

SENATE BILL 2763

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 16; Title 17; Title 27; Title 39; Title 49 and  
Title 50, relative to appeals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 27, is amended by adding the following  
as a new chapter:

**27-10-101.**

(a) This chapter is known and may be cited as the "Appellate Courts Improvements Act  
of 2022."

(b) As used in this chapter:

(1) "Adjudicator" means a justice, judge, chancellor, or any other person who is  
granted authority by the state to adjudicate a case or controversy of any kind between  
claimants who have adverse or varying claims as to how rule of law requires the case or  
the controversy or the dispute be resolved;

(2) "AOC" means the administrative office of the courts;

(3) "Appearance of undermined neutrality" or "appearance of compromised  
neutrality" means a state of mind of an adjudicator who is disqualified to adjudicate an  
assigned case;

(4) "Assigned case" means a case, controversy, or dispute which has been filed  
with a court or an administrative agency assigned to an adjudicator to adjudicate how  
the rule of law requires the case, controversy, or dispute be resolved;

(5) "Case" has the same meaning as the terms controversy and dispute;

(6) "Cold Neutrality" or "neutrality" means the mindset, the appearance of which must never be in doubt, that all adjudicators, in every case, are influenced in adjudicating by absolutely nothing other or more than application of the unvarnished, undiminished, and unenhanced rule of law to nothing other or more than the unvarnished, undiminished, and unenhanced facts found no place other than the evidence and stipulated by the parties or nonparty claimants presented in the assigned case, without regard for the results or consequence of applying the unvarnished, undiminished, and unenhanced rule of law to the unvarnished, undiminished, and unenhanced facts found from no place other than the evidence presented in the assigned case;

(7) "Common law" means, without regard to the date first pronounced or last applied, all the common law of Tennessee not explicitly and officially repealed by an enacted statute of the general assembly or explicitly and officially overruled by a published holding of the Tennessee supreme court or the United States supreme court that a particular common law or unrepealed statute is unconstitutional;

(8) "Court" is a duly constituted court of law or any other body politic with adjudicatory obligations granted by the state;

(9) "Former adjudicator" means a person who, for the immediately preceding seven (7) years has been completely inactive as an adjudicator, including not serving as a special judge, member of the board of professional responsibility, or any other capacity as part of Tennessee's judiciary;

(10) "Influenced" means a distraction which, reasonably, could create a doubt in the minds of neutral third persons as to whether an adjudicator might adjudicate or might have adjudicated an assigned case without an adjudicator's pre-case state of mind coloring an adjudication and, thereby, mitigating the constitutionally required appearance

of cold neutrality, prerequisite for any adjudicator to be qualified to adjudicate the assigned case;

(11) "Ipse dixit" means a thought expressed, in writing or orally, for which there is no authority except the words of the person expressing the thoughts;

(12) "Litigant" means trial court plaintiffs, defendants, or claimants of any other kind or description and all appellants and appellees;

(13) "Pre-case state of mind" means a state of mind of an adjudicator, existing before the adjudicator is assigned a case, which, considering normal human foibles of normal humans, reasonably, could cause neutral third persons to have a doubt about the capability of any adjudicator, being a normal human, with the subject pre-case state of mind, to adjudicate the assigned case uninfluenced by the adjudicator's pre-case state of mind;

(14) "Res" except when used in the term res judicata, means any tangible or intangible, choate or inchoate thing in existence which is a benefit or a detriment to certain persons, in contrast to nothingness which has no possibility of benefit or detriment to any persons;

(15) "Result-oriented adjudication" means a method of adjudication, in contradiction and contrast to principled decision-making, by which an adjudicator adjudicates to achieve a result and justify the result by selectively picking precedents or facts and selectively failing to acknowledge the existence of other precedents and facts to create a facade that the result adjudicated is a result consistent with rule of law;

(16) "Rule of law" means principled decision-making by application of rigid, inflexible, strictly construed, prevailing common law and all unrepealed statutes of the state, without regard for the results or consequences of applying, rigidly, inflexibly, strictly, and undeviatingly, the common law and unrepealed statutes of the state; and

(17) "*Williams v. Pennsylvania*" means the majority opinion in *Williams v. Pennsylvania*, 579 U.S. 1 (2016), uncompromised by the dissenting opinions, of the United States supreme court, as published on June 9, 2016, unmitigated, enhanced, or enlightened by any opinions of any court, inclusive of the United States supreme court and all Tennessee courts, or any comment since June 9, 2016.

