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# New Rules of Appellate Procedure Became Effective July 1

by John L. Sobieski, Jr.

The proposed Tennessee Rules of Appellate Procedure have been approved by joint resolution of the General Assembly, and that resolution has been signed by the Governor. As a result, the appellate rules will take effect on July 1, 1979.

Only one amendment was incorporated into the rules after their submission to the legislature.<sup>1</sup> Rule 11, which governs appeals by permission from the intermediate appellate courts to the Supreme Court, originally provided that an application for permission to appeal must be filed within 30 days after the date of entry of judgment of the intermediate appellate court or, if a petition for rehearing is filed, within 15 days after the denial of the petition or entry of the judgment on rehearing. A number of

lawyers and also several senators thought that a rigid 30-day rule, with no extensions, could work an undue hardship in particular cases.

Accordingly, the State Supreme Court amended Rule 11 so that it now provides a uniform 30-day period for filing an application for permission to appeal measured from entry of judgment or denial of a petition to rehear or entry of judgment on rehearing. A 30-day extension for filing the application may be obtained under Rule 11 as amended and approved but only if the request for an extension is made within the original 30-day period.

Under Rule 49 of the appellate rules, the new rules govern all appellate proceedings brought after July 1, 1979, and also all further procedure in proceedings then pending except to the extent in the opinion of the appellate court application of the new rules in a particular proceeding would not be feasible or would work an injustice, in which event the procedure followed before the effective date of the new rules applies. Since the new rules are generally less strict than current law, they will in most cases govern

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*\*Associate Professor of Law, University of Tennessee; Reporter, Tennessee Supreme Court Advisory Commission on Civil Rules. Although the author served as Reporter to the Tennessee Supreme Court Advisory Commission on Civil Rules in the preparation of the appellate rules, the views expressed in this article are personal and enjoy no other status.*

further procedure in pending appellate proceedings.

However, in at least one notable respect the new rules are more strict. As previously mentioned, new Rule 11 allows only 30 days for filing an application for permission to appeal (the counterpart under the new rules to the petition for certiorari) and allows only a 30-day extension if the extension is sought within the original 30-day extension if the extension is sought within the original 30-day period. Current law allows 45 days for filing a petition for certiorari and also allows a 45-day extension.

Thus, the maximum time for filing under Rule 11 is 60 days as opposed to the maximum time of 90 days currently permitted for filing a petition for certiorari. Presumably all appeals in which judgments are entered by the intermediate appellate courts after July 1 will be governed by new Rule 11. The shorter time for filing specified in Rule 11 should therefore be strictly adhered to in order to ensure the possibility of Supreme Court review of the final decision of an intermediate appellate court.

The precise impact the new appellate rules will have on existing law is somewhat uncertain, but in an attempt to delineate that impact as precisely as possible the State Supreme Court submitted a repealer or "deadwood" statute to the General Assembly along with the rules. The purpose of the statute was to eliminate or amend those portions of the Tennessee Code superseded or modified by the rules. While the Senate passed the repealer statute, the House Judiciary Committee deferred action on the statute.

The rules by their own force, however, repeal all statutes in conflict therewith under the terms of the rule-making statute pursuant to which the new rules were fashioned.<sup>2</sup> The repealer statute would simply have made explicit what is implicit in the approval of the rules.

To gain a fuller understanding of the impact adoption of the new rules will have on current statutory law,<sup>3</sup> the fol-

lowing tables set forth the sections of the Code that will be superseded or modified by the rules. The sections listed in the tables are the sections of the Code that would have been repealed or amended by the repealer statute submitted to the General Assembly by the Supreme Court. In this instance the picture painted by the following tables is surely worth much more than a thousand words.

#### Footnotes

1. The appellate rules as submitted to the legislature were published in the South Western Reporter advance sheet for February 6, 1979 (574 S.W.2d No.3). The approved version of the rules will also be published in the South Western Reporter.

The appellate rules are discussed in Sobieski, *The Procedural Details of the Proposed Tennessee Rules of Appellate Procedure*, 46 TENN. L. REV. 1 (1978); Sobieski, *The Theoretical Foundations of the Proposed Tennessee Rules of Appellate Procedure*, 45 TENN. L. REV. 161 (1978). These articles were published before some amendments were made in the rules shortly before their submission to the General Assembly. An article discussing those amendments will be published in the *Tennessee Law Review*. Except with regard to those amendments, the earlier articles discussing the rules remain a relevant source of information concerning them.

