

IN THE SUPREME COURT OF ALABAMA
March 25, 2021

ORDER

IT IS ORDERED that Rule 43(dc), Alabama Rules of Civil 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 43(dc) be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 43(dc) 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 follow Rule 43:

"Note from the reporter of decisions: The order amending Rule 43(dc) and adopting the Committee Comments thereto, effective March 25, 2021, is published in that volume of Alabama Reporter that contains Alabama cases from __ So. 3d."

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

Bryan, J., concurs as to the amendment of Rule 43(dc) but dissents as to the adoption of the Committee Comments to the amendment to Rule 43(dc).

Witness my hand this 25th day of March, 2021.



Clerk, Supreme Court of Alabama

**FILED
March 25, 2021
10:59 am
Clerk
Supreme Court of Alabama**

APPENDIX A

Rule 43(dc), Ala. R. Civ. P.

(dc) District Court Rule. Rule 43 applies in the district courts except that (1) the reference to domestic-relations cases in Rule 43(a) is deleted and (2) the reference to a jury in Rule 43(e) is deleted.

APPENDIX B

Committee Comments to Amendment to Rule 43(dc) Effective March 25, 2021

This amendment deletes what was formerly Rule 43(dc)(2) ("Rule 43(a), second paragraph, is to be construed so as to permit, by agreement of the parties, evidence in the form of tape recordings or sworn statements"). Advances in audiovisual technology have rendered the limiting reference to "tape recordings" archaic. Rule 43(a) allows the parties, by agreement, to take testimony and to present evidence in any agreed manner, unless prohibited by the court.