

November 9, 2023

Administrative Order

2023-RL-077

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Temporary Rule Permitting Service by Email under K.S.A. 60-205(b)(2)(F)

Since October 12, 2023, the Kansas district and appellate courts have operated under Administrative Orders 2023-CC-073 and 2023-CC-074 regarding the unavailability of electronic filing systems.

Under K.S.A. 60-205(b)(2)(F), service can occur by electronic means when authorized by Supreme Court rule or local rule. This temporary rule provides that while electronic filing systems are unavailable, email is an acceptable form of service by electronic means as follows:

1. Licensed Kansas attorneys may serve other licensed Kansas attorneys by email without written consent.
2. When any party is a self-represented litigant, all parties must consent in writing to service by email.
3. It is the burden of the party attempting service by email to verify the correct email address of the party receiving service.
4. In addition to including the information required by Supreme Court Rule 1.11 for appellate court filings and Supreme Court Rule 122 for district court filings, the certificate of service must include the name, physical address, email address, telephone number, and any fax number of any party served by email.
5. Service by email is not completed if the filer or sender learns that the email did not reach the person to be served, including if the email is returned as undeliverable by the recipient's email address. If this occurs, a party must complete service by a different method under K.S.A. 60-205(b)(2) and file a corrected certificate of service with the applicable court.

Dated this 9th day of November 2023.

FOR THE COURT



MARLA LUCKERT
Chief Justice