

## **Alabama Rules of Appellate Procedure**

### **Rule 17.**

#### **Duties of clerks.**

(a) *Notice of orders.* Immediately upon the entry of an order the clerk shall serve a notice of its entry by mail upon each party to the proceeding together with a copy of any opinion respecting the order, and shall make a note in the docket of the mailing. Service on a party represented by counsel shall be made on counsel.

(b) *Custody of records and papers.* In each appellate court, the clerk shall have custody of the records and papers of the court. The clerk shall not permit any original record or paper to be taken from the clerk's custody except as authorized by the orders or instructions of the court. Original papers of any part of the clerk's record shall, upon disposition of the case, be returned to the court from which they were received, after the clerk of the appellate court has made a photocopy of the original for inclusion in the clerk's file. The clerk shall preserve copies of briefs and other papers filed, unless otherwise directed by the appellate court.

[Amended 8-18-75; Amended 8-27-91, eff. 10-1-91.]

#### **Committee Comments**

The duties of a clerk set out in Rule 17 are simply specific applications relative to these rules, and do not supplant the duties of the clerk set forth in Code of Ala., §§ 12-2-90 through 12-2-112. Former Supreme Court Rule 19, is, however, superseded by this rule.

As is provided elsewhere in the rules, the original papers of any part of the clerk's record shall be returned to the court from which they were received, but the clerk of the appellate court shall preserve copies of briefs, the appendix and other papers filed.

#### **Court Comment to Amendment Effective October 1, 1991**

This amendment omitted references to the appendix system and omitted masculine references to the clerk.