

Alabama Rules of Appellate Procedure

Rule 12.

Docketing of the appeal; docket fee; filing of the record.

(a) *Docketing the appeal and docket fee.* The clerk of the trial court shall send to the clerk of the appellate court to which the appeal is taken a copy of the notice of appeal. Unless the notice of appeal is filed electronically, the appellant, in a civil case, shall accompany the copy of the notice of appeal with payment to the clerk of the appellate court to which the appeal is taken a docket fee in the amount prescribed by Rule 35A, which shall be in lieu of other appellate court costs, unless otherwise set by the court. If the notice of appeal is filed electronically, then the appellant shall send directly to the clerk of the appellate court to which the appeal is taken a docket fee in the amount prescribed by Rule 35A, which shall be in lieu of other appellate court costs, unless otherwise set by the court. Said payment must be received by the clerk of the appellate court within seven days of the electronic filing of the notice of appeal. The timeliness of the payment of the docket fee shall be governed by Rule 25(a)(3).

(b) *Notice of the filing of the record.* The clerk of the appellate court shall immediately give notice to all parties of the date on which the record on appeal was filed.

(c) *Dismissal for failure of appellant to cause timely completion of record.* If the appellant shall fail to cause timely completion of the record, any appellee may file a motion in the appellate court to dismiss the appeal. The motion shall be supported by a certificate of the clerk of the trial court showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed, the expiration date of any order extending the time for completing the record, and by proof of service.

[Amended 10-2-78, eff. 12-1-78; Amended 7-1-19, eff 10-1-19.]

Committee Comments

Rule 12 provides that the appeal is considered to be docketed with the appellate court when the clerk files a copy of the notice of appeal with the clerk of the appellate court, and upon payment of a docket fee of \$25.00 as required by subdivision (a) and Rule 3(a). The basic docket fee is set at \$25.00. Certain appeals may cost more to process, and the rule provides that the court may set a higher docket fee to defray expenses in that event, e.g., utility and class action appeals may require a higher docket fee. The failure of a party to cause timely completion of the record may result in dismissal of the appeal upon motion. See

Rule 2. The time for response to such motions and the form of the motion are to be in conformance with the general rules set out in Rule 27.

**Court Comment to Amendment to Rule 12(a)
Effective October 1, 2019**

Rule 12(a) has been amended to require the appellant to pay the docket fee to the clerk of the appropriate appellate court within seven days of the electronic filing of the notice of appeal. The timeliness of the payment of the docket fee is governed by the same rules applicable to the filing of other documents with the appellate courts. This amendment is consistent with the amendments to Rule 3(a), (d), and (e) and Rule 35A(a)(1) and (b). When sending the payment to the appellate court clerk, the appellant should identify the appeal to which the payment applies by enclosing a copy of the notice of appeal and docketing statement or by some other means.

Note from the reporter of decisions: The order amending Rule 3(a), Rule 3(d), Rule 3(e), Rule 12(a), Rule 35A(a)(1), and Rule 35A(b), effective October 1, 2019, and adopting the Court Comments to those amendments is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.