



IN THE SUPREME COURT OF ALABAMA

May 3, 2021

ORDER

IT IS ORDERED that Rule 28(j), Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to the amendment to Rule 28(j) be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 28(j) and the adoption of the Committee Comments thereto are effective immediately; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to the follow Rule 28:

"Note from the reporter of decisions: The order amending Rule 28(j) and adopting the Committee Comments thereto, effective May 3, 2021, is published in that volume of Alabama Reporter that contains Alabama cases from __ So. 3d."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 3rd day of May, 2021.

A handwritten signature in cursive script that reads "Julia Jordan Weller".

Clerk of Court,
Supreme Court of Alabama

FILED
May 3, 2021
1:55 PM

Clerk
Supreme Court of Alabama



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APPENDIX A

Rule 28(j), Ala. R. App. P.

(j) Length of Briefs.

(1) Non-Death-Penalty Cases -- Word/Page Limitation; Method of Numbering Pages. Except in cases in which the death penalty has been imposed, a principal brief may not exceed 14,000 words (70 pages for a principal brief filed pro se), and a reply brief may not exceed 7,000 words (35 pages for a reply brief filed pro se). The word or page limitation applies to all portions of the brief beginning with the statement of the case, including headings, footnotes, and quotations, but excepting the cover page, a statement regarding oral argument, a table of contents, a statement of jurisdiction, a table of authorities, any certificate of compliance, the signature block, the certificate of service, and any appendices and exhibits. Pages in the brief preceding the statement of the case must be numbered in lower case Roman numerals, and pages in the brief beginning with the statement of the case must be numbered in Arabic numerals.

(2) Death-Penalty Cases -- Word/Page Limitation. In a case in which the death penalty has been imposed, a principal brief may not exceed 16,000 words (80 pages for a principal brief filed pro se), and a reply brief may not exceed 8,000 words (40 pages for a reply brief filed pro se). In all other respects, the provisions of subparagraph (j)(1) of this rule shall apply.

(3) Permission to Exceed Word or Page Limitation. Permission to exceed the word or page limitation will not be routinely granted. A motion to file a document that exceeds the applicable word or page limitation shall show good cause therefor, specifying extraordinary circumstances that warrant a suspension of the rules. Any motion seeking an enlargement of the word or page limitation for a brief shall be presented at least seven days before the date on which the brief is due.



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(4) Cross-Appeals -- Word/Page Limitation. Briefs in cross-appeals shall not exceed the word or page limitation of subparagraphs (j)(1) and (2) unless permission to exceed the word or page limitation is granted pursuant to subparagraph (j)(3) of this rule.

(5) In Support of, or in Opposition to, Application for Rehearing. A brief in support of, or in opposition to, an application for rehearing shall not exceed 3,000 words (15 pages for a brief filed pro se).



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APPENDIX B

Committee Comments to Amendment to Rule 28(j)
Effective May 3, 2021

Rule 28(j) has been amended to clarify that the larger word/page limitation specified in Rule 28(j)(2) applies only to cases in which the death penalty has been imposed and not to cases involving a conviction for a capital offense but resulting in a sentence other than the death penalty. This rule applies to both direct and collateral appeals.