

IN THE SUPREME COURT OF ALABAMA
May 7, 2015

ORDER

IT IS ORDERED that Rule 22, Rule 28(a)(5), Rule 32(a)(7), and Rule 40(f), Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendices A, B, D, and F, respectively, to this order;

IT IS FURTHER ORDERED that the Committee Comments to Amendment to Rule 28(a)(5) Effective August 1, 2015, the Committee Comments to Amendment to Rule 32(a)(7) Effective August 1, 2015, and the Committee Comments to Amendment to Rule 40(f) Effective August 1, 2015, are adopted to read in accordance with Appendices C, E, and G, respectively, to this order;

IT IS FURTHER ORDERED that these amendments and the adoption of the Committee Comments to the amendments are effective August 1, 2015;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 22, Rule 28, Rule 32, and Rule 40:

"Note from the reporter of decisions: The order amending Rule 22, Rule 28(a)(5), Rule 32(a)(7), and Rule 40(f), effective August 1, 2015, and adopting the Committee Comments to those amendments to Rule 28(a)(5), Rule 32(a)(7), and Rule 40(f) is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Moore, C.J., and Stuart, Bolin, Parker, Murdock, Shaw, Main, Wise, and Bryan, JJ., concur.

I, Julia Jordan Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 7th day of May, 2015

Julia Jordan Weller
Clerk, Supreme Court of Alabama

APPENDIX A

Rule 22, Appeals in Habeas Corpus

Appeals in habeas corpus proceedings shall be governed by Code of Alabama 1975, § 12-22-90, except that habeas corpus appeals in child-custody cases shall be governed by provisions of these rules that govern appeals in civil cases.

APPENDIX B

Rule 28(a)(5), Alabama Rules of Appellate Procedure

(5) Statement of the case; requirements for civil cases; special requirement for briefs on appeal to the Court of Criminal Appeals. 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 record (see subdivision (g)). In civil cases, a statement of the case should also identify the adverse ruling or rulings from which the appeal is taken and asserted as error on appeal, with a reference to the pages of the record on appeal at which the adverse ruling or rulings can be found. A brief on appeal to the Court of Criminal Appeals should contain a list of each and every ruling by the trial court adverse to the defendant on whose behalf the appeal is taken and asserted by that defendant as error on appeal. That list need refer only to the pages of the record on appeal where the adverse rulings are reflected (see Form 23) and shall be included as an appendix to the brief;

APPENDIX C

Committee Comments to Amendment to Rule 28(a)(5)
Effective August 1, 2015

Rule 28(a)(5) has been amended to require that the appellant's brief in civil cases cite all adverse rulings from which the appeal is taken and include references to the record on appeal where those adverse rulings can be found.

APPENDIX D

Rule 32(a)(7), Alabama Rules of Appellate Procedure

(7) Font and type style. The font of all documents, including footnotes, filed in the appellate court must be set in Courier New 13 unless the attorney or unrepresented party certifies at the end of the document filed that access to equipment capable of producing that font is not reasonably available and that the font style used or the handwriting constitutes the closest approximation of Courier New 13 under the circumstances. The type style must be plain, Roman style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined. Adjusting the space between the lines and words of a document by "leading," "kerning," "tracking," or any other method in an effort to circumvent the page limitations established by these rules or by an order of the court is prohibited.

APPENDIX E

Committee Comments to Amendment to Rule 32(a)(7)
Effective August 1, 2015

Rule 32(a)(7) has been amended to emphasize that the typeface of any footnotes contained within documents or briefs filed in an appellate court must also be in Courier New 13.

APPENDIX F

Rule 40(f), Alabama Rules of Appellate Procedure

(f) Brief Opposing Application for Rehearing. No brief opposing the application is required, but if the opposing party wishes to file a brief, the brief must be filed within 14 days (2 weeks) -- or, in the case of a pretrial appeal by the state in a criminal case, within 7 days (1 week) -- after the filing of the application and the brief in support of the application. Any brief in opposition to the application for rehearing shall not exceed 15 pages (see Rule 28(j)(5)), unless that page limitation is extended by the court pursuant to Rule 28(j)(3), if applicable. The brief in opposition shall contain a table of contents, a table of authorities, a summary of the argument, an argument and conclusion, and a certificate of service. No reply brief to a brief in opposition to an application for rehearing is permitted.

APPENDIX G

Committee Comments to Amendment to Rule 40(f)
Effective August 1, 2015

Rule 40(f) has been amended to include here the page limits for briefs filed in opposition to an application for rehearing and to explicitly set out the contents of such a brief. Rule 40(f) was previously silent as to these matters. A sentence has also been added indicating that no reply brief to a brief in opposition to an application for rehearing is permitted.