IN THE SUPREME COURT OF ALABAMA

ADMINISTRATIVE ORDER APPROVING REMOTE ADMINISTRATION OF OATHS TO WITNESSES IN COURT PROCEEDINGS AND DEPOSITIONS

March 24, 2020

WHEREAS, an Administrative Order Suspending All In-Person Court Proceedings for the Next Thirty Days dated March 13, 2020, was issued by this Court providing that all in-person proceedings in all states and local courts in Alabama, including, but not limited to, proceedings in the circuit court, district court (including cases on the small claims docket), juvenile court, municipal court, probate court, and appellate courts, are suspended beginning Monday, March 16, 2020 through Thursday, April 16, 2020;

WHEREAS, an Administrative Order No. 2 Pertaining to the Suspension of All In-Person Court Proceedings for the Next Thirty Days dated March 15, 2020 was issued by this Court providing that the March 13, 2020 Order has no effect on out-of-court activities in civil cases including, but not limited to, depositions and mediations, but these activities should be evaluated on a case-by-case basis;

WHEREAS, an Administrative Order Approving Exceptions to Administrative Order Suspending All In-Person Court Proceedings for the Next Thirty Days dated March 16, 2020, was issued by Chief Justice Tom Parker, approving termination-of-parental-rights proceedings and 72-hour detention and shelter-care hearings necessary to protection children who are alleged to be a delinquent child, a dependent child, or a child-in-need-of-supervision as exceptions to the requirement that in-court proceedings be suspended;

WHEREAS, an Administrative Order Concerning Workers' Compensation Cases During the Period of Suspension of In-Person Proceedings dated March 18, 2020, was issued by Chief Justice Tom Parker providing that any workers' compensation settlement hearing in any court may be conducted telephonically or by videoconferencing statewide through April 16, 2020;

WHEREAS, the Administrative Order dated March 13, 2020, expressly provides that ". . . all judges and clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including electronic filing, teleconferencing, and videoconferencing. . ." and further provides that ". . . [t]his order expressly does not prohibit court proceedings by telephone, video, teleconferencing, or other means that do not involve in-person contact. . . .";

WHEREAS, a public health emergency exists around the world, including the United States of America and the State of Alabama, requiring social distancing measures to reduce the increase in person-to-person transmission of the virus that causes COVID-19, and these measures include the administration of oaths by court reporters in person to witnesses for the depositions and other legal testimony;

NOW, THEREFORE, IT IS ORDERED by the Chief Justice of the Supreme Court of Alabama on this date, March 24, 2020, **that the following be effective through April 16, 2020:**

(1) Official court reporters, special roving court reporters, special court reporters, supernumerary court reporters, and freelance court reporters qualified to administer an oath in the State of Alabama to a witness in a deposition or court proceeding or trial may swear a witness remotely by audio-video communication technology if the deposition or court proceeding or trial is conducted by audio-video communication equipment that allows the court reporter and the witness simultaneously to view and orally communicate with each other, provided that the court reporter can positively identify the witness;

(2) If a witness is not located within the State of Alabama, a witness may consent to being placed under oath via audio-video communication equipment that allows the court reporter and the witness simultaneously to view and orally communicate with each other by an official court reporter, special roving court reporter, special court reporter, supernumerary court reporter, or a freelance court reporter qualified to administer an oath in the State of Alabama, provided that the court reporter can positively identify the witness;

(3) Courts shall consider as evidence sworn statements or testimonies made out of court in a deposition or court proceeding or trial conducted by audio-video communication equipment that allows the court reporter and the witness simultaneously to view and orally communicate with each other. Courts shall continue to consider these statements or testimonies as evidence beyond the effective date of this Order or the effective date of any subsequent extensions of this Order; and

(4) All court rules, court orders, and opinions which expressly provide that oaths to witnesses must be administered in person or that may limit or prohibit the remote administration of oaths to witnesses or that may provide that courts may not consider as evidence sworn statements or testimony made out of court in a deposition or court proceeding or trial conducted by audio-video communication equipment that allows the court reporter and the witness simultaneously to view and orally communicate with each other are hereby suspended.

IT IS FURTHER DIRECTED that this Order be spread upon the minutes of the Court.

ORDERED at Chambers this the 24th day of March, 2020.

TOM PARKER
Chief Justice
Alabama Supreme Court

c: Honorable Julia Jordan Weller, Clerk of the Supreme Court
AOC File