

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 2

SUSPENSION OF RULES

For good cause, including the interest of expediting decision upon any matter, the Supreme Court, Court of Appeals, or Court of Criminal Appeals may suspend the requirements or provisions of any of these rules in a particular case on motion of a party or on its motion and may order proceedings in accordance with its discretion, except that this rule shall not permit the extension of time for filing a notice of appeal prescribed in Rule 4, an application for permission to appeal to the Supreme Court from the denial of an application for interlocutory appeal by an intermediate appellate court prescribed in Rule 9(c), an application for permission to appeal to the Supreme Court from an intermediate appellate court's denial of an extraordinary appeal prescribed in Rule 10(b), an application for permission to appeal prescribed in Rule 11, or a petition for review prescribed in Rule 12.

Advisory Commission Comment

The rule was amended to clarify that the filing deadlines to the Supreme Court under Rules 9(c) and 10 are jurisdictional, like those in Rules 4, 11 and 12.

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RULE 9

INTERLOCUTORY APPEAL BY PERMISSION
FROM THE TRIAL COURT

Advisory Commission Comment

Tenn.R.App.P. 2 was amended to clarify that the thirty-day filing deadline to the Supreme Court under Rule 9(c) is jurisdictional.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 10

EXTRAORDINARY APPEAL BY PERMISSION ON ORIGINAL
APPLICATION IN THE APPELLATE COURT

Advisory Commission Comment

Tenn.R.App.P. 2 was amended to clarify that the thirty-day filing deadline to the Supreme Court under Rule 10(b) is jurisdictional.

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RULE 15

VOLUNTARY DISMISSAL

(c) Dismissal Contingent on Settlement Agreement.—If the parties agree to settle a case on appeal and the settlement agreement is subject to the approval of the trial court, the parties shall file a motion in the appellate court asking the court to remand the case to the trial court for the limited purpose of considering the proposed settlement. If the trial court approves the settlement upon remand, the parties jointly shall file in the appellate court a motion to dismiss the appeal; the motion shall provide for the assessment of costs on appeal and shall be accompanied by a copy of the settlement agreement and the trial court’s order approving that settlement. If the trial court disapproves the settlement, the appellant shall file a notice in the appellate court stating that the trial court disapproved the settlement, in which case the appeal shall proceed under these rules. A motion to dismiss the appeal based upon the trial court’s approval of a settlement or a notice of the trial court’s disapproval shall be filed within 30 days of the trial court’s order.

Advisory Commission Comment

New paragraph (c) states the procedure for dismissing an appeal based upon a settlement that is subject to the trial court’s approval.

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RULE 25

COMPLETION AND TRANSMISSION OF THE RECORD

(a) Time for Completion of the Record; Duty of the Parties.—

[Insert this new sentence between the first and second sentences of the present language:]

Unless the time has been extended by order, if the appellant fails to file within 90 days from the filing of the notice of appeal either the transcript or statement of evidence prepared pursuant to Rule 24(b) or 24(c) or the notice under Rule 24(d) that no transcript or statement is to be filed, the clerk of the trial court shall provide written notice within 10 days to the clerk of the appellate court of the appellant's failure to comply with Rule 24(b) or (c) or (d), with a copy provided to counsel and pro se parties.

Advisory Commission Comment

The new second sentence covers situations where lawyers take no action concerning the transcript of evidence after notice of appeal is filed.