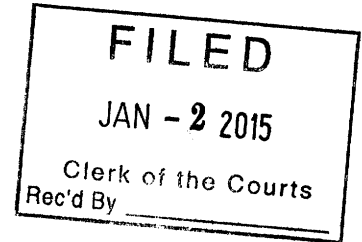


**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**IN RE:        AMENDMENTS TO TENNESSEE  
              RULES OF APPELLATE PROCEDURE**

\_\_\_\_\_  
**No. ADM2014-01791**  
\_\_\_\_\_



**ORDER**

The Court adopts the attached amendments effective July 1, 2015, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

- RULE 3        APPEAL AS OF RIGHT: AVAILABILITY;  
                  METHOD OF INITIATION
- RULE 9        INTERLOCUTORY APPEAL BY  
                  PERMISSION FROM THE TRIAL COURT
- RULE 10       EXTRAORDINARY APPEAL BY  
                  PERMISSION ON ORIGINAL  
                  APPLICATION IN THE APPELLATE  
                  COURT
- RULE 11       APPEAL BY PERMISSION FROM  
                  APPELLATE COURT TO SUPREME  
                  COURT.

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

IT IS SO ORDERED.

FOR THE COURT:

\_\_\_\_\_  
SHARON G. LEE, CHIEF JUSTICE

*APPENDIX*

**2015 AMENDMENTS TO THE  
TENNESSEE RULES OF APPELLATE PROCEDURE**

In the attached amended rules, ~~overstriking~~ indicates deleted text  
and underlining indicates added text.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 3

APPEAL AS OF RIGHT: AVAILABILITY; METHOD OF INITIATION

[Amend Rule 3 by adding the new subdivision (h) (new text indicated by underlining):]

(a) \* \* \* \*

(h) Cross Appeals and Separate Appeals Not Required in Civil Cases. – Consistent with Rule 13(a), cross appeals and separate appeals are not required. Consequently, upon the filing of a single notice of appeal in a civil case, issues may be brought up for review and relief pursuant to these rules by any party.

*Advisory Commission Comment [2015]*

The amendment added subdivision (h), which refers to Tenn. R. App. P. 13(a)'s statement that “[c]ross appeals . . . [and] separate appeals” are not required. Subdivision (h) goes on to state that, upon the filing of a single notice of appeal in a civil case, issues may be raised pursuant to these rules by any party. Thus, after the filing of a single notice of appeal by one or more parties, other parties are not required to file a separate notice of appeal in order to raise their own issues in the appellate court.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 9

INTERLOCUTORY APPEAL BY PERMISSION FROM THE TRIAL COURT

[Amend subdivision (e) as indicated below (deleted text is overstricken and new text is underlined):]

\* \* \* \*

(e) ~~Filing the Record~~Subsequent Procedure. — After the answer is filed, or if no answer is filed within the time permitted, the appellate court shall either grant or deny the application. If the application is granted, theThe trial court clerk must file the record on appeal within 30 days from the date of entry of the order granting permission to appeal. The filing of briefs following the granting of an application under this rule is governed by rules 27 - 30, unless otherwise ordered by the appellate court.

\* \* \* \*

*Advisory Commission Comment [2015]*

Subdivision (e) was amended by: (1) changing the subtitle of the subdivision from “Filing the Record” to “Subsequent Procedure”; (2) adding the first sentence concerning the court’s action on the application; and (3) adding the third sentence concerning the filing of briefs in cases in which the application is granted.

If the intermediate appellate court denies an application for an interlocutory appeal under Tenn. R. App. P. 9 and the Supreme Court subsequently grants permission to appeal, Tenn. R. App. P. 11(f), as amended in 2015, provides that the appellant’s brief must be filed within thirty days of the filing of the record in the Supreme Court.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 10

EXTRAORDINARY APPEAL BY PERMISSION  
ON ORIGINAL APPLICATION IN THE APPELLATE COURT

[Amend subdivision (d) as indicated below (new text indicated by underlining):]

\* \* \* \*

(d) Subsequent Procedure. — If the appellate court is of the opinion that an extraordinary appeal should not be granted, it shall deny the application. Otherwise, the appellate court shall order that an answer to the application be filed by the other parties within the time fixed by the order. The order shall be served on all other parties and if the application has not previously been served shall have attached thereto a copy of the application. After the answer is filed, the appellate court shall either grant or deny the application. If the application is granted, the trial court clerk must file the record on appeal within 30 days from the date of entry of the order granting permission to appeal or within such other period as the appellate court may direct. The appellate court shall advise the parties of the dates on which briefs are to be filed, if briefs are required, and of the date of oral argument, if oral argument is granted.

\* \* \* \*

*Advisory Commission Comment [2015]*

Subdivision (d) was amended to clarify the procedure to be followed when the appellate court

orders the filing of an answer to the application for extraordinary appeal by permission. As amended, the subdivision provides that the appellate court shall either grant or deny the application after the answer is filed, which conforms the text of the rule to the actual practice followed by the appellate courts. The subdivision also was amended to provide that the record on appeal must be filed by the trial court clerk within 30 days of the order granting permission to appeal or within such other period as the appellate court may direct.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 11

APPEAL BY PERMISSION FROM APPELLATE COURT TO SUPREME COURT

[Amend subdivision (f) as indicated below (deleted text is overstricken and new text is underlined):]

\* \* \* \*

(f) Briefs. — Except as provided in the next paragraph, if ~~If~~ permission to appeal is granted, the appellant shall serve and file his or her brief within 30 days after the date on which permission to appeal was granted. If the appellant files a brief with the application for permission to appeal as provided in subdivision (b) of this rule, he or she may also file a supplemental brief, which shall likewise be served and filed within 30 days after the date on which permission to appeal was granted. Except by order of the Supreme Court, the argument in a supplemental brief shall not exceed 25 pages. If available, the color of the cover of a supplemental brief shall be blue. An appellant who elects not to file a supplemental brief shall, within 30 days after the date on which permission to appeal was granted, file with the clerk of the appellate court and serve on the appellee notice of the appellant's election not to file a supplemental brief; if the appellant fails to file a notice within 30 days, the appellee's time runs from the 30th day after permission to appeal was granted.

If the Supreme Court grants an application for permission to appeal from the denial of a Tenn. R. App. P. 9 application, the appellant shall serve and file his or her brief within 30 days after the date on which the record on appeal is filed pursuant to Tenn. R. App. P. 9(e). The briefs filed

in such cases shall otherwise be governed by this subdivision (f).

The appellee shall serve and file a brief within 30 days after filing of the brief or supplemental brief of the appellant or appellant's notice of election not to file a supplemental brief.

Reply briefs shall be served and filed within 14 days after filing of the preceding brief.

The briefs shall conform with the requirements of Rule 27.

*Advisory Commission Comment [2015]*

Subdivision (f) is amended to clarify the briefing schedule in those cases in which the intermediate appellate court denies an application for an interlocutory appeal under Tenn. R. App. P. 9 and in which the Supreme Court subsequently grants permission to appeal. The amendment provides that the appellant in such cases shall file his or her brief within thirty days of the filing of the record pursuant to Tenn. R. App. P. 9(e).

*[end of Appendix]*