

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: ADOPTION OF NEW RULE 51,
RULES OF THE TENNESSEE SUPREME COURT

FILED

OCT 08 2009

Clerk of the Courts

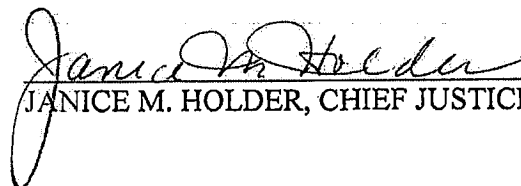
No. M2009-02074-SC-RL2-RL

ORDER

Appeals in workers' compensation cases are governed by Tenn. Code Ann. § 50-6-225(e), as well as the Tennessee Rules of Appellate Procedure. The Court has determined that it would be beneficial to the bench and bar, as well as the parties in such cases, to adopt a new Rule of the Supreme Court, augmenting the provisions of the statute and the Rules of Appellate Procedure. Accordingly, upon due consideration, the Court hereby adopts the new Tenn. Sup. Ct. R. 51 set out in the Appendix to this Order. This new rule shall take effect upon the filing of this order.

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

FOR THE COURT:



JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX

NEW TENN. SUP. CT. R. 51

Rule 51. Procedures in Workers' Compensation Appeals.

Section 1. Referral to Special Workers' Compensation Appeals Panel. Pursuant to Tenn. Code Ann. § 50-6-225(e)(3) and (4), and subject to Section 2 of this rule, all workers' compensation appeals are hereby referred to the Special Workers' Compensation Appeals Panel to be heard and determined by the Panel in accordance with the Tennessee Rules of Appellate Procedure, as if the appeal were being heard by the entire Supreme Court.

Section 2. Supreme Court's Discretionary Review. Following the filing of the briefs in a workers' compensation appeal, the Supreme Court, on its own initiative, may enter an order directing that the appeal not be referred to the Appeals Panel in accordance with Section 1. In such cases, the appeal shall be placed on the Supreme Court's docket to be heard and determined by the entire Supreme Court in accordance with the Tennessee Rules of Appellate Procedure. The exercise of the Court's review under this section is discretionary and generally will involve cases which present an unsettled or otherwise important issue of law.

Section 3. Supreme Court's Review Following Appeals Panel's Decision. Tenn. Code Ann. § 50-6-225(e)(5)(A) provides for the Supreme Court's review of any appeal referred to and determined by the Panel in accordance with Section 1 of this rule. In addition to the procedures set out in the statute, the following procedures shall apply in such cases.

(a) If the Court grants review of the Panel's decision pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(A)(i) or (ii):

(1) the Court may, in its discretion, order the filing of supplemental briefs;

(2) the appellate court clerk, unless otherwise ordered by the Court, shall place the case on the Court's next docket for oral argument in the division in which the case arises, subject to a motion to expedite the case pursuant to Tenn. Code Ann. § 50-6-225(f)(2).

(b) If the Court denies a motion for review filed pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(A)(ii), the Court's denial of the motion shall be final; no petition for rehearing shall be available pursuant to Tenn. R. App. P. 39.

Section 4. Interlocutory & Extraordinary Appeals By Permission. In workers' compensation cases, applications for permission to appeal pursuant to Tenn. R. App. P. 9 or 10 shall be ruled upon in the first instance by the Supreme Court. Upon granting such an application, the Court, in its discretion, may refer the appeal to the Appeals Panel for determination on the merits. Following the Panel's decision in such an appeal, any party to the appeal may file a motion for review pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(A)(ii).