

§ 12.39 Application to File *Amicus* Brief

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],

Plaintiffs-Appellants,

vs.

[Insert Appellate Court Case Number]

[Insert Name],

Defendants-Appellees.

APPLICATION TO FILE *AMICUS* BRIEF

A trade association seeks to file a friend of the court brief because this appeal deals with a subject that could profoundly affect the business of the entire association.

1. *Background.* This appeal involves the interpretation and application of K.S.A. 16-205 concerning interest rates on promissory notes. It also presents the question of whether the parties to a commercial transaction may agree to an increased interest rate upon occurrence of a non-monetary event of default.
2. *Authority.* Supreme Court Rule 6.06.
3. *Reasons.* The Kansas Bankers Association is a Kansas not-for-profit corporation and the primary trade association for the Kansas Commercial Banking Industry; 360 of the 362 state and national commercial banks in the State are members of the association.
4. Both of the issues in this appeal are subjects of profound interest to Kansas banks. The decision in this appeal will affect not only the parties to this action, but most commercial loans of all Kansas banks.
5. All parties have been served with a copy of this application.

Attorney's Signature

/s/ _____

Attorney's Name (typed or printed)

Kansas Attorney Registration Number

Address

Telephone Number

Fax Number

E-mail Address

Name of the Party Represented

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Application to File *Amicus* Brief was sent by [Insert Method] on [Insert Date] to:

[Insert names and addresses of those on whom service is made.]

/s/ _____

Attorney's Name and Registration Number

PRACTICE NOTE: An *amicus* brief must be filed not less than thirty days prior to oral argument. The application should be filed as early in the appeal as possible. See Rule 6.06.

An application to file an *amicus* brief must be filed with each appellate court separately, *i.e.*, just because an application to file an *amicus* brief was granted by the Court of Appeals does not mean that an *amicus* brief will automatically be permitted in the Supreme Court.