

Litigation Overview: Alabama

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A Q&A guide to general litigation information for Alabama. This State Q&A covers the Alabama state court structure, state statutes and rules governing litigation procedure, and the attorney admissions process (including admission without examination, *pro hac vice* admission, and in-house counsel registration). Answers to questions can be compared across a number of jurisdictions (see Litigation Overview: State Q&A Tool).

State Courts

1. What are your state's appellate courts? For each appellate court, please identify:

- The courts from which a direct appeal may be taken to this appellate court.
- The appellate court's general subject matter jurisdiction.
- The court(s), if any, to which a further appeal may be sought.

Alabama has three appellate-level courts. These are:

- The Alabama Supreme Court (see Alabama Supreme Court).
- The Alabama Court of Civil Appeals (see Alabama Court of Civil Appeals).
- The Alabama Court of Criminal Appeals (see Alabama Court of Criminal Appeals).

Alabama Supreme Court

The Alabama Supreme Court is Alabama's highest appellate court.

Jurisdiction

The Alabama Supreme Court may:

- Exercise appellate jurisdiction over appeals from the circuit courts (Alabama's courts of general jurisdiction) in all civil cases where the amount in

controversy, excluding interest and costs, exceeds \$50,000 (Ala. Code §§ 12-2-7(1) and 12-3-10).

- Exercise original jurisdiction in the issue and determination of writs of *quo warranto* and *mandamus* for matters where no other court has jurisdiction (Ala. Code § 12-2-7(2)).
- Issue writs of injunction, *habeas corpus*, and other remedial and original writs necessary to give it control over courts of inferior jurisdiction (Ala. Code § 12-2-7(3)).

The Supreme Court may transfer any civil case before it to the Court of Civil Appeals, unless the case:

- Presents a substantial question of federal or state constitutional law.
- Involves a novel legal question with a significant statewide impact.
- Is a utility rate case appealed under Ala. Code § 37-1-140.
- Is a bond validation proceeding appealed under Ala. Code § 6-6-754.
- Is a bar disciplinary proceeding.

(Ala. Code § 12-2-7(6).)

Parties seeking to appeal to the Supreme Court from the Court of Civil Appeals or the Court of Criminal Appeals must petition for a writ of *certiorari* (Ala. R. App. P. 39). The chief justice of the Supreme Court, with the advice of the Supreme Court and the presiding judge of the Court of Civil Appeals or the Court of Criminal Appeals, may transfer any case

from the Courts of Civil or Criminal Appeals to the Supreme Court (Ala. Code §§ 12-3-14 and 12-3-15).

Further Appeal

The [US Supreme Court](#) may review a decision of the Alabama Supreme Court in certain situations, including where:

- There is a challenge to the validity of a US treaty or statute.
- There is a claim that a state statute violates the US Constitution.
- Any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or any commission held or authority exercised under the United States.

(28 U.S.C. § 1257(a).)

Alabama Court of Civil Appeals

The Court of Civil Appeals takes direct appeals from the circuit courts.

Jurisdiction

The Court of Civil Appeals has exclusive appellate jurisdiction over:

- Civil cases where the amount in controversy, excluding interest and costs, does not exceed \$50,000.
- Appeals from administrative agencies other than the Alabama Public Service Commission.
- Workers' compensation cases.
- Domestic relations cases, including:
 - annulment;
 - divorce;
 - adoption; and
 - child custody.

(Ala. Code § 12-3-10.)

The Court of Civil Appeals also has:

- Concurrent jurisdiction with the Alabama Supreme Court over civil cases where the amount in controversy, excluding interest and costs, exceeds \$50,000 (Ala. Code §§ 12-2-7 and 12-3-10).
- Original jurisdiction over writs of *quo warranto* and *mandamus* for matters where the Court has appellate jurisdiction (Ala. Code § 12-3-11).

- The authority to grant injunctions and issue writs of *habeas corpus* and other original and remedial writs:

- as necessary to give it control over courts of inferior jurisdiction; and
- in matters where it has exclusive appellate jurisdiction.

