COVID-19 brings renewed attention to supervised practice pending admission

This issue:

Changes to Tennessee Child Support Guidelines in 2020

How to deal with stress and anxiety during the pandemic

Crafting a new normal with legal tech
Let us tailor a specialized account to fit you and your law firm’s needs.

IOLTA • GUARDIANSHIP • ESTATE • PERSONAL & BUSINESS CHECKING
REMOTE CAPTURE • TREASURY MANAGEMENT
CONSUMER & COMMERCIAL LOANS • MORTGAGES

The Bank for the Legal Community

PROUD PARTNER OF THE MEMPHIS BAR ASSOCIATION SINCE 2008

Megan Goodman teller    AJ Colton commercial loan officer
Michelle McLauglin manager   LaShawnda McKinney teller

30 North Second at Court Square
901.525.5533

BankTennessee

www.banktennessee.com

We also have offices in East Memphis, Germantown, Collierville, Munford & Ripley.
FEATURES

8  Changes to Tennessee Child Support Guidelines in 2020
   BY MILES MASON

12  COVID-19 Brings Renewed Attention to Supervised Practice Pending Admission
    BY JODI L. WILSON

16  How to Deal with Stress and Anxiety During the Pandemic
    BY YVETTE H. KIRK, ESQ.

21  Crafting a New Normal with Legal Tech
    BY ZACK GLASER

COLUMNS

6  President’s Column
    BY LUCIE BRACKIN

15  Community Legal Center
    BY JERRI GREEN

18  901LegalConnect: The Connection for Such A Time as This
    BY ASHLEY JEFFERSON

22  MALS Corner: MALS During the COVID-19 Pandemic
    BY CINDY ETTINGOFF

24  People in the News

26  Classifieds
MEMPHIS LAWYER
the magazine of the Memphis Bar Association

MBA Publications Committee
Sean Hunt, Chair
Jacob Straw, Vice Chair
Peter Gee, Executive Committee Liaison
Preston Battle
Karen Campbell
Dean DeCandia
Chasity Grice
Nicole Grida
Stephen Leffler
Kendra Lyons
Jared Renfroe
Faith Sanford
Andrew Shrack
Jennie Silk
Richard Vaughan
Ellen Vergos
Christy Washington

2020 MBA OFFICERS
Lucie Brackin
President
Peter Gee
Vice President
Tannera Gibson
Secretary/Treasurer
Annie Christoff
Past President

2020 BOARD OF DIRECTORS
Dawn Campbell
Hon. Frank Cantrell
M. Ruthie Hagan
Hon. JoeDae Jenkins
Adam Johnson
Andrea Malkin
Matt May
Patrick Morris
Jennifer Nichols
Will Perry
Hon. Shayla Purifoy
Terrence Reed
Maggie Roney
Billy Ryan
Jennifer Sink
Lauren Stimac
Laquita Stokes
Josh Wallis
Christy Washington

Aba Delegate
Lucian Pera

awA Representative
April Bostick

Law School Representative
Donna Harkness

NBA Representative
Tiffany Webber

YLD President
Sarah Pazar Williams

Section Representatives
Laurie Christensen
Anne Davis
Forrest Edwards
Robbin Hutton
Laura Mason
Jill Shirley

MBA STAFF
Lauren Gooch
Membership & CLE Director
D’Onna James
Project Coordinator
Kelly Swan
Communications Director

The Memphis Bar Association
145 Court Ave.
Suite 301
Memphis, TN 38103
Phone: (901) 527-3573
Fax: (901) 440-0426
www.memphisbar.org

The Memphis Lawyer is a quarterly publication of the Memphis Bar Association, Inc. with a circulation of 2,000. If you are interested in submitting an article for publication or advertising in an upcoming issue, contact Kelly Swan, Communications Director, at 901.527.3573 or kswan@memphisbar.org. The MBA reserves the right to reject any advertisement or article submitted for publication.
MEDIATION:

*(Noun)* AN INTERVENTION BETWEEN CONFLICTING PARTIES TO PROMOTE RECONCILIATION, SETTLEMENT, OR COMPROMISE.

*Example in a sentence:*

ATTORNEY LISA J. GILL ASSISTED MY CLIENT IN COMING TO AN AGREEABLE SETTLEMENT WITH THEIR EX-SPOUSE, WITHOUT THE EMOTIONAL AND FINANCIAL EXPENSE OF THE COURTROOM EXPERIENCE.

Lisa J. Gill is a partner and attorney at Thomas, White & Gill and is a certified Rule 31 mediator.

MEMPHISFAMILYLAW.COM
901-537-0010
Dear 2020:

You have certainly gotten our attention, and we're listening by supporting each other through our virtual webinars, such as Tips and Tricks for Setting Up a Remote Practice CLE (1 of the free CLEs included in your MBA membership), and standing together against systemic racism in our community during our Bar Unity March on June 24, 2020.

It is a tough year to be a leader. Whether leading a family, a business, or a large organization, many people are looking for answers to questions that do not have simple answers, and stress and anxiety are affecting everyone - even those who have never struggled with managing stress and mental health concerns. This year, the MBA has partnered with CONCERN EAP to offer unlimited counseling services to our members and to anyone living in their household for only a small fee of $40 per year. We encourage you to take advantage of this benefit, if you are struggling.

Our Wellness Committee Chair Christy Washington has worked tirelessly to help our members get through this pandemic. Our annual John Dice Wellness Seminar will be held virtually on November 10, 2020, and will offer wellness resources and tips for managing stress and anxiety during this challenging time. Please follow ‘MBA Wellness Committee’ on Facebook and use our wellness and mental health resources listed on our website as additional means of support.

In the midst of this pandemic, racial inequality was brought to the forefront of the American consciousness with the death of George Floyd. The MBA and the MBA Young Lawyer’s Division joined with other legal organizations such as the Ben F. Jones chapter of the National Bar Association, the Association for Women Attorneys, the Leo J. Bearman American Inn of Court, and the Tennessee Bar Association’s YLD, in a Unity March in downtown Memphis. Approximately 200 people marched together around our courthouses, wearing masks and socially distancing – and many people participated virtually, all of whom knew how important it was to make a public statement, even in a pandemic, that the legal system must treat everyone equally. We created an MBA ‘Outreach and Diversity Committee,’ which will focus on developing tangible ways that we can eradicate implicit bias and systemic racism.

Although I have attended the annual Bench Bar conference in Destin since I was a baby lawyer in 2003, this year I will be attending the conference virtually. Committee chairs Judge Bobby Carter and Adam Johnson, and Co-Chair Matt May have devoted so much time to plan not just one, but two conferences, this year, and a wonderful way to thank them for their bar service would be to attend the virtual conference. Along with many of our local judges who will be speaking, we will have Belmont law Professor Lucian Dervan, who is an expert in criminal law and particularly white-collar crime. The conference will be affordable and easily accessible.

We are grateful for the opportunity to continue to serve the Memphis legal community, and if anyone has not joined a committee or section of the MBA, we invite you to become involved and to share your ideas with us. We are committed to being an inclusive, diverse, and supportive community TOGETHER.

صدق عزيز 2020:

لقد حصلتم على انتباهنا، وأنا أمعني بالدعم والشراكة بيننا من خلال ورشات الإنترنت، مثل نصائح وأسرار التخطيط لأعمالكم عن بعد (1 من المحاضرات المجانية المتوفرة ضمن عضوية MBA)، وقد نقف ك🚫٠🚫٠٠😊 للشركات في معركة العدالة العرقية في مجتمعنا خلال مسيرة مبا لاجتهاد في_month=6, day=24, year=2020.

