

Alabama Rules of Appellate Procedure

Rule 33.

Prehearing conference.

The court may direct the attorneys for the parties to appear before the court or a judge thereof for a prehearing conference to consider the simplification of the issues and such other matters as may aid in the disposition of the proceeding by the court. The court or judge shall make an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of counsel, and such order when entered controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

Committee Comments

The provisions of Rule 33 for a prehearing conference are unknown to the Alabama practice. However, this system was considered to be a potentially valuable tool to the court for simplifying complex appeals in a manner similar to the pretrial conference used at the trial level. In this connection, the practitioner should consult ARCP Rule 16. While the rule would not be used in the routine case, it is expected to be invaluable in protracted and complex litigation. Although designated as a "prehearing conference", it is contemplated that the conference may be convened by the court at any stage of the proceedings when the court feels that such a conference would be of value. As is the case with pretrial conferences, those matters which are agreed upon or admitted by counsel at the conference are binding upon the parties unless relief is necessary to prevent manifest injustice. See Form 21 for request.