

KANSAS SUPREME COURT

and

COURT OF APPEALS

APPELLATE PROCEDURE OUTLINE

Revised
November, 2009

Appellate Procedure Outline

The following is a simplified explanation of the basic steps required to docket an appeal and proceed through the steps necessary to complete the appeal.

There are two appellate courts in Kansas: the Court of Appeals which is an intermediate appellate court and the Supreme Court which is the court of last resort.

The Court of Appeals is located in Topeka in the Kansas Judicial Center and consists of ten judges. The judges may sit en banc but usually sit in panels of three judges. The Court of Appeals is a traveling court and may sit in any county in the State.

The Supreme Court is also located in the Kansas Judicial Center, Topeka, and consists of seven justices. The justices of the Supreme Court always sit en banc at the Judicial Center.

By statute, the Clerk of the Supreme Court is also the Clerk of the Court of Appeals and **all papers to be filed in either court are to be mailed or delivered to:**

Carol G. Green, Clerk
Appellate Courts of Kansas
Kansas Judicial Center, Room 374
301 S.W. 10th Avenue
Topeka, Kansas 66612-1507

Copies of all filings must be served on all parties or their counsel. All filings must include a certificate of service in substantially the following format:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing [Insert title - e.g. motion for extension of time] was deposited in the United States Mail, postage prepaid, on [Insert date], to:

[Insert Names and Addresses of everyone on whom service is made.]

[Attorney Name
Registration Number
& Name of Party Represented or
Name of Pro Se Litigant

Procedures for filing original actions pursuant to Supreme Court Rule 9.01 are detailed on the following page. The remainder of this outline details the steps necessary to docket an appeal from a decision of a district court.

ORIGINAL ACTIONS

Supreme Court Rule 9.01

1. Petitions for mandamus and quo warranto are filed in the Supreme Court. Petitions for habeas corpus may be filed either in the Supreme Court or the Court of Appeals.
2. A petition for mandamus or quo warranto must be accompanied by a \$135.00 docketing fee or an affidavit of indigency. No docketing fee is required in habeas corpus actions.
3. Send an original and eight copies of the petition to the Clerk of the Appellate Courts.
4. A copy must be served on all respondents or their counsel of record. A certificate showing service on all respondents must accompany the petition.

MANDAMUS: See also K.S.A. 60-801

QUO WARRANTO: See also K.S.A. 60-1200

HABEAS CORPUS: See also K.S.A. 60-1501

II

DOCKETING AN APPEAL

The following documents should be delivered to the Clerk of the Appellate Courts within twenty-one days after the notice of appeal has been filed with the clerk of the district court:

1. Docketing Statement, original and one copy.
(See page 5 of this outline.)
2. Notice of Appeal (certified, file-stamped copy).
(See page 15 of this outline.)
3. Journal Entries.
(See page 18 of this outline.)
 - a. Final order or decision appealed from.
(certified, file-stamped copy)
 - b. Any post trial motions and rulings thereon.
(certified, file-stamped copies)
4. Request for Transcript.
(See page 24 of this outline.)
5. Docketing Fee
(See page 27 of this outline.)

See Supreme Court Rule 2.04.

Note: If you are attempting to docket an appeal beyond the 21 day requirement of Rule 2.04, a motion to docket out of time should accompany the docketing statement. (See page 13 of this outline.)

**All of the above items should be filed
with the Clerk of the Appellate Courts at the same time.**

DOCKETING STATEMENT

Supreme Court Rule 2.041

Basic Requirements

1. Appellate Court Clerk must receive **original and one copy**.
2. Must be on letter size (8 1/2 x 11) paper.
3. There should be a concise factual statement. The docketing statement is not binding and is not a substitute for the brief.
4. May be single spaced.
5. Certificate of service is required.
6. Docketing statement should follow format of sample forms in Rule 2.041 (included on the following pages).
7. If docketing beyond the 21 day requirement of Rule 2.041, you must include an original and three (3) copies of a motion to docket out of time. See page 13.