2. see TENN. CODE ANN. § 16-116 (Cum. Supp. 1978): "After such rules shall have become effective, all laws in conflict therewith shall be of no further force or effect."

3. The new rules will replace the current rules of appellate procedure of the Tennessee Supreme Court, Court of Appeals, and Court of Criminal Appeals. The intermediate appellate courts, however, are authorized by new appellate Rule 45 to make and amend rules governing their own practice as long as such rules are not inconsistent with the new rules.

#### Please note!

In addition to approving new Rules of Appellate Procedure, the General Assembly passed House Joint Resolutions amending the Rules of Criminal Procedure and the Rules of Civil Procedure.

The appellate rules and civil amendments will be effective July 1; the amendments to the criminal rules are to be effective 90 days after passage, which will be August 15.

Copies of the above were distributed

to judges attending the recent meeting of the Tennessee Judicial Conference in Memphis and have been mailed to those not in attendance.

According to West Publishing Com-

pany, the new appellate rules and the amendments to the civil and criminal rules will be published in the *South Western Reporter* advance sheets dated June 26, 1979.

## STATUTES SUPERSEDED

The statutes listed as "Statutes Superseded" will have no further force or effect after July 1, 1979.

The statutes superseded by the Tennessee Rules of Appellate Procedure (TRAP) and the amendments to the Tennessee Rules of Civil Procedure (TRCP) are as follows:

Statutes		TRAP	TRCP
<b>Title 16</b>			
§ 16-452	Certiorari from Supreme Court.	Rule 11	
<b>Title 20</b>			
§ 20-617	Revival of appeal or error.	Rule 19(a)	
§ 20-1323	Appeals from nonjury cases—Term to which related.	Rule 21(c)	Rule 6.03(1)*
§ 20-1502	Defects in appeals.	Rule 2	
§ 20-1510	Jurisdictional defects on appeal.	Rule 3(e)	
		Rule 2	
		Rule 3(e)	
		Rule 13(b)	
<b>Title 23</b>			
§ 23-1321	Immediate execution of writ.		Rules 62.01, 62.04 and 62.05
§ 23-1322	Plaintiff's bond pending appeal.		Rules 62.01, 62.04 and 62.05
§ 23-1323	Issuance of writ under bond.		Rules 62.01, 62.04 and 62.05
§ 23-1324	New security.		Rules 62.07 and 62.08
§ 23-1325	Possession under bond.		Rules 62.01, 62.04, 62.05, 62.07 and 62.08
§ 23-1634	Possession pending appeal to appellate courts.		Rules 62.01, 62.04 and 62.05
§ 23-1910	Bond on dissolution of injunction against money judgment.		Rules 62.01, 62.04 and 62.05
<b>Title 27</b>			
§ 27-101	Methods of correcting error.	Rule 3(d)	Rule 60.02*
§ 27-102	Release of error by confession or injunction.	Rule 3(a)	
§ 27-103	Supersede as to interlocutory orders.	Rule 3(a)	Rule 62.09
		Rule 7	
		Rule 10	
§ 27-104	Depositions included in record.	Rule 24(a)	
§ 27-105	Exceptions in body of depositions.	Rule 24(a)	
§ 27-106	Excluded documents and exhibits.	Rule 24(a)	
§ 27-107	Bonds and recognizances in record.	Rule 24(a)	
§ 27-108	Erroneous ruling on new trial.	Rule 13(a)	
		Rule 36(a)	
§ 27-109	Signing of bill of exceptions.	Rule 24(e)	
§ 27-110	Certificate as leave to file bill—Authentication—Death or inability of judge or chancellor.	Rule 24(e)	
		Rule 24(e)	
§ 27-111	Time for filing bill.	Rules 24(b), 24(c) and 24(g)	
§ 27-112	Motion for new trial included in record.	Rule 24(a)	
§ 27-115	Oral argument on jury cases.	Rule 35(a)	
§ 27-116	Reversal on merits.	Rule 36(b)	
§ 27-117	Technical errors affecting result.	Rule 36(b)	
§ 27-205	Depositions and exhibits on review.	Rule 24(a)	
§ 27-301	Right of appeal in chancery cases.	Rules 3(a) and 3(d)	
		Rule 13	

