Appellate Record Preparation Guidelines for Trial Court Clerks

https://www.tncourts.gov/courts/ court-rules/rules-appellateprocedure

Tennessee Rules of Appellate Procedure

T.R.A.P. 24 Content and Preparation of the Record

T.R.A.P. 25 Completion and Transmission of the Record

T.R.A.P. 26 Filing of the Record



Important Timelines

After the notice of appeal is filed, when is the record due?

- The appellant has 60 days in which to file a transcript or statement of the evidence from the date the notice of appeal is filed.
- If no transcript or statement of the evidence is to be filed, the appellant should file a notice with the trial court clerk within 15 days.(T.R.A.P. 24(d))
- The trial court clerk should send the record to the Clerk's office within 45 days after the filing of the transcript, statement of the evidence, or notice of no transcript. (T.R.A.P. 25(a))

What is the objection period for a transcript or statement of the evidence?

The appellee has 15 days to file an objection with the trial court clerk. After the expiration of the of the objection period, the trial judge should approve the transcript or statement of the evidence and authenticate the exhibits within 30 days. Otherwise, they shall be deemed approved. (T.R.A.P. 24 (f)) What if no transcript or statement of the evidence is filed after the 60 day period ends and no T.R.A.P. 24 (d) notice was filed?

The trial court clerk should notify the Appellate Court Clerk's Office in the form of a notice of the appellant's failure to comply with T.R.A.P. 24 (b), (c), or (d). A copy of the notice also needs to be sent to the attorney or party involved in the case.

Contents of the Record

- Copies of all papers filed in the trial court except:
- Subpoenas or summonses for any witness or defendant
- All papers related to discovery, including:
 - o Depositions
 - Interrogatories or answers to interrogatories
 - Reports of physical or mental examinations
 - Motions related solely to discovery
- Lists from which jurors are selected
- Trial briefs
- Minutes of opening/closing of court

2. Originals of any exhibits filed during the trial

3. Transcripts or Statement of the Evidence or Proceedings

4. Requests for jury instructions submitted to the trial court

5. Any matter designated by a party and properly includable

Any differences regarding whether the record accurately discloses what occurred in the trial court shall be submitted to and settled by the trial court. (T.R.A.P. 24 (e))

Organization of the Record

TECHNICAL RECORD

Common identifier for copies of all papers filed (except transcripts and exhibits)

- Bound in chronological order
- Limited to 150 pages per volume
- Pages should be numbered consecutively for all volumes
- Contain a Table of Contents
 - List each filing and the page number
 - List in the same order the papers are bound
 - o If more than one volume, include contents of subsequent volumes

Front and Back Covers of card stock paper

- Front cover should include trial court, trial judge, appellate court case no., trial court case no., style of the case, attorneys-address and BPR no., and judgment
- Clerk's Certificate
 - Certifies and enumerates the transmittal of the technical volumes, transcripts, total number of exhibits

TRANSCRIPTS

- Must be bound by Court Reporter; if not, must be bound by trial court
- Must be certified by the appellant, appellant's counsel, or reporter as an accurate account of the proceedings
- Exhibits must be removed and bound in a separate volume

EXHIBITS

- Compiled in numerical order and bound in a separate volume(s)
- Volume should contain a table of contents listing all exhibits, whether or not they are included in the record
- Discs or flash drives admitted as exhibits should be placed in an envelope or plastic sheet protector that can be bound within the exhibit volume



- Only documents or exhibits filed under seal in the trial court pursuant to a specific order will be filed under seal in the Appellate Court.
- Sealed documents or exhibits should be placed in a separate envelope with a copy of the trial court's sealing order on the cover.

Records in Termination of Parental Rights appeals

- Governed by T.R.A.P. 8A
- Any portion of the file of a child dependency, delinquency or status case that has not been properly admitted into evidence at the TPR trial shall be excluded from record.
- Transcripts are due within 45 days after the filing of the Notice of Appeal
- If after 45 days, the appellant fails to file a transcript, statement of the evidence, or notice of no transcript or statement of the evidence, the trial court clerk should notify the Appellate Court Clerk in the form of an affidavit.
- Objection period is 10 days
- Approval/Authentication period is 20 days
- Trial Court Clerk to send record within 5 days of approval

Common reasons a record may be returned for corrections:

- Premature Transcript has not been approved and the authentication period has not expired.
- Table of Contents missing or not in chronological order.
- Does not contain the final order or judgment.
- Clerk's Certification does not match what was transmitted or it is not signed.
- Volume contains over 150 pages.
- Not limited to items on the designation or does not include all items on the designation.
- Pages are not numbered or page numbers start over with each volume. * Page numbers must be legible with dark ink, approximately 1/4" above the bottom of the page.

