

Alabama Rules of Appellate Procedure

Rule 28B.

Notice of New Authority.

If pertinent and significant authority comes to a party's attention after the party's brief has been filed — or after oral argument but before a decision has been rendered by the appellate court — a party may promptly advise the clerk of the appellate court in which the proceeding is pending by letter, with a copy to all other parties, setting forth the citation or citations of the new authority. The letter must state the reasons for the supplemental citations, referring either to the page of the brief the new authority supports or to a point argued orally. The body of the letter must not exceed 400 words (2 pages for a letter filed pro se) and must otherwise comply with Rule 32(a)(6) and (7), Ala. R. App. P. Any response must be made promptly and shall be similarly limited.

[Adopted 9-20-2016, eff. 1-1-2017; Amended 7-24-2020, eff. 10-1-2020.]

Committee Comment to Amendment to Rule 28B Effective October 1, 2020

Rule 28B has been amended to provide a word limit for most supplemental authority letters consistent with the amendment to Rule 32, but to retain a page limit for persons filing supplemental authority letters filed pro se.

Note from the reporter of decisions: The order amending Rule 2(c) and Rule 3(c) and adopting Rule 28A and Rule 28B, Ala. R. App. P., and the committee comments, including the comments to Rule 25, effective January 1, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from 199 So. 3d.

Note from the reporter of decisions: The order amending Rule 5(e), Rule 21(d), Rule 27(d), Rule 28(a), Rule 28(j), Rule 28A(c), Rule 28B, Rule 32, Rule 39(d), Rule 40(f), and Rule 40(g), effective October 1, 2020, and adopting Committee Comments to those amendments is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.