

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

05/21/2021

Clerk of the  
Appellate Courts

**IN RE: PETITION TO VACATE OR MODIFY TENN. SUP. CT. RULE 13,  
SECTION 5(e)(4)-(5)**

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**No. ADM2021-00308**

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**ORDER**

On March 2, 2021, Choosing Justice Initiative, Tennessee Association of Criminal Defense Lawyers, and Tennessee Post-Conviction Defender Organization (collectively the “Petitioners”) filed a petition asking the Court to vacate or modify Tennessee Supreme Court Rule 13, sections 5(e)(4)–(5). On April 1, 2021, the Court filed an order asking Petitioners to submit a supplemental filing setting forth the specific suggested modifications to the language of Rule 13 that it urged this Court to adopt. The Petitioners filed a supplemental filing on May 3, 2021. The Petitioners’ proposed amendments are set out in the attached Appendix to this Order.

The Court hereby publishes the proposed amendments for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is Thursday, August 19, 2021. Written comments may either be submitted by email to [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov) or by mail addressed to:

James Hivner, Clerk  
Re: Tenn. Sup. Ct. R. 13, 5(e)(4)–(5)  
100 Supreme Court Building  
401 Seventh 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, this Order shall be posted to the Tennessee Supreme Court’s website.

IT IS SO ORDERED.

PER CURIAM

**APPENDIX**

**Choosing Justice Initiative, Tennessee Association of Criminal Defense Lawyers, and  
Tennessee Post-Conviction Defender Organization's  
Proposed Amendments to Tenn. Sup. Ct. R. 13, 5(e)(4)–(5)**

(proposed deleted text indicated by ~~strikethrough~~)

(NOTE: provisions of the existing rule that are omitted below  
will be retained in their current form)

1 **Section 5. Experts, investigators, and other support services.**

2 (e)(4) Once the services are authorized by the court in which the case is pending, the order and  
3 any attachments must be submitted ~~in writing~~ to the director ~~for prior approval~~. ~~Claims for these~~  
4 ~~services may not be submitted electronically.~~

5  
6 ~~(e)(5) If the director denies prior approval of the request, the claim shall also be transmitted to~~  
7 ~~the chief justice for disposition and prior approval. The determination of the chief justice shall be~~  
8 ~~final.~~

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*[end of Appendix]*