هذا العام من الصعب أن تكون قائدًا. سواء كنت سيدًا، أو مسوقًا، أو رأساً لشركة، أو希望大家 يجدون الإجابات على أسئلتهم التي لا يحتوي عليها الإجابات البسيطة، وأن التوتر والقلق يؤثر على الجميع - حتى كَذِلِكَ اللَّذٰلِكَ الذين لم يواجهوا من صعوبات التحكم في التوتر والعناية بالصحة العقلية. هذا العام، نتعاون مع CONCERN EAP لتقديم خدمات مستشارية للاستراحات غير المحدودة للمواطنين وعائلاتهم بمن فيهم examination question for Reading Comprehension قاضي بحثي، وAdam جونسون، ومدير فرع MBA، وتمتلكهما وقتًا طويلًا لплanning not just one، بل وثقتين، هذا العام، ونعدك أن فريق عملنا سيكون مكافئاً لهم للخدمة في المحاماة بخاصة اذا بحثوا في القانون الجنائي، ولا سيما الجرائم الفاحشة. القمة ستكون-cost-effectively and easily accessible.

نحن ممتنون لفرصة استمرار خدمتنا للمجتمع المحامي في ممفيس، وإذا كان أي شخصًا لم ينضم إلى فرع أو قسم في MBA، ندعوكم أن تصبحوا متورطين والمشاركة في مبادئنا. نحن ملتزمون بتكون مجتمعًا شاملًا، متنوعًا، ومحليًا للدعم معاً.

We are grateful for the opportunity to continue to serve the Memphis legal community, and if anyone has not joined a committee or section of the MBA, we invite you to become involved and to share your ideas with us. We are committed to being an inclusive, diverse, and supportive community TOGETHER.

من الصعب أن يكون القائد. سواء كنت قائدًا، أو مدارسًا، أو رأسًا لأعمال، أو يستطيع الناس على الإجابات على الأسئلة التي لا يوجد لها الإجابات بسيطة، وأن التوتر والقلق يؤثر على الجميع - حتى لكنهم الذين لم يواجهوا من صعوبات التحكم في التوتر والعناية بالصحة العقلية. هذا العام، نتعاون مع CONCERN EAP لتقديم خدمات مستشارية للاستراحات غير المحدودة للمواطنين وعائلاتهم بمن فيهم examination question for Reading Comprehension Qضاءًا، وAdam جونسون، ومدير فرع MBA، وتمتلكهما الوقت الطويل لплanning not just one، بل وثقتين، هذا العام، ونعدك أن فريق عملنا سيكون مكافئًا لهم للخدمة في المحاماة بخاصة إذا بحثوا في القانون الجنائي، ولا سيما الجرائم الفاحشة. القمة ستكون-cost-effectively and easily accessible.

نحن ممتنون لفرصة استمرار خدمتنا للمجتمع المحامي في ممفيس، وإذا كان أي شخصًا لم ينضم إلى فرع أو قسم في MBA، ندعوكم أن تصبحوا متورطين والمشاركة في مبادئنا. نحن ملتزمون بتكون مجتمعًا شاملًا، متنوعًا، ومحليًا للدعم معاً.

شاكرون من فرصة استمرار خدمتنا للمجتمع المحامي في ممفيس، وإذا كان أي شخصًا لم ينضم إلى فرع أو قسم في MBA، ندعوكم أن تصبحوا متورطين والمشاركة في مبادئنا. نحن ملتزمون بتكون مجتمعًا شاملًا، متنوعًا، ومحليًا للدعم معاً.

شاكرون من فرصة استمرار خدمتنا للمجتمع المحامي في ممفيس، وإذا كان أي شخصًا لم ينضم إلى فرع أو قسم في MBA، ندعوكم أن تصبحوا متورطين والمشاركة في مبادئنا. نحن ملتزمون بتكون مجتمعًا شاملًا، متنوعًا، ومحليًا للدعم معاً.

شاكرون من فرصة استمرار خدمتنا للمجتمع المحامي في ممفيس، وإذا كان أي شخصًا لم ينضم إلى فرع أو قسم في MBA، ندعوكم أن تصبحوا متورطين والمشاركة في مبادئنا. نحن ملتزمون بتكون مجتمعًا شاملًا، متنوعًا، ومحليًا للدعم معاً.
Memphis Area Members recognized for Excellence in the field of Mediation or Arbitration

Check preferred available dates or schedule appointments online directly with the state’s top neutrals

www.TennesseeMediators.org is free, funded by members
New Tennessee Child Support Guidelines are in effect as of May 10, 2020. The Guidelines apply to all child support establishment cases and all modifications of orders. See Chapter 1240-02-04 for the rule in its entirety.

Various adjustments have been made over the past 15 years, but the 2020 revisions are expansive by comparison. Why the big changes? The new Guidelines represent, in part, Tennessee’s response to the federal Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs final rule of 2016. Rule 1240-02-04-.03(3)(g).

How the new Guidelines affect you and your family? Any case filed on or after May 10, 2020 must use the revised child support worksheet, revised credit worksheet, and revised child support schedule. These are available on the DHS website. Is the Department of Children’s Services involved? At the court’s discretion, an initial order could be established by DCS without necessity of a worksheet.

Although many of the rule changes are technical in nature, others are transformative. What follows is an overview of key rule changes. At first blush, these are the ones likely to have the greatest impact on family law cases.

WILLFUL UNEMPLOYMENT OR UNDEREMPLOYMENT

Regarding a parent’s underemployment or unemployment, the "voluntary" standard was stricken from the rule – the standard is now "willful." In a departure from the prior rule, a parent’s incarceration can no longer be treated as willful unemployment or underemployment under the Guidelines.

Rule 1240-02-04-.04(3)(a)(2).

How much income can be imputed? The amount of gross income that may be imputed is much higher under the 2020 Guidelines. The imputed income amount for males is now $43,761.00 and $35,936.00 for females. (Imputed income under the prior rule was $37,589.00 and $29,300.00, respectively.) These figures weren’t pulled from thin air. They represent Tennessee’s full-time year-round workers’ median gross income based upon the 2016 U.S. Census Bureau’s American Community Survey. Rule 1240-02-04-.04(3)(a)(2).

EXPANSION OF IMPUTED GROSS INCOME

The 2020 Guidelines changed how Tennessee courts impute gross income in child support cases.

The court has the authority to impute gross income in specific situations. For instance, imputing income is appropriate when the parent owns substantial non-income producing assets or is willfully unemployed or underemployed. Now the judge can impute income if no reliable evidence of income exists due to the parent’s failure to participate or supply financial information in a child support proceeding. Rule 1240-02-04-.04(3)(a)(2). This puts more teeth in the financial disclosure requirement, yet falls short of sanctioning for noncompliance.

The new Guidelines provide numerous factors for the court to consider when adequate or reliable evidence is lacking due to the parent’s nonparticipation in the proceedings. The court starts with the parent’s specific circumstances as they are known to be. From there, factors to consider include the parent’s assets, residence, past jobs and earnings history, work skills, education and literacy, age, health, criminal record and
other barriers to employment, records of seeking work, the local job market, availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors. 

