

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: ADOPTION OF RULE 49, RULES OF THE SUPREME COURT OF TENNESSEE

Filed: January 18, 2007

ORDER

Recognizing the importance to the public of continuing the operation of the appellate courts should a natural or man-made disaster occur in this State, on November 17, 2005, this Court established a Work Group to develop a Continuity of Operation Plan (“COOP”) and directed the Work Group to submit its report by December 31, 2006.

Upon carefully reviewing and considering the report submitted on December 6, 2006, we have concluded that the COOP proposed by the Work Group should be adopted and become effective immediately. Accordingly, the Court hereby adopts Supreme Court Rule 49, which is set out in [Appendix A](#), attached to this Order.

It is so ORDERED.
FOR THE COURT

WILLIAM M. BARKER, CHIEF JUSTICE

APPENDIX A

Supreme Court Rule 49 -- Continuity of Operation Plan for the Tennessee Appellate Courts

Section 1.

In the event of a disaster that incapacitates the operation of the appellate courts in Nashville, Knoxville, or Jackson, the Chief Justice, or in the event the Chief Justice is unavailable, the next most senior Justice or intermediate appellate court judge available, shall have the authority to enter an order activating and promulgating a disaster plan. Among other things, such an order may:

- (a) Grant up to a thirty-day extension of mandatory deadlines that would otherwise apply to documents required to be filed in the Supreme Court, Court of Appeals, or Court of Criminal Appeals. If deemed necessary, additional extensions of time may be granted upon a majority vote of the justices of the Supreme Court; and
- (b) Designate alternate filing methods available to parties who choose to submit documents to the appellate courts during the pendency of the disaster plan. Alternate filing methods may include: (1) filing at a Designated Alternate Facility established by appellate court officials; (2) filing via the mail at an alternate unaffected Supreme Court building located in a different Grand Division of the State; and/or (3) filing via e-mail if the computer systems are operational.

Section 2.

Any order entered pursuant to Section 1 shall be expeditiously disseminated to attorneys, litigants, the media, and the public via posting of the order on the website of the Administrative Office of the Courts at www.tncourts.gov, e-mailing the order to designated legal organizations, and providing a press release along with a copy of the order to media in Tennessee.

Section 3.

Any order entered pursuant to Section 1, shall remain in effect for thirty days, unless the effective date is shortened or extended by a majority vote of the justices of the Supreme Court.