§ 27-302	Jury cases in chancery.	Rule 13(d)	
§ 27-303	Nonjury cases taken to Court of Appeals—Hearing de novo	Rule 13(d)	
§ 27-304	Nonjury cases taken to Supreme Court.	Rule 13(d)	
§ 27-305	Discretion to review interlocutory appeal—Grounds—Orders not appealable—Multiple claims for relief—Petition to rehear or motion for new trial.	Rule 10(a)	
§ 27-306	Appeal in nature of writ of error.	Rules 3(a) and 3(d)	
§ 27-308	Jury cases appealed in nature of error.	Rules 3(a) and 3(d)	
§ 27-309	Proceedings in appeal in nature of writ of error.	Rule 3(d)	Rules 62.01, 62.04 and 62.05.
		Rule 6	
§ 27-310	Parties entitled to appeal.	Rule 3(a)	
		Rule 13(a)	
§ 27-311	Assignment of error not required.	Rule 3(e)	
§ 27-312	Time for filing appeal and bond.	Rule 4	Rules 62.01, 62.04 and 62.05
		Rule 6	
		Rule 18	
		Rule 21(c)	
§ 27-313	Bond on appeal of money decree.	Rule 6	Rules 62.01, 62.04 and 62.05
§ 27-314	Bond on appeal of sale of real estate	Rule 6	Rules 62.01, 62.04 and 62.05
§ 27-315	Bond on appeal of judgment on instrument.	Rule 6	Rules 62.01, 62.04 and 62.05
§ 27-316	Bond on appeal of other law cases.	Rule 6	Rules 62.01, 62.04 and 62.05
§ 27-317	Determination of sufficiency of bond.	Rule 6	Rule 62.05
		Rule 18	
§ 27-318	Dismissal for default of appellant.	Rule 2	
		Rule 3(e)	
		Rule 26(b)	
		§ 27-320	Bonds as part of record.
Rule 65A			Rule 24(a)
§ 27-321	Judgment on bond.		Rule 65A
§ 27-322	Transmission of transcript on appeal in nature of error.	Rules 25(a),	25(b) and 25(d)
§ 27-323	Designation by appellant of parts of record to be transcribed	Rules 24(a), 24(b) and 24(c)	
§ 27-324	Designation by appellee for transcript from record.	Rules 24(a),	24(b) and 24(c)
§ 27-325	Transcript of designated parts—Costs on excessive designation.	Rules 24(a),	24b and 24(c)
		Rules 40(a) and 40(c)	
§ 27-326	Judgment on reversal.	Rule 36(a)	
		Rule 42(a)	
		Rule 43	
§ 27-327	Ascertainment of facts.	Rule 13(c)	
		Rule 14	
		Rule 36(a)	
§ 27-328	Remand after overruling demurrer.	Rule 36(a)	
§ 27-329	Remand for correction of record.	Rule 24(d)	
§ 27-330	Transcript on subsequent appeal.	Rule 24(a)	
§ 27-331	Certification of decree to trial court.	Rule 42(a)	
§ 27-602	Issuance of writ.	Rule 3(d)	
§ 27-604	Time for application to appellate court.	Rule 4	
§ 27-605	Time for application to appellate court or judge.	Rule 4	
§ 27-607	Allowance after dismissal of appeal.	Rule 2	
		Rule 3(e)	
		Rule 26(b)	
§ 27-608	Notice of intent to apply.	Rules 3(d) and 3(e)	
		Rule 4	

