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CAROL G. GREEN
CLERK APPELLATE COURTS

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

RULE 3.03

TRANSCRIPTS IN RECORD ON APPEAL

Supreme Court Rule 3.03 is hereby amended, effective the date of this order:

(a) REQUESTING TRANSCRIPTS; DUTY OF APPELLANT; STIPULATION. When an appeal is taken in a case in which the appellant considers a transcript of any hearing necessary to properly present the appeal, it shall be the duty of the appellant to request a transcript of such hearing within twenty-one (21) days of the filing of the notice of appeal in the district court. Such request shall be clearly designated "for appeal purposes." Unless all affected parties stipulate as to specific portions which are not required for the purposes of the appeal, the request shall be for a complete transcript of any such hearing, except for the jury voir dire, opening statements, and closing arguments of counsel, which shall not be transcribed unless specifically requested. Counsel for the parties shall make a good faith effort to so stipulate to avoid unnecessary expenses. A refusal to stipulate may be considered by the appellate court in apportioning the cost of the transcript under Rule 7.07(c).

Notwithstanding K.S.A. 22-4505(b), 22-4506(b), and 22-4509, no district court order shall be required before requesting transcripts from the court reporter.

(b) TRANSCRIPTS REQUESTED BY APPELLEE. Within ten (10) days after service of appellant's request the appellee may request a transcript of the voir dire, opening statements, closing arguments, or any other hearing not requested by appellant, but the appellee shall be responsible for payment for such additional transcript, including advance payment, in the same manner as the appellant is responsible for the main transcript.

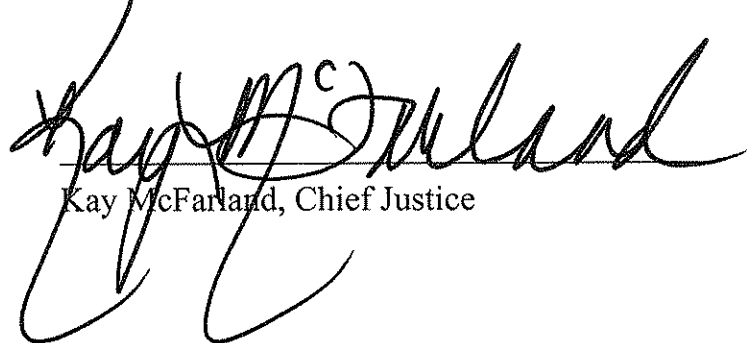
(c) FILING AND SERVICE. The original of any transcript request shall be filed in the district court. Any request shall be served on the reporter and all parties. At the time of docketing the appeal, the appellant shall file with the clerk of the appellate courts a copy of the initial transcript request in accordance with Rule 2.04 and a copy of any stipulation for less than a complete transcript of any hearing. Any additional transcript requests shall be filed and served in a similar manner.

(d) TIME SCHEDULE FOR TRANSCRIPTS; CERTIFICATE OF COMPLETION. The transcript shall be completed within forty (40) days after service of the request unless the court reporter applies for and receives an extension of time under Rule 5.02. Upon completion of any such transcript the court reporter shall file the same with the clerk of the district court and shall mail to the clerk of the appellate courts and to each party a certificate showing the date of the filing of the same. The certificate of completion shall identify the date of hearing and the type of hearing transcribed. The certificate of completion as well as the certificate filed with the transcript shall include the court reporter's certified court reporter registration number assigned by the Supreme Court.

(e) ADVANCE PAYMENT. If demanded by the court reporter, the appellant shall advance the payment of the estimated cost of any transcript requested, except that such advance payment shall be waived unless a written estimate of the amount thereof and a demand for payment of the same is served on the appellant within ten (10) days of receipt of the order for the transcript. The reporter will not be required to begin the transcript until the estimated cost has been received by the reporter. No advance payment shall be required if the transcript is to be paid for by the state or any agency or subdivision thereof. Failure to make such advance payment within ten (10) days after service of the demand for the same shall be ground for dismissal of the appeal by order of the appellate court.

By order of the Court, this 21st day of March, 2008.

FOR THE COURT



Kay McFarland, Chief Justice