**27-10-102.**

Applying the holding in *Williams v. Pennsylvania*, strictly and broadly construed, no adjudicator shall be qualified to adjudicate a case, if there is an appearance of undermined neutrality, as described by the United States supreme court in *Williams v. Pennsylvania*.

**27-10-103.**

Because only the appearance, as opposed to actuality, of neutrality shall be the all-determinative factor in assessing whether an adjudicator is or was qualified to adjudicate a case, whether an adjudicator adjudicates with actual neutrality is irrelevant in determining whether a disqualified adjudicator might, in the future, or has, in the past, adjudicated with the appearance of undermined neutrality.

**27-10-104.**

(a) The appearance of undermined neutrality of an adjudicator shall be determined by any credible information, with weight and reliability equal to or greater than the information relied on by the United States supreme court to disqualify chief justice Castille, in *Williams v. Pennsylvania*.

(b) Whether information is credible enough to disqualify an adjudicator, for an appearance of undermined neutrality, from adjudicating an assigned case shall not be measured by whether the information is, would be, or would have been admissible under the Tennessee Rules of Evidence.

(c) An adjudication by an adjudicator who has adjudicated with an appearance of undermined neutrality is an ipse dixit of the adjudicator which has no force or effect as emanating from a court.

(d) An adjudication by an adjudicator who has adjudicated with an appearance of undermined neutrality is not an order or a judgment of a court or other adjudicatory body, irrespective of whether the adjudication appears on a paper signed by an adjudicator bearing the seal or caption of a court and is filed in the official records of a court.

(e) All, without exception, adjudications by an adjudicator who has adjudicated with an appearance of undermined neutrality are egregious non-judicial acts. To the extent that *Cook v. State*, 606 S.W.3d 247, 254 (Tenn. 2020) holds or intimates that an adjudication can be both an adjudication by an adjudicator with an undermined neutrality and non-egregious, *Cook v. State*, hereby, is overruled.

(f) Adjudications by an adjudicator who has adjudicated with an appearance of undermined neutrality is the same as an adjudication by a court which had no subject matter jurisdiction.

(g) Because, as with adjudications by adjudicators for courts that have no subject matter jurisdiction, the merits of a case on appeal are irrelevant if the case was adjudicated by an adjudicator with an appearance of undermined neutrality.

(h) Whether an adjudication was adjudicated by an adjudicator with an appearance of undermined neutrality is a determination by all appellate courts of first and foremost importance in all appeals.

(i) The right of every litigant, in all civil and criminal cases, to be adjudged by an adjudicator who adjudicates with no appearance of undermined neutrality is a structural constitutional right of both the state and the litigant, and neither the state nor a litigant

can waive or otherwise forego the right to be adjudged by an adjudicator who might or who has adjudicated with an appearance of undermined neutrality, the same as no litigant can empower a court with no subject matter jurisdiction, by waiver or consent, with subject matter jurisdiction.

**27-10-105.**

(a) Recusal motions are abolished in all courts.

(b) The possibility of an appearance of undermined neutrality, in the first instance, shall be a private self-assessment determination by the adjudicator assigned a case.