*Rule 1240-02-04-.01(1)(d)(iii).*

**COUNTING A PARENTING TIME DAY**

What makes up a day of parenting time has also been adjusted. We still count one parent’s care, control, or direct supervision of the child for 12 consecutive hours in a 24-hour period as a "day" of parenting time. In extraordinary circumstances, the revised Guidelines allow a parent to cumulate routine time of shorter duration as a single parenting time day. *Rule 1240-02-04-.02(10).*

**COMPUTING REASONABLE COST INSURANCE**

The new Guidelines introduce the concept of reasonable cost insurance as well. Generally, when available at a reasonable cost, health insurance for the child includes medical, vision, and dental coverage. *Rule 1240-02-04-.02(14).*

When is the cost of insurance reasonable? If the cost to the parent responsible for providing medical support does not exceed 5% of his or her gross income, then it is reasonable. Furthermore, if adding vision, dental, or both would increase the insurance cost to more than 5% of gross income, then only the medical coverage is required. *Rule 1240-02-04-.02(24).*

Before the 2020 revisions, a stepparent’s insurance premiums covering the child could not be included in the parent’s calculation. Now, when a stepparent carries health, vision, or dental insurance for the child, the premiums may be included and credited to the respective parent’s column of the worksheet. For example, if the mother remarried and her current spouse (the child’s stepparent) pays health insurance premiums covering the child, then the mother may be credited for the insurance amount. *Rule 1240-02-04-.04(8)(a)(6).*

**RETROACTIVE SUPPORT NOW MATCHES T.C.A.**

Regarding retroactive support, the revised Guidelines limit an award of retroactive support to not more than five years from the date the action was filed. The rule now complies with T.C.A. § 36-2-311(a)(11) (G). If good cause is shown and a different retroactive award is in the interest of justice, then the court may order retroactive support beyond five years. The burden of proof is on the PRP. *Rule 1240-02-04-.06(2).*

**SELF SUPPORT RESERVE ADJUSTMENT TO CHILD SUPPORT CALCULATION**

The updated definition of Basic Child Support Obligation (BCSO) introduces a wholly new concept – the Self Support Reserve. *Rule 1240-02-04-.02(5).* The reason for this change is a federal requirement that states consider the obligor’s subsistence needs, which Tennessee has done quite effectively. The SSR should help many low-income parents maintain a minimal standard of living for themselves while supporting their children.

Using the income shares model of calculating support, the 2020 Guidelines combine gross income for both parents to determine an appropriate BCSO (before adjusting for parenting time and additional expenses). But when the obligor-parent’s Adjusted Gross Income (AGI) falls below a certain amount on the schedule, the BCSO may be computed using only that parent’s income.

**Here’s how the SSR works.** The revised schedule has a "shaded area" within the monthly combined support obligation. *Rule 1240-02-04-.02(8).* Using the revised worksheet, when obligor income falls within the shaded area, he or she becomes eligible for the SSR adjustment. With the SSR adjustment, only the obligor’s income is used to compute the BCSO. There is no combining the AGI of both parents when the low income obligor’s AGI is in the shaded area. *1240-02-04-.02(9).*

Understand, the court must order a basic support obligation unless all gross income is exempt. *Rule 1240-02-04-.03(4)(a)4.* Only one parent owes the BCSO, so the first step is determining which parent should pay support. The next step is determining the obligor’s eligibility for the SSR adjustment by matching his or her AGI to the schedule. If the AGI matches the shaded area and SSR eligibility is established, then compare the SSR amount to the obligor’s proportionate share under the parents’ combined AGI. *Rule 1240-02-04-.04(3)(a)(6)(a).* Essentially the lesser
of the two figures establishes the BCSO, whether the order covers one child or five children.

**How much is the SSR amount?** The purpose of the SSR is to ensure the alternative residential parent (ARP) has enough income to sustain a minimal standard of living. For most obligor parents, the monthly amount for basic subsistence would be at least $1,150.00.

The minimum amount is based upon 110% of the 2018 federal poverty level for one person, which is $1,113.00 in net income per month. (The revised schedule incorporates the 2018 federal poverty level, current economic data on the cost of raising children, more current expenditures data and price level data, and changes to Tennessee incomes. **Rule 1240-02-04-.03(b)(4).**)

Importantly, the obligor does not get the parenting time credit when the SSR adjustment is applied. **Rule 1240-02-04-.03(4)(b)(2).** The SSR may impact eligibility for a parenting time adjustment in cases of split parenting and non-parent caretaker situations. The SSR is also considered if the primary residential parent (PRP) with greater income makes support payments to the ARP to assist with the children’s expenses while in the other parent’s care. **Rule 1240-02-04-.04(7)(f).**

What about cases falling outside the shaded area? Ineligible for the SSR adjustment, families with higher incomes continue to compute the BCSO using parents’ combined AGI.

**WHAT DOES THE SHADED AREA LOOK LIKE?**

**Gross Income Includes Gifts, Inheritance, and Prison Earnings**

How the Guidelines determine gross income also has new components. More items were added to the list of income sources. For one, gifts are expanded to include income-producing real estate along with a benefit that reduces the parent’s living expenses (free housing, for example). This is in addition to gifts of cash, liquid instruments, and gifts that can be converted to cash.

Also added to a parent’s reportable resources is any inheritance of cash, liquid instruments, an inheritance convertible to cash, and income-producing real estate. Arguably, real estate gifted to or inherited by the parent might not actually generate income yet would still be included, because it has value and “can produce income.” **Rule 1240-02-04-.04(3)(a).**

However insubstantial, a parent’s actual earnings while incarcerated must now be included in gross income. As discussed below, an inmate is no longer considered willfully unemployed or underemployed because of his or her incarceration.

**CHILDREN RECEIVING FEDERAL BENEFITS**

Another substantive change affects federal money received for the child’s benefit. If the VA or SSA monthly benefit for the child is greater than the support order amount, then the caretaker must retain the excess and apply it for the child’s benefit. Excess federal benefits are not to be applied to prospective support and never justify reducing the child support order.

**Was the VA or SSA payment a lump sum?** The rule is slightly different with lump sum benefits. The excess
federal benefit money is used to pay all arrearages first and, thereafter, must be retained by the caretaker for the child’s benefit. Note that lump sum benefit payments are not considered to be retroactive modifications of child support orders. Rule 1240-02-04-.04(3)(a)(5).

MINIMUM CHILD SUPPORT ORDER

The new Guidelines significantly increased the minimum child support order in some circumstances, raising the minimum order to at least $100.00 per month. However, there are three situations wherein the $100.00 minimum should not apply. When Supplemental Security Income (SSI) is the obligor’s only source of income. When the federal benefit (VA or SSA) for the child results in a lower than minimum calculation. And when the amount falls below the minimum because of the Parenting Time Adjustment.

The court retains discretion to deviate from the Guidelines by increasing or decreasing the amount.

MODIFICATION OF CHILD SUPPORT ORDERS

Rules regarding child support modification saw numerous amendments, too. For one, the hardship deviation has been eliminated in certain cases transitioned from flat percentage to income shares guidelines. Revised instructions accompany the worksheet explaining how to proceed when the current order was based on the flat percentage guidelines.

To modify a child support order under the 2020 Guidelines, a significant variance remains an essential requirement, albeit with a twist. By definition, a significant variance is "at least fifteen percent (15%) difference in the current support obligation and the proposed support obligation." Notably, reference to a 15% change in the ARP’s gross income is absent from the revised rule. Rule 1240-02-04-.05(2).

For pending modification cases caught in the transition from old to new guidelines, the rule is bifurcated. For the case to be modified using the current Guidelines, orders modified through the May 10 effective date plus 180 days must show a change of circumstances and 15% change between the current support order (without any deviation amount) and the proposed presumptive support order. By contrast, orders modified on or after the May 10 effective date plus 181 days need only show a 15% change between the amount of the current support order (without any deviation amount) and the amount of the proposed presumptive support order. Rule 1240-02-04-.05(2).

