

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

DEC 21 2010

Clerk of the Courts

IN RE: AMENDMENTS TO TENNESSEE
RULES OF APPELLATE PROCEDURE

ORDER

The Court adopts the attached amendments effective July 1, 2011, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 4 APPEAL AS OF RIGHT: TIME FOR FILING
NOTICE OF APPEAL
RULE 21 COMPUTATION AND EXTENSION OF TIME.

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, CHIEF JUSTICE

APPENDIX

**2011 AMENDMENTS TO THE
TENNESSEE RULES OF APPELLATE PROCEDURE**

In the attached amended rules, ~~overstriking~~ indicates deleted text
and underlining indicates added text.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 4

APPEAL AS OF RIGHT: TIME FOR FILING NOTICE OF APPEAL

[Amend paragraph (b) as indicated:]

(a) * * * *

(b) Termination by Specified Timely Motions in Civil Actions. In a civil action, if a timely motion under the Tennessee Rules of Civil Procedure is filed in the trial court by any party: (1) under Rule 50.02 for judgment in accordance with a motion for a directed verdict; (2) under Rule 52.02 to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted; (3) under Rule ~~59.02~~ 59.07 for a new trial; (4) under Rule 59.04 to alter or amend the judgment; the time for appeal for all parties shall run from the entry of the order denying a new trial or granting or denying any other such motion.

(c) * * * *

2011 Advisory Commission Comment

The amendment of paragraph (b) corrects an erroneous cross-reference, changing “59.02” to “59.07.”

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 21

COMPUTATION AND EXTENSION OF TIME

[Amend Rule 21(a) as indicated:]

(a) Computation of Time.— In computing any period of time prescribed or allowed by these rules, the date of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday as defined in Tenn. Code Ann. § 15-1-101, or, when the act to be done is the filing of a paper in court, a day on which the office of the court clerk is closed or on which weather or other conditions have made the office of the court clerk inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computation.

(b) * * * *

2011 Advisory Commission Comment

Rule 21(a) is amended to define “legal holiday” by reference to statute, Tenn. Code Ann. § 15-1-101. The status of a day as a legal holiday is statutory; thus, for the purpose of filing papers in court, it does not depend on whether the clerk’s office is open for business. For example, state offices might be open on Columbus Day, pursuant to the governor’s authority under Tenn. Code Ann. § 4-4-105(a)(3) to substitute the day after Thanksgiving for the Columbus Day holiday; in such circumstances, however, Columbus Day is still a “legal holiday” for purposes of computing time periods under the rule.

Rule 21(a) also is amended to add a reference to days on which the office of the court clerk is closed.