

Amendment to Rule 1.05

Rules Relating to Appellate Practice

The Kansas Supreme Court is accepting public comment on a proposal to amend Rule 1.05: Form of Filing Generally.

The proposed amendment includes the following changes:

- updating the file date for a document filed electronically in an appellate court; and
- restyling the rule to align with other Supreme Court rules.

The court uses strikethrough to show deletions and underlining to show new language.

You may comment on the proposed amendment by emailing scrulespubliccomment@kscourts.org until 5 p.m. Friday, December 6, 2024. You must include “Rule 1.05” in the subject line of your email.

Rule 1.05

FORM OF FILING; ~~GENERALLY~~ REQUIREMENTS

- (a) **~~Paper Size, Page Type, and Statutory Requirements.~~ Paper Size, Page Type, and Statutory Requirements.** Unless the court permits otherwise, ~~every petition, brief, motion, application, or other paper filed with the clerk of the appellate courts~~ a filer must use be in black type or print on an 8½” x 11” page sheet, with one-inch margins for each document filed in a case. All filings are subject to K.S.A. 60-205, 60-210, and 60-211 apply to all filings.
- (b) **~~Filer Information Filing.~~ Filer Information Filing.** ~~Every petition, brief, motion, application, or other paper filed with the clerk of the appellate courts~~ A filer must include the filer’s name; address; telephone number; email address; and fax number, if any, on each document filed in a case and e-mail address of the person filing it. A paper filed by a~~An attorney must also include the attorney’s Kansas registration number on the document and indicate the party represented.~~

- (c) **Lead Attorney.** If multiple attorneys appear on behalf of the same party, the attorneys ~~one~~ must be designated a lead attorney for purposes of subsequent filings and notices.
- (d) **Electronic Format.** A filer must submit an electronically filed document in Adobe portable document format (PDF).
- (e) **Electronic Document Size.** A filer must not submit ~~A~~an electronically filed document that exceeds 10 MB. A filer should contact the Office of the Clerk of the Appellate Courts for assistance with any document that exceeds this size restriction.
- (f) **Paper Copies.** A Kansas licensed attorney need not provide a ~~No~~ paper copies of an electronically filed documents are required from Kansas licensed attorneys who are active and in good standing.
- (g) **Time Computation.** ~~In the appellate courts, time is~~ A court will computed time periods as described in ~~under~~ K.S.A. 60-206(a) and (d).
- (h) **Clerk's Duties.** ~~The clerk of the appellate courts must keep a separate file for each case in which all filed documents must be preserved. The clerk must record the date on which each document is filed and must maintain an appearance docket comparable to that a clerk of the district court maintains under K.S.A. 60-2601.~~
- (i) **Electronic Format.** ~~Documents filed electronically must be submitted in an Adobe portable document format (PDF) or another format later specified by the Supreme Court.~~
- (j) **Document Size.** ~~An electronically filed document must not exceed 10 MB. For a document that exceeds this size restriction, an attorney should contact the office of the clerk of the appellate courts for assistance.~~
- (k) **Date and Effect of Electronic Filing.** ~~An~~ court will consider an electronically filed document ~~is deemed as~~ as filed on the date and at the time reflected in the file stamp on the document. The clerk of the appellate courts may change the file stamp date on a document only when directed by a court. ~~Electronically filed documents received on a Supreme Court holiday or after 12:00 a.m. Saturday through 11:59 p.m. Sunday will be deemed filed on the next business day that is not a Saturday, Sunday, or Supreme Court holiday.~~
- (l) **Case File.** The clerk of the appellate courts must keep a separate file for each case and preserve all filed documents. The clerk must record the file date for each

document and maintain a case summary comparable to the appearance docket required under K.S.A. 60-2601.