

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 4.

Duties of clerk and register.

I. The following duties shall repose in the office of clerk and register of the circuit court and clerk of the district court.

(A) The clerk or register, or his or her representative, shall attend sessions of court in his or her circuit or district when required by the court to do so.

(B) The clerk or register shall keep such indexes as will ensure ready reference to any action or proceeding filed in the court, in accordance with such procedures as may be established by the administrative director of courts ("ADC").

(C) The clerk or register shall issue all process and notices required by law or directed by the court to be issued. Any other rule or statute notwithstanding, any party or attorney to any court proceeding who is entitled to receive any notice by first-class mail concerning that proceeding may receive that notice by any electronic means approved by the Administrative Director of Courts in lieu of first-class mail. Service by electronic means in compliance with this rule shall be complete on transmission of the electronic document. Any party who is not an attorney may elect to receive notice by electronic means by written request to the court at any time during the course of the proceeding. Once a party has elected to receive notice by electronic means, the court may use such means as to that party for any notice that could otherwise have been conveyed by first-class mail until such election is rescinded in writing by that party or the party's attorney of record.

(D) The clerk or register shall be the custodian of court records and shall keep such records of the court as are required by law, by Supreme Court rule, or by the ADC. The clerk shall prepare and issue all reports and other documents, including monthly reports, that are required by law, rule, court order, or directive of the ADC.

(E) The clerk or register shall safely, orderly, and efficiently keep or dispose of, according to law, Supreme Court rule, or directive of the ADC, all papers and records filed or deposited in any action or proceeding before the court.

(F) The clerk or register, acting under the supervision of the court, shall be responsible for the management of jurors during their service, except as may be otherwise provided.

(G) The clerk or register shall receive annual funding, as allotted by the ADC, for supplies and forms, and shall administer his or her office in such a manner as to operate within the approved budget.

(H) The clerk or register shall remit, as provided by law or rule, all fines, forfeitures, and costs of court, including prepaid docket fees, to the officials designated to receive such moneys at the municipal, county, and state levels. The clerk or register shall periodically remit such moneys, no less often than once a month and not later than the fifteenth day of each month. The clerk or register shall forward to the ADC a copy of the remittance form and such other reports as may be required.

(I) The clerk or register, after obtaining the advice of the presiding circuit judge, shall designate approved state depositories to serve as depositories for all funds collected by, deposited with, or maintained by the clerk or register in his or her official capacity. The clerk or register shall ensure that all designated depositories are insured either by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation. Except as otherwise provided in this rule, all funds maintained by the clerk or register in his or her official capacity other than moneys collected in cases that are governed by Title IV-D of the Social Security Act, shall be placed in interest-bearing accounts in the designated state depositories. The interest received on such funds, less any service, maintenance, or ancillary charges that may be made by the depository on such accounts, shall be paid into the State General Fund periodically, as provided in subsection (H) of this part I; provided, however, that the interest earned on those fiduciary sums that are specifically ordered by the trial court to be deposited at interest, less any administrative charges that may be made by the depository, shall be disbursed as otherwise provided by law or rule.

When depositing funds in interest-bearing accounts, the clerk or register shall seek to obtain the maximum return available, taking into consideration administrative charges made by the depository and the services provided to the clerk or register on such accounts. The clerk or register shall also evaluate whether any service, maintenance, or ancillary charges made by a depository on any account utilized in the clerk or register's official capacity exceeds the potential earnings. If the clerk or register determines that the administrative costs that will be imposed by the depository on any account or on any funds to be deposited at interest exceed the potential earnings thereon, then the clerk or register, in his or her discretion, may maintain such funds in a non-interest bearing account in the depository; provided, however, that this discretion shall not apply to funds that are deposited pursuant to an order of the trial court.

The Chief Justice shall have authority to review administrative decisions not to place funds in interest-bearing accounts and may assist the clerk or register in developing an investment plan consistent with this rule that should provide interest income to the State General Fund.

(J) The clerk or register shall prepare appeal transcripts in accordance with the Alabama Rules of Appellate Procedure.

