

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LAKERSKO BROWN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:00-0665
)	JUDGE ECHOLS
TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION and M.D. GOETZ, Jr., Commissioner,)	
)	
Defendants.)	

ORDER

Pending before the Court are the Motion For Leave To Appear *Pro Hac Vice* (Docket Entry No. 152), filed by Charles J. Cooper, the Motion For Leave To Appear *Pro Hac Vice* (Docket Entry No. 153), filed by Michael W. Kirk, and the Motion For Leave To Appear *Pro Hac Vice* (Docket Entry No. 158), filed by Brian S. Koukoutchos. Plaintiffs object to the admission *pro hac vice* of Mr. Koukoutchos.

The Motions filed by Mr. Cooper and Mr. Kirk, of the law firm Cooper & Kirk, PLLC, (Docket Entry Nos. 152 & 153) are hereby GRANTED on the ground that such Motions comply with Local Rule 83.01(d). Mr. Cooper and Mr. Kirk are permitted to appear in this case *pro hac vice* on behalf of the Defendants.

The Motion For Leave To Appear *Pro Hac Vice* filed by Mr. Koukoutchos, of the law firm of Cooper & Kirk, PLLC, is hereby GRANTED on the ground that such Motion complies with Local Rule 83.01(d). Plaintiffs' objection to the admission of Mr. Koukoutchos is overruled. The authority to admit an attorney to practice before the bar is within the discretion of the district court.

See Stilley v. Bell, 155 Fed.Appx. 217, 219 (6th Cir. 2005); D.H. Overmyer Co. v. First Nat'l Bank of Boston, 750 F.2d 31, 33 (6th Cir. 1984). Tenn. Code Ann. § 8-6-106 vests in the Tennessee Governor and Attorney General and Reporter the exclusive judgment to determine, in “all cases where the interest of the state requires,” whether additional counsel should be employed and whether such counsel should be

paid such compensation for services as the governor, secretary of state, and attorney general and reporter may deem just, the same to be paid out of any money in the treasury not otherwise appropriated, upon the certificate of such officers certifying the amount to the commissioner of finance and administration.

The statute by its terms does not grant this Court any authority to question the decision of the Governor and the Attorney General and Reporter to hire Mr. Koukoutchos to serve as outside counsel in this case, and Plaintiff has not cited the Court to any case granting the Court such authority. The Court must presume that state officials “will discharge their duties in good faith and in accordance with the law.” State ex rel. Comm’r of Transp. v. Medicine Bird Black Bear White Eagle, 63 S.W.3d 734, 775 (Tenn. Ct. App. 2001) “The Attorney General is an officer of the court and has the statutory responsibility to assure that the various departments of state government receive appropriate legal representation when they are entitled to it[.]” Id. This Court must assume that the Attorney General and Reporter will act “professionally, ethically, and in good faith” in exercising his discretion under § 8-6-106 to advise the Governor to employ additional counsel in this case. Id.

For admission *pro hac vice* this Court’s Local Rules require no more than a motion for *pro hac vice* admission, certification of Mr. Koukoutchos’ good standing as a member of the bar of another United States District Court, and payment of the *pro hac vice* admission fee. Because Mr. Koukoutchos has complied with these requirements, the Court exercises its discretion to admit him

to the bar of the Court. Accordingly, the Motion For Leave To Appear *Pro Hac Vice* (Docket Entry No. 158) filed by Mr. Koukoutchos is hereby GRANTED.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE