

FILED

AUG 31 2016

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

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

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

The following Rule 11.01 governing notice to the attorney general of a challenge to a Kansas statute or constitutional provision is hereby adopted, effective **September 6, 2016**. In all cases pending before the appellate courts, a party that is subject to the provisions of this rule must comply with any unmet requirements within 21 days after the rule's adoption unless a different timeframe is ordered by a judge or justice of an appellate court.

Rule 11.01

**NOTICE TO ATTORNEY GENERAL OF CHALLENGE TO STATUTE OR
CONSTITUTIONAL PROVISION**

- (a) **Notice Requirements.** In any matter before the Supreme Court or Court of Appeals, or any justice or judge thereof, a party that files a pleading, brief, written motion, or other filing or paper contesting or calling into doubt the validity of any Kansas statute or constitutional provision on grounds that the law violates the state constitution, federal constitution, or any provision of federal law must serve the filing on the attorney general of Kansas, accompanied by a notice stating that the attorney general is being served under K.S.A. 75-764.
- (b) **Form of Document.** A pleading, brief, written motion, or other filing or paper served under this rule must include these words in bold, 12-point font under the case caption on the first page: "Served on the attorney general as required by K.S.A. 75-764."
- (c) **Filing of Notice.** A party that gives notice under this rule must promptly file a copy of the notice with the clerk of the appellate courts, along with a certificate of service. If the document that contests the validity of the law has already been filed with the clerk of the appellate courts, the document must not be filed again with the copy of the notice.
- (d) **Sufficiency of Notice.** A notice provided under this rule will be deemed sufficient if it is in substantial compliance with the form set forth by the judicial administrator.

- (e) **Application.** This rule does not apply in any action or proceeding in which the attorney general is the party disputing or defending the validity of the law at issue.

BY ORDER OF THE COURT this 31 day of August, 2016.

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

Lawton R. Nuss
Chief Justice