

## **Alabama Rules of Appellate Procedure**

### **Rule 37.**

#### **Interest on judgments.**

Unless otherwise provided by law, if a judgment for money in a civil case is affirmed or the appeal is dismissed, whatever interest is provided by law shall be payable from the date the judgment was rendered in the trial court. If a judgment is modified or reversed with a direction that a judgment for money be entered in the trial court, the certificate of judgment shall contain instructions with respect to allowance of interest.

[Amended eff. 11-16-2007.]

#### **Committee Comments**

This rule does not modify any of the existing statutes providing for interest before judgment, nor the rate of interest. The second sentence of the rule is intentionally flexible to allow for particular situations. The following statutes are expressly continued, although the list may not be exhaustive: Code of Ala., §§ 8-8-10, 12-22-26 and 18-1-27.

The rule expressly provides for the allowance of interest when an appeal is dismissed as well as when the judgment below is affirmed.

#### **Court Comment to Amendment to Rule 37 Effective November 16, 2007**

This rule is amended to provide that interest on a judgment will run from the date the judgment is "rendered" rather than "entered." This change is consistent with the language in Alabama Rule of Civil Procedure 58, which defines "entry" and "rendition" of a judgment and was amended effective September 19, 2006, to provide that interest upon a judgment runs from the date the court renders the judgment.

**Note from the reporter of decisions:** The order amending Rule 32(b)(3) and Rule 37, Alabama Rules of Appellate Procedure, amending the committee comments to the March 1, 2007, amendment to Rule 41, Alabama Rules of Appellate Procedure, and adopting the Court Comment to Amendment to Rule 37 Effective November 16, 2007, all effective November 16, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 972 So. 2d.