(c) The private assessment required by subsection (b) is for the purpose of the adjudicator deciding whether the adjudicator, based on the standards in *Williams v. Pennsylvania*, strictly and broadly construed, has a pre-case state of mind formed by any dispositions, inclusive of sympathies, predilections, persuasions, preferences, personal opinions, convictions, or prior life experiences, caused by any type of experience or derived from any source, all of which, if known to the public, could cause any doubt on the part of neutral third persons that the adjudicator, deliberately or inadvertently, might be influenced by the pre-case state of mind to view the issues of law or the evidence colored by the pre-case state of mind in a way differently than issues of law and the evidence would be viewed if the pre-case state of mind of the adjudicator did not exist.

(d) Because the private assessment required by subsection (b) is not concerned with the actuality of cold neutrality but merely the appearance of any doubt of neutral third persons, the self-assessment by the adjudicator that the adjudicator is capable of setting aside pre-case state of mind and adjudicate with cold neutrality is a nonfactor and shall not be a consideration in the adjudicator's self-assessment.

(e) The purpose of disqualifying adjudicators who have an appearance of undermined neutrality is to ensure against adjudicators adjudicating by result-oriented adjudication methods instead of principled decision-making adjudication methods.

**27-10-106.**

(a) Pre-case dispositions, inclusive of sympathies or predilections or persuasions or preferences or personal opinions or convictions, favorable or unfavorable, about a litigant or a lawyer for a litigant is only one (1), from among enumerable dispositions, inclusive of sympathies, predilections, persuasions, preferences, personal opinions, or convictions, which possibly may disqualify an adjudicator from adjudicating a case because of an appearance of undermined neutrality.

(b) Pre-case dispositions, inclusive of sympathies, predilections, persuasions, preferences, personal opinions, or convictions, of most concern in the determination of whether an adjudicator is disqualified by an appearance or the possibility of an appearance of undermined neutrality are pre-case dispositions concerning the rule of law or the application of rule of law to the assigned case or the result and consequences of applying rule of law to the issues presented by an assigned case.

**27-10-107.**

If, on self-assessment, pursuant to §§ 27-10-102 - 106, an adjudicator concludes that there is cause that an appearance of undermined neutrality might occur, if the adjudicator adjudicates the assigned case, or for any other reason deemed sufficient to the self-assessing adjudicator, the self-assessing adjudicator is duty-bound to withdraw from adjudicating the assigned case before adjudicating the assigned case or any part of the assigned case.

**27-10-108.**

An adjudicator who, pursuant to § 27-10-107, withdraws from adjudication of an assigned case is not obligated to give a reason for the withdrawal but may state the reasons.

**27-10-109.**

(a) If an adjudicator who, after the self-assessment, pursuant to § 27-10-105, decides not to withdraw, the adjudicator shall state, in a writing filed in the record of the assigned case, titled adjudicator's neutrality affirmance, with as much or as little explanation as the adjudicator wishes to include, signed by the adjudicator indicating that the adjudicator has considered the issues to be adjudicated in the assigned case and concluded that the adjudicator has no pre-case state of mind that, reasonably considered by neutral third persons, might possibly appear to such neutral third persons to create any doubt that the adjudicator's cold neutrality, might be undermined in adjudicating the assigned case, subject to the provisions of §§ 27-10-112 - 114.

(b) Until proven to the contrary, the statements in the adjudicator's neutrality affirmance must be taken as truthful and accurate.

(c) If, for any reason, articulated or unarticulated, after the adjudicator's neutrality affirmance is signed and filed, the adjudicator decides to withdraw from the assigned case, this shall be the sole, unfettered, and absolute right of the adjudicator.

**27-10-110.**

If an adjudicator, after the self-assessment, has signed and filed the adjudicator's neutrality affirmance, thereafter, in the course of adjudicating the case, is made aware of an issue unanticipated at the time the adjudicator signed and filed the adjudicator's neutrality affirmance which, if known to the adjudicator, at the time the self-assessment, would have prevented the adjudicator from signing and filing the adjudicator's neutrality affirmance, the adjudicator shall immediately be disqualified as the adjudicator of the



assigned case and shall immediately withdraw from further adjudication of the assigned case.