§ 27-609	Proceeding as on appeal.	Rule 6	Rules 62.01, 62.04 and 62.05
§ 27-610	Bond without supersedeas.	Rule 6 Rule 18	Rules 62.01, 62.04 and 62.05
§ 27-611	Supersedeas.		Rules 62.01, 62.04 and 62.05
§ 27-612	Effect of reversal on execution sale.	Rule 3(d)	
§ 27-819	Review of Court of Appeals by Supreme Court.	Rule 11	
§ 27-820	Time for petition.	Rule 2 Rule 11(b)	
§ 27-821	Transfer of records from Court of Appeals— Setting down for argument.	Rules 11(e) and 11(f) Rule 35(a)	
§ 27-822	Supersedeas by Supreme Court.	Rule 42(b)	
§ 27-823	Preservation of rights by respondent.	Rule 13(a)	
<b>Title 30</b>			
§ 30-740	Appeals—Procedure.	Rule 24(a) Rule 42(a) Rule 43	
<b>Title 40</b>			
§ 40-3401	Right to appeal.	Rule 3(b), 3(c), 3(d) and 3(e)	
§ 40-3402	Right to writ of error.	Rules 3(b), 3(c), 3(d) and 3(e)	
§ 40-3403	No remedy to state on acquittal.	Rule 3(c)	
§ 40-3404	Bill of exceptions.	Rule 1 Rule 24	
§ 40-3409	Assignment of error not required.	Rule 3(h)	
§ 40-3410	Certification of appellate court judgment.	Rule 42(a)	

## STATUTES MODIFIED

The statutes listed as "Statutes Modified" will be changed or altered, but not set aside entirely, by the Tennessee Rules of Appellate Procedure (TRAP) and the amendments to the Tennessee Rules of Civil Procedure (TRCP), after their effective date of July 1, 1979. Some statutes that create the right of appeal in certain cases also provide for the method of appeal, the time within which the appeal must be taken, the manner of taking the appeal and the procedure of the appeal. When the method of appeal, the time for taking the appeal, the manner of taking the appeal, or the procedure on appeal in such statutes is changed by the new appellate rules and amendments to the civil trial rules the statutes are listed under "Statutes Modified."

The following statutes will be modified by the Tennessee Rules of Appellate Procedure (TRAP) and the amendments to the Tennessee Rules of Civil Procedure (TRCP) as hereinafter indicated:

Statutes	TRAP	TRCP
<b>Title 2</b>		
§ 2-1716	Appeal to Supreme Court in contest proceedings. Manner of taking appeal—As appeals from the chancery court. Procedure on appeal—As appeal from the chancery court.	Rule 3(e)—Filing and service of notice of appeal. As generally provided in the TRAP for an appeal as of right.
<b>Title 4</b>		
§ 4-524	Appeals to the Court of Appeals. Manner of taking appeal—As in chancery cases. Procedure on appeal—As in chancery cases.	Rule 3(e)—Filing and service of notice of appeal. As generally provided in the TRAP for an appeal as of right.

<b>Title 7</b>			
§ 7-147(4)	Awards in case of death or injury. Manner of taking appeal—Written request. Procedure on appeal—No bill of exceptions necessary, record on appeal.	Rule 3(e)—Filing and service of notice of appeal. Rule 24(a)—Content of the record. Rule 24(g)—Bill of exception abolished	
<b>Title 8</b>			
§ 8-2723	Appeal or writ of error to Supreme Court. Method of appeal—Appeal or writ of error. Procedure on appeal—Judgment or decree shall not be suspended or vacated on appeal or writ of error.	Rule 3(d)—Appeal as of right.	Rule 62.01
§ 8-2724	Procedure in Supreme Court. Procedure on appeal—As provided by the Supreme Court.	As generally provided in the TRAP for an appeal as of right.	
<b>Title 14</b>			
§ 14-1412	Appeals from board of review. Time for taking appeal—Five days. Procedure on appeal—As for appeals in civil action.	Rule 4(a)—Thirty days. As generally provided in the TRAP for an appeal as of right.	
<b>Title 16</b>			
§ 16-411	Effect of judgments. Procedure on appeal—Stay and execution of judgments of Court of Appeals.	Rules 42(a) and 42(b)	
§ 16-415	Prompt filing and hearing. Procedure on appeal—Filing of transcript.	Rules 24, 25 and 26 for content, preparation, completion, transmission and filing of the record.	
§ 16-450	Cases filed in wrong courts—Transfer. Procedure on appeal—Transfer of cases in Court of Criminal Appeals to the Supreme Court and vice versa.	Rule 17	
§ 16-451	Court of record—When judgments final—Time for petitioning for rehearing—Extensions of time. Procedure on Appeal—Stay and execution of judgments of Court of Criminal Appeals. Time for rehearing.	Rule 42(a)  Rules 39(b) and 39(f) Rule 42(b)	
<b>Title 20</b>			
§ 20-1627	Terms of bonds. Procedure on appeal—Bonds.	Rule 6	Rule 62.05
<b>Title 23</b>			
§ 23-2821	Appeal Manner of taking appeal—As in other chancery cases.	As generally provided in the TRAP for an appeal as of right.	
<b>Title 25</b>			
§ 25-507	Extension of time for execution. Method of appeal—By writ of error, appeal in the nature of writ of error, or other adverse proceeding in court, or by appeal from judgments and decrees of courts of equity.	Rule 3(d)—Appeal as of right.	
<b>Title 27</b>			
§ 27-114	Filing of findings. Method of appeal—Appeal in the nature of a writ of error and writ of error.	Rule 3(d)—Appeal as of right.	



