

## **Alabama Rules of Civil Procedure**

### **XI. GENERAL PROVISIONS**

#### **Rule 83.**

##### **Local court rules.**

All local rules are abolished effective April 14, 1992, and no local rules shall thereafter be permitted.

[Amended 1-6-87, eff. 9-1-87; Amended eff. 10-4-89; Amended eff. 8-1-92.]

#### **Committee Comments on 1973 Adoption**

In *Brown v. McKnight*, 216 Ala. 660, 114 So. 40 (1927), the inherent rule-making power of the circuit courts was recognized. Code of Ala., Tit. 7, § 291 recognizes the propriety of local rules which are not contrary to law or inconsistent with the rules established by the Supreme Court. Tit. 13, § 162, Code of Ala., also recognizes the propriety of local rules. Equity Rule 119 also permits local rules not inconsistent with the equity rules, the statutes, or other laws of the State of Alabama. An inherent limitation upon the scope of local rulemaking power is the repeated requirement in the Alabama code that such local rules be not inconsistent with statutes or rules established by the Supreme Court. Rule 83 does not alter this proposition. However, it does add a new requirement that such rules cannot become effective until approved by the Supreme Court of Alabama. As a practical matter, it is difficult to assume that the practitioner will press for appellate review of many local rules of court which, in effect, may be inconsistent with these rules. This procedure will not only assure uniform applicability of these rules, but also will provide a central depository for all local rules for the various circuits.

The Federal Rules of Civil Procedure during its various stages of drafting, in the late 30's, did contain a provision for the approval of local district court rules by the Judges of the Court of Appeals in that circuit. The final report of the Federal Rules Advisory Committee in 1937 did not contain the requirement that local rules be submitted to the Circuit Judges and the Supreme Court of the United States promulgated Rule 83 with the requirement that it only be approved by a majority of the Judges of the District Court. For purposes of Alabama practice, retention of appellate control over local rules, at least in the first few years of applicability of these rules, seems appropriate.

Inasmuch as these rules cover, rather adequately, all the major fields of procedure, as a general proposition, detailed and elaborate local court rules are not only unnecessary but undesirable. The last sentence of the rule eliminates the necessity for detailed standing rules. See 7 Moore's *Federal Practice and Procedure*, ¶ 83.02, 2d ed. 1971.

**Committee Comments to Rule 83 as Amended  
Effective September 1, 1987**

This rule allows local courts to regulate practice in certain respects, provided that (1) the local rules or administrative orders are consistent with the Alabama Rules of Civil Procedure, and (2) proper notice is given in order to provide an opportunity for thoughtful comment.

There are two categories of permissible local court regulation under this rule. The narrowest is the "administrative order," limited to specified subjects, which may be effective after notice but without prior Supreme Court approval. The broader "local rule," for matters not within the scope of administrative orders, must be both published and approved by the Supreme Court since it may risk inconsistency with these rules. The Supreme Court retains power to amend or abrogate both local rules and administrative orders in the spirit of uniformity and consistency of practice.

**Committee Comments to April 14, 1992,  
Amendment to Rule 83**

The Committee feels that the proliferation of local rules throughout the state has done much to destroy the desired uniformity of these procedural rules. "Local rules" take many forms; they are often called "administrative procedures" or "court administrative orders." However denominated, all such rules regulating practice or procedure are abolished, and no such rules will be permitted in the future.

The abolition of local rules does not prevent the trial court from issuing orders that are essential to the administration of its docket in areas outside the scope of the Alabama Rules of Civil Procedure.