

IN THE SUPREME COURT OF ALABAMA
March 1, 2010

ORDER

IT IS ORDERED that Rule 28(d)(8), Rule 32(a), and Rule 52, Alabama Rules of Appellate Procedure, be amended to read in accordance with Appendices A, B, and C, respectively;

IT IS FURTHER ORDERED that Rule 56, Alabama Rules of Appellate Procedure, and the Court Comment to Rule 56 be adopted to read in accordance with Appendix D;

IT IS FURTHER ORDERED that the amendments to these rules and the adoption of Rule 56 and the Court Comment to Rule 56 are effective June 1, 2010;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 28, Rule 32, Rule 52, and Rule 56, Alabama Rules of Appellate Procedure:

"Note from the Reporter of Decisions: The order amending, effective June 1, 2010, Rule 28(d)(8), Rule 32(a), and Rule 52, Alabama Rules of Appellate Procedure, and adopting Rule 56 and the Court Comment to Rule 56, Alabama Rules of Appellate Procedure, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Cobb, C.J., and Lyons, Woodall, Stuart, Smith, Bolin, Parker, Murdock, and Shaw, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 1st day of March, 2010


Clerk, Supreme Court of Alabama

APPENDIX A

Rule 28(d)(8), Alabama Rule of Appellate Procedure

(8) an indication whether the brief should not be made available to the public on an online electronic database based upon the provisions of Rule 52 or Rule 56 of these rules. If the brief contains content that falls within the provisions of Rule 52 or Rule 56(b), a reference to "Rule 52" or "Rule 56," whichever is applicable, shall be indicated in capitalized bold lettering, not less than one inch in height, at the top center of the cover of the brief.

APPENDIX B

Rule 32(a), Alabama Rule of Appellate Procedure

(a) Form and Length of Documents Filed with the Court.
In addition to the provisions of Rule 28, which are applicable to briefs, the following requirements shall apply to all documents filed with the appellate courts:

(1) Reproduction.

(A) A document may be produced by any process that yields a clear black image on light paper. The paper must be opaque and unglazed. Only one side of the paper may be used.

(B) Text must be produced with a clarity that equals or exceeds the output of a laser printer.

(C) Photographs, illustrations, and tables may be reproduced by any method that results in a good copy of the original; a glossy finish is acceptable if the original is glossy.

(2) Front page of documents filed with the court other than briefs and petitions for a writ of certiorari. The first page of a document must contain:

(A) the appellate court docket number assigned to the case, if available;

(B) the name of the appellate court;

(C) the style of the case in the appellate court (see Rule 12(a));

(D) the nature of the proceeding (e.g., appeal, petition for a writ of certiorari, motion) and the name of the court, agency, or board that decided the case below;

(E) the title of the document (e.g., "Appellant's Motion to Strike," "Appellee's Motion to Dismiss"), identifying the party or parties on whose behalf the document is filed;

(F) an indication whether the document should not be made available to the public on an online electronic database based upon the provisions of Rule 52 or Rule 56 of these rules. If the document contains content that falls within the provisions of Rule 52 or Rule 56(b), a reference to "Rule 52" or "Rule 56," whichever is applicable, shall be indicated in capitalized bold lettering, not less than one inch in height, at the top center of the cover of the document;

(3) Cover of petitions for an extraordinary writ or for a writ of certiorari filed with the court. In addition to those items listed in subsection (2), the front cover of a petition must contain:

(A) the name, office address, telephone number, facsimile number, and e-mail address, if any, of counsel representing the party for whom the petition is filed. If the party is not represented by counsel, the petition shall include the name, address, telephone number, facsimile number, and e-mail address, if any, of the party filing the petition;

(B) the phrase "Oral Argument Requested," if oral argument is requested;

(C) an indication whether the petition should not be made available to the public on an online electronic database based upon the provisions of Rule 52 or Rule 56 of these rules. If the petition contains content that falls within the provisions of Rule 52 or Rule 56(b), a reference to "Rule 52" or "Rule 56," whichever is applicable, shall be indicated in capitalized bold lettering, not less than one inch in height, at the top center of the cover of the petition;

(4) Signature page of documents other than briefs and petitions filed with the court. The signature page of the document shall contain the name, office address, telephone number, facsimile number, and e-mail address, if any, of counsel representing the party for whom the document is filed. If the party is not represented by counsel, the document shall include the name, address, telephone number, facsimile number, and e-mail address, if any, of the party filing the document.