Rule 2.041

DOCKETING STATEMENT

(a) In all appeals, the appellant or cross-appellant shall file with the clerk of the appellate courts an original and one copy of a docketing statement within 21 days after the filing of the notice of appeal or cross-appeal in the district court. A copy of the docketing statement shall be served on all other parties to the appeal. Within 15 days after service of the docketing statement, the appellee or cross-appellee may file an original and one copy of an answer to the docketing statement but only if the statement of facts or issues in the docketing statement is insufficient to provide the court a fair summary of the facts and issues on appeal. The contents of the docketing statement or answer thereto shall not be grounds for a motion for relief by any party.

(b) The docketing statement shall be in one of the following forms, as applicable:

Example 1:

IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE STATE OF KANSAS

Case Caption: County Appealed From: _____
District Court Case No(s): _____
Proceeding Under Chapter: _____
Party Filing Appeal: _____
Party or Parties Who Will Appear as Appellees: _____

DOCKETING STATEMENT—CIVIL

The docketing statement is used by the court to determine jurisdiction and to make calendar assignments pursuant to Rules 7.01(c) and 7.02(f). This is not a brief and should not contain argument or procedural motions.

1. Civil Classification: From the list of civil topic sub-types listed below, choose the **one** which best describes the **primary** issue in this appeal.

2. Proceedings in the District Court:

a. Trial Judge from whose decision this appeal is taken: _____

b. List any other judge who has signed orders or conducted hearings in this matter:

c. Was this case disposed of in the district court by:

____ Jury trial

____ Bench trial

____ Summary Judgment

____ Dismissal

d. Length of trial, measured in days (if applicable): _____

e. State the name of each court reporter and/or transcriptionist who has reported or transcribed any or all of the record for the case on appeal. (This is not a substitute for a request for transcript served on the individual reporter or transcriptionist pursuant to Rule 3.03.)

f. State the legal name of all entities who are NOT listed in the case caption (including corporations, associations, parent, subsidiary, or affiliate business entities) who are parties or who have a direct involvement in the case on appeal:

g. State the name, address, and telephone number of every attorney who has represented a party in district court if that attorney's name does NOT appear on the certificate of service attached to this docketing statement. Clearly identify each party represented.

3. Jurisdiction:

a. Date journal entry or judgment form filed: _____

b. Is the order appealed from a final order; *i.e.*, does it dispose of the action as to all claims by all parties? _____

c. If the order is not a final disposition as to all claims by all parties, did the district court direct the entry of judgment in accordance with K.S.A. 60-254(b)? _____

If applicable, date K.S.A. 60-254(b) certificate filed: _____

d. Date any post-trial motion filed: _____

e. Date disposition of any post-trial motion filed: _____

f. Date notice of appeal filed in district court: _____

g. Other relevant dates necessary to establish this court's jurisdiction to hear the appeal; *i.e.*, decisions of administrative agencies or municipal courts and appeals therefrom: _____

h. Statutory authority for appeal: _____

i. Are there any proceedings in any other court or administrative agency, state or federal, which might impact this case or this court having jurisdiction (yes or no)? _____

If "yes," identify the court or agency where the related proceeding is pending. List these case captions and the case or docket numbers.

4. Constitutional Challenges to Statutes or Ordinances:

Was any statute or ordinance found to be unconstitutional by the trial court (yes or no)? _____

If "yes," what statute or ordinance? _____

5. Related Cases/Prior Appeals:

a. Is there any case now pending or about to be filed in the Kansas Appellate Courts which:

(1) Arises from substantially the same case or controversy as this appeal (yes or no)? _____

If "yes," give case caption and docket number.

- (2) Involves an issue that is substantially the same, similar or related to an issue in this appeal (yes or no)?

If "yes," give case caption and docket number.

- b. Has there been any prior appeal involving this case or controversy (yes or no)?

If "yes," give case caption and docket number.

6. Brief statement (less than one page), without argument, of the material facts. This is not intended to be a substitute for the factual statement which will appear in the brief.
7. Concise statement of the issues proposed to be raised. You will not be bound by this statement but should include issues now contemplated. Avoid general statements such as "the judgment is not supported by the law."