As discussed earlier, the impact of incarceration on support calculations has softened to a degree. The 2020 Guidelines allow the ARP sentenced to or incarcerated for more than 180 days the right to request modification of child support orders. What about Title IV-D cases? When the agency learns of the obligor’s sentencing or incarceration, it has 15 business days to notify both parties of the right to request review. The support order may be adjusted in appropriate circumstances. Rule 1240-02-04-.05(3).

Income shares guidelines have been with us since 2005 when Tennessee started shaking off flat rate support requirements. Given the 2020 revisions are the most sweeping in 15 years, expect a period of adjustment. Familiarize yourself with the revised schedule and worksheets. If you have concerns, then communicate potential issues to your attorney.
COVID-19 BRINGS RENEWED ATTENTION TO SUPERVISED PRACTICE PENDING ADMISSION

By JODI L. WILSON

It’s that time of year again. Graduating law students are wrapping up their academic journeys and turning their attention to the last hurdle between them and a license to practice law: the bar exam. But this year, the situation is decidedly different. To say that COVID-19 has complicated matters does not quite do justice to the uncertainty recent graduates now face. At the time of this writing, 17 jurisdictions have canceled the July exam and announced a fall exam, 8 jurisdictions plan to offer a July exam and a fall exam, 4 jurisdictions have postponed the July exam to a date yet to be determined, and 27 states are still only planning an exam in July only, though some have advised they will reschedule for fall if necessary.¹

The Tennessee Board of Law Examiners plans to administer a July exam as well as a fall exam.² Of course, these plans are subject to change in response to the evolving situation. Moreover, applicants are not guaranteed a seat at the July exam. Due to restrictions on the size of gatherings and the need to ensure appropriate distance between applicants, the Tennessee Supreme Court approved a seating protocol that cut the number of available seats in half and established a priority system for allocating the available seats.³

With so much uncertainty, recent graduates and those who have hired or will hire them are understandably concerned about the delay in graduates’ ability to begin practicing law. Across the country, many have called for jurisdictions to adopt a diploma privilege or implement a rule that allows bar applicants to practice under the close supervision of a licensed attorney pending admission to the bar (a “Supervised Practice Rule”).⁴

Here, Tennessee is ahead of the curve. Tennessee has had a Supervised Practice Rule since 1975.⁵ Section 10.04 of Tennessee Supreme Court Rule 7 (titled “Supervised Practice Before Admission Pending Examination Score”) provides a valuable tool that allows bar applicants to begin providing legal services to clients after they apply to take the bar but before they are admitted. Supervised practice under Section 10.04 benefits the applicant, the employer, and the client. Given the possibility that recent graduates will not be able to take the bar in July, Tennessee’s Supervised Practice Rule has taken on increased importance and visibility. This article summarizes the eligibility requirements, the scope of practice permitted, the supervisory obligations of the attorneys who agree to supervise the bar applicant under the rule, permissible compensation arrangements, and the steps necessary to register for supervised practice. Of course, you should read the rule carefully before engaging in supervised practice or agreeing to supervise a bar applicant under the rule.

Who is Eligible to Practice Before Admission and for How Long?

Law school graduates who graduated from an ABA-accredited school or a Tennessee-approved law school are eligible for practice pending admission as long as they (i) have never been licensed to practice law in any United States jurisdiction; (ii) have submitted an application for admission by exam or by transferred UBE score; and (iii) work in Tennessee under the supervision of a licensed Tennessee lawyer who meets the requirements of the rule (the “Supervising Attorney”).

Graduates meeting these requirements (“Bar Applicants”) are permitted to engage in supervised practice before taking the bar exam and after, while they await bar exam results and swearing in.⁶ Of course, this permission expires as soon as the Bar Applicant is admitted to practice in Tennessee or any other jurisdiction. For the unsuccessful Bar Applicant, the permission expires if the applicant fails to apply for re-examination within 10 days after notification of the bar results. Permission also expires if a show cause order is issued for the Bar Applicant.

Ordinarily, supervised practice is limited to sixteen months from the Bar Applicant’s law school graduation.
Given the possibility that a July exam will not be offered, the Tennessee Supreme Court has extended the time permitted for supervised practice to November 15, 2021, for Bar Applicants who have applied for the July 2020 exam, graduated from law school between March 1, 2020, and July 24, 2020, and complete the earliest exam offered.

Who is Eligible to Serve as a Supervising Attorney?

A Supervising Attorney under Section 10.04 must be a Tennessee attorney in good standing who has practiced for at least three years. The Supervising Attorney must assume “professional responsibility for the direct and immediate supervision for the professional work of the applicant.”

What Services Can the Bar Applicant Provide?

The Supervised Practice Rule allows Bar Applicants to provide a broad range of legal services under supervision and with the written consent of the client. In addition to interviewing and counseling clients, negotiating settlements, and drafting legal instruments, the Bar Applicant is permitted to represent clients in mediation and other non-litigation matters.

The Bar Applicant is also permitted to appear in Tennessee trial courts, appellate courts, and administrative tribunals subject to the requirements established in Section 10.04. The client’s written consent must be filed with the court or tribunal and brought to the attention of the judge or presiding officer. If the applicant’s signature is included on documents filed with a court or tribunal, it must be accompanied by the “Tennessee Bar Applicant” designation. For specified criminal matters and matters of civil or criminal contempt, the Bar Applicant is limited to assisting the Supervising Attorney during pretrial, trial, and post-trial proceedings. But in all other civil and criminal matters in trial courts and administrative tribunals, the Bar Applicant may participate in the proceedings without direct supervision, with the permission of the judge or the presiding officer. In matters before the appellate courts, the Bar Applicant may seek permission of court to argue the case, although the Supervising Attorney must be present for the argument and responsible for the applicant’s conduct. Finally, all documents filed with an appellate court must be filed in the name of the Supervising Attorney.

In all communications other than internal communications, the Bar Applicant’s signature must be accompanied by the “Tennessee Bar Applicant” designation. Additionally, the Supervising Attorney must also sign the communications.

What is the Role of the Supervising Attorney?

By agreeing to serve as the Supervising Attorney, an attorney agrees to provide direct, immediate, and personal supervision of the Bar Applicant. The Supervising Attorney must “ensure that the applicant is properly supervised and instructed in accordance with [Tennessee Supreme Court Rule 8, Rule of Professional Conduct 5.3],” which provides the supervisory responsibilities for lawyers supervising nonlawyer assistants.

Under Rule 5.3(b), as an attorney with “direct supervisory authority,” the Supervising Attorney must “make reasonable efforts to ensure that the nonlawyer’s conduct is compatible with the professional obligations of the lawyer.” Additionally, under Rule 5.3(c), the Supervising Attorney will be vicariously responsible for the Bar Applicant’s rule violations if: (1) the Supervising Attorney orders or ratifies the conduct; or (2) knows about the conduct and fails to take reasonable remedial measures when doing so could avoid or mitigate the consequences. Notably, the Tennessee Supervised Practice Rule provides that a disciplinary complaint against a Bar Applicant automatically triggers a complaint against the Supervising Attorney as well.