(Ala. Code § 12-3-11.)

Further Appeal

The Alabama Supreme Court may grant *certiorari* to hear appeals from the Court of Civil Appeals (Ala. Code § 12-2-2; Ala. R. App. P. 39(a)(1)).

Alabama Court of Criminal Appeals

The Court of Criminal Appeals takes direct appeals from the circuit courts.

Jurisdiction

The Court of Criminal Appeals has exclusive appellate jurisdiction over:

- All misdemeanors, including violations of town and city ordinances.
- *Habeas corpus*.
- All felonies, including all post-conviction writs in criminal cases.

(Ala. Code § 12-3-9.)

The Court of Criminal Appeals also has:

- Original jurisdiction over writs of *quo warranto* and *mandamus* for matters where the Court has appellate jurisdiction.
- The authority to grant injunctions and issue writs of *habeas corpus* and other original and remedial writs:
 - as necessary to give it control over courts of inferior jurisdiction; and
 - in matters over which it has exclusive appellate jurisdiction.

(Ala. Code § 12-3-11.)

Further Appeal

The Alabama Supreme Court may grant *certiorari* to hear appeals from the Court of Criminal Appeals (Ala. Code § 12-2-2; Ala. R. App. P. 39(a)(1)). Different requirements apply to petitions for writs of *certiorari* in death penalty cases (Ala. R. App. P. 39(a)(2)).

2. What are the trial courts in your state? For each trial court, please identify:

- The court's general subject matter jurisdiction.
- The state court(s) to which a direct appeal may be taken.

Alabama has the following trial-level courts:

- The circuit courts (see Circuit Courts).
- The district courts (see District Courts).
- The probate courts (see Probate Courts).
- The municipal courts (see Municipal Courts).

Circuit Courts

The circuit courts are Alabama's trial courts of general jurisdiction. The state is divided into 41 judicial circuits, each containing between one and five counties (Ala. Code § 12-11-2). Several circuits, including Jefferson County (Tenth Circuit), are split into two divisions for the purposes of venue (see *Ex parte Haynes Downard Andra & Jones, LLP*, 924 So. 2d 687, 699-700 (Ala. 2005)).

Jurisdiction

Circuit courts have:

- Exclusive original jurisdiction over all civil actions where the matter in controversy exceeds \$20,000, excluding interest and costs.
- Original jurisdiction concurrent with the district courts over all civil actions where the matter in controversy exceeds \$6,000, excluding interest and costs.
- Exclusive original jurisdiction over felony prosecutions, including misdemeanor and ordinance violations that either:
 - are lesser included offenses within a felony charge; or
 - arise from the same incident as a felony charge.
- Concurrent jurisdiction with the district courts over felony cases not punishable by death (Ala. Code § 12-12-32(b)(1)).
- Appellate jurisdiction over civil, criminal, and juvenile cases in the district courts and prosecutions for ordinance violations in the municipal courts, except in cases where a law or rule provides for direct appeal to the Courts of Civil or Criminal Appeals.

(Ala. Code § 12-11-30.)

Appeals

Depending on the case, circuit court decisions can be appealed to:

- The Alabama Supreme Court (see Question 1: Alabama Supreme Court).
- The Alabama Court of Civil Appeals (see Question 1: Alabama Court of Civil Appeals).
- The Alabama Court of Criminal Appeals (see Question 1: Alabama Court of Criminal Appeals).

District Courts

The district courts are courts of limited jurisdiction. They are organized by county, with each county having one district court.