§ 27-119	Reversal of Court of Appeals on remittitur. Method of appeal—By writs of certiorari and supersedeas.	Rule 11—Appeal by permission.
§ 27-307	Appeal from county court in cases other than equity. Method of appeal—By appeal in the nature of a writ of error.	Rule 3(d)—Appeal as of right.
§ 27-601	Right to writ. Method of appeal—By writ of error.	Rule 3(d)—Appeal as of right.
§ 27-801	Constitutional basis. Method of appeal—By writ of certiorari.	Rule 10—Extraordinary appeal by permission on original application in the appellate court.
§ 27-802	Cases in which writ lies. Method of appeal—By writ of certiorari.	Rule 10—Extraordinary appeal by permission on original application in the appellate court.
§ 27-912	Appeal. Manner of taking appeal—As required by law in other chancery causes. Procedure on appeal—As appeals in chancery causes.	Rule 3(e)—Filing and service of notice of appeal. As generally provided in the TRAP for an appeal as of right.
<b>Title 30</b>		
§ 30-518	Trail of disputed claims where no jury demanded—Time—Court trying—Appeals—Kndependent suits, effect. Manner of taking appeal—As one tried according to the forms of chancery. Procedure on appeal—As appeal in chancery.	Rule 3(e)—Filing and service of notice of appeal. As generally provided in the TRAP for an appeal as of right.
<b>Title 31</b>		
§ 31-818*	Right of appeal. Method of appeal—By appeal or writ of error.	Rule 3(d)—Appeal as of right.
(*TCA 31-818 is repealed by Chapter 226, Public Acts of 1979, <i>effective Jan. 1, 1980.</i> )		
<b>Title 33</b>		
§ 33-510(e)	Treatment of criminals or delinquents—Procedure for commitment—Hearing—Findings—Appeal. Procedure on appeal—As provided by appropriate statutes.	As generally provided in the TRAP for an appeal as of right.
§ 33-604(e)	Petition for judicial hospitalization—Who may file—Procedure—Appeal—Transfer—Detention. Procedure on appeal—As provided by appropriate statutes relating to civil procedure generally.	As generally provided in the TRAP for an appeal as of right.
<b>Title 36</b>		
§ 36-235	Appeals Procedure on appeal—As other equity appeals. Appeal does not operate as a stay of execution.	As generally provided in the TRAP for an appeal as of right.

