

PROBATE COURT OF MOBILE COUNTY

MEMORANDUM

March 8, 2001

Re: Sealing of Court Records

When the sealing of certain Court Records, not otherwise held to be confidential under specific statute, is requested, Counsel shall file an appropriate motion for such relief. Further, Counsel should become familiar with the case of *Holland v. Eads*, 614 So. 2d 1012 (Ala. 1993). Pursuant to the ruling in said case, the court will conduct a hearing on said motion. Please note the following:

That "...the trial court shall conduct a hearing. The trial court shall not seal court records except upon a written finding that the moving party has proved by clear and convincing evidence that the information contained in the document sought to be sealed:

- (1) constitutes a trade secret or other confidential commercial research or information; see *Brown & Williamson Tobacco Corp.*, *supra*, at 1179; or
- (2) is a matter of national security; see *Barron*, *supra*, at 118; or
- (3) promotes scandal or defamation; or
- (4) pertains to wholly private family matters, such as divorce, child custody, or adoption; see *Warner*, *supra*; *Balogun*, *supra*; *Holcombe v. State ex rel. Chandler*, 240 Ala. 590, 200 So. 739 (1941); or
- (5) poses a serious threat of harassment, exploitation physical intrusion, or other particularized harm to the parties to the action; or
- (6) poses the potential for harm to third persons not parties to the litigation."