Common reasons a record may be returned for corrections:

- Trial exhibits not originals or not bound separately.
- Transcript not file stamped or not certified.
- Documents/Exhibits not properly sealed.
- Does not contain order ruling on an objection to a transcript or statement of the evidence.
- Contains a transcript or statement of the evidence that was disapproved by the trial court judge.
- Contains documents that are not file stamped.

Checklist

- Copy of Notice of Appeal received from Appellate Court Clerk.
- Transcript filed and sent to trial judge for approval or Rule 24 (d) notice filed by appellant.
- Technical record assembled chronologically and pages numbered.
- Table of Contents prepared.
- Original trial exhibits collected and bound.
- Trial Court Clerk's Certification prepared, compared against the record, and signed.
- Designation of record items included in record.
- Record sent or delivered to the Appellate Court Clerk's Office.

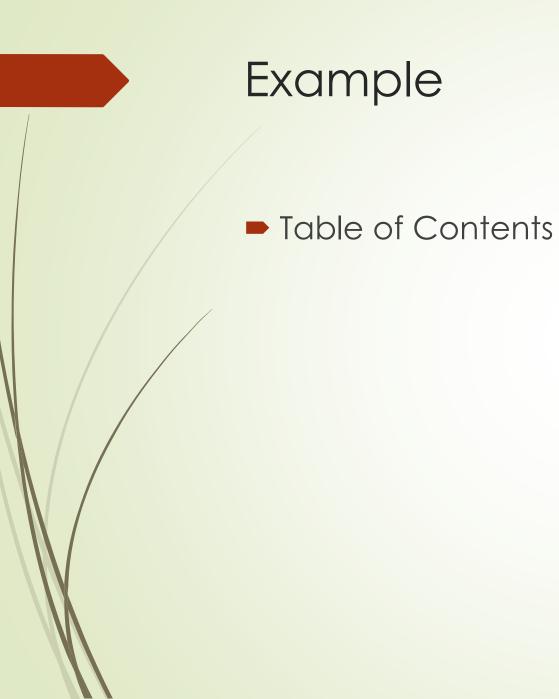


TABLE OF CONTENTS PETER R SHEA, ET AL V HUNTINGDON SERVICES, ET AL W2021-01255-COA-R3-CV CH-21-0093-1

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VOLUME I

1-23-21	Complaint for Breach of Contract and Fraud exhibit attached hereto	1
2-12-21	Notice of Appearance	11
2-12-21	Notice of Appearance	13
3-24-21	Huntingdon Services, LLC's Motion to Dismiss	15
3-24-21	Huntingdon Services, LLC's Memorandum in Support of Motion to Dismiss	17
3-24-21	Huntingdon O'Neill Roofing LLC's Motion to Dismiss	26
3-24-21	Huntingdon O'Ncill Roofing LLC's Memorandum in Support of Motion to Dismiss	28
3-24-21	Leonard O'Neill's Motion to Dismiss	34
3-24-21	Leonard O'Neill's Memorandum in Support of Motion to Dismiss	36
6-7-21	Plaintiffs' Response to Motions to Dismiss and Supporting Memorandums of Facts and Law <i>exhibit attached hereto</i>	60
9-13-21	Plaintiffs' Supplemental Memorandum Regarding Motions to Dismiss	77
9-13-21	Motion to First Amend Complaint and Memorandum in Support Thereof	87
9-13-21	Order Granting Huntingdon O'Neill Roofing LLC's Motion to Dismiss	104
9-21-21	Defendant's Response to Plaintiff's Motion to First Amend Complaint and Memorandum in Support Thereof	108
9-21-21	Defendant's Supplemental Memorandum in Support of Their Motions to Dismiss and in Response to Plaintiff's Supplemental Memorandum <i>exhibit attached hereto</i>	112