Rule 62.01

<p>§ 36-830</p>	<p>Appeal. Method of appeal—By appeal. Procedure on appeal—Pending appeal orders and decrees regarding support and custody of children in full force and effect.</p>	<p>Rule 3(d)—Appeal as of right.</p>	<p>Rule 62.01</p>
<b>Title 37</b>			
<p>§ 37-258(f)</p>	<p>Juvenile Court—Court of Record—Appeal to circuit court—Transfer to criminal court—Appeals. Method of appeal—Appeal in the nature of writ of error and writ of error.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<b>Title 40</b>			
<p>§ 40-1213</p>	<p>Admission to bail pending appeal. Method of appeal—By appeal, writ of error, or appeal in the nature of a writ of error.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<p>§ 40-1244</p>	<p>Review of release decision. Method of appeal—By certiorari.</p>	<p>Rule 8(a)—Motion for review.</p>	
<p>§ 40-2037</p>	<p>Certified transcripts—Requested by court for indigents—Requested and paid for by party—appeal procedure unaffected. Procedure on appeal—Preparation of transcript.</p>	<p>Rule 24—Content and preparation of the record.</p>	
<p>§ 40-2601</p>	<p>Clerical omissions not constituting reversal error. Procedure on appeal—Reversible error.</p>	<p>Rule 36(b)—Effect of error.</p>	
<p>§ 40-2901</p>	<p>Powers of trial judge—Costs. Procedure on appeal—Return of procedendo.</p>	<p>Rule 42—Issuance, stay, and recall of mandates from the appellate court.</p>	
<p>§ 40-3405</p>	<p>Commencement of term pending appeal. Procedure on appeal—Bill of exceptions.</p>	<p>Rules 26(b) and 26(c)—Transcript or other statement of the evidence.</p>	
<p>§ 40-3406</p>	<p>Bail in felony cases. Manner of taking appeal—By praying for and being granted appeal. Method of appeal (denial of bail)—By certiorari.</p>	<p>Rule 3(e)—Filing and service of notice of appeal. Rule 8(a)—Motion for review.</p>	
<p>§ 40-3408</p>	<p>Bail in misdemeanor case. Method of appeal—By appeal or writ of error.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<p>§ 40-3802</p>	<p>When prisoners may petition for post-conviction relief. Method of appeal—By appeal in the nature of a writ of error.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<p>§ 40-3820</p>	<p>When petitioner denied right of appeal in violation of constitution—Procedure. Method of appeal—By appeal in the nature of a writ of error. Procedure on appeal—Bill of exceptions.</p>	<p>Rule 3(d)—Appeal as of right.  Rule 24, 25 and 26 for content, preparation, completion, transmission and filing of the record.</p>	
<p>§ 40-3822</p>	<p>Appeal after final judgment. Method of appeal—By simple appeal.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<p>§ 40-3824</p>	<p>Bail during new trial or delayed appeal—Exception. Method of appeal—By delayed appeal in the nature of a writ of error.</p>	<p>Rule 3(d)—Appeal as of right.</p>	
<b>Title 43</b>			
<p>§ 43-519</p>	<p>Appeal—Board of review established. Procedure on appeal—Bill of exceptions.</p>	<p>Rule 24—Content and preparation of the record.</p>	

<b>Title 49</b>		
§ 49-1417	Judicial review. Method of appeal—By appeal. Manner of taking appeal—By giving bond as required by law in other chancery cases.	Rule 3(d)—Appeal as of right. Rule 6
§ 49-1759	Appeals from chancery court. Manner of taking appeal—As other appeals are taken from final decrees in chancery cases. Procedure on appeal—As other appeals in chancery cases.	Rule 3(e)—Filing and service of notice of appeal.  As generally provided in the TRAP for an appeal as of right.
§ 49-3258	Judicial review of dismissal or suspension of faculty with tenure. Manner of taking appeal—As in other chancery cases. Procedure on appeal—As in other chancery cases.	Rule 3(e)—Filing and service of notice of appeal. As generally provided in the TRAP for an appeal as of right.
<b>Title 50</b>		
§ 50-560	Appeals—Procedure. Manner of taking appeal—As provided in the uniform administrative procedures acts. Procedure on appeal—As provided in the uniform administrative procedures act.	Rule 3(e)—Filing and service of notice of appeal.  As generally provided in the TRAP for an appeal as of right.
§ 50-1018	Submission of claim to court upon failure to agree as to compensation—Procedure—Appeal. Method of appeal—By appeal in the nature of a writ of error. Procedure on appeal—As in other appeals in the nature of a writ of error in civil cases.	Rule 3(d)—Appeals as of right.  As generally provided in the TRAP for an appeal as of right.
<b>Title 52</b>		
§ 52-931	Revocation or suspension of license—Notice—Hearing—Appeal. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.
§ 52-1405	Action of commissioner reviewed—Certiorari—Appeal to Supreme Court. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.
<b>Title 53</b>		
§ 53-3417	Appeals from actions of the board or commissioner. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.
<b>Title 54</b>		
§ 54-2319	Appeal to Supreme Court. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.
<b>Title 57</b>		
§ 57-127	Revocation, suspension, or denial of license or permit—Review of orders of commission. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.