Attorney's Signature

Attorney's Name (typed or printed)
Kansas Attorney Registration Number
Address
Telephone Number
FAX Number
Name of the Party Represented
Date: _____

ATTACH PROOF OF SERVICE

(List all parties served, including name, address, and who they represent.)

CIVIL TOPIC SUB-TYPES: Select the **one** sub-type which best describes this appeal. See Question 1 above.

- | | |
|--|--|
| Administrative—KS Corporation Commission | Children—Adoption |
| Administrative—Licensing | Children—CINC |
| Administrative—Public Utility Rate Case | Children—Termination of Parental Rights |
| Administrative—Taxation | Conservators/Conservatorships |
| Administrative—Workers Compensation | Constitutional Law |
| Administrative—Other | Contracts |
| Certified Question | Creditors and Debtors |
| Damages—Property | Damages—Personal Injury |
| Damages—Punitive | Negligence |
| Divorce | Oil and gas |
| Election Contest | Personal Property |
| Eminent Domain | Probate |
| Employment | Procedure |
| Governmental Immunity | Quo Warranto—appeal from district court |
| Habeas—appeal from district court | Real Property |
| Insurance | Statutory Interpretation or Construction |
| Jurisdiction | Teacher Employment/Due Process |
| Juvenile Offenders Code | Torts (specify sub-type) |
| K.S.A. 60-1507 | Wrongful Death |
| Libel and Slander | Zoning |
| Mandamus—appeal from district court | Other (please specify): _____ |

Example 2:

**IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE
STATE OF KANSAS**

Case Caption

County Appealed From: _____
District Court Case No(s): _____
Party Filing Cross-Appeal: _____
Party or Parties Who Will Appear as Cross-Appellees: _____

DOCKETING STATEMENT—CIVIL—CROSS-APPEAL

The docketing statement is used by the court to make calendar assignments pursuant to Rules 7.01(c) and 7.02(f). This is not a brief and should not contain argument or procedural motions.

1. Date notice of cross-appeal filed in district court: _____
2. Brief statement (less than one page), without argument, of the facts material to the cross-appeal. This is not intended to be a substitute for the factual statement which will appear in the brief.
3. Concise statement of the issues proposed to be raised. You will not be bound by this statement, but should include issues now contemplated. Avoid general statements such as "the judgment is not supported by the law."

Attorney's Signature

Attorney's Name (typed or printed)
Kansas Attorney Registration Number
Address
Telephone Number
FAX Number
Name of the Party Represented
Date: _____

ATTACH PROOF OF SERVICE

(List all parties served, including name,
address, and who they represent.)

NOTE: When docketing a cross-appeal, a file-stamped certified copy of notice of cross-appeal is to be submitted with the documents required by Rule 2.04.

Example 3:

**IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE
STATE OF KANSAS**

Case Caption _____

County Appealed From: _____

District Court Case No(s): _____

Party Filing Appeal: _____

DOCKETING STATEMENT—CRIMINAL

The docketing statement is used by the court to determine jurisdiction and to make calendar assignments pursuant to Rules 7.01(c) and 7.02(f). This is not a brief and should not contain argument or procedural motions.

1. Criminal Classification:

a. Conviction of (offense[s], statute[s], and classification[s] of crime[s]):

b. Date of offense(s) committed: _____

2. Proceedings in the District Court:

a. Trial Judge from whose decision this appeal is taken:

b. List any other judge who has signed orders or conducted hearings in this matter:

c. Was this case disposed of in the district court by:

____ Jury trial

____ Bench trial

____ Plea

____ Dismissal

d. Length of trial, measured in days (if applicable): _____

e. State the name of each court reporter and/or transcriptionist who has reported or transcribed any or all of the record for the case on appeal. (This is not a substitute for request for transcript served on the individual reporter or transcriptionist pursuant to Rule 3.03.)

f. State the name, address, and telephone number of any attorney who has represented a party in district court if that attorney's name does NOT appear on the certificate of service attached to this docketing statement. Clearly identify each party represented.

