

# APPENDIX B

## Timetable, Checklists and Examples

### Timetable for Steps in an Appeal

STEP	TIME
<p>1. Appellant serves, files notice of appeal with clerk of district court.</p> <p>(Appellant may seek a stay of the judgment pending appeal.)</p>	<p>30 days from date journal entry is filed in Chapter 60 and Chapter 61 appeals. K.S.A. 60-2103(a). 14 days from sentencing in criminal appeals under Sentencing Guidelines. K.S.A. 22-3608(c).</p>
<p>2. Appellant requests transcript if an evidentiary hearing was held.</p>	<p>21 days from notice of appeal. Rule 3.03.</p>
<p>3. Appellant files docketing statement, certified copies of notice of appeal, journal entry of judgment, any post-trial motions, journal entry ruling on such motions, request for transcript.</p>	<p>60 days from notice of appeal. Rules 2.04, 2.041.</p>

*Timetable, Checklists and Examples*

<b>STEP</b>	<b>TIME</b>
4. District clerk compiles record then available	14 days from notice that the appeal has been docketed. Rule 3.02.
5. Notice of cross-appeal.	21 days from notice of appeal. K.S.A. 60-2103(h). Docketing statement to be filed with clerk of appellate courts within 60 days of notice of cross-appeal. Rule 2.04(a)(2), 2.041(a).
6. Either party may move for transfer to Supreme Court for final determination.	30 days from notice of appeal. K.S.A. 20-3017; Rule 8.02.
7. Reporter files transcript.	40 days from service of order. Rule 3.03.
8. Written requests to clerk of the district court to add to the record on appeal.	Any time before record is sent to appellate court. Rule 3.02.
9. Appellant's brief.	30 days from completion of transcript (or 40 days from docketing if no transcript or if transcript has been completed prior to docketing). Rule 6.01.

<b>STEP</b>	<b>TIME</b>
10. Counsel may suggest place of hearing by Court of Appeals.	Before appellee's brief due. Rule 7.02(d)(3).
11. Appellee's brief (including cross-appellant's brief).	30 days from appellant's brief. Rule 6.01(b)(2).
12. Cross-appellee's brief.	21 days from cross-appellant's brief. Rule 6.01(b)(3).
13. Reply brief.	14 days from brief to which addressed. Rule 6.01(b)(5).
14. Clerk of appellate courts calls for record from clerk of district court.	After time for briefs has expired, usually when case is set for hearing. Rule 3.07.
15. Clerk notifies parties of time and place of hearing.	30 days before hearing. Rule 7.01(d), 7.02(e).
16. Oral arguments.	Rule 7.01(e), Rule 7.02(f).

<b>STEP</b>	<b>TIME</b>
17. Motion for rehearing or modification.	14 days from decision of Court of Appeals. Rule 7.05.  21 days from decision of Supreme Court. Rule 7.06.
18. Motion for assessment of appellate costs and attorney fees.	14 days from oral argument or assignment to summary calendar. Rule 7.07(b).
19. Petition for review or summary petition for review by Supreme Court.	30 days from Court of Appeals decision, regardless of a motion for rehearing by Court of Appeals unless rehearing is granted. Rule 7.05, 8.03(b), 8.03A(b).
20. Cross-petition or conditional cross-petition for review.	30 days from petition for review. Rule 8.03(c).
21. Response to petition for review, cross-petition, or conditional cross-petition.	30 days from petition for review, cross-petition or conditional cross-petition. Rule 8.03(d).
22. Reply to response.	14 days from response. Rule 8.03(e).

<b>STEP</b>	<b>TIME</b>
23. Additional copies of paper briefs, if any, originally filed with the Court of Appeals.	14 days after review is granted. Rule 8.03(i)(2).
24. Supplemental briefs for Supreme Court by either party.	30 days after review is granted. Rule 8.03(i)(3).
25. Responses to supplemental briefs.	30 days after supplemental briefs are filed. Rule 8.03(i)(3).
26. Reply to response brief.	14 days after response brief is filed. Rule 8.03(i)(3).



