

IN THE SUPREME COURT OF ALABAMA  
January 30, 2020

ORDER

IT IS ORDERED that Rule 5(b)(2) and Rule 21(a)(1), Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendices A and C, respectively, to this order;

IT IS FURTHER ORDERED that Committee Comments to the amendments to Rule 5(b)(2) and Rule 21(a)(1) be adopted to read in accordance with Appendices B and D, respectively, to this order;

IT IS FURTHER ORDERED that the amendment of Rule 5(b)(2) and Rule 21(a)(1) and the adoption of the Committee Comments to those amendments are effective April 1, 2020; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to the follow Rule 5 and Rule 21:

"Note from the reporter of decisions: The order amending Rule 5(b)(2) and Rule 21(a)(1) and adopting the Committee Comments thereto, effective April 1, 2020, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

**Witness my hand this 30th day of January, 2020.**



**Clerk, Supreme Court of Alabama**

**FILED  
January 30, 2020  
12:10 pm  
Clerk  
Supreme Court of Alabama**

APPENDIX A

Rule 5(b)(2)

(2) Appendix. The petition shall have annexed thereto an appendix including (i) a copy of the order from which appeal is sought and of any findings of fact, conclusions of law, and opinion relating thereto, (ii) a copy of the certification required by Rule 5(a), (iii) any other order or opinion or parts of the record that would be essential to an understanding of the matters set forth in the petition, and (iv) an index listing separately each document in the appendix. The appendix shall be separated from the petition by a divider and a tab, and each document within the appendix shall be separated by a numbered cover sheet and an appropriate tab to identify and assist in locating the documents.

APPENDIX B

Committee Comments to Amendment to Rule 5(b)(2)  
Effective April 1, 2020

The amendment requires that an appendix to a petition filed pursuant to Rule 5(a) have both a numbered cover sheet and a tab for each document. For paper copies, the tab should protrude from the side of the paper so that a reader may easily access the document under that tab. For electronic copies, each tab should be reflected as a "bookmark" so that the reader may click on the bookmark to access the document under that bookmark.

## APPENDIX C

### Rule 21(a) (1)

(1) General. Application for a writ of mandamus or of prohibition directed to a judge or judges shall be made by filing a petition therefor with the clerk of the appellate court having jurisdiction thereof with certificate of service on the respondent judge or judges and on all parties to the action in the trial court. The petition shall contain, under appropriate headings and in the order here indicated:

(A) Table of Authorities. A table of authorities, including cases (arranged alphabetically), statutes, and other authorities with references to the pages in the petition where those cases, statutes, and other authorities are cited;

(B) Statement of the Case. A statement of the case, indicating briefly the nature of the case, the course of proceedings, and the disposition in the court below, with appropriate references to the appendix (see subparagraph (F)). A statement of the case should also identify the adverse ruling or rulings as to which review is sought, with a reference to the pages of the appendix at which the adverse ruling or rulings can be found;

(C) Statement of Facts. A statement of the facts necessary to an understanding of the issues presented by the petition;

(D) Statement of Issues. A statement of the issues presented and of the relief sought;

(E) Statement Why Writ Should Issue. A statement of the reasons why the writ should issue, with citations to the authorities and the statutes relied on; and

(F) Appendix. An appendix including copies of any order or opinion or parts of the record that would be essential to an understanding of the matters set forth in the petition. The appendix shall contain an index listing separately each

document in the appendix. The appendix shall be separated from the petition by a divider and a tab, and each document within the appendix shall be separated by a numbered cover sheet and appropriate tab to identify and assist in locating the documents.

APPENDIX D

Committee Comments to Amendment to Rule 21(a)(1)  
Effective April 1, 2020

The amendment adds the requirement that a petition include a statement of the case. This will aid the appellate court in determining the nature of the case and the procedural history of the litigation in the trial court leading up to the filing of the petition.

This amendment also clarifies that an appendix should have both a numbered cover sheet and a tab for each document. For paper copies, the tab should protrude from the side of the paper so that a reader may easily access the document under that tab. For electronic copies, each tab should be reflected as a "bookmark" so that the reader may click on the bookmark to access the document under that bookmark.