Jurisdiction

The district courts have jurisdiction over:

- All civil cases where the amount in controversy does not exceed \$6,000, excluding interest and costs (Ala. Code § 12-12-31).
- All civil cases where the amount in controversy does not exceed \$20,000, excluding interest and costs. The circuit courts have concurrent jurisdiction over these cases. (Ala. Code §§ 12-11-30 and 12-12-30.)
- Civil actions based on unlawful detainer (Ala. Code § 12-12-30).
- Actions seeking equitable relief, only if:
 - the equitable questions arise in juvenile cases within the district court's jurisdiction; or
 - the equitable defenses asserted or compulsory counterclaims filed by any party in a civil action are within the district court's jurisdiction.(Ala. Code § 12-12-30(1).)
- Misdemeanors, with some exceptions (Ala. Code § 12-12-32(a)).
- Felonies not punishable by death. The circuit courts have concurrent jurisdiction over these cases. (Ala. Code §§ 12-11-30 and 12-12-32(b)(1)).
- Preliminary hearings in felony cases (Ala. Code § 12-12-32(b)(2)).

The district courts try all cases without a jury (Ala. Code § 12-12-3).

Appeals

Appeals from the district courts go to the circuit courts (Ala. Code § 12-11-30(3)).

Probate Courts

The probate courts are organized by county, with each county having one probate court.

Jurisdiction

The probate courts have original jurisdiction over the following matters:

- The probate of wills.
- Granting, revoking, repealing, and administering letters testamentary.
- Controversies regarding the right of executorship or of administration.
- Settling accounts of executors and administrators.
- An intestate's estate regarding:
 - selling and disposing its real and personal property; and
 - its distribution.
- Appointing and removing guardians for minors and persons of unsound mind.
- Controversies about the right of guardianship and the settlement of guardians' accounts.
- The allotment of dower in land in the cases provided by law.
- Partitioning lands within their counties.
- Changing the name of any person residing in their county (including but not limited to adoptions).
- Other cases as provided by law.

(Ala. Code § 12-13-1(b).)

Appeal

Appeals from the probate courts can go to either the circuit courts or the Alabama Supreme Court (Ala. Code § 12-22-20).

Municipal Courts

Each municipality has its own municipal court (Ala. Code § 12-14-1(a)).

Jurisdiction

Municipal courts have jurisdiction over all breaches of municipal ordinances within the municipality's

police jurisdiction. The district courts have concurrent jurisdiction over all violations of municipal ordinances that also are violations of state law. (Ala. Code § 12-14-1(b), (c).)

Appeal

Appeals from the municipal courts go to the circuit courts (Ala. Code § 12-11-30(3)).

State Litigation Procedure

3. What are the key statutes and rules governing litigation procedure in your jurisdiction?

The following are the major sources of Alabama law governing litigation procedure:

- **Alabama State Constitution.** Article 6 of the Alabama State Constitution governs the creation and jurisdiction of the state's various courts.
- **Alabama Rules of Civil Procedure (ARCP).** The ARCP are the main body of law governing civil procedure in Alabama's state courts. The ARCP generally apply to civil actions in all of Alabama's courts unless displaced by a court-specific act or rule. (Ala. R. Civ. P. 1 to 87.)
- **Alabama Rules of Criminal Procedure.** The Alabama Rules of Criminal Procedure are the main body of law governing criminal procedure in Alabama's courts (Ala. R. Crim. P. 1.1 to 34.5).
- **Alabama Rules of Evidence (ARE).** The ARE govern the admission of evidence in both civil and criminal cases in Alabama state courts (Ala. Rules of Evid., Rules 101 to 1103).
- **Alabama Rules of Appellate Procedure (ARAP).** The ARAP govern the process of appeals in Alabama's appellate courts (Ala. Rules App. Proc., Rules 1 to 57).
- **Alabama Rules of Professional Conduct.** The Alabama Rules of Professional Conduct govern the ethical behavior of attorneys in Alabama. They are enforced by the Alabama State Bar's Disciplinary Division. (AL R RPC, Rule 1.1 to Rule 8.5.)
- **Alabama Code.** The Alabama Code governs certain issues affecting litigation, including:
 - limitations on damages;
 - the type of actions which a party may bring in Alabama; and
 - statutes of limitation.

Issues for Attorneys

4. Please describe how an attorney becomes a member of the state bar in your jurisdiction, including whether the state offers attorneys admitted in other states reciprocity or the ability to register as in-house counsel.