3. Jurisdiction:

a. Date sentence was pronounced from the bench: _____

b. Date notice of appeal filed in district court: _____

- c. Custodial Status:
 - (1) Is the defendant subject to appeal bond or incarcerated? _____
 - (2) Earliest possible release date, if incarcerated: _____
 If sentencing is challenged on appeal, it is the State's obligation to notify the appellate clerk in writing of any change in the custodial status of the defendant during the pendency of the appeal. See Rule 2.042.
- d. Statutory authority for appeal: _____
- e. Are there any co-defendants (yes or no): _____
 If "yes," what are their names?

- f. Are there any proceedings in any other court or administrative agency, state or federal, which might impact this case or this court having jurisdiction (yes or no)? _____
 If "yes," identify the court or agency where the related proceeding is pending. List the case captions and the case or docket numbers.

- 4. Constitutional Challenges to Statutes or Ordinances:
 - Was any statute or ordinance found to be unconstitutional by the trial court (yes or no)? _____
 - If "yes," what statute or ordinance? _____

- 5. Related Cases/Prior Appeals:
 - a. Is there any case now pending or about to be filed in the Kansas Appellate Courts which:
 - (1) Arises from substantially the same case or controversy as this appeal (yes or no)? _____
 If "yes," give case caption and docket number.

 - (2) Involves an issue that is substantially the same, similar or related to an issue in this appeal (yes or no)? _____
 If "yes," give case caption and docket number.

- b. Has there been any prior appeal involving this case or controversy (yes or no)? _____
 If "yes," give case caption and docket number.

- 6. Brief statement (less than one page), without argument, of the material facts. This is not intended to be a substitute for the factual statement which will appear in the brief.
- 7. Concise statement of the issues proposed to be raised. You will not be bound by this statement, but should include issues now contemplated. Avoid general statements such as "the judgment is not supported by the law."

Attorney's Signature

 Attorney's Name (typed or printed)
 Kansas Attorney Registration Number

Address
Telephone Number
FAX Number
Name of the Party Represented
Date: _____

ATTACH PROOF OF SERVICE

(List all parties served, including name,
address, and who they represent.)

(c) Any answer to the docketing statement shall be in the following form:

Example 4:

**IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE
STATE OF KANSAS**

Case Caption _____ Appellate Court No.: _____

DOCKETING STATEMENT—ANSWER

The docketing statement is used by the court to determine jurisdiction and to make calendar assignments pursuant to Rules 7.01(c) and 7.02(f). The docketing statement and answer are not briefs. The answer to the docketing statement should consist only of a concise statement of additional facts or clarification of issues which the appellee or cross-appellee feels are necessary to provide the court a fair picture of the case. If the statement of facts and issues in the docketing statement is sufficient, there is no need to file an answer. **THE ANSWER SHOULD NOT CONTAIN ARGUMENT OR PROCEDURAL MOTIONS.**

1. Brief statement (less than one page), without argument, of any material facts not set forth in the docketing statement. This is not intended to be a substitute for the factual statement which will appear in the brief.
2. Concise statement of clarification of any issues set forth in the docketing statement.

Attorney's Signature

Attorney's Name (typed or printed)
Kansas Attorney Registration Number
Address
Telephone Number
FAX Number
Name of the Party Represented
Date: _____

ATTACH PROOF OF SERVICE

(List all parties served, including name,
address, and who they represent.)

[History: New rule effective October 1, 1982; Am. effective August 24, 1988; Am. effective February 8, 1994; Am. effective July 1, 1997; Am. (6) effective May 9, 2005; Am. (b), effective September 6, 2005; Am. (b) Ex. 3, 3.c. effective July 7, 2008.]

12.14 Motion for Permission to Docket Out of Time

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],)
)
Plaintiffs-Appellants,)
)
vs.) [Insert District Court Case Number]
)
[Insert Name],)
)
Defendant-Appellee.)

