

Alabama Rules of Appellate Procedure

Rule 36.

Copies of opinions and entry of judgment.

(a) *Sending copies of opinions.* It shall be the duty of the clerk of the appellate court as soon as practicable after each opinion is rendered to send a copy of such opinion to the judge who tried the case in the trial court, a copy to the clerk of the trial court, a copy to one attorney of record for the appellant and a copy to one attorney of record for the appellee. When an opinion of the Supreme Court has reviewed an opinion or judgment of a court of appeals, a copy shall be sent to the clerk of that court.

(b) *Entry of judgment.* The notation of a judgment in the docket constitutes entry of the judgment. The clerk shall prepare, sign and enter the judgment following receipt of the opinion of the court unless the court orders otherwise. If a judgment is rendered without an opinion, the clerk shall prepare, sign and enter the judgment following instruction from the court.

Committee Comments

Rule 36 essentially embodies the former Alabama practice of disseminating opinions and entering judgment in the appellate court's docket. Copies of the opinion are sent in accordance with the former practice. No provision is made for the issuance of a mandate as is the case with the federal system, and the certificate of judgment and opinion of the court constitute the necessary directions encompassed by the concept of a mandate.

Subdivision (a) is essentially former Supreme Court Rule 35.

The mailing of the opinion and mailing of the judgment are considered separately because in some instances, the opinion would be sent prior to the entry of judgment, such as where the opinion directs the parties to file additional briefs, argue an additional point or to do some other act before the entry of judgment such as accept a remittitur. Ordinarily the opinion and judgment would be mailed simultaneously. The issuance of the certificate of judgment is governed by Rule 41.