**27-10-111.**

Until an adjudicator signs and files the adjudicator's neutrality affirmance, the adjudicator shall not be qualified to adjudicate an assigned case.

**27-10-112.**

(a) If, after an adjudicator signs and files the adjudicator's neutrality affirmance, a litigant who possesses or has access to information described in § 27-10-104, in good faith and under the penalty of perjury, considers that the signed and filed adjudicator's neutrality affirmance should be reviewed by neutral third parties for an assessment of whether the adjudicator is encumbered by a pre-case state of mind that, reasonably considered by neutral third persons, might create any doubt about the adjudicator's ability to adjudicate the assigned case without an appearance of undermined neutrality, the litigant may file in the record of the assigned case, a document titled "litigant's request for review" specifying, in writing and in detail, what information the litigant possesses or has access to that caused the litigant to file the litigant's request for review.

(b) Until proven to the contrary, the statements in the litigant's request for review must be taken as truthful and accurate.

(c) If, for any reason, articulated or unarticulated, after the litigant's request for review is signed and filed, the litigant decides to withdraw the litigant's request for review, this shall be the sole, unfettered, and absolute right of the litigant and the withdrawal shall be a recantation of the litigant's request for review. The litigant shall not suffer a penalty for filing or for withdrawing the request for review.

**27-10-113.**

(a) Within five (5) business days after a litigant files a request for review, the AOC shall appoint a panel of five (5) former members of the general assembly who are not lawyers and former adjudicators, each of whom, for ten (10) years immediately preceding the appointment to the panel has resided in a grand division of Tennessee other than the grand division in which the assigned case is pending.

(b) The names of the members of the panel are confidential and shall not be revealed by the AOC to any third persons, including an adjudicator, litigant, or other member of the panel.

(c) To qualify as a member of the panel, each member shall commit to engage in no independent investigation of the facts or the law and to perform the duties and obligations of a member of the panel in accordance with the strictures and restrictions of this chapter, irrespective of the member's personal opinions about this chapter.

(d) To qualify as a member of the panel, a person must not know nor have ever had any known interpersonal interaction with the adjudicator, the litigants, or the lawyers participating in the assigned case; must have no prior knowledge about the assigned case; and must have no prior opinions or familiarity with any issue to be adjudicated by the assigned case.

(e) The sole purpose of the panel is to assess, by the standards set out in this chapter, and in light of the litigant's request for review, the reliability of the adjudicator's neutrality affirmance, as sufficient information to qualify the adjudicator to adjudicate the assigned case without an appearance of undermined neutrality.

(f) After the AOC has assembled the panel, the AOC shall deliver to each of the panel members, the adjudicator's neutrality affirmance, the litigant's request for review, and the complaint or other document initiating the assigned case.

(g) Within seven (7) business days after the AOC has delivered the adjudicator's neutrality affirmance, the litigant's request for review, and the complaint or other document initiating the case, separately, to each member of the panel, each member of the panel, without collaboration or consultation with any other member of the panel, shall communicate, in writing, to the AOC whether or not the reporting member is of the opinion that more information is needed to assess the reliability of the adjudicator's neutrality affirmance and the litigant's request for review.

(h) If no member of the panel reports to the AOC that there is a need for more information, each member of the panel shall, separately, within eight (8) days of the date the AOC delivered the documents communicate to the AOC either "yes" or "no" in answer to the question: Applying nothing but the standards set out in the Appellate Courts Improvements Act of 2022, the adjudicator is able to adjudicate the assigned case without the appearance of undermined neutrality.

(i) If any member of the panel reports that the member needs additional information to assess the reliability of the adjudicator's neutrality affirmance and the reliability of the litigant's request for review, the AOC shall assemble a meeting, which may be held electronically, of the members of the panel. During the meeting, the members of the panel may ask the adjudicator and the litigant who filed the litigant's request for review, in the presence of each other, questions.

