

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
12/14/2021
Clerk of the
Appellate Courts

**IN RE: PROPOSED AMENDMENTS TO TENNESSEE RULES OF CIVIL
PROCEDURE**

No. ADM2021-00969

ORDER

The Court adopts the attached amendments effective July 1, 2022, subject to approval by resolution of the General Assembly. The rules amended are as follows:

RULE 5B ELECTRONIC FILING, SIGNING, OR
VERIFICATION

RULE 11.01 SIGNATURE

RULE 45.09 FORM OF ISSUANCE OF SUBPOENA

RULE 58 ENTRY OF JUDGMENT

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



ROGER A. PAGE
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF CIVIL PROCEDURE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 5B

ELECTRONIC FILING, SIGNING, OR VERIFICATION

[Amend Rule 5B as indicated below:]

(1) Any court governed by these rules may, by local rule, allow documents to be filed, signed, and verified by registered users of an E-filing system. Any local rule that allows documents to be E-filed may also allow such documents to be E-served. Pleadings and other documents filed or served electronically under any such local rule shall be considered the same as written documents filed or served by conventional means.

(2) Any court governed by these rules shall allow documents to be signed and/or verified by attorneys with an electronic signature either in the form of s/_____ (typed out), a graphic representation of an electronic signature, and/or a digital graphic representation of the signature as signed by the person. Any court governed by these rules also shall allow electronic signatures on all discovery, declarations, subpoenas, or any other legal document in this same way. An electronic signature shall be considered the same as an original signature for all purposes.

(3) The following definitions shall apply herein:

...

Advisory Commission Comment [2022]

Rule 5(B) is amended by adding a new sub-paragraph 2 to allow electronic signatures by attorneys, irrespective of the adoption of E-filing, including, but not limited to, signatures completed in DocuSign and Adobe signing programs and/or other such programs.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 11.01

SIGNATURE

[Amend Rule 11.01 as indicated below:]

(a) Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Papers may be electronically signed in accordance with Rule 5B. Each paper shall state, to the extent available, the signer's address, telephone number, e-mail address, and Tennessee Board of Professional Responsibility number. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

Advisory Commission Comment [2022]

Rule 11.01 is amended to provide for electronic signatures in accordance with Rule 5B.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 45

SUBPOENA

[Add Rule 45.09 as indicated below:]

RULE 45.09

FORM OF ISSUANCE OF SUBPOENA

For purposes of issuance of any subpoena under Rule 45, the clerk of the court in which the action is pending may issue the subpoena in either written paper or electronic form. A signature affixed electronically to a subpoena shall be treated as an original signature. Payment for the issuance of an electronic subpoena shall be received by the trial court clerk not later than 10 calendar days after the issuance of the electronic subpoena and shall be paid by the party requesting said electronic issuance, subject to the following exception. If the requesting party is either a party who has been allowed to proceed on a pauper's oath or an attorney for such a party, then payment of the fee shall be taxed as a court cost.

Advisory Commission Comment [2022]

New Rule 45.09 is adopted to empower the trial court clerk to issue any Rule 45 subpoena by either written paper documents or electronic means.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 58

ENTRY OF JUDGMENT

[Amend Rule 58 as indicated below:]

Unless otherwise expressly provided by another rule, Eentry of a judgment or an order of final disposition or any other order of the court is effective when a judgment or order containing one of the following is marked on the face by the clerk as filed for entry:

...

Advisory Commission Comment [2022]

Rule 58 is amended to make clear that, unless otherwise expressly provided by another rule, the effective date of all court orders (not just entries of judgment or orders of final disposition) is the date of the filing of the order.