## **Briefing Checklist**

This checklist is designed to help a brief writer comply with the Kansas Supreme Court Rules. It begins at the cover page and moves through the major sections of a brief. For an example of how an appellate brief looks in practice, please refer to the sample brief contained in this appendix. If you have questions, contact the appellate clerk's office at 785.296.3229 or [appellateclerk@kscourts.org](mailto:appellateclerk@kscourts.org).

- Is the cover page of the brief white? Rule 6.07(b)(1).
- Does the following information appear on the cover of the brief? Rule 6.07(b)(2).

\_\_\_\_\_ The appellate court case number. Rule 6.07(b)(2)(A).

\_\_\_\_\_ The words IN THE COURT OF APPEALS OF THE STATE OF KANSAS or IN THE SUPREME COURT OF THE STATE OF KANSAS. Rule 6.07(b)(2)(B).

\_\_\_\_\_ The caption of the case as it appeared in the district court, except that a party must be identified not only as a plaintiff or defendant but also as an appellant or appellee. Rule 6.07(b)(2)(C).

\_\_\_\_\_ The title of the document, e.g., "Brief of Appellant" or "Brief of Appellee," etc. Rule 6.07(b)(2)(D).

\_\_\_\_\_ The words "Appeal from the District Court of \_\_\_\_\_, County, Honorable \_\_\_\_\_ Judge, District Court Case No. \_\_\_\_\_". Rule 6.07(b)(2)(E).

\_\_\_\_\_ The name, address, telephone number, fax number, e-mail address, and attorney registration number of one attorney for each party on whose behalf the brief is submitted. An attorney may be shown as being of a named firm. Additional attorneys joining in the brief must not be shown on the cover but may be added at the conclusion of the brief. Rule 6.07(b)(2)(F).

\_\_\_\_\_ The words “oral argument” printed on the lower right portion of the brief cover, followed by the desired amount of time, if additional time for oral argument is requested. Rule 6.07(b)(2)(G).

\_\_\_\_\_ If the brief contains an issue that calls 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 then the words “Served on the attorney general as required by K.S.A. 75-764” must be included on the front page of the brief in bold, 12-point font. Rule 11.01(b).

- Is the text printed in a conventional style font not smaller than 12 point with no more than 12 characters per inch? Rule 6.07(a)(1).
- Is the text double-spaced, except block quotations and footnotes? Rule 6.07(a)(1).
- Is only one side of the paper used? Rule 6.07(a)(3).
- Is the length of the brief, excluding the cover, table of contents, appendix, and certificate of service, within the page limitation allowed? Rule 6.07(c).



- Does the brief contain a table of contents that includes page references to each division and subdivision in the brief, including each issue presented, and the authorities relied on in support of each issue? Rule 6.02(a)(1).
- Does the brief contain a brief statement of the nature of the case, *e.g.*, whether it is a personal injury suit, injunction, quiet title, etc., and a brief statement of the nature of the judgment or order from which the appeal was taken? Rule 6.02(a)(2).
- Does the brief contain a brief statement, without elaboration, of the issues to be decided in the appeal? Rule 6.02(a)(3).
- Does the brief contain a concise but complete statement, without argument, of the facts that are material to determining the issues to be decided in the appeal? Rule 6.02(a)(4).
- Are the facts keyed to the record on appeal by volume and page number? Rule 6.02(a)(4).
- Have the parties been referred to in the body of the brief by their status in the district court, *e.g.*, plaintiff, defendant, etc., or by name? Rule 6.08.
- If the appeal involves a child, the victim of a sex crime, or a juror or venire member, have their identities been protected by using initials only or given name and last initial? Rule 7.043.
- Does each issue begin with citation to the appropriate standard of appellate review and a pinpoint reference to the location in the record on appeal (volume and page number) where the issue was raised and ruled on? Rule 6.02(a)(5).
- Does the appendix, if one is included, consist only of limited extracts from the record on appeal and/or copies of unpublished opinions cited for persuasive authority? Rule 6.02(b); 7.04(g)(2)(C).