(j) After the members of the panel complete questioning the adjudicator and the litigant, the adjudicator and the litigant shall each be given a minimum of fifteen (15) minutes to make closing remarks to the panel.

(k) Within forty-eight (48) hours after the meeting, each member of the panel shall, without collaborating or consulting with other members, inform the AOC in writing of the answer to the inquiry posed in subsection (h).

(l) If any member of the panel, for any reason, fails to provide an answer to the question posed in subsection (h), the AOC shall report that member's answer as a "no" answer.

(m) No later than 9:00 a.m., the day after the AOC receives the answers, the AOC shall inform the adjudicator and the litigant who made the request for review of the number of "yes" answers.

(n) If there are less than three (3) "yes" answers to the question, the adjudicator shall withdraw from adjudicating the assigned case.

**27-10-114.**

A result-oriented adjudication is an adjudication by an adjudicator who has adjudicated with the appearance of undermined neutrality.

**27-10-115.**

(a) Only a holding of a court crafted by principled decision-making adjudication methods shall be considered binding precedent in this state.

(b) Opinions of courts by which holdings of courts are published shall include no dicta.

(c) Every fact referenced in a holding, or an opinion of a court shall cite to the page and paragraph in the record or the record on appeal where the referenced fact appears.

(d) If a holding or an opinion refers to a fact without a citation, the fact shall be deleted from the holding or opinion before the holding or opinion is delivered to the litigants.

(e) If a holding or an opinion refers to a fact with a citation and, on examination of the cited page and paragraph, the fact does not appear on the page and paragraph, the fact shall be treated as nonexistent by all reviewing courts.

(f) Because appellate courts are not fact-finding courts, statements of fact appearing in appellate court opinions and holdings shall not be cited as evidence that the fact stated exists.

(g) Where a subsequent appellate court opinion or holding turns on the existence or nonexistence of a fact, the only source by which it is determinable whether the fact exists is the record on appeal in the case under review.

(h) Unless a case is published in the official reporter of Tennessee cases, the case has no value as either binding or persuasive precedent as to what is the rule of law in Tennessee and the case shall not be cited as authority in any opinion or holding of a court.

(i) Unless a case is published in the official reporter of Tennessee cases, the case shall not be cited by a litigant, including appellees and appellants, in briefs or memoranda of law as either binding or persuasive precedent as to what is the rule of law in Tennessee.

(j) After July 1, 2022, all opinions and holdings of the court of appeals and the court of criminal appeals shall be published in the official reporter of Tennessee cases and, thereby, be and become binding precedent stating the rule of law in Tennessee unless reheard by a court of appeals or the court of criminal appeals or reversed by the Tennessee supreme court or the United States supreme court.

(k) Court of Appeals Rule 10 and Court of Criminal Appeals Rule 20 are rendered null and void.

**27-10-116.**

(a) When a case presents an issue of first impression in Tennessee, the trial or appellate court where the case is pending shall file a document titled "first impression

memorandum" explaining what the issue is and why the court has concluded that the issue is an issue of first impression.

(b) When a case presents an issue where existing Tennessee precedent includes conflicting or otherwise inconsistent rule of law on an issue, the trial or appellate court where the case is pending shall file a document titled "inconsistent precedent memorandum" explaining what the issue is and why the court has concluded that there is conflicting or otherwise inconsistent on point rule of law.

(c) A first impression memorandum or inconsistent precedent memorandum, shall be filed within two (2) business days in the court where the assigned case is pending, and the clerk of the court shall deliver the memorandum to the clerk of the Tennessee supreme court for filing and circulation to the justices of the supreme court.

(d) The justices of the Tennessee supreme court shall review the memorandum and render a published opinion on whether the issue was an issue of first impression or an inconsistent precedent and, if so, what the Tennessee rule of law is on the issue of first impression or inconsistent precedent.

(e) After the Tennessee supreme court publishes a review of the first impression memorandum or inconsistent precedent memorandum, the case in the lower court shall be continued and concluded, in the regular course, in accord with the supreme court's opinion.

