



IN THE SUPREME COURT OF ALABAMA

March 28, 2022

ORDER

IT IS ORDERED that Rule 25(a)(2), Rule 57(d)(2), Rule 57(h)(2), Rule 57 -- Form A, and Rule 57 -- Form B, Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendices A, C, D, E, and F to this order;

IT IS FURTHER ORDERED that the Committee Comments to the amendment to Rule 25(a)(2) and the Committee Comments to the amendment to Rule 57, effective April 1, 2022, be adopted to read in accordance with Appendices B and G to this order;

IT IS FURTHER ORDERED that the title of Rule 57 be changed from "Interim Electronic Filing and Service Rule" to "Electronic Filing and Service";

IT IS FURTHER ORDERED that the amendments to Rule 25(a)(2), the title of Rule 57, Rule 57(d)(2), Rule 57(h)(2), Rule 57 -- Form A, and Rule 57 -- Form B and the adoption of the Committee Comments thereto are effective April 1, 2022; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 25 and Rule 57:

"Note from the reporter of decisions: The order amending Rule 25(a)(2), the title of Rule 57, Rule 57(d)(2), Rule 57(h)(2), Rule 57 -- Form A, and Rule 57 -- Form B and adopting the Committee Comments thereto, effective April 1, 2022, is published in that volume of Alabama Reporter that contains Alabama cases from __ So. 3d."



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

Witness my hand this 28th day of March, 2022.

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

Clerk of Court,
Supreme Court of Alabama

FILED
March 28, 2022
2:00 PM

Clerk
Supreme Court of Alabama



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APPENDIX A

Rule 25(a)(2), Ala. R. App. P.

(2) Electronic Filing. Documents may be filed in traditional paper format or in electronic format. Documents filed electronically shall be filed consistent with Rule 57 of these rules, entitled "Electronic Filing and Service."



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APPENDIX B

Committee Comments to Amendment to Rule 25(a)(2)
Effective April 1, 2022

Consistent with the amendment to Rule 57, effective April 1, 2022, Rule 25(a)(2) has been amended to delete the reference to Rule 57 as an "interim" rule and to state expressly that documents may be filed in either paper or electronic format.



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APPENDIX C

Rule 57(d)(2), Ala. R. App. P.

(2) Responsibility for Keeping Information Current. Registered users shall be responsible for maintaining the accuracy of the information contained on ACES, including changes in their firm name, mailing address, telephone number, and primary and secondary e-mail addresses.



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APPENDIX D

Rule 57(h)(2), Ala. R. App. P.

(2) Hard Copies of Documents to be Filed. In addition to the e-document, the filer must mail or deliver the following number of hard copies of the e-document and any attachments to the appropriate appellate court:

Supreme Court: Ten (10) copies.

Court of Civil Appeals: Six (6) copies.

All hard copies shall be mailed or delivered to the appropriate appellate court within 24 hours of the date the principal document is e-filed, unless the day following the filing date is a Saturday, Sunday, or legal holiday, in which event the hard copies shall be mailed or delivered by the end of the next day that is not a Saturday, Sunday, or legal holiday or, when the day following the filing date is a day on which weather conditions have made the office of the clerk of the court inaccessible, the end of the next day that is not one of the aforementioned days. The hard copies that are delivered to the appellate court shall be accompanied by a copy of the confirmation receipt provided pursuant to subsection (h)(3) of this rule. In addition to delivery by regular mail of the United States Postal Service, delivery by certified, registered, or express mail of the United States Postal Service or by third-party commercial carrier, as provided in Rule 25(a)(3)(A)(i) or (ii), is sufficient for delivering hard copies of e-documents to the appellate courts as provided in this rule.



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APPENDIX E

Rule 57, Ala. R. App. P. -- Form A

FORM A

[Identify Appellate Court]
[Appellate Court Case Number]

Appellant/Petitioner

vs

Appellee/Respondent

Notice Regarding Attachments

[Describe document, e.g., map,] that is intended as an attachment to _____, which was e-filed on _____, is of such size, content, or form that it could not be scanned and e-filed and is therefore being filed with clerk of the above appellate court in its original form.

I certify that a copy of this notice and the attachments will this date be served on counsel for each party to the case.

Dated this _____ day of _____, 20____.



IN THE SUPREME COURT OF ALABAMA

March 28, 2022

s/[Name of Filing Party]

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx



IN THE SUPREME COURT OF ALABAMA

March 28, 2022

APPENDIX F

Rule 57, Ala. R. App. P. -- Form B

FORM B

[Identify Appellate Court]
[Appellate Court Case Number]

Appellant/Petitioner

vs

Appellee/Respondent

DECLARATION OF TECHNOLOGICAL DIFFICULTIES AND MOTION TO ACCEPT AS TIMELY FILED

Please take notice that the undersigned registered user was unable to e-file the attached [title of document] in a timely manner because of technological difficulties. The deadline for filing the document was [filing-deadline date]. The reason(s) that I was unable to e-file the above-mentioned document in a timely manner and the good-faith efforts I made before the filing deadline both to file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good-faith efforts to file and to inform (including dates and times)].



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I hereby move that the Court accept the above document as being timely filed.

I certify that a copy of this declaration and the attached pleading will this date be served on counsel for each party to the case.

Dated this _____ day of _____, 20____.

s/[Name of Filing Party]

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx



IN THE SUPREME COURT OF ALABAMA

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APPENDIX G

Committee Comments to Amendment to Rule 57
Effective April 1, 2022

The title of Rule 57 has been changed from "Interim Electronic Filing and Service Rule" to "Electronic Filing and Service."

Rule 57(d)(2) has been amended to delete the requirement that an attorney registered to use the appellate courts' e-filing system submit and maintain a "fax number." Many attorneys no longer maintain a facsimile, or fax, number.

Rule 57(h)(2) has been amended to expand the methods by which hard copies of electronically filed documents may be sent to the appellate courts. In addition to delivery by regular mail of the United States Postal Service, delivery by certified, registered, or express mail of the United States Postal Service or by third-party commercial carrier is permitted. This will provide attorneys with the flexibility to send hard copies of electronically filed documents by the same methods by which paper copies may be originally filed with the appellate courts under Rule 25(a)(3)(A).

Finally, Form A and Form B have been amended to delete references to fax numbers.