

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

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

FILED

MAR 27 2019

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

Supreme Court Rule 2.04 is hereby amended, effective the date of this order.

Rule 2.04

DOCKETING AN APPEAL

(a) Timing; Required Documents; Required Sequence.

- (1) **Appellant.** No later than ~~21~~ 60 days after a notice of appeal is filed in a district court, the appellant must complete or obtain and file with the clerk of the appellate courts:
 - (A) the docketing statement required by Rule 2.041;
 - (B) a file-stamped certified copy of the notice of appeal;
 - (C) a file-stamped certified copy of the journal entry, judgment form, or other appealable order or decision;
 - (D) a file-stamped certified copy of any posttrial motion and any ruling on the motion;
 - (E) a file-stamped certified copy of any certification under K.S.A. 60-254(b);
 - (F) a copy of any request for transcript under Rule 3.03, a statement that no transcript will be requested, or a certificate of completion if a transcript has been requested and completed; and
 - (G) if applicable, any document required under subsections (b) and (c).

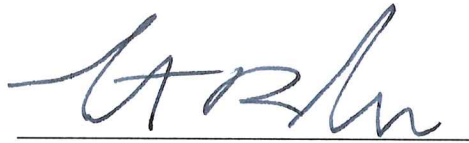
- (2) **Cross-Appellant.** No later than ~~21~~ 60 days after a notice of cross-appeal is filed in a district court, the cross-appellant must complete or obtain and file with the clerk of the appellate courts:
- (A) the docketing statement required by Rule 2.041;
 - (B) a file-stamped certified copy of the notice of cross-appeal; and
 - (C) a copy of any request for transcript by the cross-appellant, a statement that no transcript will be requested, or a certificate of completion if a transcript has been requested and completed.
- (3) **Required Sequence.** To electronically docket an appeal, an attorney must upload the required documents in the order listed under subsection (a)(1) or (a)(2) and file the required documents as separate PDFs in a single submission in the appellate courts' electronic filing system.
- (4) **Motion to Docket Out of Time.** A motion to docket an appeal out of time must state good cause for the failure to timely docket the appeal. An attorney must upload the motion to docket out of time followed by the required documents under (a)(1) or (a)(2) and file the documents as separate PDFs in a single submission in the appellate courts' electronic filing system.
- (b) **Prior Appeal to the District Court From Decision of Municipal, District Magistrate, or Pro Tem Judge.** If an appeal previously was taken to the district court, file-stamped certified copies of the municipal, district magistrate, or pro tem judge's order and the notice of appeal to district court must accompany the documents filed under subsection (a).
- (c) **Appeal From Decision of Administrative Tribunal.** If an appeal originates from an administrative tribunal's decision, certified copies of the agency decision, any motion for rehearing and the ruling on the motion, and the petition for judicial review must accompany the documents filed under subsection (a).
- (d) **Docket Fee.**
- (1) **Generally.** In addition to filing the documents required under subsections (a), (b), and (c), an appellant must pay at the time of docketing—unless payment is excused or delayed under this subsection—a docket fee of \$145 in addition to any applicable surcharge. The docket fee is nonrefundable and is the only cost assessed by the clerk's office for an appeal.

- (2) **Indigent Appellant.** The docket fee is excused when:
 - (A) the district court previously determined the appellant to be indigent, and the appellant's attorney certifies to the clerk of the appellate courts that the appellant remains indigent;
 - (B) the district judge certifies that:
 - (i) the judge believes the appellant is indigent; and
 - (ii) in the interest of the appellant's right of appeal, an appeal should be docketed *in forma pauperis*; or
 - (C) a poverty affidavit has been filed in lieu of a fee.
 - (3) **Government Entities.** The state of Kansas and its agencies and all cities and counties in this state are exempted from paying the docket fee required in ~~paragraph (d)~~(1). If, on final determination of a civil case, the costs are assessed against the state, a state agency, or a city or county in this state, the costs must include the amount of the docket fee.
- (e) **Clerk's Notice of Docketing.**
- (1) **Required Notice.** On filing of the documents required under this rule and the payment or excuse for nonpayment of the docket fee, the clerk of the appellate courts must:
 - (A) notify all parties that the appeal has been docketed; and
 - (B) include in the notification the appellate number assigned to the appeal.
 - (2) **Parties Entitled to Notice.** The notice required by ~~paragraph (e)~~(1) must be served on the attorney or party who signed the docketing statement and those on whom the docketing statement was served.

- (3) **Others Desiring Notice.** A party not listed in paragraph (c)(2) must file an entry of appearance to receive notices.

BY ORDER OF THE COURT this 27 day of March, 2019.

FOR THE COURT:

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

LAWTON R. NUSS
Chief Justice