(f) The Tennessee supreme court's opinion after review of a first impression memorandum or inconsistent precedent memorandum, is the rule of law in Tennessee on the issue in question.

**27-10-117.**

(a) An order of a trial court dismissing a case for failure to state a claim on which relief can be granted and affirmance of such a trial court order is highly disfavored.

(b) An order of a trial court dismissing a case for failure to state a claim on which relief can be granted and affirmance of such a trial court order shall be governed, exclusively, by the rules of law stated in *Conley v. Gibson*, 355 U.S. 41 (1957), unenhanced or unmitigated by precedents published since originally published on November 18, 1957, and *Ladd v. Roane Hosiery, Inc.*, 556 S.W.2d 758 (Tenn. 1977), unenhanced or unmitigated by precedents published since originally published on October 10, 1977.

(c) An order of a trial court dismissing a case by application of the doctrine of res judicata and affirmance of such a trial court order is disfavored.

(d) An order of a trial court dismissing a case by application of the doctrine of res judicata and affirmance or reversal of such a trial court order shall be governed, exclusively, by the rules of law stated in *Shelley v. Gipson*, 400 S.W.2d 709 (Tenn. 1966), as originally published on March 2, 1966, unenhanced or unmitigated by precedents published since March 2, 1966.

(e) An order of a trial court dismissing a case by summary judgment and affirmance of such a trial court order is disfavored.

(f) An order of a trial court dismissing a case by summary judgment and affirmance or reversal of such a trial court order shall be governed, exclusively, by the rules of law stated in *Hannan v. Alltel Publ'g Co.*, 270 S.W.3d 1 (Tenn. 2008), as originally published on October 31, 2008, unenhanced or unmitigated by precedents published since October 31, 2008.

**27-10-118.**

(a) Before rendering an order or judgment in a case, all adjudicators who will participate in the adjudication of a court's order or judgment shall first reduce a proposed order or judgment of the court that each such adjudicator proposes to be the order or

judgment of the court to writing and deliver the proposed order or judgment to the litigants, providing the litigants no less than ten (10) business days to file a written critique of the adjudicator's proposed order or judgment of the court.

(b) If more than one (1) adjudicator will participate in the adjudication of a court, each participating adjudicator, without consultation or collaboration with other participating adjudicators, separately, shall file a proposed order or judgment of the court.

(c) If any litigant files a written critique of any adjudicator's proposed order or judgment, the court shall schedule an open court hearing to give each litigant opportunity to orally present argument, for no less than fifteen (15) minutes, to persuade the adjudicators what the holding of the court should be.

(d) There shall be no oral argument by litigants to persuade the adjudicators what the holding of the court should be until after the adjudicators deliver to the litigants the adjudicators' proposed order or judgment of the court.

**27-10-119.**

(a) When a case is initiated in any court, the clerk of the court, within forty (40) days after the initiation, shall ministerially file a pro forma order of the court requiring the initiating person and any other persons who appear to participate to engage in formal mediation, in accordance with Tennessee Supreme Court Rule 31, within thirty (30) days after appearance of the first-appearing person after the initiation of the case.

(b) Until there has been mediation, as required by subsection (a), the court shall not render any orders other than the pro forma order of the court filed by the clerk of court.

(c) If, within five (5) business days after mediation begins, there has been no compromise that terminates the initiated case, the mediator shall remain engaged and,



as the assigned adjudicator deems prudent based on changed circumstances, the assigned adjudicator may order a continuation of the mediation.

(d) If, after personal service or publication according to rule of law, no adverse party or non-party claimant appears to contest the claims made by the initiating party or non-party claimant within forty (40) days after personal service or publication according to rule of law, the clerk of court shall ministerially file a pro forma notice of default in favor of the initiating person.

(e) Upon the clerk of court ministerially filing the notice of default, the court shall schedule a hearing on writ of inquiry to decide, pursuant to § 27-10-118, what default judgment to render.