Given the Supervising Attorney’s responsibilities under Rule 5.3 and the specific requirements of the Supervised Practice Rule, a Supervising Attorney should establish and implement a thorough supervisory system, including but not limited to:

- Providing the Bar Applicant with instruction on the Bar Applicant’s ethical obligations, with a particular focus on the ethical obligations most implicated by the services to be provided by the Bar Applicant (e.g., client communication, confidentiality, communications with the court and third parties).
- Ensuring that the Bar Applicant is familiar with the firm’s or agency’s procedures for handling ethical questions.
- Carefully reading Section 10.04 and requiring the Bar Applicant to do so as well, to ensure that both are equipped to comply with all aspects, including confining the Bar Applicant’s activities to permissible services and avoiding any implication that the Applicant is an attorney.
• Communicating directly with the client about the respective role of the Bar Applicant and the Supervising Attorney and obtaining the written client consent required by Section 10.04. Although Section 10.04 does not specify what must be included in the written consent, the Supervising Attorney should consider including: (1) an acknowledgement that the Bar Applicant has not been admitted to the Bar and will be practicing pursuant to Section 10.04; (2) the scope of services to be provided by the Bar Applicant; and (3) a description of the role the Supervising Attorney will play in the case and, in particular, in supervising the Bar Applicant.

• Filing the written consent in any matters pending before a court or administrative tribunal and bringing it to the attention of the judge or presiding officer.

• Confirming that the “Tennessee Bar Applicant” designation is properly reflected on all court filings and external communications.

• Signing any communications other than internal communications and court filings as required by Section 10.04.

• Ensuring that the Bar Applicant’s communications are compatible with the Rules of Professional Conduct.

• Being physically present in court and administrative proceedings as required by Section 10.04.

What About Compensation?

Section 10.04 permits the Supervising Attorney to charge the client an appropriate fee for the services rendered by the Bar Applicant. The Bar Applicant “may be compensated as an employee of a firm, agency, clinic or other organization[, but the] rate of such compensation [must be] established independent of compensation paid for [the client’s] representation.” Moreover, the Bar Applicant cannot request or accept compensation from the client.

What is the Process to Register for Supervised Practice?

Registering for supervised practice is straightforward. The Bar Applicant must submit the Application to Register for Practice under Supervision along with the fee, currently $40, and an affidavit of the Supervising Attorney affirming the attorney’s agreement to supervise the Bar Applicant as required by Section 10.04.

Conclusion

Although COVID-19 has brought renewed attention to Tennessee’s Supervised Practice Rule, the rule provides a useful tool for law graduates and employers even in less chaotic times. As recent graduates await their bar results, there’s no need to delay their entry into practice and integration into the legal community. The Supervised Practice rule permits them to immediately begin providing legal services with appropriate supervision for the benefit of their employers and clients.

6 Although supervised practice may begin before the bar exam, bar applicants should dedicate the limited time between graduation and the bar exam to preparing for the exam if at all possible.
For over 25 years, the Community Legal Center’s mission has been to provide civil legal services to people of limited means. From our founding until today, our aim remains to resolve legal problems, impact our community, and change peoples’ lives for the better. Over the years we have adjusted our size and services in response to the community’s current needs. Our focus is to help bridge the justice gap between those who can afford an attorney and those who qualify for legal aid. Our tireless work and steadfast commitment come from our conviction that regardless of ones’ circumstances in life, each person deserves the opportunity to seek justice. That has always been our North Star guiding our work as we remain flexible on how we serve those in need. That is true now more than ever.

As COVID-19 spread across the United States, we at the Community Legal Center planned how best to continue serving the ongoing legal needs we see every day in a way that was safe for both our clients and our staff. For starters, our staff began working remotely whenever possible. We also implemented new safety measures to comply with health recommendations when we must come into the office to meet client needs. In short, we adapted to a new normal, like much of the justice system and the world.

But not one day have we stopped working for our clients. For example, we are still fielding calls each day through our Pro Se Divorce Clinic. Our Elder law attorney has almost 20 cases ready for conservatorships. CLC immigration attorneys are holding telephonic meetings with clients and interpreters, preparing for cases to be heard when the courts open. We are still fingerprinting potential sponsors of undocumented children seeking asylum. (While this vital service is now completed with masks, many of which were donated from the community, it is functioning just as it did before the pandemic hit.) And thanks to online filings and the use of virtual hearings, we have even been able to complete a few divorces.

We looked for more ways we could serve our community while working from home. With the help of a grant from the Community Foundation of Greater Memphis, the CLC launched a new initiative offering virtual consultations to provide guidance for clients working on their DACA renewal applications. Other CLC attorneys created videos on Facebook addressing legal concerns such as housing issues that may arise during this time.

We also started to plan for how to address the problems this pandemic may create for our current and future clients. Economically vulnerable populations are growing exponentially during this crisis, and their legal problems are likely to multiply as a result of the fallout from it as well. We are certain we will see a surge in the need for access to legal care – at a time when all too many are less able to afford it than ever. We are meeting weekly to assess the needs we are seeing in our clients and in the calls for help, and are grateful to have partners like Memphis Area Legal Services sharing insights and working collaboratively with us to address the needs of the community at this critical time.

Our clients are often vulnerable to forces outside of their control, and this crisis is no exception. Unfortunately, lower-income people are likely to experience greater financial hardship as a result of the pandemic, which will spiral into civil legal problems and push them further down in a cycle of poverty. This should not mean they have no legal recourse when it is needed. We all deserve to seek justice, even during a pandemic. We are hopeful that more awareness about our interconnectedness will lead to a more just future for all of us on the other side of this crisis. In the meantime, we are incredibly grateful for your continued support for our work and our clients during this difficult time. ♦
HOW TO DEAL WITH STRESS AND ANXIETY DURING THE PANDEMIC

Here are five tips to help us all breathe a little easier during this pandemic:

By YVETTE H. KIRK, ESQ.

PRACTICE GRATITUDE
Make sure to practice gratitude every single day, and in as many moments as you are able. For many people, creating a daily gratitude journal where they write at least 3 items for which they are grateful can be very beneficial. For others, simply using prayer, meditation, or affirmations based around gratitude feels the best. In whatever way that speaks to you, take some time every day to make gratitude your practice. With a grateful heart and mind, the inevitable stress and anxiety that can spread quicker than COVID19 becomes just a little bit more manageable. Every moment that you can remember what you have and what you are grateful for makes life a little easier and better for you, for everyone around you, and for our community.

CREATE A ROUTINE CENTERED AROUND ACTIVITIES THAT SPARK JOY WITHIN YOU
One of the best ways to help promote mental sanity while we are all dealing with the stress and anxiety that inevitably comes from living and working at home is to create a calm sense of normalcy through establishing a routine. While you may be keeping busy with virtual court dates, document submittal deadlines, or calls with concerned clients, you may not be waking up as early to get the kids ready for school and/or yourself ready for work. This space creates an opportunity to do activities you love and that spark joy within you (Marie Kondo style). For example, if exercise is the thing that sparks joy for you, prior to the stay-at-home orders, you may have wanted to get to the gym more often. However, your routine might now be that before starting work for the day (whatever that looks like for you), you do some sort of workout that you enjoy, and which sets you up to feel strong and energized all day.

For some people, this routine may involve continuing to wake up early in order to have 30 minutes to drink coffee and read a book before anyone else wakes up; for others, it may mean taking a daily walk after lunch before any afternoon meetings or email exchanges; and still for others it may be making sure to turn off Netflix a little early in order to take that evening epsom salt bath. Whatever joy looks like for you, make sure you add it to your calendar, and do not miss that event. If you are lucky enough to be quarantined with your family, create a routine the whole family will enjoy like a daily walk or outdoor activity time.