Admission on Examination

Law students who intend to apply for admission on examination must [register](#) their intent with the secretary of the Board of Commissioners of the Alabama State Bar within 60 days following their beginning of the study of law. If the registration form is filed after 60 days, the form must be accompanied by an appropriate fee of:

- \$50 if filed after 60 days but on or before the 180th day.
- \$100 if filed after 180 days but on or before the 390th day.
- \$250 if filed after 390 days.

(Admission to the Bar Rule I(A).)

Alabama's Committee on Character and Fitness (Committee) conducts an initial review of the registration form for matters bearing on the registrant's character and fitness. The Committee may request any registrant's personal appearance at a reasonable time and place, and may also request that a registrant submit a complete set of fingerprints. The Committee will approve the registration and issue a certificate of registration to the applicant if the Committee is reasonably satisfied that the registrant:

- Has good moral character.
- Has completed the prelegal education required.
- Is otherwise fit to practice law in Alabama.

(Admission to the Bar Rule I(B).)

Applicants must submit:

- The National Conference of Bar Examiners (NCBE)-Alabama Application [form](#) (subscription required) (Admission to the Bar Rule II(A)).
- The applicable fees and costs (Admission to the Bar Rule II(B); see [Alabama State Bar: Exam Deadlines & Fees](#)).

- Affidavits by three attorneys in good standing who have been admitted to practice law in Alabama or in the state of the applicant's residency by the highest court of the applicant's residence for five years. The affidavits must state:
 - that the affiant is acquainted with the applicant;
 - the extent and duration of the association;
 - the frequency of contact;
 - the opportunity of observing and knowing the applicant's demeanor, habits, character, associates, and conduct;
 - the applicant's background, standing, and position in life;
 - that the applicant has good character and reputation where the applicant resides and enjoys the confidence and respect of the general public; and
 - whether the affiant's appraisal of the applicant is based on personal knowledge or on inquiry.

(Admission to the Bar Rule II(D).)

All applicants must file their completed applications no later than:

- October 1 before the February examination.
- February 1 before the July examination.

(Admission to the Bar Rule II(C).)

An application is deemed filed if it is either:

- Received on or before the deadline.
- Postmarked on or before the deadline and received within seven days of the postmarked date.

(Admission to the Bar Rule II(C).)

Admission Without Examination

An applicant may gain admission to the Alabama State Bar without taking the bar exam if the applicant:

- Has been admitted to practice law in another state, territory, or the District of Columbia.
- Holds a first professional degree in law (J.D. or L.L.M.) from a law school that was on the approved list of the American Bar Association when the degree was conferred.
- Has been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for five of the six

Litigation Overview: Alabama

years immediately before the date on which the application is filed.

- Establishes that the state, territory, or the District of Columbia where the applicant has or had their principal place of business for the practice of law, or where they were or are domiciled and admitted before seeking admission in Alabama, provides a similar admissions process for attorneys from Alabama.
- Establishes that the applicant:
 - is currently a member in good standing in all jurisdictions where they are admitted;
 - is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
 - has the character and fitness to practice law as determined by the Committee on Character and Fitness under AL ST BAR ADMIS Rule V; and
 - has not, within the ten years before applying for admission without examination, taken and failed the Alabama Bar examination.
- Is a permanent resident of Alabama when applying or certifies their intention to conduct the primary practice of law in Alabama and to maintain an office for the practice of law in Alabama. Primary practice of law means at least 75% of the time devoted to the practice of law will be conducted in Alabama.
- Has taken the Multistate Professional Responsibility Examination and achieved a score of 75 or better.
- Has paid the appropriate fee.

(Admission to the Bar Rule III(A)(1).)

Registration of In-House Counsel

Attorneys licensed to practice in jurisdictions other than Alabama may be permitted to provide legal services in Alabama without taking the bar exam if they are exclusively employed by a business organization in Alabama (AL ST BAR ADMIS Rule VIII(A)).