MOTION FOR PERMISSION TO DOCKET OUT OF TIME

COME NOW, Plaintiffs-Appellants Jane Doe and Jane Doe, as Special Administrator of the Estate of John Doe, and move the court to docket their appeal out of time. In support thereof, Plaintiffs-Appellants would show the court as follows:

1. That this case was tried before Judge [Insert Name] in the District Court of [Insert Name] County, Kansas, resulting in a jury verdict on [Insert Date].
2. Journal entries of judgment were filed in this case on [Insert Dates].
3. Plaintiffs filed their Notice of Appeal on [Insert Date], within the thirty (30) days required by law.
4. On [Insert Date], Plaintiffs mailed their docketing statement to the Clerk of the Appellate Courts, along with the documents which are required to accompany said docketing statement. These were filed within the 21 day period allowed for filing of docketing statements.
5. On [Insert Date], Plaintiffs' counsel received a telephone call from a clerk in the Clerk of the Appellate Courts advising him that he failed to include file-stamped, certified copies of the journal entries of judgment and the notice of appeal, as required by the appellate rules.
6. Plaintiffs' counsel has now obtained certified copies of the journal entries of judgment and the notice of appeal. These are included herein for filing with the remainder of the materials required for docketing this appeal. These combined documents complete the requirements for docketing said appeal.

WHEREFORE, Plaintiffs-Appellants respectfully move the court to docket the above-captioned appeal out of time.

[Name of Law Firm]

BY _____

[Attorney's Name and Registration Number
Address
City, State and Zip Code
Telephone Number]
Attorney for [Insert party designation]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ~~Motion to Docket~~ Out of Time was furnished, by United States Mail, postage prepaid, this [Insert Date], to:

[Insert names and addresses of those on whom service is made.]

[Attorney's Name and Registration Number]

PRACTICE NOTE: This motion should accompany the docketing statement and certified file-stamped copies of all documents required under Rule 2.04. The motion should cite specific reasons for late docketing. Failure to docket on time because of "excusable neglect" is an insufficient reason. If counsel believes excusable neglect exists, the basis for that belief should be stated in the motion.

NOTICE OF APPEAL

Supreme Court Rules 2.01 and 2.02

- I. One certified copy.
2. Must contain a legible district court clerk's file stamp.
3. Must have original certification signed by clerk of the district court.
4. Must state to which appellate court the appeal is taken.

See examples on the following pages.

Rule 2.01

When an appeal is permitted directly to the Supreme Court, the notice of appeal shall be filed in the district court, shall be under the caption of the case in the district court, and shall be in substantially the following form:

Sample Notice of Appeal: Supreme Court

IN THE DISTRICT COURT OF ____ COUNTY

_____, Plaintiff,
v. No. _____
_____, Defendant.

NOTICE OF APPEAL

Notice is hereby given that (specify the party or parties taking the appeal) appeal(s) from (designate the judgment or part thereof appealed from) to the Supreme Court of the State of Kansas.

The appeal hereby taken is directly to the Supreme Court on the ground that (state ground on which direct appeal is considered to be permitted, including citation of statutory authority).

Appellant(s) Name
or Attorney for Appellant(s)
& Attorney Registration Number
Address
Telephone Number

(Remember to Attach the Certificate of Service)

NOTE: Both the certification and the file stamp of the clerk of the district court must appear on the notice when it is filed with the Clerk of the Appellate Courts.

Rule 2.02

In all cases in which a direct appeal to the Supreme Court is not permitted, the notice of appeal shall be filed in the district court, shall be under the caption of the case in the district court, and shall be in substantially the following form:

Sample Notice of Appeal: Court of Appeals

IN THE DISTRICT COURT OF _____ COUNTY

_____, Plaintiff,

v.

No. _____

_____, Defendant.

NOTICE OF APPEAL

Notice is hereby given that (specify the party or parties taking the appeal) appeal(s) from (designate the judgment or part thereof appealed from) to the Court of Appeals of the State of Kansas.