PRIORITIZE SLEEP
For a previous article, the Wellness Committee asked some of the 2019 John Dice Wellness Seminar
& Fair speakers how they prioritized their own health. Overwhelmingly, we heard (including from some physicians) that prioritizing sleep was the most important factor in maintaining health. Getting adequate sleep helps our body repair and regenerate, helping to balance our mood, blood sugar, help prevent memory loss and premature aging, and, most importantly right now, to boost our immune systems. Since you may no longer have to commute to work or get the kids to school on time, this more open schedule may be the perfect time to truly prioritize sleep. Sure, watching that third episode of Ozark seems like a good idea at 10:30pm, but nothing feels as good or is as immune-boosting as waking up with the sun (without an alarm clock), feeling refreshed and ready to enjoy the day. Some may have experienced increased difficulty sleeping during these times. In that case, try prioritizing your sleep hygiene by creating more time to wind down prior to sleep, limiting screen time, having herbal tea, journaling, or taking an epsom salt bath.

**PLAN MEALS AHEAD OF TIME (INCLUDING HEALTHY SNACKS) AND STICK TO BASIC MEAL TIMES**

You cannot prioritize your mental health without prioritizing your physical health—the two are inextricably intertwined. Now that we are eating mostly from home, this is a great opportunity to prioritize eating whole, nutrient-dense foods. At this point, we know the grocery stores have plenty of food for us, and this includes fresh produce, whole grains, nuts and seeds, grass-fed or pasture raised meat and eggs. When you make it a priority to create a meal plan centered around these healthy staples, including at specific meal times (you can even set reminders on your phone), you are going to feel brighter and better able to deal with the stress and anxiety that naturally stems from this pandemic. When 80% of your meals and snacks are nutrient-dense, having homemade brownies with lunch on Tuesday, or ordering pizza for dinner on Friday becomes fun. In this way, those brownies and pizza are actually treats to enjoy instead of unhealthy patterns that lead to more stress and anxiety. Of course, if you have not been prioritizing healthy eating, have some compassion for yourself, and just choose better as you are able.

**PRIORITIZE FRIENDSHIP**

For those who live alone, making sure to connect with others is especially important, so prioritize keeping in touch with your friends. How amazing is it that we can now hang out with our friends from the comfort of our own homes? The norm of virtual book club meetings, Zoom happy hours (try with Kombucha or sparkling water!), and FaceTime walks have never made it easier to connect with others. Just remember, if your schedule was jam-packed with too many social engagements prior to the pandemic, now is the time to take a step back and reflect on what really brings you joy. That could mean making sure to touch base with a friend (or family member) just once a week, every couple days, or even once a day, if that’s what brings you the most joy. It could also mean prioritizing our furry friends by simply setting aside time to walk your dog or play with your cat. Do what feels best to you!

Overall, we recommend simply being kind to yourself. These are unprecedented times, and just because someone will come out of the pandemic with a new hobby, skill, or fitness routine, does not mean that you have to as well. Sometimes simply acknowledging that you are experiencing heightened emotions or stress (especially for those dealing with difficult financial or health-related situations) is all it takes to bring a little more wellness into your life. For more resources to support your mental or emotional health, please check out the MBA Wellness Committee Resources located at [https://www.memphisbar.org/index.cfm?pg=Wellness](https://www.memphisbar.org/index.cfm?pg=Wellness)

In health,

*Memphis Bar Association
Wellness Committee*
Taken together, these statements reflect the intersection of the long-standing barriers that the poor and working poor face while trying to obtain legal assistance and how technology can be used to mitigate some of those barriers for underserved Memphis residents.

In 2019, Twenty-eight percent (28%) of Memphis residents were living below the federal poverty level. There is often a great need for legal assistance, but many individuals and families struggle to find legal help. As a matter of fact, the 2017 Justice Gap Report, published by Legal Service Corporation, revealed that eighty-six percent (86%) of civil legal problems reported by low-income Americans received little or no legal help. When individuals cannot afford a lawyer, they often resort to self-help remedies and appear before the court to represent themselves as pro-se litigants. Indeed, courts understand that pro-se litigants are ill-equipped to navigate the judicial system, but the courts cannot treat pro-se litigants differently from represented parties. Pro-se litigants must comply with the same rules as those represented by an attorney; and unfortunately, when forced to comply with the rules, pro-se litigants often face harsh results. They leave the courthouse frustrated, believing that the justice system has let them down. More help is needed to ensure that vulnerable, underserved populations have access to adequate representation in civil courts. However, many cities have only one legal service provider to offer free or low-cost legal assistance.

Fortunately, Memphis has two legal service providers to assist residents who cannot afford an attorney. Memphis Area Legal Services (MALS) and Community Legal Center (CLC) are the two primary legal service providers that provide free to low-cost legal assistance to the city’s poorest of the poor and the working poor. However, even with these free to low-cost legal resources, MALS and CLC cannot always accommodate the growing need for legal assistance among the city’s poor and working poor.

Together, MALS and CLC received over 18,000 calls for legal assistance in fiscal year 2018, but they were only able to assist approximately 6,000 applicants who requested help. At the same time, many of the calls for assistance came from individuals who had issues outside their scope of service or failed to meet the
financial qualifications for assistance. MALS and CLC were faced with a unique, two-fold challenge. First, how could each organization quickly and efficiently connect with the appropriate clients who have the requisite financial qualifications and legal issues? Then, how could they eliminate the necessity for clients to contact multiple organizations to find out if they qualify for help? Such unique challenges required a unique solution. In response, the Memphis Bar Foundation, MALS, and CLC joined forces to create 901LegalConnect, a codeless web-application platform (web-app), to serve as the first point of contact for anyone in need of free to low-cost legal assistance.

901LegalConnect is a mobile responsive web-app that launched on February 6, 2020 with welcomed reception from the Greater Memphis community. The web-app is accessible via smartphone browser, tablet, or desktop. If residents don’t have access to a smartphone, tablet, or computer, they can access 901LegalConnect at public access stations like the Memphis public libraries, Shelby County Chancery Court, or the Shelby County Court House law library.

901 Legal Connect is funded by the Tennessee Bar Foundation’s Tennessee Legal Initiatives Fund (TLIF) as part of an $8.5 million grant fund that came from a consumer relief settlement between the Department of Justice and Bank of America Corporation.

As the first point of contact, 901 Legal Connect was designed to reduce the number of individuals who are routed to the incorrect legal service provider. The web-app pre-screens each applicant to collect information about their finances and legal issues to determine if they qualify for assistance and from which legal service provider. Qualifying applicants are routed to either MALS or CLC, and their intake coordinators complete the intake process to determine if the matter can be accepted. Non-qualifying applicants receive a list of additional legal resources in the area that could possibly help with their legal issue. 901LegalConnect creates a win-win for both applicants and MALS and CLC. Now, applicants know in as little as 20 minutes if they qualify for legal assistance by completing one application, and MALS and CLC receive only qualified applications, which increases their capacity to assist underserved residents.
Preliminary reports show that 901LegalConnect has improved the efficiency of connecting applicants to the appropriate legal service providers. With the first month of 901LegalConnect’s launch, residents submitted 241 applications, and the number of inappropriate client applications was reduced by thirty percent (30%). Furthermore, MALS and CLC intake coordinators report that it takes less time to complete the final eligibility screening that determines if the applicant’s matter can be accepted. While 901LegalConnect is not the first and only online legal intake application in the state of Tennessee, it is distinguished from similar online applications in other states by one unique feature. Upon completing the applicant questionnaire, 901LegalConnect immediately informs applicants if they meet the minimum qualifications for legal assistance, which again takes 15 to 20 minutes. Learning of preliminary eligibility is important because time is critical in many of these situations. If an applicant knows their eligibility status when the application is submitted, they benefit from knowing their status upfront, so they don’t lose valuable time to seek out additional resources.

