

KANSAS APPELLATE PRACTICE HANDBOOK

6TH EDITION



KANSAS JUDICIAL COUNCIL

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PREFACE TO THE SIXTH EDITION

This is the first edition of the Handbook since the advent of electronic filing of appellate cases. All prior editions, while containing some useful suggestions, are obsolete. With clear marching orders from our Supreme Court, all appellate attorneys must enroll and monitor their cases. Paper filing is now relegated to litigants that are unrepresented.

Prompted by these massive changes we have consolidated some chapters and subjects and created new sections for electronic filing. But there is more to an appeal than just getting in the door. Scheduling, briefing, and pre- and post-opinion motion practice are dealt with.

We sincerely hope that this work will be helpful to all who practice in this important area of the law. It is an attempt to open up the mysteries of electronic filing of appellate cases in Kansas.

I must shout from the rooftops my praise for Christy Molzen with the Kansas Judicial Council, who has done all of the heavy lifting in putting this handbook together. She has taken all of these separate parts and assembled them into a work that is clear, concise, and cogent. Because of her diligence and insight, this handbook should be useful to all.

Speaking of those separate parts, I acknowledge with awe and pride the hard work of the authors of the various chapters. They are: Hon. Caleb Stegall, Justice, Kansas Supreme Court, Patty Aska, Heather Cessna, Stephen M. Kerwick, Chelsey G. Langland, Steven J. Obermeier, Barry L. Pickens, Sarah Reichart, Nicki Rose, Doug Shima, Clerk of the Appellate Courts, and Jenny Bates, Deputy Clerk. I also acknowledge Sam Schirer and Clayton Perkins who contributed their work on the sample brief and petition for review.

These authors are involved, day to day, with the appellate courts. In this handbook they offer fresh insights and valuable advice about how to get things done and done right. I thank them all.

Stephen D. Hill
Kansas Court of Appeals

PREFACE TO THE FIFTH EDITION (2013)

The authors and editors of this Fifth Edition of the handbook owe a professional debt to those who authored the First Edition of the handbook in 1978 and issued a revision in 1984. Members of the original KBA Kansas Appellate Practice Handbook Writing Committee included Hon. J. Richard Foth and Robert J. Roth, Co-Chairs, Hon. Bob Abbott, Lewis C. Carter, Professor Robert C. Casad, Professor James Concannon, Jerry G. Elliott, Don Patterson, Fred N. Six, and Hon. Jerome Harman, Editor. The 1984 revision was prepared by Hon. J. Richard Foth, Hon. Bob Abbott, and Carol Gilliam Green.

The Second Edition in 1994 and the Third Edition in 1998 were edited by Hon. Bob Abbott and Carol Gilliam Green. Other contributing authors and editors to those editions were Alan F. Alderson, Hon. J. Patrick Brazil, Debra Sue Byrd Peterson, Hon. Jerry G. Elliott, Randall E. Fisher, Brian J. Moline, Robert W. Parnacott, Robert L. Phelps II, Joan K. Rowland, Robert C. Rowland, Martha M. Snyder, and Cheryl L. Whelan.

In 2005, the Kansas Bar Association, publisher of the handbook, generously donated its copyright to the Kansas Judicial Council which assumed responsibility for publication. In addition to traditional publication, the Judicial Council makes the handbook available online, as a public service, at www.kansasjudicialcouncil.org and www.kscourts.org.

The Fourth Edition, published in 2007, was prepared under the direction of the Judicial Council Appellate Procedure Advisory Committee, chaired by Hon. Jerry G. Elliott. Authors and editors included Janet L. Arndt, Hon. Jerry G. Elliott, Teri E. Canfield-Eye, Hon. Nancy L. Caplinger, Richard L. Cram, Nicholas S. Daily, James M. Gannon, Carol Gilliam Green, Randall L. Hodgkinson, Clinton L. Hurt, Gayle B. Larkin, Hon. Marla J. Luckert, Patricia E. McComas, Hon. Kevin P. Moriarty, Steven J. Obermeier, Debra Sue Byrd Peterson, Nancy J. Strouse, Michelle M. Watson, and Tonia Owens Whitener.

The 2009 update of the *Kansas Appellate Practice Handbook*, Fourth Edition, was prepared by Hon. Nancy L. Caplinger, Martha J. Coffman, Hon. Jerry G. Elliott, James M. Gannon, Carol Gilliam Green, Chelsey G. Langland, Gayle B. Larkin, Kimberly D. Long, Christy R. Molzen, Steven J. Obermeier, Jonathan M. Paretsky, and Carrie A. Wortman. The 2010 supplement was prepared by Christy R. Molzen and Carol Gilliam Green.

This Fifth Edition has been prepared under the direction of the Judicial Council Appellate Practice Advisory Committee, chaired by Carol Gilliam Green. Authors and editors included Carol Gilliam Green, Hon. Stephen D. Hill, Hon. Jared Johnson, Stephen M. Kerwick, Lydia H. Krebs, Chelsey G. Langland, Gayle B. Larkin, Christy R. Molzen, Hon. Nancy L. Moritz, Steven J. Obermeier, and Barry L. Pickens.

This handbook represents a collective view of current appellate practices and procedures which are subject to change. The Kansas Appellate Courts have not endorsed, nor are they bound by, statements in this handbook.

Statutory references throughout are to the latest version of the *Kansas Statutes Annotated* unless otherwise specifically indicated. Rules refer to the Kansas Supreme Court Rules, published annually in the *Kansas Court Rules Annotated*.

Carol Gilliam Green, Chair
Kansas Judicial Council
Appellate Practice Advisory Committee

DEDICATION

The Honorable Jerry G. Elliott
November 25, 1936 - April 5, 2010

In recognition of his invaluable contributions to the
Kansas Appellate Practice Handbook over more than
thirty years of publication.

