

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 282

Re: Preparation of Electronic Record on Appeal for Filing

FILED

AUG 04 2015

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

The following provisions regarding preparation of an electronic record on appeal supplement Supreme Court Rule 3.02. These provisions apply to any county that has been approved by the appellate courts to submit electronic records on appeal.

(a) **Timing.**

- (1) **Electronic Record on Appeal Compiled.** Not later than 14 days after notice from the clerk of the appellate courts that an appeal has been docketed, the clerk of the district court must compile the record on appeal in one or more convenient volumes.
- (2) **Additions after Electronic Record on Appeal Compiled.** Once the electronic record on appeal has been compiled under subsection (a)(1), any addition to the electronic record on appeal must be added as a separate volume at the end of the electronic record on appeal.

(b) **Volume; Requirements.** The following rules apply to a volume contained in an electronic record on appeal:

- (1) a "volume" is a single electronic file consisting of one or more electronic documents. An electronic record on appeal will contain one or more volumes;
- (2) each volume must be numbered;
- (3) each volume containing a transcript must be labeled as a transcript and must contain only one hearing;
- (4) each page in a volume must be conveniently viewable and separately numbered; and
- (5) each document within a volume must be arranged in chronological order by filing date. To the extent possible, the volumes within an electronic record on appeal must be arranged in numerical order.

(c) **Contents of Electronic Record on Appeal.** The electronic record on appeal consists of the following:

- (1) A copy of the appearance docket and the following documents:
 - (A) In a civil case:

- (i) the petition or, if amended, the amended petition;
- (ii) the answer or, if amended, the amended answer;
- (iii) any reply or, if amended, the amended reply;
- (iv) the pretrial order(s);
- (v) the opinion, findings, and conclusions of the district court;
- (vi) the jury verdict, if any;
- (vii) the judgment; and
- (viii) the notice of appeal.

(B) In a criminal case:

- (i) the complaint, indictment, or information, and any amendment to the original;
- (ii) any written plea;
- (iii) the jury verdict, if any;
- (iv) the journal entry of judgment;
- (v) the notice of appeal; and
- (vi) on filing of a request by trial or appellate counsel, the presentence report, any report received from the appropriate reception and diagnostic facility of the Kansas Department of Corrections, any report from the state security hospital, and all other diagnostic reports. If the inclusion of reports is requested under this paragraph, the clerk must include the specified reports in a separate volume of the electronic record on appeal. The separate volume must be kept electronically sealed except when being used by appellate counsel or the courts.

- (2) All transcripts of proceedings before the district court which are available at the time the clerk of the district court compiles the electronic record on appeal.
- (3) Any other document or exhibit that is added to the electronic record on appeal under subsection (d). All exhibits should be submitted in an electronic format if possible. Any exhibit submitted in electronic format must be in a format acceptable to the appellate courts.

- (4) The clerk of the district court must prepare and include in the electronic record on appeal a table of contents showing the volume and page number of each document or exhibit contained in the record. Any part of the record on appeal that is not in electronic format must be listed in the table of contents, noted as non-electronic, and separately submitted to the parties and appellate court at the same time as the electronic record on appeal. A copy of the table of contents must be furnished to each party.
- (d) **Additions to Electronic Record on Appeal.** A party may request adding to the electronic record on appeal any part of the entire record under Supreme Court Rule 3.01(a). The following rules apply:
- (1) **Addition Must Be Specified With Particularity.** A request under this subsection must specify the addition with particularity. A request for remaining portions of the entire record without particularization is not sufficient.
- (2) **If Electronic Record on Appeal Has Not Been Transmitted.** If the electronic record on appeal has not been transmitted to the clerk of the appellate courts, the following rules apply:
- (A) The party requesting the addition must serve the request on the clerk of the district court and—if the requested addition is an exhibit that was offered or admitted into evidence and is in a court reporter's custody—on the reporter, who promptly must deliver the exhibit to the clerk of the district court for inclusion in the electronic record on appeal.
- (B) The clerk must add the requested addition to the electronic record on appeal. No court order is required.
- (3) **If Electronic Record on Appeal Has Been Transmitted.** If the electronic record on appeal has been transmitted to the clerk of the appellate courts, the party requesting the addition must file a motion in the proper appellate court. An addition to the electronic record on appeal may be made only on an order of the clerk of the appellate courts or an appellate justice or judge. If a requested addition is an exhibit that was offered or admitted into evidence and is in a court reporter's custody, a copy of the order granting the motion must be served on the reporter, who promptly must deliver the exhibit to the clerk of the district court for inclusion in the electronic record on appeal.

BY ORDER OF THE COURT THIS 4 day of August 2015.



LAWTON R. NUSS,
Chief Justice