The applicant eligibility feature will be critical in serving the increased number of individuals and families who will require legal assistance as a result of the loss of income from the COVID-19 crisis. As of May 3, 2020, sixty-five thousand unemployment claims have been filed in the Memphis area. Thus, it is likely that many of the individuals who filed unemployment claims will have some legal issue arise, whether it be eviction, garnishment, or wage attachment. MALS recently reported that it now receives an additional 20 calls per day for assistance. Considering this crisis, 901LegalConnect couldn’t have come at a better time to the Memphis community. In the span of a month, life as we knew it was completely upended. As a result, businesses and schools were forced to close overnight. This unprecedented event meant that countless individuals and families found themselves unemployed without any other sources of income to take care of their necessities such as housing and food.

The Tennessee Supreme Court issued a moratorium on in-person court appearances for evictions, garnishments, and attachments. This provided a limited reprieve to those who have experienced financial loss. The previous moratorium was extended to May 31. No one knows if the court will grant another extension. However, the moratoriums will eventually expire, and the courts will reopen. Thus, it is reasonably foreseeable that many landlords and creditors will seize this opportunity and rush to the courts en masse to file lawsuits for evictions, garnishments, or bank levies. This is evidenced by the 7,000 filings within Shelby County General Sessions Court since the suspension.

As a result, additional individuals will need access to free to low-cost legal assistance; this includes individuals and families who would not have previously qualified for assistance from MALS or CLC. They will need to access this assistance quickly and efficiently without multiple contacts between agencies because each day counts at the point that these issues arise. With the help of 901LegalConnect, MALS and CLC are strongly positioned to serve the overwhelming needs of the community quickly and efficiently, mitigating some of the fear and frustration that has gripped our community. Perhaps, 901LegalConnect was created for such a time as this. ✸

Instead of referring individuals in need of free or low-cost legal assistance to contact the MBA, MALS, or CLC, they should now be instructed to go www.901LegalConnect.org to submit an application for assistance.
Crafting a New Normal with Legal Tech
By ZACK GLASER

Pestilence. I have to say, I did not have that on my list of things that will move Legal Tech forward in 2020. But it makes sense, right? We have always known it would take an Act of God to get some of us to leave the fax machine behind. But here we are, virtual meeting our way through the creation of wills and trusts, notarizing Powers of Attorney online, and appearing at hearings via webcam. It almost sounds like science fiction. And I am proud of the legal field for adapting so quickly – even if we do not have a clear picture of our new future.

What Does This New Future Look Like, so Far?

Real-time remote audio-video meetings:

By now, you have probably appeared at a deposition, a hearing, a client consultation, or even a bench trial using your webcam. And although we have saved vast amounts of time and numerous risky interactions, it has, understandably, been met with mixed reviews (and possibly Constitutional challenges).

Obviously, we can’t expect to supplant all live hearings with “video” hearings. Justice does not work that way. Our appellate system is founded on the idea that the trier-of-fact gleans information from a witness through real-time observation. As such, many judges are hesitant to give up that ability to weight and measure the live witness. Even so, many of our civil courts, SCOTUS included, have found that effective arguments can be made via remote means in certain circumstances – even if we must deal with the rogue toilet flush every now and then.1

Work-from-home

In addition to adapting to the etiquette and planning that goes along with virtual appearances, 2 many of us are substantially working from the “comfort” of our own homes for the first time. We are using LogMeIn, Windows Remote Desktop, or other Virtual Private Network connections to interact with our office files in a secure way. Some of us have even adapted our office phones to a remote environment by either forwarding to our cell phones, or porting to a VoIP system on our computer.

I suspect, however, that the bloom is off the proverbial work-from-home rose. Homeschooling our children aside, working from home can take some practice. Without designated space for “work” and “home”, the bookending our commutes offer to our day, and the convenience of face-to-face interactions with our colleagues, our daily tasks can be difficult to manage. Yet, many of us are saving significant time in our day by not travelling. And by using communication services such as Slack, MS Teams, and Google Chat, we are finding more efficient ways of communicating with our co-workers.

E-identification and Signatures

Perhaps the most fundamental change the legal industry is currently wrestling with is online identity validation and e-signatures. After a spate of Governors’ emergency orders,3 we have seen large-scale adoption of online notarization. And many practitioners are validating Estate Planning documents through real-time audio-video technology such as MS Teams, and WebEx.

1 https://www.reuters.com/article/us-usa-court-teleconference-idUSKBN22I301
2 https://abovethelaw.com/2020/04/miami-judge-reminds-attorneys-to-wear-pants-for-zoom-hearings/
3 https://www.nationalnotary.org/notary-bulletin/blog/2020/03/states-emergency-action-remote-notarization
When I joined MALS as CEO and General Counsel in late December, my plan for the first six months was to focus on celebrating MALS’s 50th anniversary while learning, evaluating, and updating MALS’s operations. COVID-19 clearly had other ideas. Instead of celebrating our 50th anniversary with a party, MALS adapted and is celebrating in a way befitting our organization – by serving the needs of communities impacted by COVID-19.

Over the last fifty years MALS has done a lot of adapting. For example, MALS’s budget has remained virtually the same for the last half decade, while the demand for services has almost doubled. To meet the needs of our community, MALS is exploring new technology and other means of adapting to enable us to continue to provide quality legal service to as many members of our community as possible.

Toward that end we are seeking to improve operations, explore new associations, and develop innovative ways of partnering with pro bono attorneys to improve our provision of services and increase the number of clients served. My original operational goals included enabling our employees to work from any location, streamlining our work model, and getting useable information to clients in a more easily accessible format. Due to COVID-19 the goal of being able to work from any location has been realized quicker than originally expected. From being an office that had not previously engaged in working remotely, we transitioned to being fully operational remotely within 48 hours. We did a rapid revamping of our website to include weekly posts providing rapid access to information about COVID-19 generated benefits laws such as the PUA, CARES Act and FFCRA.

MALS is actively seeking to re-engage former partners, as well as explore new opportunities for collaboration and I have had the good fortune of being able to collaborate with Anne Mathes, Executive Director of the Community Legal Center, on two projects. In addition, because COVID-19 resulted in the cancellation of in-person clinics, MALS is offering an attorney advice line manned by pro bono attorneys and a COVID-19 hotline manned by a MALS attorney to provide services normally available to the community via the Thursday afternoon courthouse legal clinic, the Second Saturday Legal Clinic, and the Veterans Clinic.

As a result of the scope and duration of unemployment caused by COVID-19, MALS has also seen a significant influx of individuals who had not previously needed or qualified for pro bono legal services. MALS is seeing clients who for the first time need help in dealing with creditors because they cannot pay bills such as rent, utilities, and car notes and have no knowledge of how to deal with their creditors. Despite the moratorium on court ordered evictions, unlawful eviction remains a constant fear for many clients. In addition, we and our clients are also preparing for the inevitable onslaught of eviction cases that will move forward when the moratorium lifts.

Benefits such as unemployment compensation are a new and frequently seen issue because of additional unemployment payments available under the CARES Act to independent contractors and gig workers, who would not otherwise qualify for unemployment
compensation. For those who are ill, but still employed, there are questions of how the new Emergency Sick Leave Program intersects with the Emergency Family and Medical Leave Act and state workers’ compensation laws. There are questions about how to deal with employees of reopening businesses who are afraid that returning to work will subject them to COVID-19. A MALS attorney has analyzed OSHA, the FMLA, the ADAAA, the CARES Act, FFCRA and other legislation and we are prepared to pilot clients through that legal maze.

