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2005 SC 45

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

RULE 2.04

DOCKETING ON APPEAL

Supreme Court Rule 2.04 is hereby amended, effective May 9, 2005:

Within 21 days after the filing of the notice of appeal, the appellant or a cross-appellant shall obtain and file with the clerk of the appellate courts, along with the original and one copy of the docketing statement required by Rule 2.041:

- (a) a copy of the notice of appeal;
- (b) a copy of the final order or decision appealed from (journal entry, judgment form, or trial court's memorandum opinion if different from journal entry or judgment form);
- (c) a copy of any post-trial motion and any ruling thereon;
- (d) a copy of any certification pursuant to K.S.A. 60-254(b); and
- (e) a copy of any request for transcript, or statement that no transcript will be requested, or certificate of completion if transcript has been requested and completed.

Items (a) through (d) are to be file-stamped copies certified by the clerk of the district court.

If the appeal has been taken from a decision of a municipal judge or a district magistrate judge, file-stamped certified copies of the municipal or district magistrate judge's order and the notice of appeal to district court must also be included.

If the appeal is originates from a decision of an administrative tribunal, the appellant or cross-appellant shall also file with the clerk of the appellate courts file-stamped certified copies of the agency decision, any motions for rehearing and rulings thereon, and the petition for judicial review.

The appellant shall also pay a docket fee in the sum of \$125.00, unless the docket fee is excused or payment thereof delayed as herein provided.

The docket fee shall be excused when:

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CLERK OF APPELLATE COURTS

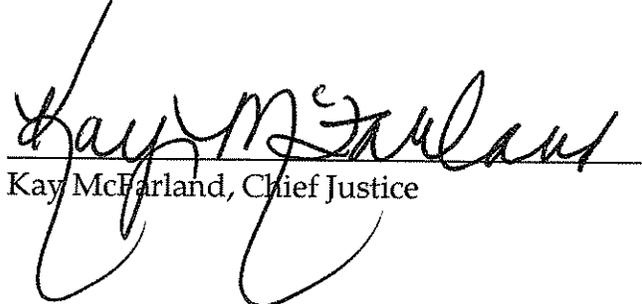
- (a) The appellant has previously been determined to be indigent by the district court, and the attorney for appellant certifies to the clerk of the appellate courts that the appellant remains indigent, or
- (b) The district judge shall certify:
- (1) That the judge believes the appellant is indigent.
 - (2) That in the interest of the party's right of appeal an appeal should be docketed *in forma pauperis*.
- (c) In accordance with K.S.A. 60-2005, the State of Kansas and its agencies and all cities and counties in this state are exempted in any civil action from paying the docket fee provided for in this rule. If on final determination of the case the costs are assessed against the state or any city or county in this state, the costs shall include the amount of the docket fee.

Upon filing of the documents required by this rule and the payment or excuse for nonpayment of the docketing fee, the clerk of the appellate courts shall notify all parties that the appeal has been docketed and shall inform them as to the appellate number assigned thereto. Parties designated to receive notice shall include the attorney or party who signs the docketing statement and those on whom the docketing statement is served. Others who wish to receive notices must file a separate entry of appearance.

The docketing fee shall be nonrefundable and shall be the only costs assessed for the clerk's office for each appeal.

By order of the Court, this 9th day of May, 2005.

FOR THE COURT



Kay McFarland, Chief Justice