§ 57-209	Revocation of permits or licenses—Review of orders. Procedure on appeal—As provided by statute for review of boards or commissions.	As generally provided in the TRAP for an appeal as of right.
§ 57-624	Review of action of commission—Appeal to Supreme Court. Procedure on appeal—Bill of exceptions.	Rule 24—Content and preparation of the record.
<b>Title 58</b>		
§ 58-1559	Judicial review. Method of appeal—By simple appeal.	Rule 3(d)—Appeal as of right.
§ 58-1908(6)	Appeals from the board—Proceedings before the courts. Method of appeal—By certiorari.	Rule 11—Appeal by permission.
<b>Title 67</b>		
§ 67-2017	Right of appeal. Method of appeal—By appeal or writ of error. Procedure on appeal—Relief for non-appelling parties. Appeal from final decree only.	Rule 3(d)—Appeal as of right. Rule 13(a)—Questions of law that may be urged on appeal. Rule 3(a)
<b>Title 70</b>		
§ 70-333(6)	Appeals from the board or panel—Proceedings before the courts. Method of appeal—By certiorari.	Rule 11—Appeal by permission.
§ 70-1006	Appeal to circuit court—Trail de novo—Appeal from circuit courts. Manner of taking appeal—As now provided by law for appeals for judgment of circuit courts. Procedure on appeal—As now provided by law for appeals for judgments of circuit courts.	Rule 3(e)—Filing and service of notice of appeal.  As generally provided in the TRAP for an appeal as of right.
§ 70-2524(6)	Appeals from commissioner. Method of appeal—By certiorari.	Rule 11—Appeal by permission.

#### FOOTNOTES

1. The new terminology is "Bankruptcy Code" and not "Bankruptcy Act".
2. The term "bankrupt" is abolished and the term "debtor" shall be used for all proceedings.
3. See 11 USC §522(f) (2).
4. The term "meeting of creditors" replaces "first meeting of creditors".
5. See 11 USC §524(c) and (d).
6. See 11 USC §722.
7. See 11 USC §506.
8. See 11 USC §523.
9. §3 of the existing Bankruptcy Act.
10. See 11 USC §501, 502, and 506.
11. See 11 USC §547.
12. See 11 USC §553.
13. See 11 USC §507.
14. See 28 USC §1293, 1334, 1408, and 1482.

**Tennessee  
Bar Association  
Continuing Legal  
Education Seminar  
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**The New Bankruptcy Code**

Cassettes for Seminar Registrants  
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Please Send the following:

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I was a Registrant at the July 27 Seminar.

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My check in the sum of \$ \_\_\_\_\_ is enclosed.

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# "NEW LOWER NET RATES"

## PLUS

# "NEW HIGHER MAXIMUM BENEFIT"

Northwestern National Life Insurance Company and your Association are pleased to announce that effective immediately members of the Tennessee Bar Association can purchase as much as **\$300,000 of Life Insurance and \$300,000 of Accidental Death coverage** at lower net rates at every age due to an increase in the dividend payments.

### SEMI-ANNUAL PREMIUMS FOR \$100,000 OF TERM LIFE INSURANCE AND \$100,000 OF ACCIDENTAL DEATH COVERAGE

Age Nearest Birthday	Members Gross Premium Per \$100,000	Members Dividend Per \$100,000	Members* Net Premium Per \$100,000
Under 25	\$ 120.00	\$ 54.00	\$ 66.00
25-29	120.00	50.00	70.00
30-34	160.00	50.00	110.00
35-39	200.00	50.00	150.00
40-44	330.00	60.00	270.00
45-49	400.00	74.00	326.00
50-54	746.00	130.00	616.00
55-59	1,077.00	161.60	915.40
60-64	1,617.00	242.60	1,374.40
65-69	2,407.00	361.10	2,045.90

←  
*YOU PAY  
THESE  
SEMI-ANNUAL  
NET RATES*  
←

\*These net premiums reflect the new improved dividend schedule. Dividends are not guaranteed and depend on future experience. Your net rate increases as you move into a higher age bracket.

If you are a member of the Tennessee Bar Association and you are under age 70, you may apply for any amount of coverage from \$10,000 to \$300,000 by completing the application on the adjacent page. Northwestern National reserves the right to request additional information to determine evidence of insurability.

