

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

02/20/2019

Clerk of the
Appellate Courts

**IN RE: ADOPTION OF RULE 46A, RULES OF THE TENNESSEE
SUPREME COURT**

No. ADM2019-00332

ORDER

The Court is considering the adoption of Tennessee Supreme Court Rule 46A, which would govern the electronic service (e-service) of papers that are electronically filed (e-filed) pursuant to local rules of court. The Court hereby solicits comments from judges, lawyers, bar associations, members of the public, and any other interested parties with respect to the attached proposed rule. The deadline for submitting written comments is Friday, March 22, 2019. Comments should reference the above docket number and should be e-mailed to appellatecourtclerk@tncourts.gov or mailed to: James M. Hivner, Clerk, Tennessee Appellate Courts, 100 Supreme Court Building, 401 7th Avenue North, Nashville, TN 37219-1407.

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

PER CURIAM

APPENDIX

ADOPTION OF TENNESSEE SUPREME COURT RULE 46A

Rule 46(A). Electronic Service of Papers E-Filed Pursuant to Local Rules of Court.

- (1) For purposes of this Rule, the following definitions shall apply:
 - (a) “E-file” or “E-filing” means the electronic submission of documents through an E-Filing system to the clerk of court.
 - (b) “E-Filer” means a registered user who e-files a document.
 - (c) “E-Filing system” means a system adopted by any Circuit, Chancery, Criminal, Juvenile or General Sessions Court Clerk that allows for the e-filing of documents and is in compliance with the technological standards promulgated by this Court.
 - (d) “E-service” or “E-served” means the electronic transmission of e-filed documents (or links to such e-filed documents) through an e-filing system to all participants in the case who are registered users.
 - (e) A “registered user” is a person who has properly registered with and has been authorized to use an e-filing system for the e-filing of documents in accordance with the requirements of a local rule of court. A registered user is deemed to have consented to receive e-service and is responsible for maintaining a valid and current e-mail address and keeping same up to date in the e-filing system.
 - (f) “Documents” that may be e-served under this Rule include only those items that must be served pursuant to Tenn. R. Civ. P. 5.01, Tenn. R. Crim. P. 49, Tenn. R. Juv. P. 106, and any similar General Sessions Court rule.
- (2) Any Circuit, Chancery, Criminal, Juvenile or General Sessions Court that has, by local rule of court, allowed documents to be filed, signed or verified by a registered user of an e-filing system shall allow such documents to be e-served. E-service shall constitute proper service of the e-filed document on a registered user and shall have the same legal effect as service of a paper document under the applicable rules of procedure. Independent service of an e-filed document, either by paper or otherwise, need not be made on any registered user.
- (3) Any (A) lawyer representing a person, party or participant in the case, or (B) pro se person, party or participant in the case, who is either (i) not a registered user of the e-filing system or (ii) known by the e-filer not to have been e-served, must be served through the conventional means of service set forth in the applicable rules of procedure.

- (4) Unless ordered otherwise by the court, a court clerk may, through the e-filing system, transmit to registered users all notices, orders, opinions, or judgments filed by the court or court clerk, which transmission shall constitute proper service and shall satisfy the notice requirements of the applicable rules of procedure.
- (5) The court has the discretion, for good cause shown, to order that service, other than e-service, be required in a particular case.