Appellant(s) Name
or Attorney for Appellant(s)
& Attorney Registration Number
Address
Telephone Number

(Remember to Attach the Certificate of Service)

NOTE: Both the certification and the file stamp of the clerk of the district court must appear on the notice when it is filed with the Clerk of the Appellate Courts.

JOURNAL ENTRIES

Supreme Court Rule 2.04

1. One certified copy.
2. Must be signed by district judge.
3. Must contain a legible district court clerk's file stamp.
4. Must have original certification signed by clerk of the district court.
5. If there is more than one journal entry or decision, the appellate court requires one certified file-stamped copy of each.
6. Copies of post-trial motions and orders must all be certified by the district court.

NOTE: In administrative appeals (and in other appeals involving proceedings at multiple levels, e.g. appeal of decision from a district magistrate judge), under Rule 2.04 the appellant or cross-appellant must also file with the docketing statement a certified copy of the agency decision and certified copies of any petitions for reconsideration and rulings thereon. The list on the following pages enumerates documents required in some of those appeals.

Administrative and Other Appeals Involving Proceedings at Multiple Levels

Documents, in addition to those specifically enumerated in Rule 2.04, which should be submitted to the appellate court:

I. Administrative Appeals

Workers Compensation

Documents required under statutory amendments effective October 1, 1993:

1. Decision of Administrative Law Judge
2. Request for Board Review
3. Board's Order
4. Notice of Appeal to the Court of Appeals

Human Rights Commission (formerly Commission on Civil Rights)

1. Commission's Order
2. Petition for Reconsideration
3. Order on Petition for Reconsideration
4. Petition for Judicial Review by the District Court
5. Journal Entry from the District Court
6. Notice of Appeal to the Court of Appeals

Board of Tax Appeals

1. Decision of Board of Tax Appeals
2. Petition for Reconsideration
3. Order on Petition for Reconsideration, if any
4. Petition for Judicial Review by the District Court *
5. Journal Entry from the District Court
6. Notice of Appeal to the Court of Appeals

* Appeals from decisions of the Board of Tax Appeals in cases pertaining to property appraised and assessed by the director of property valuation; excise, income or inheritance taxes assessed by the director of taxation; and the exemption of any property from taxation come directly to the Court of Appeals, skipping steps 4. & 5.

Kansas Corporation Commission (excluding utility rate cases)

1. KCC Order
2. Petition for Reconsideration
3. Order on Petition for Reconsideration
4. Petition for Judicial Review by the District Court
5. Journal Entry from the District Court
6. Notice of Appeal to the Appropriate Appellate Court

Department of Human Resources - Unemployment Benefits

1. Hearing Examiner's Decision
2. Notice of Appeal to Referee
3. Referee's Order
4. Notice of Appeal to the Board of Review
5. Board of Review's Order
6. Petition for Judicial Review by the District Court
7. Journal Entry from the District Court
8. Notice of Appeal to the Court of Appeals

Driver's License Revocation

1. Order of the Division of Motor Vehicles
2. Petition for Judicial Review by the District Court
3. Journal Entry from the District Court
4. Notice of Appeal to the Court of Appeals

Teacher Termination

1. Notice of Nonrenewal or Termination
2. Request for Hearing
3. Hearing Officer's Opinion
4. Notice of Appeal to the District Court
5. Journal Entry from the District Court
6. Notice of Appeal to the Court of Appeals

II. Other Appeals

Zoning Decisions

I. EITHER

- a. Decision of officer administering the provisions of the zoning ordinance or resolution
- b. Appeal to the Board of Zoning Appeals
- c. Board of Zoning Appeals Order

OR

Final Decision by City or County

2. Notice of Appeal to the District Court
3. Journal Entry from the District Court
4. Notice of Appeal to the Court of Appeals

Municipal Court Decisions

1. Order of Municipal Court
2. Notice of Appeal to the District Court
3. Journal Entry from the District Court
4. Notice of Appeal to the Court of Appeals

