

IN THE SUPREME COURT OF ALABAMA  
April 20, 2011

ORDER

The circuit courts and the district courts of Alabama's Unified Judicial System ("UJS") have requested that this Court authorize electronic filing in those courts of pleadings and other documents in criminal cases. The circuit courts and the district courts of the UJS have coordinated with the Administrative Office of Courts ("AOC") to facilitate electronic filing in those courts.

This Court hereby authorizes a pilot project for electronic filing in criminal cases in the circuit courts and the district courts to begin on April 20, 2011. The Administrative Director of Courts ("ADC") shall provide direct oversight of the project. The pilot project shall terminate on May 31, 2012, but the ADC may, in her discretion, extend the pilot project for 12 additional months.

The ADC shall promulgate policies and procedures for the electronic-filing pilot project, which detail the scope of the pilot project, including selecting the courts and jurisdictions that are to be part of the pilot project. The policies and procedures for the operation of the pilot project shall be combined with the "Administrative Policies and Procedures for Electronic Filing of Orders in the Criminal Divisions of the Alabama Unified Judicial System" (the policies and procedures for the electronic-order pilot project authorized by this Court on May 19, 2009) into a single document titled "Administrative Policies and Procedures for Electronic Filing in the Criminal Divisions of the Alabama Unified Judicial System" and shall be in substantially the form of the draft presented to this Court with the request to authorize the pilot project and attached as an appendix to this order. The ADC is further authorized to enter any administrative directives deemed necessary to implement and facilitate this pilot project.

For purposes of signing, filing, certificates of service, and other provisions, the Alabama Rules of Criminal Procedure

may be supplemented as deemed necessary for the implementation of this pilot project by the "Administrative Policies and Procedures for Electronic Filing in the Criminal Divisions of the Alabama Unified Judicial System," a copy of which shall be made available to the public by posting on the Web site: <http://efile.alacourt.gov>. Any conflicts between the Alabama Rules of Criminal Procedure and these policies and procedures that are not obviated by the previous supplementation of the Alabama Rules of Criminal Procedure as authorized in this order shall be immediately brought to the Court's attention. The circuit clerks of the counties participating in the pilot project are authorized to implement such procedures and to make such distribution of the "Administrative Policies and Procedures for Electronic Filing in the Criminal Divisions of the Alabama Unified Judicial System" as they deem necessary to implement electronic filings in criminal cases.

Cobb, C.J., and Woodall, Stuart, Bolin, Parker, Shaw, and Main, JJ., concur.

Murdock and Wise, JJ., concur in part and dissent in part.

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 20<sup>th</sup> day of April, 2011

*Robert G. Esdale, Sr.*

Clerk, Supreme Court of Alabama

MURDOCK, Justice (concurring in part and dissenting in part).

I concur except insofar as this pilot project will apply to capital cases.

WISE, Justice (concurring in part and dissenting in part).

I do not believe this pilot project should apply in capital cases. The record in cases in which the death penalty is imposed must be searched for plain error, and a plain-error search requires extensive examination of the record. Therefore, I believe a paper copy of the documents included in the record is necessary.