

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
01/11/2024
Clerk of the
Appellate Courts

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

No. ADM2023-01208

ORDER

The Court adopts the attached amendments effective July 1, 2024, subject to approval by resolution of the General Assembly. The rules amended are as follows:

- RULE 30 FORM OF BRIEFS AND OTHER PAPERS
- RULE 31 BRIEF AND ORAL ARGUMENT OF AN AMICUS
 CURIAE

The text of the amendments are 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 30

FORM OF BRIEFS AND OTHER PAPERS

[Amend Rule 30 as indicated below:]

Advisory Commission Comment [2024]

All appellate court electronic filings are governed by Tenn. S. Ct. Rule 46.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 31

BRIEF AND ORAL ARGUMENT OF AN AMICUS CURIAE

[Amend Rule 31 as indicated below:]

Rule 31. Brief and Oral Argument of an Amicus Curiae.

(a) Leave or Request of Court Necessary. A brief of an amicus curiae may be filed only by leave of court granted on motion or at the request of the appellate court. ~~A brief may be conditionally filed with the motion for leave.~~ A motion for leave shall identify the interest of the applicant and shall state how a brief of an amicus curiae will assist the appellate court. The brief shall be conditionally filed with the motion for leave.

(b) Form; Time; Conditions. A brief of an amicus curiae shall follow the form prescribed for the brief of an appellee. ~~The court shall fix the time and conditions for the filing of the amicus curiae brief.~~ An amicus curiae shall file its brief, accompanied by a motion for leave to file, no later than 7 days after the brief of the party being supported has been filed. An amicus curiae that does not support either party shall file its brief and motion for leave to file no later than 7 days after the appellant's brief has been filed. If an appellant serves and files its brief with its application for permission to appeal as permitted under Rule 11(b), an amicus curiae supporting the appellant shall file its brief no later than 7 days after the appellant has filed its supplemental brief as permitted under Rule 11(f) or, if the appellant elects not to file a supplemental brief, the amicus curiae shall

file its brief no later than 7 days after the appellant files notice of its election not to file a supplemental brief as required under Rule 11(f). Consistent with Tenn. R. App. P. 21(b), for good cause shown the appellate court may enlarge the time to file the motion for leave and accompanying brief, specifying the time within which an opposing party may respond.

. . .

Advisory Commission Comment [2024]

New Rule 31(a) is intended to require the conditional filing of an amicus brief at the same time as the filing of the motion for leave. New Rule 31(b) establishes deadlines for the filing of a motion for leave to file and the accompanying brief.