

Alabama Rules of Appellate Procedure

Rule 49.

Title; effective date.

These rules shall be known and cited as “The Alabama Rules of Appellate Procedure (ARAP).”

These rules shall apply to all appellate proceedings

(1) taken from decisions, judgments and orders entered on or after December 1, 1975;

(2) in which the decision, judgment or order is entered prior to December 1, 1975, and the notice of appeal is filed on or after December 1, 1975, except those rules which establish a time for invoking an appellate proceeding, including an appeal under Rule 4;

(3) initiated prior to December 1, 1975 where the record on appeal has been completed on or after November 1, 1975 and shall govern all subsequent steps and stages in the appellate process.

The appellate court may provide that the former procedure and rules apply under (3) when the appellate court is of the opinion that the application of these rules in a particular case would not be feasible or would work injustice.

In any appellate proceeding initiated between August 1, 1975, and December 1, 1975, all parties may agree that these rules shall apply to such proceedings, but the agreement must be in writing and state the first step or stage to which the new rules would be applicable.

Rule 2(b), dealing with suspension of rules, shall be effective as of August 1, 1975, and Rule 2(b) shall apply to the Rules of Appellate Procedure in effect on August 1, 1975 and also to these rules.