

## ALABAMA RULES OF JUDICIAL ADMINISTRATION

### Rule 30.

#### **Copies, certified copies; cost for copies; record searches; electronic signatures.**

(A) *Copies.* Conventional copies and certified copies of court records in paper or electronic form may be obtained at the clerk's office. A fee may be charged for any paper or electronic copy provided by the clerk. The clerk may require that requests for copies be made in writing.

(B) *Definitions.* "Copies," as used herein, shall mean any document on file or recorded in the office of the clerk or alternative repository of the clerk's office, which is reproduced by photocopy, by electronic printing, by electronic transmittal, or by any other means. For purposes of this rule, the term clerk and clerk's office shall also include any repository, and/or custodian thereof, designated by law, rule, or directive as an alternative source to whom temporary or permanent custody of court records is assigned.

(C) *Certification.* A court document may be certified only if the original of the document is on file with or recorded with the court. In addition to manually certifying documents with a handwritten signature, any custodian of a court document may also use an electronic signature and electronic seal to certify documents that are in electronic format.

(D) *Payment for copies.* The clerk shall not release copies of records until the payment is received or obligated by the requestor. The cost for copies shall be established by directive of the Administrative Director of Courts. At the clerk's discretion, however, parties to the action, representatives of businesses that are named parties to the action, or attorneys representing named parties to the action may receive copies of the court records free of charge. At the discretion of the clerk, copies of court records may be made at no charge for governmental agencies, whether federal, state, county, or municipal. If the requesting individual requests that the clerk forward the copies by mail, the clerk shall not pay for postage.

(E) *Intragovernmental requests for copies or certified copies.* If a governmental agency makes a request to a clerk for conventional copies or certified copies of documents stored electronically or if the clerk is required by law to forward copies of documents stored electronically to a governmental agency, the clerk may satisfy the request by providing the copies in electronic form.

(F) *Record searches.* The clerk may, but is not required to, perform background checks and archival record searches. The clerk may charge a fee for

such services. The procedures and costs for the services shall be established by directive of the Administrative Director of Courts.

(G) *Electronic signatures.* The requirement that any court record or document be signed is met by use of an electronic signature. An electronic signature is considered to be the original signature upon the court record or document for all purposes under these Rules and other applicable statutes or rules. Electronic signatures shall either: (1) show an image of such signature as it appears on the original document or appended as an image file or (2) bear the name of the signatory preceded by an "/s/" typed in the space where the signature would otherwise appear, as follows: /s/ Jane Doe. The Administrative Director of Courts may also designate other means of verification to authenticate a document. Such verification may include biometric measurements or computer-based encryption methodology. When a clerk, judge, magistrate, or any custodian of court records is required to provide a signature during the administration of his or her duties, the requirement is satisfied if the document is signed by electronic means. The Administrative Director of Courts may promulgate policies or procedures to assure the security and reliability of signatures executed by officials of the Unified Judicial System or through any application for electronic filing maintained or operated by the Unified Judicial System.

(H) *Integrity of the case files.* No case file shall be removed from the control of the clerk, except by order of the court, by statute, by rule of the Supreme Court, or by directive of the Administrative Director of Courts, or only upon good cause shown.

(I) *Open records.* The provisions of this rule shall not alter the provision that court files shall be open to inspection free of charge; however, records sealed, exempted, or otherwise restricted by law, rule, or court order may not be released to the general public except by court order.

(J) *Fee disbursement.* Any fee collected pursuant to this rule shall be distributed by the clerk in the same manner as described in Rule 4(H) of these Rules.

(K) *Authority of the Administrative Director of Courts.* The Administrative Director of Courts shall provide the Supreme Court with notice of any policies, procedures, guidelines, directive, or any other standards that are implemented pursuant to this rule. Notice shall be provided by filing the documentation of such with the Clerk of the Supreme Court for circulation to members of the Court.

[Adopted 5-3-77; Amended 8-9-77, eff. 8-23-77; Amended 11-30-77, eff. 12-5-77; Amended 9-28-87, eff. 10-1-87; Amended eff. 6-1-99; Amended 11-9-2006.]

## Comment

Subdivision (A) requires a fee of 25 cents per page for each copy of any court record, regardless of whether the person requesting the copy is a party to pending litigation. The clerk or register may, however, provide copies of court records to government agencies at no cost.

Subdivision (B) is added to make provision for the cost for any form of reproduction of court records based on the technology being utilized in the court where the request is made.

The case file is the official record in any case. Therefore, in order to preserve the integrity of the case file, subdivision (D) provides that the file should not leave the control of the clerk or register except, on order of the court, and only upon good cause shown. The court should grant permission for the case file to be removed by an attorney of record only in extraordinary circumstances. Because Rule 5(a), Alabama Rules of Civil Procedure, provides that each attorney in a civil case shall be served with a copy of each paper in the case, there should be little need for attorneys to check out a civil case file. This rule is intended to supersede the provisions of Ala.Code 1975, Section 12-20-25.

This Rule replaces former Rule 45.

**Note from the reporter of decisions:** The order amending Rule 16, Rule 18, Rule 19, Rule 20, Appendix B to Rule 20, Rule 30, and Rule 31, effective November 9, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 944 So. 2d.