

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**IN RE: AMENDMENTS TO TENNESSEE
 RULES OF APPELLATE PROCEDURE**

Filed: January 2, 2007

ORDER

The Court adopts the attached amendments effective July 1, 2007, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 5	APPEAL AS OF RIGHT: SERVICE OF NOTICE OF APPEAL; DOCKETING OF THE APPEAL
RULE 9	INTERLOCUTORY APPEAL BY PERMISSION FROM THE TRIAL COURT
RULE 24	CONTENT AND PREPARATION OF THE RECORD
RULE 25	COMPLETION AND TRANSMISSION OF THE RECORD
RULE 31	BRIEF AND ORAL ARGUMENT OF AN AMICUS CURIAE.

FOR THE COURT:

WILLIAM M. BARKER
CHIEF JUSTICE

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 5

APPEAL AS OF RIGHT: SERVICE OF
NOTICE OF APPEAL; DOCKETING OF THE APPEAL

(a) Service of Notice of Appeal in Civil Actions.—

[Add the following new second sentence to the second paragraph:]

With the notice of appeal, the trial court clerk shall also serve on the clerk of the appellate court either an appeal bond or an affidavit of indigency or a notice of the appellant's failure to file either an appeal bond or affidavit.

2007 Advisory Commission Comment

The amended language requires the trial court clerk to promptly serve either the appeal bond or affidavit of indigency with the notice of appeal upon the appellate court clerk. This amendment will ensure that appellants timely file their appeal bond with the notice of appeal. Failure to do so will result in the trial court clerk notifying the appellate court clerk that no appeal bond has been filed so that action can be taken to dismiss the appeal under Rule 6(a) prior to the filing of the record.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 9

INTERLOCUTORY APPEAL BY PERMISSION
FROM THE TRIAL COURT

[Add the new comment below pertaining to subdivision (c):]

2007 Advisory Commission Comment

When the intermediate court *grants* an interlocutory appeal under Rule 9, an appeal of the final decision of the intermediate court to the Supreme Court is governed by Rule 11. Accordingly, a party has 60 days from the date of the intermediate court's judgment in the interlocutory appeal to file an application for permission to appeal under Rule 11. Note, however, that when the intermediate court *denies* an interlocutory appeal, Rule 9(c) provides that an application for permission to appeal to the Supreme Court must be filed within 30 days of the intermediate court's order denying the interlocutory appeal.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 24

CONTENT AND PREPARATION OF THE RECORD

[In (b) and (c), change “90 days” to “60 days”.]

2007 Advisory Commission Comment

A transcript or statement of the evidence must be filed with the trial court clerk within 60 days after the filing of the notice of appeal unless extended by the court. The period was formerly 90 days.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 25

COMPLETION AND TRANSMISSION OF THE RECORD

[In (a) change “90 days” to “60 days”.]

2007 Advisory Commission Comment

A transcript or statement of the evidence must be filed with the trial court clerk within 60 days after the filing of the notice of appeal unless extended by the court. The period was formerly 90 days.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 31

BRIEF AND ORAL ARGUMENT OF
AN AMICUS CURIAE

[Add the following new subdivision (d):]

(d) Costs of Amicus Curiae Filing.—The court in its discretion may assess the costs of filing the motion for leave to file an amicus curiae brief and all related filings against the amicus curiae, to be paid to the Appellate Court Clerk at the time of entry of the order granting or denying the motion.

2007 Advisory Commission Comment

New Rule 31(d) provides a procedure for assessing court costs against amici curiae.