

FILED

MAY 21 2013

2013 SC 56

CAROL G GREEN
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS
RULES RELATING TO SUPREME COURT, COURT OF APPEALS,
AND APPELLATE PRACTICE

RULE 6.09

SERVICE OF BRIEF AND ADDITIONAL AUTHORITY

Rule 6.09(b) is hereby amended, effective the date of this order.

(b) **Additional Authority.**

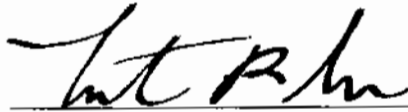
(1) **Notifying the Court by Letter.**

- (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 ~~and~~ 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) **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 21 day of May, 2013.

FOR THE COURT



Lawton R. Nuss
Chief Justice