TABLE OF CONTENTS

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12

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VOLUME II

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10-4-21	Plaintiff's Notice of Filing of the Transcripts of the Only Two Court Hearings in this Matter	177	
10-6-21	Order Granting Huntingdon Services LLC's and Leonard O'Neill's Motions to Dismiss and Thereby Disposing of All Remaining Claims in This Matter	179	
10-25-21	COA: Notice of TRAP 3 Appeal Filed		
	In the Court of Appeals for Tennessee at Jackson W2021-01255-COA-R3-CV Originally Filed: 10-21-21	192	
10-25-21	Defendants' Motion to Amend Judgment to Address Litigation Costs Required by Tennessee Code Annotated Section 20-12- 119(C)	197	
11-8-21	Notice of Hearing	200	
11-17-21	Plaintiff's Response to Motion to Amend Judgment to Address Litigation Costs	202	
11-19-21	Notice of No Further Transcripts to Be Filed	204	
12-28-21	Order Granting Defendants' Motion to Amend Judgment to Address Litigation Costs Required by Tennessee Code Annotated Section 20-12-119(C)	206	
12-28-21	Amended Order Granting Huntingdon Services LLC's and Leonard O'Neill's Motions to Dismiss and Thereby Disposing of All Remaining Claims in the Matter	208	
	Certification of the Record	220 Total Pages	
	TRANSCRIPTS		
VOLUME III	Transcript of Proceedings in Chancery from August 17, 2021; filed in Chancery October 4, 2021		
VOLUME	Transcript of Proceedings in Chancery from September 23,		

12



IN THE COURT OF APPEALS OF TENNESSEE AT JACKSON

PETER R SHEA, et al, Plaintiffs/Appellants,

v.

COA No.: W2021-01255-COA-R3-CV Appeal from Chancery Court Docket Number: CH-21-0093-1 Chancellor Gadson W Perry

. . .

HUNTINGDON SERVICES, Et al, Defendants/Appellees

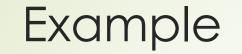
I, W. Aaron Hall, Clerk and Master of the Chancery Court of Shelby County, Tennessee, do hereby certify that the following items herewith transmitted to the Court of Appeals are originals or true and correct copies of the technical record and all of the designated papers on file in my office:

- Technical Record enclosed with this certificate consisting of Two Hundred and Twenty (220) total pages contained in Two (2) volumes.
- One Volume of the Transcript of Proceedings from the August 17, 2021 Hearing filed in my office on October 4, 2021. This Transcript has been authenticated by the Trial Judge or as provided by T.R.A.P. Rule 24(f).
- 3. One Volume of the Transcript of Proceedings from the September 23, 2021 Hearing filed in my office on October 4, 2021. This Transcript has been authenticated by the Trial Judge or as provided by T.R.A.P. Rule 24(f).

This 3rd day of January, 2022

W. Aaron Hall, Clerk and Mas By:

Sam Ginsberg, Principal Court Clerk



Affidavit of Non-Compliance with T.R.A.P. 24

IN THE COURT OF APPEALS OF TENNESSEE AT NASHVILLE

GPSI, Inc., Plaintiff/Appellee,

Rural Media Group Inc. et. al.,

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Defendant/Appellant,

Appeal No. M2023-00077-0	FILED
	MAR 2 3 2023
Davidson County Chancery No. 20-358-11	Clerk or no Appellate Courts Routs Dy

NOTICE TO CLERK OF APPELLATE COURT PURSUANT TO T.R.A.P. 25 (a)

This notice pursuant to T.R.A.P. 25 (a) that the appellant, being the Defendant named above, has not filed within 60 days from the filing of the notice of appeal either the transcript or statement of the evidence prepared pursuant to Rule 24 (b) or 24 (c) or the notice under Rule 24 (d) that no transcript or statement is to be filed.

Witness my hand this 17th day of March, 2023.

Maria M. Salas, Clerk and Master By: Deputy Clerk

Certificate of Service

I certify that I have provided a copy of this notice to counsel and any pro se parties, as required by Rule 25(a).

Witness my hand this March, 2023

Maria M. Salas, Clerk and Master

the By: Deputy Clerk