

AUG 28 2014

2014 SC 68

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

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

Supreme Court Rule 6.09 is hereby amended, effective as of the date of this order.

Rule 6.09**SERVICE OF BRIEF AND ADDITIONAL AUTHORITY****(a) Service and Filing.**

- (1) Service; Number of Copies.** 2 copies of every brief must be served on all adverse parties united in interest.
- (2) Certificate of Service.** A certificate of service must be included as the last page of a brief.
- (3) Filing; Number of Copies.** 16 total copies of the brief must be filed—simultaneously with service—with the clerk of the appellate courts.

(b) Additional Authority.

- (1) Notifying the Court by Letter.**
 - (A) Before Oral Argument or Before the First Day of the Docket on Which a No-Argument Case is Set.** Not later than 14 days before oral argument or 14 days before the first day of the docket on which a no-argument case is set, a party may advise the court, by letter, of citation to persuasive or controlling authority that has come to the party's attention after the party's last brief was filed. If a persuasive or controlling authority is published or filed less than 14 days before oral argument or less than 14 days before the first day of the docket on which a no-argument case is set, a party promptly may advise the court, by letter, of the citation.
 - (B) After Oral Argument or After the First Day of the Docket on Which a No-Argument Case was Set.** After oral argument or after


the first day of the docket on which a no-argument case was set, but before decision, a party may advise the court, by letter, of citation to persuasive or controlling authority that was published or filed after the date of oral argument or after the first day of the docket on which a no-argument case was set.

(C) **After Petition for Review is Filed.** After a petition for review is filed but before the petition has been ruled on, a party may advise the court, by letter, of citation to persuasive or controlling authority that was published or filed after the petition for review was filed. If a petition for review is granted, a party may notify the court of additional authority under subparagraphs (A) and (B).

~~(D)~~(C) **Contents of Letter to Court.** The letter must contain a reference either to the page(s) of the brief intended to be supplemented or to a point argued orally to which the citation pertains. A brief statement may be made concerning application of the citation, but the body of a letter submitted under this subsection may not exceed 350 words. The letter may not be split into multiple filings to avoid the word limitation.

- (2) **Service and Filing.** A copy of the letter must be served on all adverse parties united in interest. The letter, with proof of service, must be filed with the clerk of the appellate courts and be accompanied by 16 copies.
- (3) **Response.** A response, if any, must be:
- (A) filed with the clerk of the appellate courts not later than 7 days after service of the letter;
 - (B) limited to the reference, brief statement, and number of words allowed under paragraph (1)(C); and
 - (C) served on all adverse parties united in interest.

BY ORDER OF THE COURT this 28th day of August, 2014.


Lawton R. Nuss
Chief Justice