(5) Binding for petitions and other documents.

(A) Petitions for a writ of certiorari must be bound on the left in a manner that is secure, that does not obscure any of the text, and that permits the filing to lie reasonably flat when open.

(B) Motions and documents other than briefs and petitions may be stapled on the top left corner, and the staple must be secured by tape so as to prevent injury to those handling the document; any other fastener that may cause injury shall likewise be covered by tape.

(6) Paper size, line spacing, and margins. All documents filed in the appellate court must be on 8½ by 11 inch paper. The text must be double-spaced, except that quotations from cases or other legal authorities more than 2 but not more than 25 lines long may be indented and single-spaced. Headings, footnotes, and quotations from statutes, evidentiary materials, and other matters in the record may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(7) Font and type style. The font of all documents filed in the appellate court must be set in Courier New 13 unless the attorney or unrepresented party certifies at the end of the document filed that access to equipment capable of producing that font is not reasonably available and that the font style used or the handwriting constitutes the closest approximation of Courier New 13 under the circumstances. The type style must be plain, Roman style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.

APPENDIX C

Alabama Rule of Appellate Procedure

Rule 52. Anonymity in Appellate Proceedings, Opinions, and Case Styles.

In any case involving a juvenile who has been the subject of a proceeding in the juvenile court system, a person granted youthful-offender status, a victim of child abuse, or a victim of a sex offense, the appellate court shall make reasonable efforts to preserve the anonymity of such a person. This anonymity shall be observed in the body of any opinion, in the styling of the case, and in any documents filed with the appellate courts. The front cover of the document being filed shall be clearly identified by the filer in accordance with the provisions of Rule 28(d)(8), Rule 32(a)(2)(F), or Rule 32(a)(3)(C) of these rules.

The records and papers filed, or caused to be filed, in the appellate court by the parties in any proceeding subject to this rule shall be open for inspection only to counsel of record, and, upon order of the appellate court, to others having a proper interest therein.

APPENDIX D

Alabama Rule of Appellate Procedure

Rule 56. Redaction of Personal Data Identifiers in Documents Filed with the Appellate Courts.

(a) Unless the court orders otherwise, any electronic or paper document filed with the appellate courts in accordance with the provisions of Rule 28 or Rule 32 of these rules that contains a Social Security number, a taxpayer-identification number, a financial-account number, date of birth, the name of an individual known to be a minor, or the home address of an individual, the person or entity making the filing shall redact the personal data identifiers to include only:

(1) the last four digits of a Social Security number or a taxpayer-identification number;

(2) the last four digits of a financial-account number;

(3) the year of a date of birth;

(4) the minor's initials; and

(5) the city and state of the home address.

(b) In the event a document is filed that has been redacted in compliance with this rule and the document contains private or confidential information that cannot be adequately redacted so as to reasonably protect the private or confidential nature of the information contained therein and the need to protect the privacy or confidentiality of the information contained therein clearly exceeds the merits of public disclosure, the front cover of the document being filed shall be clearly identified by the filer in accordance with the provisions of Rule 28(d)(8), Rule 32(a)(2)(F), or Rule 32(a)(3)(C) of these rules.

(c) The records and papers filed, or caused to be filed, in the appellate court by the parties in any proceeding subject to section (b) of this rule shall be open for inspection only to counsel of record, and, upon order of the appellate court, to others having a proper interest therein.

Court Comment

Subparagraph (a) of this rule adopts a redaction policy for briefs, petitions, motions, and other documents filed in the appellate courts. This subparagraph is based upon Rule 5.2, Federal Rules of Civil Procedure, and Rule 49.1, Federal Rules of Criminal Procedure. Subparagraph (b) of this rule provides a procedure for identifying documents that, after having been redacted pursuant to subparagraph (a), contain information for which redaction does not provide sufficient privacy protection.