District Magistrate Decision

1. Order of District Magistrate Judge
2. Notice of Appeal to the District Court
3. Journal Entry from the District Court
4. Notice of Appeal to the Court of Appeals

Small Claims

1. Order of Small Claims Judge
2. Notice of Appeal to the District Court
3. Journal Entry from the District Court
4. Notice of Appeal to the Court of Appeals

REQUEST FOR TRANSCRIPT

Supreme Court Rule 3.03

1. One copy.
2. **Must** include names and addresses of court reporters either in the body of the request or in the certificate of service.
3. It is the duty of the appellant to request a transcript of any hearing which the appellant considers necessary to properly present the appeal.
4. Appellant requests the transcript within twenty-one days of the filing of the notice of appeal in district court.
5. If all required transcripts have already been completed, the appellant must file a statement to that effect when docketing.
6. If no transcript is to be ordered, the appellant must file a statement to that effect when docketing.

NOTE: Include in the heading or the body of the request for transcript that this request is for an appeal. This will alert the court reporter to time constraints imposed by Rule 3.03(d).

Rule 3.03

Sample Request for Transcript

IN THE DISTRICT COURT OF _____ COUNTY

_____, Plaintiff,

v.

Case No. _____

_____, Defendant.

REQUEST FOR TRANSCRIPT

Comes now (the party) _____ and requests the court reporter to prepare a transcript, for appeal purposes, of the trial proceedings conducted in the above matter on the ___ day of ____, 19__, including _____

_____.

Attorney for Appellant
Attorney Registration Number
Address & Telephone Number
Name of Party Litigant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing request for transcript was deposited in the United States Mail, postage prepaid, on [Insert date] to [Name of Court Reporter] at his/her office in the county courthouse [Insert address]. I also mailed a copy by first class mail to counsel for appellee [Insert Name and Address of counsel].

Attorney for Appellant

TRANSCRIPTS

Supreme Court Rule 3.03

1. Payment of transcript must be made in full within ten days of the court reporter's demand for payment.
2. Court reporter will not begin preparation of transcript until he or she receives the estimated cost.
3. The court reporter will prepare the transcript within forty days after receipt of the estimated cost of transcript.
4. Extensions of time may be granted to the court reporter upon showing of good cause.
5. Upon completion, the transcript is filed with the **clerk of the district court** where it will be made available to the appropriate parties upon request. A certificate of completion will be served by the court reporter on all parties and the Clerk of the Appellate Courts.
6. Upon receipt of the transcript by the clerk of the district court, the clerk will complete the compilation of the record.

DOCKETING FEE
Supreme Court Rule 2.04

One of the following is required:

1. Check for one hundred and twenty-five dollars (\$125) made payable to Clerk of the Appellate Courts,
or
2. If appellant is indigent but represented by counsel, one of the following:
 - a. Copy of order appointing counsel,
 - b. Order of indigency signed by judge, or
 - c. Certification of attorney that appellant was declared indigent in district court
and so remains.
3. If appellant is proceeding pro se and seeks to have the docketing fee waived, he or
she must have an order from the district court judge stating that:
 - a. The judge believes the appellant is indigent, and
 - b. In the interest of the party's right of appeal the appeal should be docketed in
forma pauperis.

RECORD ON APPEAL
Supreme Court Rule 3.02

1. Within ten days of docketing the clerk of the district court will furnish to each party a table of contents for the record on appeal.
2. A request for addition to the record should be made to the clerk of the district court as early as possible after receipt of the table of contents.
3. A pro se litigant may review the record at the district court clerk's office during the time allotted for writing that party's brief.
4. Upon completion of the appellee's brief, the appellate court clerk will then notify the district court clerk to transmit the record to the appellate court.

MOTIONS

Supreme Court Rule 5.01

1. Must be on letter size (8 1/2 x 11) paper.
2.
 - a. Court of Appeals - original and three (3) copies.
 - b. Supreme Court - original and eight (8) copies.
 - c. One copy must be served on opposing party or their counsel of record.
 - d. The motion must contain proof of service on opposing party or their counsel of record.
3. Original must be signed.