Domestic violence is on the rise. Memphis already ranked 4th in the nation for domestic violence. As the result of COVID-19 victims are forced to shelter in place with their abusers resulting in additional opportunities for abuse. MALS is available to help. Despite concern for their health and that of their families, MALS DV attorneys have not stopped appearing in court to represent domestic violence victims.

COVID-19 has given rise to a number of scams and those are particularly visited on the elderly. In addition to scams of the elderly, MALS has explored the effect on benefits resulting from removal of family members from nursing homes during the COVID-19 pandemic in light of Tennessee 10-day bed hold rule. We suspect once COVID-19 abates, we will discover that elder abuse also rose, but was more difficult to determine because home wellness visits were stopped as a result of COVID-19.

As MALS reaches its 50th birthday, we pause to reflect on our legacy of service to our community. The MALS team has done an incredible job of serving our clients when they need us most and I am truly honored to be a part of their efforts. As much of society begins to discuss returning to normal, the need for legal services has never been greater. There is no doubt that once the moratorium on evictions is lifted and courts return to hearing non-emergency cases, there will be an onslaught of evictions, foreclosures, fraud, elder abuse, and domestic violence cases. I am haunted by the knowledge that we will have to turn away people in need because of funding limitations. Our challenge as we start our next 50 years is to work together to meet this extraordinary need. We are grateful to the extraordinary services of our employees, volunteers, donors, partners, and peers. We look forward to celebrating our 50th birthday with you at an appropriate time, but for now may we recommit ourselves to meeting the need of those bearing the brunt of this pandemic right here in our community. ♦

Experience, Knowledge, Integrity…

George Brown and James Lockard are highly effective mediators who have helped parties resolve hundreds of civil matters through the mediation process. Both employ a combination of facilitative and evaluative mediation styles. Each has completed state certified 40-hour mediation and advanced mediation training courses, and are approved Rule 31 mediators. Their background, experience and skill make them very successful mediators with a proven track record for resolving cases.

To schedule a case with Judge Brown or James Lockard, call Mike Weinzierl at 901-523-2930 (ext. 125) or email at mweinzierl@resolutesystems.com

1-901-523-2930 • Fax: 1-901-523-2931
707 Adams Avenue, Memphis, TN 38105
www.MemphisMediators.com

MICHAEL P. COURY
Glankler Brown PLLC is pleased to announce that Michael P. Coury, has been appointed to the independent panel of Chapter 11, Subchapter V bankruptcy trustees (a “SBRA Trustee”) by the United States Department of Justice. A SBRA Trustee is appointed in each case to assist the debtor and its creditors in formulating a consensual plan for reorganization, as well as assisting with reporting fraud and misconduct and monitoring distributions in accordance with the plan. Mr. Coury will continue in his role at Glankler Brown assisting clients with bankruptcy and creditors’ rights matters, business reorganizations, workouts, and business and commercial litigation.

JERRI GREEN
MBA member Jerri Green is the unopposed Democratic candidate for Tennessee House of Representatives for District 83. Jerri is the Director of Community Engagement at the Community Legal Center in Memphis, a former public defender and career-long advocate for those who otherwise would have no voice in the legal system. Jerri is focusing on fully funding public education initiatives (and opposing vouchers); increasing access to quality healthcare for all Tennesseans; and enacting gun-sense legislation. If elected, Jerri will be the only female member of the House with school-age children, a demographic that is currently completely unrepresented. To learn more, and to read all the news links about Jerri, go to https://www.jerrigreen.com/news.

R. HUNTER HUMPHREYS
Hunter Humphreys concentrates his practice in the areas of real estate and secured lending. He represents numerous investors, developers, lenders and participants in real estate, secured lending and other business transactions. Mr. Humphreys is chairman of Glankler Brown’s real estate section and he is an adjunct professor at the University of Memphis School of Law, where he teaches a course on real estate transactions.
SUBMIT YOUR NEWS AND UPDATES

If you are an MBA member in good standing and you’ve moved, been promoted, hired an associate, taken on a partner, or received an award, we’d like to hear from you. Talks, speeches, CLE presentations and political announcements are not accepted. In addition, we will not print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers). Notices are limited to 100 words; they are printed at no cost to members and are subject to editing. E-mail your notice and hi-resolution photo (300 dpi) to kswan@memphisbar.org.

JONATHAN MARTIN
Jonathan Martin, whose primary practice area is health care litigation at Harris Shelton, is a recently licensed Rule 31 Mediator. He can now use his skills to assist parties in identifying issues, facilitate communication and maximize the exploration of alternatives, helping everyone involved reach an agreement. He also counsels health care providers in matters involving premises liability claims, debt collection, practice contracts, contract disputes, HIPAA consulting/training and regulatory matters.

RANDALL B. WOMACK
Randall Womack has practiced environmental law for nearly 30 years. He has counseled businesses and other entities on federal, state, and local environmental laws, rules and regulations in such areas as release reporting, storm water permitting requirements, waste management, air emissions, underground storage tanks and real estate transactions. He has represented several businesses and other entities in environmental cost recovery actions and environmental enforcement actions. Mr. Womack has also represented a number of persons, businesses and other entities involved in the redevelopment of properties impacted by the presence or potential presence of hazardous substances or other pollutants.

JOCELYN WURZBURG
Jocelyn Dan Wurzburg was honored with this year’s prestigious William M. Leech Jr. Public Service Award, by the TBA’s Young Lawyers Division Fellows. “Jocie,” as known by many, “exemplifies the William Leech Public Service Award, as a modern-day suffragist who has shaped the history of Memphis and Shelby County,” said YLD Fellows Vice President Bill Haltom. She joined the fight for civil rights, women’s rights and social justice, founding the local Panel of American Women to address prejudice and the Concerned Women of Memphis and Shelby County, which was credited with helping avert a second sanitation workers’ strike a year after King’s assassination. She served on the Tennessee Human Rights Commission under Gov. Winfield Dunn, writing Tennessee’s first anti-discrimination law in employment, public accommodations, and housing.
Office Space

**DOWNTOWN LAW OFFICES- EXECUTIVE OFFICE CENTER AT PEABODY PLACE.**

119 S. Main Street, Suite 500, Memphis, TN 38103. Our lease terms are flexible allowing you to rent by the hour, day, month or year. All the services that you need are available including: administrative/secretarial service, T1 high-speed Internet access, notary, telephone service, furniture, information technology services/consulting and conference rooms. The executive suite concept allows you to do business in a cooperative environment without having fixed monthly overhead, by eliminating the distractions and time-consuming business decisions such as office administration and equipment leases. If you want to create a professional appearance for your business, but you aren’t ready to lease an office, take a look at our business identity packages. For as little as $150 per month you can have the appearance of a professional office. Contact Beverly Johnson, 901.312.5500, beverly@executiveofficecenter.com.

Attorneys/Law Clerks

**LOOKING FOR A LAW CLERK OR AN ASSOCIATE ATTORNEY?** The University of Memphis School of Law has great students and graduates, and we can help you with your employment career needs. Contact Career Services Office with your job listing or to schedule an on-campus interview. 901.678.3217.
We handle family law cases in Tennessee, Arkansas and Mississippi, and are now handling criminal defense matters in Tennessee.

Helping parties settle their disputes with expertise, experience and persistence

M Chadwell Mediation

P.O. Box 14446
Knoxville, TN 37914-9998
(615) 200-6163
cferguson@mchadwellmediation.com

www.mchadwellmediation.com
John Dice
Virtual Wellness Seminar
Save the Date
November 10, 2020