

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/22/2025

Clerk of the
Appellate Courts

**IN RE: AMENDMENTS TO TENNESSEE RULES OF APPELLATE
PROCEDURE, CIVIL PROCEDURE AND CRIMINAL PROCEDURE**

No. ADM2025-01108

ORDER

The Advisory Commission on the Rules of Practice & Procedure annually presents recommendations to the Court to amend the Tennessee Rules of Appellate, Civil, Criminal, and Juvenile Procedure and the Tennessee Rules of Evidence. With its meeting on June 27, 2025, the Advisory Commission completed its 2024-2025 term, and the Commission thereafter transmitted its recommendations to the Court.

The Court hereby solicits written comments from the bench, the bar, and the public concerning the Advisory Commission's recommended amendments set out in Appendix I (proposed amendments to the Rules of Appellate Procedure and Criminal Procedure) to this order. The deadline for submitting written comments is November 20, 2025. Written comments may either be submitted by email to appellatecourtclerk@tncourts.gov or by mail addressed to:

James Hivner, Clerk
Re: 2026 Rules Package
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, the order shall be posted on the Tennessee Supreme Court's website.

PER CURIAM

APPENDIX I

PROPOSED AMENDMENTS TO THE TENNESSEE

RULES OF APPELLATE PROCEDURE

and

RULES OF CRIMINAL PROCEDURE

(new text indicated by underlining; deleted text indicated by overstriking)

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 20B

PUBLIC ACCESS TO APPELLATE COURT FILINGS AND PRIVACY PROTECTION

[Add Rule 20B as indicated below:]

Rule 20B. Public Access to Appellate Court Filings and Privacy Protection.

(1) Applicability. This Rule governs electronic access by the public to Filings in Tennessee Appellate Courts and applies to Filings made on or after.

(2) Definitions. For this Rule, the following definitions apply:

(a) “Appellate Court(s)” or “Court(s)” mean the Tennessee Supreme Court, the Tennessee Court of Appeals, and the Tennessee Court of Criminal Appeals.

(b) “Certificate of Redaction Compliance” means a written statement dated and signed by the filer or submitter of a Filing certifying that the Filing complies with the omission and redaction requirements of this Rule.

(c) “Clerk” means the clerk of the Appellate Courts.

(d) “Confidential Information” means information that is protected from public disclosure or is required to be kept confidential by Tennessee law, federal law, or court rule or order. Confidential Information includes but is not limited to:

- (i) personal identification numbers such as Social Security numbers, driver's license numbers, taxpayer identification numbers, and passport numbers;
- (ii) financial account numbers, credit and debit card numbers, and passwords securing those accounts and cards;
- (iii) home addresses and contact information of informants, victims, witnesses, and persons protected under restraining or protection orders;
- (iv) dates of birth;
- (v) names of persons known to be minors;
- (vi) case numbers of confidential, expunged, or sealed records in cases other than the one in which the Filing is made;
- (vii) information identifying a person receiving mental health or substance-use-disorder services;
- (viii) information identifying victims of sexual offenses;
- (ix) medical information the confidentiality of which is protected by Tennessee or federal law; and
- (x) records of students in education institutions the confidentiality of which records is protected by Tennessee or federal law.

- (e) “Filing” means any paper filed or submitted, whether electronically or otherwise, in an Appellate Court and includes appendices, exhibits, and attachments filed or submitted with the Filing.
- (f) “Number(s)” means a numeral, a combination of numerals, an alphanumeric, or other symbol that identifies a person or entity.

(3) Required Omission or Redaction of Confidential Information.

- (a) Unless the Court orders otherwise, all Confidential Information must be omitted or redacted from a Filing before the Filing is filed or submitted in an Appellate Court.
- (b) When legal counsel makes the Filing on behalf of the person or entity counsel represents, counsel is responsible for omitting and redacting Confidential Information. When the Filing is made by a person or entity not represented by legal counsel, that person or entity is responsible for omitting and redacting Confidential Information.
- (c) Whenever possible, Confidential Information should be omitted from a Filing, so that Confidential Information is simply not included in the Filing at all.
- (d) When it is necessary to include Confidential Information, that Information must be redacted before the Filing is filed or submitted.

- (e) For good cause, the Court may order redaction of additional information in a redacted Filing or may limit or prohibit public access to a Filing. A person or entity making a redacted Filing who believes that information other than Confidential Information should be redacted before the Filing is made electronically accessible to the public may not redact that other information without first moving for and obtaining from the Court in which the Filing is being made an order permitting redaction of that other information.
- (f) A person or entity making a redacted Filing must also file an unredacted version of the Filing under seal. That unredacted, sealed version of the Filing must be maintained in the record. The words “Redacted Filing” must appear on the cover page of the version of the Filing that has been redacted pursuant to this Rule. The words “Unredacted Filing Under Seal” must appear on the accompanying unredacted, sealed version.
- (g) If the Court has ordered that a Filing be made under seal without redaction, the Court may later unseal the Filing and order that the Filing be redacted and that the redacted version be accessible to the public.
- (h) Redaction is not required for:
 - (i) Filings made under seal pursuant to a court order;
 - (ii) Filings to which public access is otherwise prohibited, such as Filings in appeals involving the termination of parental rights or in appeals from juvenile court;

- (iii) a financial-account number that identifies property allegedly subject to forfeiture in a forfeiture proceeding;
- (iv) the record of an administrative or agency proceeding; or
- (v) the official record of a state-court proceeding.

