

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PROPOSED TENNESSEE RULES OF
PROFESSIONAL CONDUCT**

No. M2000-02416-SC-RL-RL

Filed April 26, 2002

ORDER SCHEDULING ADDITIONAL ORAL ARGUMENT

On April 19, 2002, this Court ordered oral argument with respect to twelve issues raised by the Tennessee Bar Association's ("TBA") Proposed Tennessee Rules of Professional Conduct ("Proposed Rules"). Our previous order did not permit the United States Attorneys for the Eastern, Middle, and Western Districts of Tennessee to be heard in argument, nor did it designate any specific issues for them to heard upon. Any such omission was purely inadvertent, and we are particularly interested to hear argument on the following issue:

ISSUE 13: Whether this Court should (1) adopt Proposed Rule 4.2 (Communication with Person Represented by Counsel) as proposed or (2) amend the text and comments of the Proposed Rule to clarify that the Proposed Rule does not prohibit communications with such a party by a prosecutor or government lawyer engaged in an investigation prior to the commencement of civil or criminal proceedings; to clarify that the Proposed Rule does not prohibit communication with such a person concerning "matters outside the subject matter of the representation"; and to remove the last sentence of Comment [7].

Parties requested to address this issue: The TBA to argue in favor of adopting Proposed Rule 4.2 as submitted in the Revised Final Report; the United States Attorneys to argue in favor of amending the text and comments of the Rule.

In addition, the United States Attorneys are invited to participate in oral argument with respect to Issues 2, 5, 6, 7, 8, and 9 of the April 19, 2002, Order. All procedural aspects of this Court's April 19, 2002, Order shall also apply to the briefing and argument of these additional issues.

PER CURIAM