

Alabama Rules of Civil Procedure

XI. GENERAL PROVISIONS

Rule 84.

Forms.

The forms contained in the Appendix of Forms are sufficient under the rules and are intended to indicate the simplicity and brevity of statement which the rules contemplate.

(dc) *District court rule.* Rule 84 applies in the district courts and attention is specifically directed to the forms promulgated with these district court rule modifications. Their use is encouraged in lieu of the forms historically available in the circuit courts because of the restrictions upon discovery in the district courts.

[Amended eff. 10-1-95.]

Supreme Court Note

Rule 84 was promulgated on January 3, 1973 to read as follows:

“The forms contained in the Appendix of Forms are sufficient under the rules and are intended to indicate the simplicity and brevity of statement which the rules contemplate.”

Rule 84 was modified on April 25, 1973, so as to appear in its present form.

Committee Comments on 1973 Adoption

The idea of official forms is not new to Alabama, where forms in actions at law have long been officially prescribed. Code of Ala., Tit. 7, §§ 223, 233. The Appendix of Forms appended to these rules includes not only such of those forms set out in the federal rules as are appropriate for state practice, but also such of the forms heretofore prescribed in Alabama as will be proper under these rules. In both classes of forms modifications have been made where necessary to conform to these rules.

By express provision of the rule, the forms contained in the Appendix of Forms are "sufficient." A pleading or motion which follows one of those forms cannot be successfully attacked for pleading defects by a motion to dismiss for failure to state a claim on which relief can be granted. 3 Barron & Holtzoff, *Federal Practice and Procedure*, § 1721 (1950). The decision to the contrary in *Bush v. Skidis*, 8 F.R.D. 561 (E.D.Mo.1948) is indefensible; it has been explicitly repudiated in *McKinzie v. Springfield City Water Co.*, 14 F.R.D. 503 (W.D.Mo.1953). Of course, a pleading may be sufficient in form but defective in substance.

Committee Comments to October 1, 1995, Amendment to Rule 84

The amendment deleted the last sentence of Rule 84, which provided that forms appearing in Tit. 7, Sec. 223, Code of Alabama 1940 (Recomp. 1958), were sufficient under Rule 84. That section was not carried over to the Code of Alabama 1975.

District Court Committee Comments

The practice in district court with its informality and absence of voluminous discovery can be benefited by resort to forms which are a little more informative than those which might be effective in the circuit courts. Consequently, district court forms have been promulgated and the use of these forms instead of forms that might ordinarily be used in the circuit court is strongly recommended. Note that the form for unlawful detainer actions can not be used in the small claims division of the district courts. See § 12-12-30, Code of Ala.