BRIEFS

Supreme Court Rules 6.01, 6.07, and 6.09

(Sample cover page and table of contents are attached.)

1. Color code for cover page of brief:

- a. Appellant - yellow
- b. Appellee - blue
- c. Reply - grey

- d. Amicus or Intervenor - green
- e. Petition for Review - white

2. Page limitation for appellant and appellee:

Fifty pages exclusive of cover, table of contents, appendix, and certificate of service.

3. In both the Supreme Court and the Court of Appeals, oral argument is limited to fifteen minutes per side unless additional time is requested by printing "oral argument" on the lower right portion of the front of appellant's brief, followed by 20, 25, or 30 minutes. The appellee will automatically receive the same amount of time. See Rules 7.01(e) & 7.02(e).

4. Filing date with Clerk of the Appellate Courts.

- a. Appellant - forty days from docketing if no transcript is ordered, or thirty days from date transcript is filed with the clerk of the district court.
- b. Appellee - thirty days after service of appellant's brief.

5. Extension of time to file brief.

- a. Request by motion.
- b. Court of Appeals - original and three (3) copies.
Supreme Court - original and eight (8) copies.
- c. Service upon opposing counsel.
- d. May be granted upon good cause being shown.

6. Copies of Brief to be served.

- a. Sixteen copies to Clerk of the Appellate Courts.
- b. Two copies to opposing counsel.
- c. Certificate of service should be included as the last page of the brief.

12.31 Brief Cover

No. [Insert Appellate Court Case Number]

IN THE (SUPREME COURT) (COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name]
Plaintiff-Appellant,

v.

[Insert Name]
Defendants-Appellees

BRIEF OF APPELLANT

APPEAL FROM THE DISTRICT COURT OF [INSERT NAME] COUNTY, KANSAS
HONORABLE [INSERT NAME], JUDGE
DISTRICT COURT CASE NO. [Insert District Court Case Number]

[Attorney's Name and Registration Number
NAME OF LAW FIRM
Address
City, State and Zip Code
Telephone Number]

Attorney for [insert party designation]

Oral Argument: 25 minutes

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MOTIONS FOR REHEARING

Supreme Court Rules 7.05 and 7.06

Court of Appeals (Supreme Court Rule 7.05)

- a. Motion must be served within ten days after decision is filed.
- b. A copy of the court's opinion must be attached to the motion.

Supreme Court (Supreme Court Rule 7.06)

- a. Motion must be served within twenty days after decision is filed.
- b. A copy of the court's opinion must be attached to the motion.

PETITIONS FOR REVIEW

Supreme Court Rule 8.03

1. A petition for review is filed in the form of a brief with a white cover. A cross-petition, response, or reply to a petition for review should also have a white cover.
2. Cannot exceed fifteen pages, exclusive of the appendix.
3. Original and nine copies.
4. Must be filed in the office of the Clerk of the Appellate Courts within thirty days after the Court of Appeals decision is filed. This thirty day period is JURISDICTIONAL.
5. Must have a copy of the Court of Appeals opinion attached to the original and all copies.

**Before filing a petition for review,
read Supreme Court Rule 8.03 in its entirety.**

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Examples of available information are:

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- a. Application to take the bar examination.
- b. Application for temporary permit to practice law.
- c. Filing to be a legal intern.

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Applications to take the court reporters examination.

Attorney Registration

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- b. Computer printout of all attorneys in state by county, judicial district, congressional district, and state-wide alphabetical listing.

Supreme Court Nominating Commission

- a. Membership roll.
- b. Non-partisan selection procedure information.

District Court Nominating Commissions

- a. Membership rolls by district.
- b. Selection procedure information.

Judicial Qualifications Commission

Procedures for filing complaints against judges for violations of canons of judicial ethics.

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Procedures for filing claims if an attorney has misappropriated a client's money (for conduct occurring on or after July 1, 1993).

If a complaint arises about lawyer services, write the Disciplinary Administrator, 701 Jackson Street, Topeka, Kansas 66603.

