

IN THE SUPREME COURT OF ALABAMA
August 7, 2018

ORDER

WHEREAS, on June 23, 2015, the Chief Justice of this Court issued an administrative order authorizing the Mobile County Probate Court to participate in a pilot project to test the feasibility and appropriateness of the electronic filing of judicial pleadings in Alabama probate courts;

WHEREAS, the Mobile County Probate Court initiated the following necessary or required actions to implement the electronic filing of judicial pleadings:

- a. Filed notice with this Court that the probate court had in place an electronic management system configured in accordance with the computer-programming standards set forth by the National Information Exchange Model and fully capable of accommodating electronic filing of pleadings through a Web-based interface with electronic filing of judicial pleadings being discretionary, not mandatory;
- b. Formulated practices and procedures for electronic filing of judicial pleading in the probate court, which are consistent, to the extent possible, with the policies and procedures utilized in Alabama circuit courts;
- c. Submitted a copy of the probate court's practices and procedures for electronic filing of judicial pleadings in the probate court with the Administrative Director of Courts of the Alabama Unified Judicial System and received approval of said practices and procedures by the Administrative Director of Courts;
- d. Published notices on the probate court's Web site and in local bar publications that certain judicial pleadings could be filed electronically in the probate court and also published notice of training opportunities;

e. Published on the probate court's Web site a list of all document types that are not permitted to be filed electronically;

f. Conducted training sessions for attorneys who regularly appear before and practice in the probate court as to how to electronically file judicial pleadings in the probate court;

g. Initiated transmittal of notices and orders electronically to attorneys registered to participate in the probate court's judicial electronic-filing program; and

h. Obtained an opinion from the Attorney General regarding whether the probate court can charge a fee for access to the judicial pleadings filed electronically in the probate court.

WHEREAS, the probate court has an active computerized judicial case-management program and related system that facilitates the electronic filing of judicial pleadings;

WHEREAS, use of the probate court's judicial electronic-filing program is voluntary and there is no filing fee that is assessed as a result of a pleading being filed electronically;

WHEREAS, the probate court shall as of October 1, 2018, enable persons (attorneys and others) access to all permitted pleadings that have been filed in the probate court and to download and/or print said images for a fee that is based, in part, on the AlaCourt fee structure and the PACER fee structure;

WHEREAS, on November 3, 2017, the Chief Justice of this Court issued an administrative order authorizing any probate court that has participated in the pilot project and that desires to be removed from the project to make application to the Supreme Court to be removed from the pilot project and to engage in the electronic filing of judicial pleadings on a permanent basis;

WHEREAS, the probate court has fully complied with the provisions of the June 23, 2015 and the November 3, 2017, administrative orders and on July 6, 2018, filed an application requesting that this Court grant final approval of

its judicial electronic-filing program and accord said program permanent status (see attached orders and application); and

WHEREAS, the probate court states that the electronic filing of judicial pleadings has been well-received in the Mobile, Alabama, legal community, has enhanced the probate court's staff resources, and has improved its responsiveness to persons seeking relief, and that it would serve the best interests of the persons who are required or find it necessary to seek judicial relief in or through the probate court for electronic filing of judicial pleadings to continue without interruption;

IT IS ORDERED that the Mobile County Probate Court is no longer a participant in the pilot project for the electronic filing of judicial pleadings in probate courts and that the program for the electronic filing of judicial pleadings in the Mobile County Probate Court is granted permanent status.

IT IS FURTHER ORDERED that this order be spread on the minutes of the Court.

Stuart, C.J., and Bolin, Parker, Shaw, Main, Wise, Bryan, Sellers, and Mendheim, JJ., concur.

Witness my hand this 7th day of August, 2018.



Clerk, Supreme Court of Alabama

<p>FILED August 7, 2018 11:19 am Clerk Supreme Court of Alabama</p>
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