

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
CRIMINAL 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:

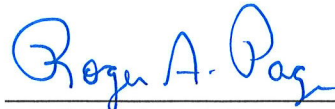
RULE 44 RIGHT TO AND ASSIGNMENT OF COUNSEL

RULE 49 SERVING AND FILING PAPERS

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 CRIMINAL PROCEDURE*

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

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 44

RIGHT TO AND ASSIGNMENT OF COUNSEL

[Amend Rule 44 as indicated below:]

Advisory Commission Comment [2022]

The Advisory Commission adds this Comment to clarify that the waiver provisions of subparagraph (b) of the rule apply to both indigent and non-indigent defendants.

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 49

SERVING AND FILING PAPERS

[Amend Rule 49(c) as indicated below:]

...

(c) Filing Served Papers with Court. Papers required to be served shall be filed with the court as follows:

(1) Signature. 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. Each paper shall state information sufficient to identify the signer, including but not limited to the signer's address, telephone number, e-mail address, and Tennessee Board of Professional Responsibility number, if any. An unsigned paper may be stricken by the court unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(2) With Court Clerk. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge. When papers are filed with the judge, he or she shall note on the papers the filing date and promptly transmit them to the clerk's office.

(3) Duties of Clerk. The clerk shall endorse on every pleading and on all other papers filed with the clerk in a proceeding the date and hour of the filing.

(4) *Recycled Paper*. The use of recycled paper with the highest feasible percentage of postconsumer waste content is recommended for all papers filed with the court.

Advisory Commission Comment [2022]

Rule 49(c) is amended by the addition of a new sub-paragraph (1) requiring that pleadings, motions, and other papers filed with the clerk shall identify the filing attorney or party, if unrepresented, and shall include the information identified in the amendment. Non-compliant filings are subject to being stricken by the court. The remaining sub-paragraphs have been renumbered.