

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 5.

Clerk's and register's offices, workdays.

(A) *Routine workdays, Saturdays, Sundays and other holidays.* Except as provided in (B) and (C), the office of every clerk of every circuit and district court and of every register shall be open for the transaction of business when the court is in session, and during business hours on all other days, except Saturdays, Sundays, and other legal holidays; provided, however, that the circuit court or district court may provide by local rule or order that the clerk, register, or their designee, shall be available on a Saturday, a Sunday, or other legal holiday, in which event the court shall provide advance notice to the clerk or register.

(B) *Conflicting state and county holidays.* In the event a county observes a particular holiday that is not included under Ala.Code 1975, Section 1-3-8, the presiding circuit judge may enter an order authorizing said offices to close on a particular county holiday; provided, however, such order shall designate a make-up workday on another legal holiday or on a Saturday. A copy of any such order shall be mailed to the administrative director of courts ("ADC") prior to the observance of any such county holiday, and a copy shall be furnished to the local bar association for dissemination to its members.

(C) *Severe weather, hazardous or other emergency conditions.* If weather or other hazardous or emergency conditions are or become such that the safety and welfare of the employees are threatened, the circuit clerk, register, or district clerk may in his or her discretion direct that the office shall be closed during the pendency of such conditions; provided, however, if court is in session, such action must be approved by the judge presiding. To the extent possible, all such decisions shall be coordinated among all local court officials, and it shall be the responsibility of each official to forthwith notify the presiding circuit judge and the ADC of any decision to close an office. All oral notifications to the presiding circuit judge and the ADC shall be followed as soon as practicable with a written statement outlining the conditions necessitating such action.

(D) *Effect of closing offices on the computation of time periods.* If the last day of any period of time prescribed or allowed by these or any other rules adopted by the Supreme Court or by the local circuit court, or by any applicable statute, falls on any day in which the appropriate office of a circuit court clerk, a register, or a district court clerk is closed pursuant to (B) or (C) or by order of the chief justice, then the period allowed by law or rule shall be extended until the next routine workday on which such office is open.

[Amended 9-28-87, eff. 10-1-87; Amended 12-4-96, eff. 2-1-97; Amended eff. 12-18-2008.]

Comment

Because some counties observe certain holidays not recognized in Ala.Code 1975, Section 1-3-8, and Rules 6(a) and 77(c) of the Alabama Rules of Civil Procedure, provision is made in Subdivision (B) for clerks and registers offices to close on particular county holidays since the courthouses may otherwise be vacant or unattended on such occasions. Provision is also made in Subdivision (C) for local officials to close their offices when emergency, weather, or other hazardous conditions are a threat to the safety and welfare of the employees.

Since closing of the clerks and registers offices under the circumstances provided in this rule is not specifically recognized under Rule 6(a), Alabama Rules of Civil Procedure, which provides for the computation of time, provision is made under Subdivision (D) to exclude from such computations any day in which an appropriate clerk's or register's office is closed under Subdivisions (B) or (C), if it is closed on the last day of any period of time allowed by rule or law to do an act.

Note from the reporter of decisions: The order adopting, effective immediately, Rule 5(D), Alabama Rules of Judicial Administration, and Rule 26(a), Alabama Rules of Appellate Procedure, is published in that volume of *Alabama Reporter* that contains Alabama cases from 994 So. 2d.