To apply, forward your application with a check for the net semi-annual premium made payable to Northwestern National Life Insurance Company to:

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822 McCallie Avenue • P.O. Box 1109

Chattanooga, Tennessee 37401

Telephone: (615) 756-2850

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INDIVIDUAL TERM  
POLICY AND  
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APPLY  
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**PART I COMPLETE IN DARK INK and mail to:**

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**INSURANCE PLANNING & SERVICE CO., INC.**

TBA Life Insurance Plan Administrator  
822 McCallie Avenue, P. O. Box 1109  
Chattanooga, Tennessee 37401

**NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY**

Application Form For Use When Evidence of Insurability is Required

For Members of the

**TENNESSEE BAR ASSOCIATION**

(herein called the Association)

1. Full Name of Applicant \_\_\_\_\_  
First Middle Last

2. Mailing Address \_\_\_\_\_  
No. Street City State Zip Code

3. Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_  
Month Day Year City State

4. Amount Applied For: Basic Amount  \$20,000  \$10,000  
Supplemental Amount \$ \_\_\_\_\_ (Must be in Multiple of \$5,000)

NOTE: The Combined Total with previously issued Yearly Renewable Term to Age 70 policies cannot exceed \$300,000 or be less than \$10,000.

5. Beneficiary: \_\_\_\_\_  
First Middle Last Relationship

if living, otherwise to:

Unless otherwise stated, the designation is revocable as to each beneficiary and beneficiaries designated by name or by class to share proceeds shall share equally with right of survivorship.

6. What is your height? \_\_\_\_\_ ft. \_\_\_\_\_ inches. Weight? \_\_\_\_\_ pounds.

7. Have you received medical or surgical care or advice during the past five years? Yes  No

8. Name of regular physician \_\_\_\_\_ Address \_\_\_\_\_

9. Have you in the past 5 years made, or do you contemplate making, flights in aircraft other than as a passenger on a scheduled airline?

10. Have you ever had or been told you had - nervous or lung disorders, heart disease or murmur, high blood pressure, rheumatic fever, ulcers, cancer, diabetes, arthritis, kidney disease, albumin or sugar in urine, tuberculosis, severe injury or disease?

11. If you answer question 7 or any part of question 10 "yes", give details below:  
Nature of Illness, Injury or Operation Date Duration Any Remaining Effects Names & Addresses of Physicians

Application is hereby made to Northwestern National Life Insurance Company, Minneapolis, Minnesota (herein called the Company), for Yearly Renewable Term Insurance to age 70, Participating, on the life of the Applicant on the following terms and conditions. This application consists of this Part I and such Part II as the Company may furnish for use in submitting evidence of insurability.

The insurance applied for hereunder shall not take effect unless (a) Northwestern National Life Insurance Company approves this application, (b) this application is completed in full and signed by the Applicant, and (c) the Applicant has deposited the full applicable initial premium with the Company or an authorized agent or solicitor. Subject to the foregoing conditions, the date on which the insurance applied for hereunder will be effective will be the later of (a) the date this application is approved or (b) the date the applicable initial premium is deposited.

The undersigned represent(s) to the best of his or her (their) knowledge and belief that the statements and answers in this application or in any amendment or supplement thereto are full, complete and true, and it is agreed that they are to be considered the basis of any insurance issued and that knowledge of any person proposed for insurance shall be deemed knowledge of the undersigned.

To the extent permitted by statute, I hereby expressly waive all provisions of law, forbidding any licensed physician, surgeon, medical practitioner, hospital, clinic, insurance company, or other organization, institute or person consulted or who may hereafter be consulted from disclosing any knowledge or information about me acquired through any legitimate means. I hereby authorize any of the above to disclose any such knowledge or information. A reproduction is as valid as the original.

The Applicant hereby certifies that he or she is, as of the date of this application, a dues-paying member, in good standing, of the Association (according to the Constitution and By-Laws in effect on January 1, 1960) and that he or she is regularly and actively engaged in the professional practice of law or regularly and actively engaged in any other occupation for remuneration or profit.

Signed at \_\_\_\_\_ State of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signature of Owner (If other than applicant)

Signature of Applicant

17265 2-79

**PLEASE TEAR OFF AND RETAIN THIS NOTICE**

To the Proposed Insured:

As a part of our routine underwriting procedures, an investigative consumer report may be prepared whereby information is obtained through personal interviews with your friends, neighbors, and others with whom you are acquainted. A report, if obtained, would contain information concerning your character, general reputation, personal characteristics and mode of living. You have the right to make a written request within a reasonable period of time for complete and accurate additional information about the nature and scope of the report.

Northwestern National Life Insurance Co., Box 20, Minneapolis, Minnesota 55440

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