

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

RULES RELATING TO SUPREME COURT, COURT OF APPEALS,  
AND APPELLATE PRACTICE

Supreme Court Rule 8.03A is hereby adopted, effective July 1, 2018.

**FILED**

Rule 8.03A

**JUN 28 2018**

SUMMARY PETITION FOR REVIEW

**DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS**

- (a) Generally. In lieu of a petition for review under Rule 8.03, a party aggrieved by a decision of the Court of Appeals may petition the Supreme Court to summarily consider one or more issues raised before the Court of Appeals when controlling authority is dispositive of the entire appeal or no substantial question is presented by the appeal. In this rule, "decision" means any formal or memorandum opinion, order, or involuntary dismissal under Rule 5.05.
- (b) Summary Petition for Review.
- (1) Filing and Service. No later than 30 days after the date of the decision of the Court of Appeals, the petitioner must file the summary petition for review with the clerk of the appellate courts and serve a copy on each party that has appeared in the Court of Appeals. The 30-day period for filing a summary petition for review is jurisdictional and cannot be extended.
- (2) Effect of Motion for Rehearing or Modification. The filing of a summary petition for review does not preclude the filing of a timely motion for rehearing or modification under Rule 7.05.
- (A) If a timely motion for rehearing or modification is filed, the Court of Appeals retains jurisdiction over the case and will proceed under Rule 7.05. The Supreme Court will take no action on a summary petition for review until the Court of Appeals has made a final determination of all motions for rehearing and modification under Rule 7.05.

(B) If the petitioner seeks review of a modified Court of Appeals decision, the petitioner must file an amended summary petition for review no later than 30 days after the date of the modified decision.

(3) **Format of Summary Petition for Review.** The format of a summary petition for review must comply with the applicable provisions of Rule 6.07. The summary petition for review must be titled "Rule 8.03A Summary Petition for Review." The summary petition for review may not exceed two pages in length, exclusive of the appendix and certificate of service.

(4) **Content of Summary Petition for Review.** The summary petition for review must contain concise statements of the following, in the order indicated.

(A) A prayer for review, clearly stating why the summary petition for review is being filed under Rule 8.03A.

(B) The date of the decision of the Court of Appeals.

(C) A statement of the issues the petitioner wishes to be decided by the Supreme Court.

(i) The Supreme Court will not consider issues not raised before the Court of Appeals or issues not presented or fairly included in the summary petition for review.

(ii) The court may address a plain error not presented.

(D) A short statement of any relevant facts not correctly stated in the Court of Appeals decision.

(E) A short argument, including citation to the controlling authority that is dispositive of the issue or issues raised in the summary petition for review or an explanation of why no substantial question is presented by the appeal.

(F) An appendix containing a copy of the Court of Appeals decision.


(c) **Response.** A party opposing a summary petition for review may file a response. The response may not exceed two pages in length, exclusive of the appendix and certificate of service. All other provisions of Rule 8.03(d) apply to a response filed under Rule 8.03A.

(d) Applicable Provisions. The provisions of Rule 8.03(c) and (f)-(k) also apply to this rule.

(e) Exhaustion. The filing of a summary petition for review under this rule exhausts any issues raised in the summary petition for review for the purposes of federal review.

BY ORDER OF THE COURT this 27 day of June 2018.

FOR THE COURT:

A handwritten signature in black ink, appearing to read 'Lawton R. Nuss', written over a horizontal line.

LAWTON R. NUSS  
Chief Justice