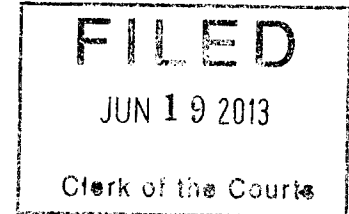


IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE AMENDMENT TO RULE 10B, SECTION 2,  
RULES OF THE TENNESSEE SUPREME COURT

\_\_\_\_\_  
No. M2013-00911-SC-RL2-RL  
\_\_\_\_\_



**ORDER**

Rule 10B, Rules of the Tennessee Supreme Court, sets out the procedures for seeking the disqualification or recusal of a judge. In summary, the Rule provides that a party seeking the disqualification or recusal of a judge must file a written motion stating the specific grounds for disqualification or recusal and that the judge must then act promptly on the motion by written order. Section 2 of Rule 10B sets out the procedures for appealing a trial court's denial of such a motion. The current version of Section 2, however, does not expressly state whether, and if so how, a party may seek the Supreme Court's review following an intermediate appellate court's ruling on a recusal appeal.

On April 15, 2013, the Court filed an order soliciting public comments on a proposed amendment that would add a new Section 2.07 to provide for a discretionary appeal to the Supreme Court following an intermediate court's decision in a recusal appeal. The public comment period expired on May 15, 2013.

After considering the written comment of the Tennessee Bar Association, which was the only comment received during the comment period, the Court hereby amends Rule 10B, Section 2 by adding the modified version of Section 2.07 set out in the Appendix to this order. (The earlier proposed version of Section 2.07 is modified to provide for a de novo standard of review.) This amendment shall take effect upon the filing of this order.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

*APPENDIX*

*AMENDMENT TO TENN. SUP. CT. R. 10B, SECTION 2  
(effective June 19, 2013)*

[Tenn. Sup. Ct. R. 10B, Section 2 is amended by adding the following new Section 2.07:]

**2.07.** In an accelerated interlocutory appeal decided by either the Court of Appeals or the Court of Criminal Appeals, a party may seek the Supreme Court's review of the intermediate court's decision by filing an accelerated application for permission to appeal. The application shall be filed in the Supreme Court within ten days of the filing date of the intermediate court's order or opinion. The accelerated application shall include an appendix containing: (a) copies of the petition and supporting documents filed in the intermediate appellate court; (b) copies of any answer(s) filed by order of the intermediate appellate court; and (c) a copy of the order or opinion filed by the intermediate appellate court. A copy of the accelerated application for permission to appeal shall be promptly served on all other parties. In civil cases in which the party seeking the Supreme Court's review is not the party that filed the accelerated interlocutory appeal in the intermediate court, the party filing the accelerated application shall file with the application a bond for costs as required by Tenn. R. App. P. 6.

If the Supreme Court, based upon its review of the accelerated application for permission to appeal, determines that no answer from the other parties is needed, the Court may act summarily on the accelerated application. Otherwise, the Court shall order that an answer to the application be filed by the other parties. The Court, in its discretion, also may order further briefing by the parties within the time period set by the Court. The Supreme Court shall decide the appeal on an expedited basis upon a de novo standard of review and, in its discretion, may decide the appeal without oral argument.

The accelerated application for permission to appeal authorized by this section 2.07 is the exclusive method for seeking the Supreme Court's review of the intermediate court's ruling on an accelerated interlocutory appeal filed under Section 2. The provisions of Tenn. R. App. P. 11 therefore do not apply to such appeals.

*[end of appendix]*