

Proposed Supreme Court Rule 122A: Expanded Access to Electronic Filing

The Kansas Supreme Court is accepting public comment on proposed Rule 122A: Expanded Access to Electronic Filing.

The proposed rule will expand access to the Kansas Courts eFiling system. If adopted, the rule would permit certain nonlawyer, external stakeholders to use Kansas Courts eFiling if the district court is not operating under the Kansas eCourt centralized case management system. Once the district is operating under the Kansas eCourt centralized case management system, using Kansas Courts eFiling would be required.

Comment may be made by email to publiccomments@kscourts.org until 5 p.m. Tuesday, November 30, 2021. The subject line must read "Rule 122A."

Rule 122A

EXPANDED ACCESS TO ELECTRONIC FILING

- (a) **Purpose.** To simplify and streamline processes, this rule expands access to electronic filing in the district courts.
- (b) **Applicability.** This rule does not apply to a filing user under Rule 122.
- (c) **Filing User.** The following are eligible to become a filing user under this rule:
 - (1) an individual or group who is employed by a government entity, contractor, or grantee;
 - (2) an individual performing services on behalf of a district court; and
 - (3) a program appointed by a district court to assist with cases.
- (d) **Registration.** To begin using a system under Rule 122(a) to electronically file documents, an individual, a group, or a program under subsection (c) must register as a filing user.
- (e) **Electronic Filing Permitted.** In a district court not operating under the Kansas eCourt case management system, the following provisions apply to an individual, a group, or a program under subsection (c).

- (1) **Registration Approval.** The Office of Judicial Administration must approve a registration request under subsection (d) before the individual, group, or program becomes a filing user.
- (2) **Permissive Filing.** Once approved under subsection (e)(1), a filing user is permitted to electronically file a document in a district court.
- (f) **Electronic Filing Required; eCourt Case Management System.** In a district court operating under the Kansas eCourt case management system, an individual, a group, or a program under subsection (c) must register as a filing user under subsection (d) and must electronically file any document.
- (g) **Exceptions to Electronic Filing Requirement.** A filing user under subsection (f) may file a document by paper under the following circumstances:

 - (1) a judge of the district court grants permission for the filing user to file a document by paper because of the unique characteristics of the document;
 - (2) the procedures adopted by the judicial administrator under subsection (h) permit the filing user to file a document by paper;
 - (3) the approved district court electronic filing system is unavailable; or
 - (4) the filing user's technology fails.
- (h) **Standard Operating Procedures.** The judicial administrator is authorized to adopt standard operating procedures consistent with this rule to facilitate the electronic filing process in district courts. In developing these procedures, the judicial administrator will consult with stakeholders, as appropriate.