(K) The clerk or register shall perform such other duties as may be imposed by law, rule, court order, or directive of the ADC.

II. The following duties shall repose in the office of clerk of the municipal court.

(A) The clerk shall be the chief administrative officer of the municipal court administrative agency and shall answer to the municipal judge, or, if the court has more than one judge, then to the presiding judge.

(B) The clerk, or the clerk's representative, shall attend sessions of the municipal court when required by the court to do so.

(C) The clerk shall keep such indexes as will ensure ready reference to any action or proceeding filed in the court, in accordance with such procedures as may be established by the administrative director of courts ("ADC").

(D) The clerk shall issue all process and notices required by law or directed by the court to be issued.

(E) The clerk shall be the custodian of court records and shall keep such records of the court as are required by ordinance or other law, the municipal governing body, the judge, Supreme Court rule, or the ADC. The clerk shall prepare and issue all reports and other documents, including monthly reports, that are required by law, rule, court order, or directive of the ADC.

(F) The clerk shall safely, orderly, and efficiently keep or dispose of, according to law, Supreme Court rule, or directive of the ADC, all papers and records filed or deposited in any action or proceeding before the court.

(G) The clerk shall receive annual funding, as allotted by the municipal governing body, and shall administer the clerk's office in such a manner as to operate within the approved budget.

(H) The clerk shall receive, issue receipts for, and account for, all funds coming into court, including fines, fees, costs, and restitution, and shall safeguard such funds and make disbursements as required by law.

(I) The clerk shall remit, as provided by law or rule, all fines, forfeitures, and costs of court to the officials designated to receive such moneys at the municipal, county, and state levels. The clerk shall periodically remit such moneys, no less often than once a month and not later than the fifteenth day of

each month. The clerk shall forward to the ADC a copy of the remittance form and such other reports as may be required.

(J) The clerk shall prepare documents for filing in the circuit court in cases appealed to the circuit court, in accordance with statutes and the rules of the Supreme Court of Alabama, and shall maintain a log of all appealed cases.

(K) The clerk shall ensure that the office of the municipal court clerk shall be open for the transaction of business when the court is in session, and, aside from those times when the court is in session, the clerk shall ensure that the office is open during business hours, as established by the municipal governing body; provided, however, that the governing body shall determine specific days and times that the office may be closed for holidays and other special occasions, but such closings shall be consistent with the closings of other municipal departments and programs.

(L) The clerk shall maintain a file of all ordinances and other laws that affect the operation of the municipal court or that may be brought before the court.

(M) The clerk shall perform other administrative tasks that the judge is not required to perform personally, as may be required by law, rule, court order, or directive of the ADC.

(N) The clerk shall perform such other duties as may be imposed by law, rule, court order, or directive of the ADC, including specifically those duties of clerks and magistrates stated elsewhere in these Rules of Judicial Administration.

[Amended 11-9-76; Amended 5-2-79; Amended 9-28-87, eff 10-1-87; Amended 4-3-90, eff. 5-1-90; Amended 2-14-95, eff. 4-1-95; Amended 9-1-2016, eff. 10-1-2016.]

Comment

The designation of approved state depositories is set forth in Ala.Code 1975, Section 41-14-1 et seq.

The enumerated duties are supplemental to statutory duties of clerks and registers.

Committee Comments to Amendment to Rule 4.I(C)
Effective October 1, 2016

The amendment provides that attorneys or parties to a court proceeding who are entitled to receive notice by first-class mail may receive that notice by electronic means and establishes a procedure by which a party can elect to receive notices by electronic means and rescind such notice. All attorneys licensed to practice law in Alabama are required to be "registered users" of the Alabama Judicial System's electronic-filing system. If the attorney for the party to receive notice is a registered user of the electronic-filing system as provided for by order or rules of the Supreme Court of Alabama, service of the notice may be made by electronic transmittal in accordance with any such order or rules.

Note from the reporter of decisions: The order amending Rule 4.I(C), Ala. R. Jud. Admin., effective October 1, 2016, and adopting the committee comments to the amendment is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.