**27-10-120.**

(a) Before a trial court adjudicator is permanently assigned to adjudicate a case, each litigant in a case shall have a single peremptory right to excuse one (1) adjudicator preliminarily assigned to adjudicate the case.

(b) The trial court adjudicators preliminarily assigned to adjudicate the case shall be randomly selected from among all sitting adjudicators, generally qualified to adjudicate cases, proximately located within in a radius of fifty (50) miles of the court where the case is pending.

(c) The AOC shall receive, in writing, peremptory excusals of trial court adjudicators from litigants and shall keep in confidence the names of litigants who use a peremptory excusal of a trial court adjudicator.

(d) All litigants shall have a right to excuse all adjudicators preliminarily assigned to adjudicate a case for cause.

(e) The AOC shall receive, in writing, for-cause excusal challenges of trial court adjudicators from litigants and shall keep in confidence the names of litigants who delivered the for-cause excusal challenges of a trial court adjudicator.

(f) The AOC shall grant or deny for-cause challenges on an ad hoc basis.

(g) The AOC's decision to grant or deny a for-cause challenge is wholly discretionary and not subject to review.

**27-10-121.**

(a) In rem cases are the favored means by which to adjudicate contradictory or variant claims of interest in a res and shall be advanced on all courts' dockets for disposition before emergencies involving life or death matters.

(b) All in rem cases are civil cases.

(c) The filing of an in rem case shall not be restricted by any statute of limitation or any statute of repose.

(d) Jurisdiction to adjudicate in rem cases can be exercised without distinction in circuit courts and chancery courts.

(e) All in rem cases shall be concluded by an adjudication of the status of the res no later than ninety (90) days after the in rem case is initiated by the filing of an in rem claim by the initiating in rem claimant.

(f) If for reasons beyond the control of the adjudicator, the in rem case is not fully adjudicated within ninety (90) days after being initiated, the AOC shall arrange for a special judge to adjudicate the status of the res to which the in rem jurisdiction is attached within one hundred fifty (150) days from the day the in rem case was initiated.

(g) On the day the in rem court renders an adjudication of the status of the res to which the court's in rem jurisdiction is attached, the clerk of court shall make a minute entry in the minutes of the court and file the minute entry in the record of the case.

(h) Forty-five (45) days after the minute entry noting the rendering of the judgment on the status of the res, the in rem jurisdiction of the court adjudicating the status of the res shall detach, as a matter of law over which the adjudicating court has no control.

(i) When the adjudicating court's in rem jurisdiction detaches, pursuant to subsection (h), the adjudicating court has no jurisdiction in the in rem case and the in rem case shall be final and closed.

(j) There are no adversarial parties in an in rem case.

(k) An in rem case shall not be combined with an in personam case by assigning the same docket number to the in rem case and the in personam case.

(l) An in rem case shall not be combined with an in personam case for joint adjudication or joint trial.

(m) In rem cases pending simultaneously with a related in personam case shall be fully adjudicated before disposition of the related in personam case.

(n) A res has no right to a trial by jury.

(o) Claimants with standing to assert a claim of interest in a res have no right to a trial by jury.

(p) The status of a res is a question of law.

(q) A court adjudicating an in rem case shall have no jurisdiction to order any human person or any entity-person to do or not to do anything, except as is necessary to exercise the inherent power of the court to maintain order of the court and control of the court's docket.

(r) The in rem jurisdiction of a court attaches to a res without the issuance of any court process and is beyond the control of the in rem court to prevent.

(s) The in rem jurisdiction of a court attaches to a res, exclusively, by the common law rule which, as a pure matter of law, places the res in an in rem case in the custody of the law the instant the in rem case is initiated to preserve the status quo of the res until the in rem court adjudicates the status of the res.

(t) When the in rem jurisdiction of a court attaches to the res, the in rem court is prohibited from detaching the jurisdiction attached to the res except by rendering an adjudication of the status of the res.