An individual seeking certification as authorized house counsel must file the following documents with the Alabama State Bar:

- A certificate from the entity governing the practice of law in each state, US territory, or the District of Columbia where the registrant is licensed to practice law certifying that the registrant:

- is a member in good standing of the entity; and
- has a clear disciplinary record, as required by AL ST BAR ADMIS Rule VIII(B)(1).
- A sworn statement by the registrant that the registrant:
 - has read, is familiar with, and will abide by the Alabama Rules of Professional Conduct and Rules of Disciplinary Procedure, as adopted by the Supreme Court of Alabama;
 - submits to the jurisdiction of the Alabama State Bar and the Supreme Court of Alabama for disciplinary purposes, and authorizes the Alabama State Bar to notify, or to receive notification from, the entity governing the practice of law in each state, US territory, or the District of Columbia where the registrant is licensed to practice law of any disciplinary action taken against the registrant; and
 - is not subject to a disciplinary proceeding or outstanding order of reprimand, censure, or disbarment, permanent or temporary, for professional misconduct by the bar or courts of any jurisdiction.
- A certificate from a business organization certifying that:
 - it is qualified as a business organization as defined by AL ST BAR ADMIS Rule VIII(B)(2);
 - it is aware that the registrant does not have a license to practice law in Alabama; and
 - it is not relying on the Alabama State Bar in any manner in employing authorized house counsel.
- A registration [application](#) to the Alabama State Bar as promulgated by the Board of Commissioners.
- The applicable filing fee.

(AL ST BAR ADMIS Rule VIII(D)(1).)

Authorized house counsel must renew its registration each year, including paying a \$25 annual mandatory assessment (AL ST BAR ADMIS Rule VIII(D)(4); see [Alabama State Bar: Client Security Fund](#)).

5. Please describe the process for becoming admitted on a *pro hac vice* basis in your jurisdiction.

Litigation Overview: Alabama

An applicant for *pro hac vice* admission in Alabama must be:

- An attorney or counselor-at-law who is not licensed in good standing to practice law in Alabama but is currently a member in good standing of the bar of another state, the District of Columbia, or other US jurisdiction.
- Of good moral character.
- Familiar with the Alabama legal profession's:
 - ethics;
 - principles;
 - practices;
 - customs; and
 - usages.

(Admission to the Bar Rule VII(A).)

Except as provided in Admission to the Bar Rule VII(I), a foreign attorney is not eligible to appear *pro hac vice* in Alabama if that attorney is any of the following:

- A resident of Alabama.
- Regularly employed in Alabama.
- Regularly engaged in substantial business, professional, or other activities in Alabama.

(Admission to the Bar Rule VII(A).)

To appear *pro hac vice*, a foreign attorney must:

- Associate in its cause an attorney who is a member in good standing of the Alabama State Bar (local counsel) (Admission to the Bar Rule VII(C)).
- File with the court or agency where the cause is pending a verified application for admission to practice with a \$300 filing fee (Admission to the Bar Rule VII(D)).

The application must be on a [form](#) approved by the Alabama State Bar and the Alabama Supreme Court and state:

- The applicant's residence.
- The court or courts to which the applicant has been admitted to practice and the date or dates of admission.
- That the applicant is:
 - a member in good standing of the court or courts where admitted, noting any exceptions; and
 - not currently suspended or disbarred from practice in any court, noting any exceptions.
- If the applicant or any member of the firm of attorneys with which the applicant is associated has filed an application for *pro hac vice* admission in Alabama in the preceding three years, the:
 - title of the court and cause for each application;
 - date of each application; and
 - whether each application was granted.
- The name, address, and telephone number of local counsel who is attorney of record.
- The name of each party and the name and address of counsel of record who appeared for that party.

(Admission to the Bar Rule VII(E).)

A foreign attorney appearing as counsel *pro hac vice* is subject to the Alabama courts' jurisdiction (Admission to the Bar Rule VII(B)).

Effective January 1, 2026, a foreign attorney providing legal services in Alabama is subject to the Alabama State Bar's disciplinary authority (AL R RPC, Rule 8.6; Ala. Rules of Disciplinary Procedure, Rule 1(a)(1)).

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