



Tennessee
Judicial Selection Commission

Nashville City Center, Suite 600

511 Union Street

Nashville, Tennessee 37243-0607

615 / 741-2687 • FAX NO. 615 / 532-9818

September 20, 2006

The Honorable Paul G. Summers
Attorney General & Reporter
P.O. Box 20207
Nashville, Tennessee 37202

Re: *Bredesen v. Tennessee Judicial Selection Commission*

Dear General Summers:

This will acknowledge receipt of and thank you for your letter of September 18, 2006. The Judicial Selection Commission desires an expeditious resolution of the issues raised in the Governor's Declaratory Judgment action. You have advised the Commission it cannot represent itself or obtain its own counsel [even if pro bono]. Therefore, to assist in a prompt resolution we would very much appreciate the appointment of outside counsel to advise how best to respond. For your records, enclosed is a copy of the minutes of the Judicial Selection Commission special called meeting.

If agreeable I would welcome the opportunity to visit with you regarding the selection of counsel.

Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale H. Tuttle", with a long horizontal flourish extending to the right.

Dale H. Tuttle
Chair

Enclosure

cc: Judicial Selection Commission

MINUTES OF THE
TENNESSEE JUDICIAL SELECTION COMMISSION MEETING

September 19, 2006

Special Called Meeting
Tennessee Supreme Court Vacancy
Administrative Office of the Courts
Nashville, Tennessee

Special Called Meeting

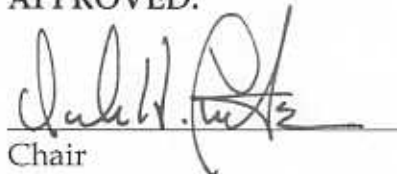
The special called meeting of the Judicial Selection Commission was called to order at 1:05 p.m. on Tuesday, September 19, 2006, by Chairman Dale Tuttle. Present were: Ronnie Berke, Michel Bottoms, Hulet Chaney, Bill Farmer, Jack Green, John Lyell, Myrlene Marsa, Randy Nichols, John Tarpley, Dale Tuttle and Barry Ward. All members participated via conference call.

Chairman Tuttle stated the issue of the Attorney General's questions to the Commission. These questions are: 1) whether a majority of the Commission believes that the Governor's request for a declaratory judgment in this case is contrary to the interests of the Commission; 2) if so, whether a majority of the Commission wishes to defend the lawsuit; and 3) if so, whether a majority of the Commission requests that I (Paul Summers) exercise my authority under state law to recommend the retention of outside counsel to defend the Commission in the lawsuit.

Member Lyell first questioned whether a meeting to discuss pending litigation should be open to the public and media. Chair Tuttle then stated that this meeting was not to discuss the litigation, but to discuss the Attorney General's letter. Members discussed the statute mentioned in the letter (T.C.A. § 8-6-106). Chair Tuttle suggested that a letter be written to the Attorney General requesting permission for the Commission to seek outside counsel and defer questions 1 and 2 until speaking with counsel. Member Farmer made a motion to proceed with Chair Tuttle's suggestion. Member Ward seconded the motion. Motion passes 7-3. The Commission voted as follows: Ayes - Berke, Green, Lyell, Marsa, Tarpley, Tuttle, Ward. No - Bottoms, Chaney, Nichols. Member Farmer was dropped from the conference call before the vote took place. This was due to cellular phone error.

There being no further business to come before the Commission, the meeting was adjourned at approximately 1:35 p.m.

APPROVED:


Chair

Vice-Chair