

IN THE SUPREME COURT OF THE STATE OF KANSAS  
RULES RELATING TO SUPREME COURT, COURT OF APPEALS,  
AND APPELLATE PRACTICE

**RULE 7.042**

**AFFIRMANCE BY SUMMARY OPINION**

Supreme Court Rule 7.042 is hereby amended, effective the date of this order.

In any case in which the court determines after argument or submission on the briefs that no reversible error of law appears and either

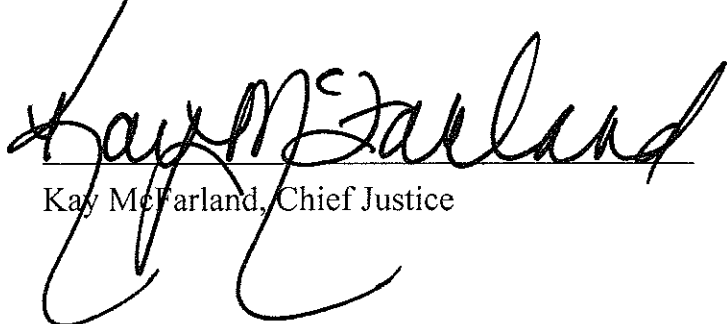
- (a) the appeal is frivolous;
- (b) the appeal is without merit;
- (c) ~~the findings of fact of the trial court or~~ the findings of fact of the administrative tribunal, or the verdict of the jury are supported by substantial competent evidence ;
- (d) ~~the verdict of the jury is supported by substantial competent evidence~~ the findings of fact of the trial court, the findings of fact of the administrative tribunal, or the verdict of the jury is supported by clear and convincing evidence;
- (e) the opinion or findings of fact and conclusions of law of the trial court or administrative tribunal adequately explain the decision; or
- (f) the trial court or administrative tribunal did not abuse its discretion, the court may affirm by an opinion citing this rule and indicating which one or more of the above criteria it has determined to be applicable. The opinion will be in the following form: "Affirmed under Rule 7.042 [(a) (b) (c) (d) (e) and/or (f)]."

2008 SEP -22A 10:51  
CANDACE GREEN  
CLERK APPELLATE COURTS

FILED

By order of the Court, this 2<sup>nd</sup> day of September, 2008.

FOR THE COURT

  
Kay McFarland, Chief Justice