

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

APR 24 2013

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

CAP-
CLERK'S

GREEN
COURTS

RULE 8.03

SUPREME COURT REVIEW OF COURT OF APPEALS DECISION

Rule 8.03(d), (e)(2), (f), and (i) are hereby amended, effective the date of this order.

(d) **Reply.** A reply is permitted to an argument raised in a response which is not covered sufficiently in the petition or cross-petition. A reply must be filed not later than 14 days after ~~service of~~ the response is filed and may not exceed 10 pages in length, exclusive of the cover, table of contents, appendix, and certificate of service.

(e) **Discretion in Granting Review.**

....
(2) **Discretionary Review.** In a case other than one described in paragraph (1), review by petition is not a matter of right, but of judicial discretion. ~~A petition for review will be considered by all justices, and the~~ The vote of three justices is required to grant the petition.
....

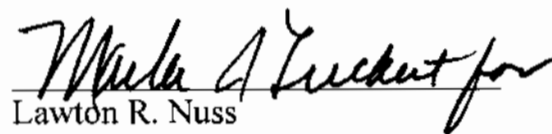
(f) **Order Denying Review; Effect.** If the Supreme Court denies review, the clerk of the appellate courts must notify the parties of the denial. The decision of the Court of Appeals is final as of the date of the decision denying review, and the clerk must issue the mandate ~~promptly~~ under Rule 7.03(b). A denial of a petition for review imports no opinion on the merits of the case. The denial of a petition for review is not subject to a motion for reconsideration by the Supreme Court.

(i) **Effect of Court of Appeals Decision Pending Review.** The timely filing of a petition for review stays the issuance of the mandate of the Court of Appeals. Pending the determination of the Supreme Court on the petition for review and

during the time in which a petition for review may be filed, the opinion of the Court of Appeals is not binding on the parties or on the district courts. An interested person that wishes to cite a Court of Appeals opinion for persuasive authority before the mandate has issued must note in the citation that the case is not final and may be subject to review or rehearing. If a petition for review is granted, the decision or opinion of the Court of Appeals has no force or effect, and the mandate will not issue until disposition of the appeal on review. If a petition for review is granted in part, a combined mandate will issue when appellate review is concluded, unless otherwise specifically directed by the Supreme Court. If review is refused, the decision of the Court of Appeals is final as of the date of the refusal, and the clerk of the appellate courts ~~promptly~~ must issue the mandate of the Court of Appeals.

By order of the Court, this 24th day of April, 2013.

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