## *Timetable, Checklists and Examples*

- Does the brief cite an unpublished opinion? If so, a copy of the opinion must be attached. Rule 7.04(g)(2)(C).
- Is there a certificate of service included as the last page of the brief? Rule 1.11(c).
- Have the brief and certificate of service been signed? If the signature is electronic, is it preceded by “/s/”? Rule 1.12.
- Is this a CINC case? If so, does the brief include a verification by the appellant? K.S.A. 38-2273(e).
- Has a copy of the brief been served on all parties? Rule 1.11(a); K.S.A. 60-205.
- If this is a criminal or postconviction case, has a copy of the brief been served on the attorney general? K.S.A. 75-768.
- Is this a case where one of the issues contained in the brief contests or calls 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? If so, then the party filing the brief must serve a copy of the brief (along with a separate notice under Rule 11.01[c]) on the attorney general under K.S.A. 75-764. See Rule 11.01(a).

## Petition for Review Checklist

This checklist is designed to help a party draft a petition for review that complies with the Supreme Court Rules. It covers the major sections of a petition for review. For an example, please refer to the sample petition for review contained in this appendix. If you have questions, contact the appellate clerk's office at 785.296.3229 or [appellateclerk@kscourts.org](mailto:appellateclerk@kscourts.org).

- Is the petition for review filed no later than 30 days after the date of the Court of Appeals' decision? The 30-day period for filing a petition for review is jurisdictional and cannot be extended. Rule 8.03(b)(1). Filing a motion for rehearing or modification in the Court of Appeals does not toll the deadline for filing a petition for review.
- Does the format of the petition for review comply with the applicable provisions of Rule 6.07? Rule 8.03(b)(3). (See the Briefing Checklist, §12.38, *supra*, for the key requirements under Rule 6.07.)
- Is the length of the petition for review, exclusive of the cover, table of contents, appendix, and certificate of service, 15 pages or less? Rule 8.03(b)(3).
- If the petition for review is filed in a case expedited by the Court of Appeals or expedited by statute, is it titled "Expedited Petition for Review"? Rule 8.03(b)(4).
- Does the petition for review contain a prayer for review clearly stating the nature of the relief sought and why review is warranted? Rule 8.03(b)(6)(A).
- Does the petition for review state the date of the Court of Appeals decision the party is asking the Supreme Court to review? Rule 8.03(b)(6)(B).
- Does the petition for review contain a statement of issues the petitioner wishes to be decided by the Supreme Court? The statement of the issues must be tailored to address why review is warranted; it should not merely be identical

to the statement of the issues contained in the party's Court of Appeals brief. Rule 8.03(b)(6)(C).

- Does the petition for review contain a short statement of relevant facts keyed to the record or a statement that the facts provided in the Court of Appeals decision are correct? Rule 8.03(b)(6)(D).
- Does the petition for review contain a short argument, including appropriate authority, stating for each issue why review is warranted? Rule 8.03(b)(6)(E). Supreme Court Rule 8.08(b)(6)(E) provides a nonexhaustive list of reasons for review by the Supreme Court. Failure to include an argument showing how the Court of Appeals erred or why review is warranted may result in denial of a petition for review. Rule 8.03(b)(6)(E).
- Does the petition for review include an appendix containing the Court of Appeals decision? Rule 8.03(b)(6)(F).
- Is there a certificate of service included as the last page of the brief? Rule 1.11(c).
- Has the brief and certificate of service been signed? Rule 1.12.
- Has a copy of the petition for review been served on all parties? Rule 1.11(a); K.S.A. 60-205.
- Is this a case where one of the issues contests or calls into doubt the validity of any Kansas statute or constitutional provision on the grounds that the law violates the state constitution, federal constitution, or any provision of federal law?
  - If so, the party filing the petition for review must serve a copy of the petition for review (along with a separate notice under Rule 11.01[c]) on the attorney general under K.S.A. 75-764 if the party did not satisfy these requirements before the Court of Appeals. Rule 11.01(a).
  - The party filing the petition for review must also 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.” Rule 11.01(b).

- If the appeal involves a child, the victim of a sex crime, or a juror or venire member, has the individual’s identity been protected by using initials only or given name and last initial? Rule 7.043.

