



July 22, 2022

Public Comment Tennessee Proposed Rule Change

ADM2022-00522

The Independent Women's Forum (IWF) is a nonprofit organization (501c3) dedicated to developing and advancing policies that aren't just well intended, but actually enhance people's freedom, opportunities, and well-being. IWF's Center for Economic Opportunity (CEO) focuses on expanding opportunity for women and opposes policies that run counter to that goal such as excessive and burdensome occupational licenses.

We are submitting the following comments in reference to the proposed rule change ADM2022-00522.

Tennessee is one of the few states that require lawyers in private or public practice to work full-time for five of the previous seven years to be admitted without examination.

This is an onerous requirement for all lawyers who move from another state to Tennessee, but especially burdensome for legal professionals who have worked part time prior to relocating to the state. They are required to re-take the bar examination to be licensed in the state. Burdensome occupational licensing regulations such as this one create barriers to employment, especially for women.

Occupational licenses have proliferated over the past six decades from just **five percent** of workers in the 1950s to one in four workers today. In 2021, nearly **two out of three** legal occupations (64 percent) carry a license or certification.

Advocates argue that occupational licenses provide public safety and health safeguards, or serve as a signal of a worker's competence and experience. However, some licenses simply serve to protect established businesses against new competition. The requirements of an occupational license should at least match the qualifications needed to perform a job.

Women are more likely to be hindered by excessive or unnecessary occupational licensing rules such as this Tennessee law. States vary in the requirements for a given occupation such as the legal field, and that creates significant challenges for workers who cross state lines or move frequently to be gainfully employed and to keep their licenses in good standing.

Military spouses are uniquely affected by occupational licensure. Nearly all of the 600,000 military spouses in the U.S. are women. Most of them are highly educated (**89 percent** have some college education) and just over a third work in an occupation requiring a license. Despite, competence and education, they experience a high **13 percent** unemployment rate and an astoundingly high 33 percent underemployment rate. This is due to military families moving so frequently—on average, every two to four years—and the difficulty that women find in transferring their licenses from state to state.

Part-time workers are unfairly singled out by Tennessee's requirement and that will have a big impact on female legal professionals. Women often seek flexible work arrangements that allow them to earn income while balancing other priorities such as caregiving for children, aging parents, and sick spouses. Part-time employment offers that flexibility and increasingly, more women and workers overall are shifting towards part-time status. About a **quarter** of American women work part-time, compared with about 12 percent of men according to the Bureau of Labor Statistics. Over the past year, there has been a slight increase in part-time workers for economic reasons, because full-time work was not available, and as workers, especially mothers, cut back on their hours. Women in the legal field should not be penalized for working part-time in a different state if they move to Tennessee and seek to work there.

Many states have recognized how onerous occupational licensure has imposed burdens on workers that limit opportunity. They are scaling back or repealing licensing requirements to strike the right balance needed to protect consumers and promote opportunity. Tennessee has an opportunity to join other states in knocking down an employment barrier for professional women. There are other avenues to ascertain whether professionals hold the experience and competence needed to practice in the state.

The proposed rule change takes a common sense approach to licensing requirements and will make Tennessee a more welcoming place for experienced and talented attorneys from the rest of the country. IWF and the CEO recommend that this rule change be adopted.