

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

12/16/2024

Clerk of the
Appellate Courts

IN RE: AMENDMENTS TO TENNESSEE SUPREME COURT RULE 54

No. ADM2024-01848

ORDER

The Administrative Office of the Courts (“AOC”) proposed various amendments to Tenn. Sup. Ct. R. 54. Upon due consideration of the proposed amendments, the Court hereby amends Tenn. Sup. Ct. R. 54 as set out in the attached Appendix.

All amendments shall take effect immediately upon the filing of this Order. The Clerk shall provide a copy of this Order to LexisNexis and to Thomson Reuters. In addition, this Order shall be posted on the Tennessee Supreme Court’s website.

It is so ORDERED.

PER CURIAM

APPENDIX

AMENDMENTS TO TENNESSEE SUPREME COURT RULE 54

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

I. Tenn. Sup. Ct. R. 54, § 2(e)

(1) If a plaintiff does not file a notice, a defendant as defined in Section 1 may request the empaneling of a special three-judge panel by providing notice consistent with the provisions of this rule within fifteen (15) days of the date of service of the complaint, amended complaint, counter-claim, or third-party complaint.

(2) If no party files a notice consistent with the provisions of this Section in a case that satisfies the criteria for a three-judge panel in Section 1, the trial court shall enter such notice sua sponte that the case satisfies the criteria.

(3) Multiple notices need not be filed in a single action.

II. Tenn. Sup. Ct. R. 54, § 3(a)

Within fifteen (15) days of the filing of the notice, the presiding judge of the judicial district in which the notice was filed shall file with the clerk of the trial court where the action is pending an order making a written initial determination as to whether the action filed qualifies under the provisions of Section 1 requiring the empaneling of a special three-judge panel.

(1) Within five (5) days of the filing of the presiding judge's order, the trial court clerk shall email to the Clerk of the Supreme Court addressed to appellatecourtclerk@tncourts.gov the following documents:

—~~(1)~~a. the presiding judge's order;

—~~(2)~~b. the notice referenced in Section 2(b) (along with any attachments thereto); and

~~(3)c.~~ any responses to the notice referenced in Section 2(d) filed by a party to the litigation.

~~(4)(2) If the presiding judge of the judicial district in which the notice was filed has recused himself or herself from the case, then the presiding judge pro tempore, as described in Rule 11, § (III)(b), shall file the written initial determination as provided in Section 3(a) of this Rule.~~

(3) Upon receipt of the email, the Clerk of the Supreme Court shall file the transmitted documents in the Supreme Court. The Supreme Court has discretion to request additional information from the parties to aid its de novo review of the presiding judge's determination.

~~(54)~~ The Supreme Court makes the final determination as to whether the action qualifies under the provisions of Section 1. If the Supreme Court determines that it does not, the Court shall remand the case to the original trial judge to whom the case was assigned. If the Supreme Court determines that it does, the Court shall then select two (2) trial judges of courts of record to sit with the judge to whom the case was originally assigned as a three-judge panel to hear and decide the case.