

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
12/16/2024
Clerk of the
Appellate Courts

**IN RE: PROPOSED AMENDMENT TO TENNESSEE RULES OF
APPELLATE PROCEDURE**

No. ADM2024-01134

ORDER

The Court adopts the attached amendment effective July 1, 2025 subject to approval by resolution of the General Assembly. The rule amended is as follows:

RULE 22 MOTIONS

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

IT IS SO ORDERED.

FOR THE COURT:



HOLLY KIRBY
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF APPELLATE PROCEDURE***

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

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 22

MOTIONS

[Amend Rule 22 as indicated below:]

(a) Content of Motion; Response. – Unless another form is elsewhere prescribed by these rules, an application for an order, unless made during a hearing, shall be made by filing a written motion for such order or relief with proof of service on all other parties. The motion shall contain or be accompanied by any matter required by ~~the~~ the specific provisions of these rules governing such a motion and the papers, if any, on which it is based. The motion shall state the grounds on which it is based, ~~and the order or other relief requested, and any legal argument necessary to support the motion.~~ A separate brief or memorandum of law supporting a motion need not be filed. If a motion is based on factual matters not appearing of record, the motion shall be accompanied by an affidavit, an unsworn declaration made under penalty of perjury and in the form specified in Tenn. R. Civ. P. 72, or other supporting evidence. Any affidavit or declaration must contain only factual information, not legal argument. ~~Each copy of a motion shall be accompanied by a memorandum of law and if the motion is based on matters not appearing of record, by affidavits or other evidence in support thereof.~~ Any showing in opposition to a motion, other than a procedural motion, shall be served and filed within 10 days after the motion is filed. The court may shorten or extend the time for responding to any motion.

(b) Motions for Procedural Orders. – Notwithstanding the provisions of (a) of this Rule 22 as to motions generally, motion for procedural orders, including any motion under Rule 21(b), may be acted upon at any time, without awaiting a response. The motion shall contain a statement concerning efforts to contact adverse counsel and shall reflect whether there is opposition to the motion. Any party adversely affected by such action may by application to the court request consideration, vacation, or modification of such action. Pursuant to rule or order of the courts, motions for specified types of procedural orders may be disposed of by the clerk.

Advisory Commission Comment [2025]

Paragraph (a) was amended to make clear that a separate brief, memorandum of law, or affidavit need not be filed in every instance where relief is sought by motion. In instances where factual matters outside the record are presented for the court’s consideration, the movant should file a separate affidavit, unsworn declaration made under penalty of perjury, or other supporting evidence suitable to allow the court to consider such extrajudicial facts. In such instances, the supporting materials should include only the relevant extrajudicial facts and not the legal argument of the movant or counsel.