(4) Certification of Redaction Compliance.

- (a) The person or entity responsible for omitting and redacting Confidential Information must certify in writing that the Filing complies with this Rule. Certification is made by attaching to or including in the Filing a signed, dated Certificate of Redaction Compliance identifying the Filing by case style and number and verifying that all documents in the Filing comply with the omission and redaction requirements of this Rule.
- (b) The Court or the Clerk must not accept or file any Filing without a signed Certificate of Redaction Compliance.
- (c) When a Filing is accompanied by a signed Certificate of Redaction Compliance, neither the Court nor the Clerk is required to review the Filing to confirm that the required omissions and redactions have been properly made.
- (d) On motion by a party, an interested person or entity, or on its own, the Court may order remedies for failure to comply with the omission and redaction

requirements and may impose sanctions if it finds certification of redaction compliance was not made in good faith.

(5) Redacting Confidential Information.

- (a) Redaction is the process of permanently and completely obscuring or removing Confidential Information in a Filing before it is filed or submitted so that the Confidential Information is not accessible from the Filing.
- (b) Redaction may be accomplished manually or by use of technology, such as redaction software.
- (c) Whatever redaction method is used must protect the confidentiality of the redacted information and ensure that all Confidential Information, including all metadata, has been completely and permanently obscured or removed and cannot be restored or accessed. Redacted Filings must make clear when and where information has been redacted, for example by replacing the redacted information with asterisks, a generic descriptor (e.g. SS#), or ellipses.

(6) Electronic Access to Filings.

- (a) As of _____, the Clerk must offer access to Filings accompanied by a Certificate of Redaction Compliance through a system that allows members of the public to search electronically for, inspect, and copy a Filing, but the Clerk must not make public access available for (i) Filings made under seal, (ii) Filings in appeals involving the termination of parental rights, (iii) Filings

in appeals from juvenile court cases, or (iv) Filings otherwise protected by statute, court rule, or court order.

(b) Electronic access by the public may be temporarily suspended if the Clerk determines that public demand for electronic access is adversely affecting the Appellate Courts' systems or operations.

(7) Liability. This Rule does not create any right of action against the Appellate Courts or the Clerk or their respective members, employees, or agencies, nor does it affect any immunity or defense to which a Court or the Clerk, or their respective members, employees, or agencies may be entitled.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 27

CONTENT OF BRIEFS

[Amend Rule 27 as indicated below:]

Advisory Commission Comment [2026]

Regarding requests for appellant attorney’s fees, see *Killingsworth v. Ted Russell Ford, Inc.*, 205 S.W.3d 406, 410 (Tenn. 2006) (appellants must include the request in the “Statement of Issues” in their brief); and *Charles v. McQueen*, 693 S.W.3d 262, 283-284 (Tenn. 2024) (appellees do not need to list the request in a “Statement of Issues” in their brief but must “present the request to the appellate court by raising it in the body of the brief, adequately developing the argument, and specifying that relief in the brief’s conclusion”).

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 41

SEARCH AND SEIZURE

[Amend Rule 41(g) as indicated below:]

Rule 41: Search and Seizure. -

(g) Motion for Return or Suppression of Property.

(1) A person aggrieved by an unlawful or invalid search or seizure may move the court pursuant to Rule 12(b) to suppress any evidence obtained in the unlawful search or seizure. ~~If property was unlawfully seized, the aggrieved person may move for the return of the property.~~ The motion to suppress ~~and/or the motion to return~~ property unlawfully seized may be granted, under applicable substantive law ~~and except as to the return of contraband~~, if the evidence in support of the motion shows that:

(~~1~~A) the search or seizure was made illegally without a search warrant or illegally with an invalid search warrant, or in any other way in violation of the constitutional protection against unreasonable searches and seizures;

(~~2~~B) a search warrant was relied on, but the search warrant or supporting affidavit is legally insufficient on its face and hence invalid;

(~~3~~C) the search warrant relied on was issued on evidence consisting in material part of willful or reckless misrepresentations of the applicant to the issuing magistrate, resulting in a fraudulent procurement;

(4D) the search warrant does not describe the property seized, and the seized property is not of such a character as to be subject to lawful seizure without a warrant;

(~~5~~E) the magistrate did not:

(A~~i~~) make an original and two copies of the search warrant; or

(B~~ii~~) did not endorse on the warrant the date and time of issuance and the name of the officer to whom the warrant was issued; or

(~~6~~F) the serving officer—where possible—did not leave a copy of the warrant with the person or persons on whom the search warrant was served.

(2) Any person aggrieved by an unlawful or invalid search or seizure or by the deprivation of property may move the court for the return of the property. The motion must be filed with the Circuit Court in the judicial district where the search

warrant was issued or the Circuit Court with jurisdiction over the place where the property was seized. Upon receipt of the motion, the court must notify the governmental agency in possession of the property and promptly receive evidence on any factual issue necessary to decide the motion. A motion filed pursuant to this part may be granted, under applicable substantive law and except as to the return of contraband, if evidence in support of the motion satisfies any of the subsections above in (g)(1)(A)-(F) or is otherwise in the interests of justice. If the court grants the motion, the court must order the return of the property to the movant, but it may impose reasonable conditions to protect access to the property and its use in later proceedings.

Advisory Commission Comment [2026]

The amendment to Rule 41(g) provides a framework for movants to seek the return of seized property. Much of the language is drawn from the corresponding federal rule.