(u) Without exception, a court with jurisdiction attached to a res has no subject matter jurisdiction or authority of any kind to render any order or judgment other than an order or judgment which adjudicates the status of the res.

(v) All persons who have a demonstrable claim of interest in the res have standing to appear in an in rem case and state the claim directly to the court, as the court sees fit and without adversarial proceedings as in in personam cases.

(w) All persons who qualify, by a demonstrable claim of interest in the res, may appear in an in rem case, if, within twenty (20) business days after the court's in rem jurisdiction attaches to the res, such persons appear to assert a claim, such persons are claimants, only, and are not parties to whom the court's in personam jurisdiction attaches.

(x) A court exercising in rem jurisdiction attached to a res assumes plenary control of the res, to the exclusion of all other courts and all other persons and all other bodies politic of all kinds, for the purpose of preserving the status quo of the res until the court adjudicates the status of the res.

(y) Any court or adjudicator who attempts to interfere with the exclusive jurisdiction of a court with jurisdiction attached to a res, has no subject matter jurisdiction

to interfere with the status quo of the res and shall be automatically enjoined by the court exercising in rem jurisdiction attached to the res.

(z) The rendered judgment of a court exercising in rem jurisdiction attached to a res shall preempt, bar, and absolutely preclude all other courts, thereafter, from adjudicating in any way that might interfere with the status of the res adjudged by the court which first attached in rem jurisdiction to the res.

(aa) The following Tennessee Rules of Civil Procedure have no application in an in rem case: Rule 1, Rule 3, Rule 4, Rules 7 - 10, Rules 12 - 59, and Rules 61 - 71.

**27-10-122.**

Because it is impossible for an adjudicator with an appearance of an undermined neutrality to conduct a fair trial, an adjudication by an adjudicator with an appearance of undermined neutrality is, per se, a violation of all litigants' substantive due process right to a fair trial. Such an adjudication shall not be considered an order or a judgment of a court, but is coram non iudice without any means by which to be redeemed as coram iudice.

**27-10-123.**

An adjudicator who knowingly adjudicates with an appearance of undermined neutrality, irrespective of the merit or lack of merit of the adjudication, engages in a non-judicial act and, thereby, waives and surrenders all protection otherwise afforded the adjudicator by the doctrine of judicial immunity.

**27-10-124.**

Provoked or unprovoked intemperance, in writing or orally, on the part of an adjudicator, in the course of adjudicating, shall automatically disqualify the adjudicator as an adjudicator of the assigned case.

**27-10-125.**

(a) Except when a written notice of voluntary dismissal by nonsuit is filed or is announced in open court and followed by filing a written notice of nonsuit stating the date on which the voluntary dismissal by nonsuit was announced in open court, the effective date of the notice of voluntary dismissal by nonsuit is the moment in time when the notice of voluntary dismissal by nonsuit is filed or announced in open court and followed by filing a written notice.

(b) The clerk of the court, on the filing of a written notice of voluntary dismissal by nonsuit ministerially shall file a notice of final dismissal of the case, effective on the date the notice of voluntary dismissal by nonsuit occurred and assess the cost to the party noticing the voluntary dismissal by nonsuit.

(c) The accrual of the statute of limitations governing the date by which the case voluntarily dismissed by nonsuit must be refiled shall commence the day after the notice of voluntary dismissal either is filed or is announced in open court and followed by filing a written notice of nonsuit stating the date on which the voluntary dismissal by nonsuit was announced in open court.

(d) Except when there is a pending motion for summary judgment before a written notice of voluntary dismissal by nonsuit filed or announced in open court and followed by filing a written notice of nonsuit stating the date on which the voluntary dismissal by nonsuit was announced in open court, an order by an adjudicator has no bearing on the effective date of any voluntary dismissal of a case by nonsuit.

(e) All notices of voluntary dismissal by nonsuit shall dismiss the entire case and not merely part of a case.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that

can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.