diagnosed disorder and effort testing to identify possible malingering, as may be appropriate

APPENDIX B: PUBLIC RECORDS POLICY OF THE TBLE

The Public Records Policy of the Tennessee Board of Law Examiners (TBLE) has been adopted in order to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq. The TPRA provides that all state, county, and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen unless otherwise provided by state law. Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the TNBLE are presumed to be open for inspection unless otherwise provided by state law.

Pursuant to Tenn. Sup. Ct. R. 7, Section 12.11, applications for admission, examination papers and grades, and all investigative records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under Rule 7, Sections 2.03, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, and 2.15, whether in paper or electronic form, shall be treated as confidential and shall not be open to inspection by members of the public without written application to and authorization by an appropriate order of the Supreme Court.

A. Definitions:

- i. Records Custodian is the office, official or employee lawfully responsible for the direct custody and care of a public record. Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- ii. Public Records includes all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. Tenn. Code Ann. § 10-7-503(a)(1)(A). This excludes all information deemed confidential pursuant to Tennessee Supreme Court Rule 7, Section 12.11.
- iii. Public Records Request Coordinator is the individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- iv. Requestor is a person seeking access to a public record, whether it is for inspection or duplication.
- v. Employee is any person in a full-time or part-time status that is no the TNBLE’s payroll register.

B. Requesting Access to Public Records

- i. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- ii. Requests for inspection (without copies) may be made orally or in writing and may be made in person or by U.S. mail to the Administrative Office of the Courts ("AOC") located at 511 Union Street, Suite 600, Nashville, TN 37219 by phone at (615) 741-2687; or by email at AOCpublicrecords@tncourts.gov. Requests for inspection only do not have to be made in writing. The PRRC shall, however, request a U.S. mail address or email address from the requestor for providing any written communication required under the TPRA.
- iii. Requests for copies or inspection and copies shall be made in writing and may be made in person or by U.S. mail to the Administrative Office of the Courts ("AOC") located at 511 Union Street, Suite 600, Nashville, TN 37219; by phone at (615) 741-2687; or by email at AOCpublicrecords@tncourts.gov.
- iv. Unless there is an indication that the requestor is not a Tennessee citizen, proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is not required as a condition to inspect or receive copies of public records.

C. Responding to Public Records Requests

- i. Public Record Request Coordinator
 1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor is a Tennessee citizen;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the TNBLE is the custodian of the records.
 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Deny the request on the basis that:
 - (i) The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - (ii) The request lacks specificity and/or needs clarification.
 - (iii) An exemption makes the records not subject to disclosure under the TPRA and/or pursuant to Tenn. Sup. Ct. Rule 7, Section 12.11.
 - (iv) The TBLE is not the custodian of the requested records.
 - (v) The requested records do not exist.
 - b. Contact the requestor to see if the request can be narrowed.
 - c. Forward the records request to the records custodian at the Tennessee Board of Law Examiners with notice of the date the request was received and the deadline for when a response is due.

d. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

3. The designated PRRC is:

a. Name or title: AOC Communications Director

b. Contact information: 511 Union Street, Suite 600, Nashville, TN 37219, phone number (615) 741-2687; or by email at AOCpublicrecords@tncourts.gov.

ii. Records Custodian

1. Upon receiving a public records request from the PRRC, if the requested records are practicably available and not exempt from disclosure, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B)(i). If the records custodian is uncertain whether an applicable exemption applies, the custodian may consult with the PRRC, the Office of the Attorney General, or counsel.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the PRRC shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a Public Records Request Response pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii).
3. If a records custodian reasonably determines production of records should be in installments, the records custodian shall inform the PRRC. The PRRC shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a Public Records Request Response informing the requestor that the production of the records will be in installments and that a records production schedule will be provided as expeditiously as practicable.
4. If a records custodian determines that a public records request should be denied because of an applicable exemption, the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, deny the request in writing and include the basis for such denial, pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(ii).
5. If a records custodian discovers records responsive to a records request were omitted in a production, the records custodian shall notify the PRRC, who shall contact the requestor concerning the omission and produce the records as quickly as practicable.

iii. Redaction

1. If a non-exempt record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction, which shall be general in nature and not disclose confidential information. A records custodian is otherwise not required to provide any sort of privilege log.

D. Inspection of Records

- i. There shall be no charge for inspection of public records that are subject to inspection under TPRA.
- ii. Inspection of records shall take place at the TBLE located at 511 Union Street, Suite 525, Nashville, TN 37219. The location for inspection of records within the TBLE shall be determined either by the PRRC or the appropriate records custodian.
- iii. Appointments for inspection of records are required and may be scheduled by contacting the AOC Communications Director at (615) 741-2687. Appointments for inspection of records will not be permitted during times of testing, hearings, release of examination results, or within 3 business days before or after these events.

E. Copies of Records

- i. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- ii. Copies will be available for pickup at the office of the Tennessee Board of Law Examiners, 511 Union Street, Suite 525, Nashville, Tennessee.
- iii. Upon payment for postage and copies, copies will be delivered to the requestor's home address by the United States Postal Service.
- iv. A requestor will not be allowed to make copies of records with any type of personal equipment, including but not limited to cell phones, portable scanners, or portable copy machines.

F. Fees and Charges and Procedures for Billing and Payment

- i. Fees and charges for copies of public records should not be used to hinder access to public records.
- ii. Prior to producing copies of records, records custodians shall provide requestors with an itemized estimate of the fees, including labor costs, to the extent possible.
- iii. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of records, the TBLE shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the Office of Open Records Counsel,

available at: <http://www.comptroller.tn.gov/openrecords/>. If less than one hour of labor is expending in fulfilling the request, no labor fee will be assessed.

- iv. A records custodian may waive fees if:
 - 1. The fees total less than ten dollars (\$10.00);
 - 2. The person requesting the copies does so on behalf of a government agency; or
 - 3. The person requesting the copies is indigent pursuant to Federal poverty guidelines and signs a sworn statement to that effect.

- v. Payment is to be made by cash, personal check, cashier's check or money order, payable to the TBLE.
- vi. Payment in advance is required for all requests for copies of records.
- vii. The Tennessee Board of Law Examiners will not aggregate record requests.