

## **AFFIDAVIT OF PAST PRACTICE FOR APPLICATIONS REQUIRING PROOF OF TIME IN PRACTICE**

### **APPLICANTS WHO MUST SUBMIT THIS AFFIDAVIT:**

- Applicants for Admission without Examination under Rule 7, Sec. 5.01 (“Comity”); or
- Applicants by exam or transferred UBE score seeking admission under Rule 7, Sec. 2.02(c) (non-TN, non-ABA law schools); or
- Applicants transferred UBE score seeking admission on expired UBE score under Rule 7, Sec. 3.05(b).

**APPLICABLE PROVISION OF RULE 7:** Tennessee Supreme Court Rule 7 (“Rule 7”) and Board Policies and Procedure (“Policy P-[number]”) govern applications for Admission. Applicants bear the burden of proof<sup>1</sup> and are required to establish that they have been primarily engaged in the “Active Practice of Law” as defined in Rule 7, Sec. 5.01(c) to establish they meet the eligibility requirements.<sup>2</sup>

**INSTRUCTIONS FOR COMPLETING THE FORM:** To complete the Affidavit of Past Practice, you must list in reverse chronological order all of your employment during the seven years immediately preceding date of your completed Application for Admission in Tennessee.<sup>3</sup> The Affidavit must include the following information:

- All law-related work (Part 3), non-law-related work (Part 4), and gaps in employment (Part 5).
- **Name of Employer/Firm/Agency;**
- **Starting and ending dates of employment** (by month, day and year); please note that dates of employment and names of employers provided in your affidavit must match the employment entries provided in your NCBE Application for Background Investigation.
- **Location** of the employer; if you worked remotely from a different city/state, please note this with the location;
- A **description of all positions** you held with the employer;
- Whether you were a **solo practitioner** or in a **small association of attorneys**; and
- If you were **not licensed in the state in which you worked**, the basis upon which your legal work was permitted in that jurisdiction. For example, if you are licensed in State A but have been working remotely in State B, you will need to explain to the Board how your work complied with the licensing rules for State B, such as compliance with ABA Formal Opinion 495 (December 2020), or practice under an exception to Model Rule 5.5 of the ABA Model Rules of Professional Conduct.
- Your Affidavit must include a computation of the total months engaged in the Active Practice of Law in the seven years (84 months) immediately preceding the Application. Please do not include time outside the seven years immediately preceding the application date.

**ADDITIONAL REQUIREMENTS FOR APPLICANTS WHO WERE SELF-EMPLOYED OR WHO MAY NOT HAVE AN INDEPENDENT SOURCE FOR VERIFICATION OF TIME IN PRACTICE:** Attorneys who are solo practitioners or in a small association of attorneys often do not have an independent, non-employee or non-related person who can verify compliance with the “active practice

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<sup>1</sup> Rule 7, Sec. 1.03.

<sup>2</sup> Rule 7, Sections 5.01(a), 3.01(b) and 3.05(b) and Policies P-5.01(a)(6), P-3.01(b)(11) and P-3.05(b)(7) and (b)(11), for requirements to complete the form Affidavit of Past Practice

<sup>3</sup> The date of the Application is the later of the date the application is submitted or the date the application is paid in full.

of law” requirement. To document your practice, you are required to provide additional information to support that you have been primarily engaged in the active practice of law for the requisite time period. Examples of documentation include:

- Redacted time records, dockets, calendars, and/or billing statements;
- Affidavits from Judges, prosecutors, or other attorneys who have knowledge of your practice;
- Tax Returns; and
- Time engaged in development of your law practice, such as networking, publication of articles, and speaking engagements.

The information provided must be reconciled on a spreadsheet or similar document and submitted to the Board with your Affidavit of Past Practice.

**UPLOAD THE COMPLETED SIGNED AND NOTARIZED AFFIDAVIT TO YOUR SYNERGY APPLICATION.** In the “Items” tab, find the link for the Affidavit of Past Practice and upload the signed and notarized form **in .pdf format**, with any required attachments.

(Form begins on next page)

# AFFIDAVIT OF PAST PRACTICE FOR

\_\_\_\_\_  
(APPLICANT NAME)

State of \_\_\_\_\_

County of \_\_\_\_\_

BEFORE ME, the undersigned Notary, \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared

known to me to be a credible person and of lawful age, who being by me first duly sworn, on Affiant's oath, deposes and says:

1. I am \_\_\_\_\_ . On \_\_\_\_\_, I completed my Application for Admission<sup>1</sup> \_\_\_\_\_ by exam \_\_\_\_\_ by transferred UBE score \_\_\_\_\_ without exam/comity.

2. During the relevant time period, I was licensed and in good standing in the following jurisdictions:

NAME OF JURISDICTION

DATES LICENSED

### 3. LAW-RELATED EMPLOYMENT

Using the form that begins on the next page, list your most recent employment first, in reverse chronological order and for all dates, please list month, day and year.

\_\_\_\_\_  
<sup>1</sup> An application is considered submitted on the later of the date the Application is submitted in Synergy and the date payment is received.

From the period of \_\_\_\_\_ to \_\_\_\_\_, for a total of \_\_\_\_\_ months:

**Name of Employer:**

Location of Employer:

If not licensed in State of Employment, explain how practice performed in the jurisdiction was permitted under the licensing rules of that jurisdiction:

Description of Work, including positions held (judicial law clerk, associate, partner, of counsel, etc):

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From the period of \_\_\_\_\_ to \_\_\_\_\_, for a total of \_\_\_\_\_ months:

**Name of Employer:**

Location of Employer:

If not licensed in State of Employment, explain how practice performed in the jurisdiction was permitted under the licensing rules of that jurisdiction:

Description of Work, including positions held (judicial law clerk, associate, partner, of counsel, etc):

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Using this page, add additional page(s) as needed, to provide a complete listing of law-related employment.

**4. NON-LAW-RELATED EMPLOYMENT**

Not Applicable.

I have time in non-law-related employment to report.

During the relevant 7 years period, I was employed in non-legal work from the period of

to as follows:

**Name of Employer:**

Description of Work:

**Name of Employer:**

Description of Work:

Add additional page(s) as needed, to provide a complete listing of law-related employment.

**5. UNEMPLOYMENT PERIODS**

There are gaps in my legal employment due to unemployment during the following period(s):

**6. SUMMARY**

In the seven years preceding the date of my application, I have been engaged in the Active Practice of Law as set forth in Tenn. Sup. Ct. R. 7, Section 5.01(c) for a total of \_\_\_\_\_ months.

Further, Affiant says not.

Affiant Signature

Typed name of Affiant:

Address of affiant, line 1:

Address of affiant, line 2:

Address of affiant, line 3:

Phone number:

Email Address:

**NOTARY PUBLIC**

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Notary

[Notary Seal]

Typed name of Notary:

My commission expires: \_\_\_\_\_, 20\_\_\_\_.