

# EGERTON McAFEE

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October 22, 2013

Mr. Michael W. Catalano  
Appellate Court Clerk  
401 Seventh Avenue, North  
100 Supreme Court Building  
Nashville, Tennessee 37219

VIA FEDERAL EXPRESS  
(615) 741-2681

**Re: In re: Petition to Amend Rule 33 of the Rules of the Supreme Court -  
Submitted by the Commission of the Tennessee Lawyers Assistance Program**

Dear Mr. Catalano:

Enclosed please find an original and two (2) copies of the Motion to Withdraw Petition of the Commission of the Tennessee Lawyer Assistance Program to Amend Rule 33 of the Rules of the Supreme Court (the "Motion"). Please file the original Motion and one (1) copy thereof, and return one (1) stamped "filed" copy of the Motion to us for our records. We have enclosed a self-addressed stamped envelope for this purpose.

Also enclosed, please find a proposed Order Granting Motion to Withdraw Petition of the Commission of the Tennessee Lawyer Assistance Program to Amend Rule 33 of the Rules of the Supreme Court (the "Order"). Please tender the Order to the Court for entry at your earliest convenience.

If you need any additional information to file the enclosed Motion or to tender the proposed Order to the Court for entry, please do not hesitate to give us a call.

Yours truly,



James M. Cornelius, Jr.

JMC/jmc

Enclosures

cc: *See Following Page*

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Mr. Michael W. Catalano

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cc: TN Board of Professional Responsibility  
Attn: Sandy Garrett, Chief Disc. Counsel  
10 Cadillac Drive, Suite 220  
Brentwood, TN 37027

Tennessee Board of Law Examiners  
Attn: Lisa Perlen, Exec. Dir.  
401 Church Street, Suite 2200  
Nashville, TN 37243

Tennessee Bar Association  
Attn: Allan F. Ramsaur, Exec. Dir.  
221 4th Avenue North, Suite 400  
Nashville, TN 37219

Memphis Bar Association  
Attn: Anne Fritz, Exec. Dir.  
80 Monroe Avenue, Suite 220  
Memphis, TN 38103

Nashville Bar Association  
Attn: Gigi Woodruff, Exec. Dir.  
150 4th Avenue North, Suite 1050  
Nashville, TN 37219

Knoxville Bar Association  
Attn: Marsha S. Wilson, Exec. Dir.  
505 Main Street, Suite 50  
Knoxville, TN 37901

Chattanooga Bar Association  
Attn: Lynda Hood, Exec. Dir.  
801 Broad Street  
Chattanooga, TN 37219

IN THE SUPREME COURT OF THE STATE OF TENNESSEE

IN RE:

PETITION TO AMEND RULE 33 OF  
THE RULES OF THE SUPREME COURT

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Supreme Court Case No.:

M2013-01548-SC-RL1-RL

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**MOTION TO WITHDRAW  
PETITION OF THE COMMISSION OF THE  
TENNESSEE LAWYER ASSISTANCE PROGRAM  
TO AMEND RULE 33 OF THE RULES OF THE SUPREME COURT**

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Comes the Commission of the Tennessee Lawyer Assistance Program (the “Commission”), and moves the Court for entry of an appropriate Order allowing withdrawal of the Petition of the Commission of the Tennessee Lawyer Assistance Program to Amend Rule 33 of the Rules of the Supreme Court that the Commission filed with the Court on July 3, 2013 (the “TLAP Petition”). In support of its Motion to Withdraw, the Commission would show the Court that Supreme Court Rules 9, 21, 25, 33 and 43 were amended by Orders of the Court dated August 30, 2013, and the amendments to these rules moved the provisions of Rule 33 that the Commission sought to amend through the TLAP Petition from Rule 33 to Rule 9, Section 10.2. Therefore, the Commission desires to withdraw the TLAP Petition to amend Rule 33 at this time, without prejudice as to the filing of a similar petition to amend Rule 9, Section 10.2, at a later date.

WHEREFORE, in light of the above, the Commission respectfully requests that an appropriate Order be entered allowing the Commission to withdraw the TLAP Petition to amend

Rule 33 without prejudice.

Respectfully submitted this 22<sup>nd</sup> day of October, 2013.

**COMMISSION OF THE TENNESSEE  
LAWYER ASSISTANCE PROGRAM**

By: James M. Cornelius, Jr.  
James M. Cornelius, Jr., Esq. (BPR# 014802)  
*Chairman of the TLAP Commission*  
EGERTON, McAFEE, ARMISTEAD & DAVIS, P.C.  
900 S. Gay Street, Suite 1400  
P.O. Box 2047  
Knoxville, Tennessee 37901-2047  
Tel.: (865) 546-0500

By: Mark Vorder-Bruegge, Jr.  
Mark Vorder-Bruegge, Jr., Esq. (BPR# 006389)  
*Secretary of the TLAP Commission w/perm.*  
WYATT, TARRANT & COMBS, LLP *by JMC Jr.*  
The Renaissance Center  
1715 Aaron Brenner Drive, Suite 800  
Memphis, Tennessee 38120  
Tel.: (901) 537-1069

**IN THE SUPREME COURT OF THE STATE OF TENNESSEE**

**IN RE:**

**PETITION TO AMEND RULE 33 OF  
THE RULES OF THE SUPREME COURT**

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**Supreme Court Case No.:**  
**M2013-01548-SC-RL1-RL**

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**ORDER APPROVING WITHDRAWAL  
OF PETITION OF THE COMMISSION OF THE  
TENNESSEE LAWYER ASSISTANCE PROGRAM  
TO AMEND RULE 33 OF THE RULES OF THE SUPREME COURT**

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Upon motion of the Commission of the Tennessee Lawyer Assistance Program (the “Commission”) to withdraw the Petition of the Commission of the Tennessee Lawyer Assistance Program to Amend Rule 33 of the Rules of the Supreme Court that it filed with the Court on July 3, 2013 (the “TLAP Petition”), and for good cause shown, it is hereby ORDERED, ADJUDGED AND DECREED that the TLAP Petition is withdrawn without prejudice.

Enter this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
TENNESSEE SUPREME COURT JUSTICE

APPROVED FOR ENTRY:

**COMMISSION OF THE TENNESSEE  
LAWYER ASSISTANCE PROGRAM**

By: James M. Cornelius, Jr.  
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*Chairman of the TLAP Commission*  
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