RULES OF PRACTICE
OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF KANSAS

Amended August 26, 2024.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
ORDER OF ADOPTION

Pursuant to the authority vested in this Court by Rule and Statute:

IT IS ORDERED that the rules attached hereto and designated "Rules of Practice of the United States District Court for the District of Kansas" are adopted and shall become effective August 26, 2024 and shall supersede the Court's existing rules which are repealed effective August 26, 2024.

DATED this 26th day of August, 2024.

FOR THE COURT

s/ Eric F. Melgren
ERIC F. MELGREN
CHIEF JUDGE

ATTEST:

s/ Skyler B. O'Hara
SKYLER B. O'HARA
CLERK OF COURT

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHIEF JUDGE
Eric F. Melgren
414 U.S. Courthouse
401 North Market Street
Wichita, KS 67202

DISTRICT JUDGE
Daniel D. Crabtree
628 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

DISTRICT JUDGE
John W. Broomes
232 U.S. Courthouse
401 North Market Street
Wichita, KS 67202

DISTRICT JUDGE
Holly L. Teeter
537 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

DISTRICT JUDGE
Toby Crouse
405 U.S. Courthouse
444 Southeast Quincy
Topeka, KS 66683

SENIOR JUDGE
John W. Lungstrum
517 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

SENIOR JUDGE
Kathryn H. Vratil
529 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

SENIOR JUDGE
Julie A. Robinson
511 U.S. Courthouse
500 State Avenue
Kansas City, KS 66101

Please see www.ksd.uscourts.gov for the most current telephone contact information

MAGISTRATE JUDGE
Teresa J. James
208 U.S. Courthouse
500 State Avenue
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MAGISTRATE JUDGE
Gwynne E. Birzer
322 U.S. Courthouse
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MAGISTRATE JUDGE
Angel D. Mitchell
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Rachel E. Schwartz
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Brooks Severson
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RECALLED MAGISTRATE JUDGE
James P. O'Hara
603 U.S. Courthouse
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Kansas City, KS 66101

Please see www.ksd.uscourts.gov for the most current telephone contact information.

*** * * * * * * * ***

COMMITTEE OF THE COURT

Bench-Bar Committee

Hon. Chief Judge Eric F. Melgren, *ex officio*

District Judge Daniel D. Crabtree, Chair
District Judge John W. Broomes
District Judge Holly L. Teeter
Magistrate Judge Teresa J. James
Magistrate Judge Angel D. Mitchell
Ex Officio Members:
Bankruptcy Chief Judge Dale L. Somers
Clerk of Court Skyler B. O'Hara
U.S. Attorney Kate E. Brubacher
Federal Public Defender Melody Brannon
Timothy M. O'Brien, KS Bench-Bar

Eric W. Barth, expiration: 12/31/24
Angela D. Gupta, expiration: 12/31/24
Razmi M. Tahirkheli, expiration: 12/31/24
Jennifer Hill, expiration: 12/31/25
Kate Marples Simpson, expiration: 12/31/25
Terelle A. Mock, expiration: 12/31/26
Sarah Ruane, expiration: 12/31/26
Teresa L. Shulda, expiration: 12/31/26

Staff: Kim Leininger, Chief Deputy Clerk

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SCOPE OF RULES

RULE 1.1
SCOPE AND MODIFICATION OF RULES; DEFINITIONS; CITATION

(a) **Scope.** Unless otherwise stated, these rules govern the procedure in all proceedings before this court except criminal proceedings. CR1.1 governs the procedure in all criminal proceedings before this court.

(b) **Modification.** In special cases, the court may modify these rules as necessary or appropriate to:

(1) meet emergencies; or

(2) avoid injustice or great hardship.

(c) **Definitions.** As used in these rules, the term "judge" refers to a United States District Judge, and the term "court" refers to either a United States District Judge or a United States Magistrate Judge.

(d) **Citation.** These rules should be cited as D. Kan. Rule 1.1, e.g.

* * *

As amended 8/26/24, 2/16/95.

-II-
COMMENCEMENT OF ACTION; PROCESS; SERVICE AND FILING OF PLEADINGS, MOTIONS, AND ORDERS

RULE 3.1
COMMENCEMENT OF ACTIONS

A civil docket cover sheet, in a form supplied by the clerk, must be completed and submitted with any complaint commencing an action or any notice of removal from state court.

* * *

As amended 3/17/10, 11/16/90.

RULE 4.1
SERVICE OF PROCESS IN ACCORDANCE WITH STATE PRACTICE

Where the Federal Rules of Civil Procedure authorize service of process in accordance with state practice, the parties seeking such service must give the clerk: (1) forms of all necessary orders; (2) sufficient copies of all papers to comply with state requirements; and (3) specific instructions for making service.

* * *

RULE 4.2
APPOINTMENT OF STATE OFFICERS TO SERVE PROCESS

Whenever service is attempted on behalf of the United States or an officer or agency of the United States under Fed. R. Civ. P. 4(d), and waiver of service is requested but not waived, the following persons may make personal service: a United States Marshal or a Deputy United States Marshal, or a sheriff, undersheriff, or deputy sheriff of any county of the State of Kansas. In such cases, the court hereby specially appoints duly elected or appointed sheriffs, undersheriffs, and

deputy sheriffs of counties of the State of Kansas for serving process of this court within the territorial limits of their respective counties.

* * *

As amended 6/95.

RULE 5.1
FORM OF PLEADINGS AND PAPERS

(a) Form. Documents filed electronically must comply with this rule to the extent practicable. Pleadings, motions, briefs, and other papers submitted for filing must be typewritten or printed on letter size paper, double-spaced, in no less than 12-point font.

(b) Contact Information and Bar Registration Numbers.

(1) *Requirements for Pro Se Parties and Attorneys.* Parties or attorneys signing papers submitted for filing must include:

(A) their names;
(B) addresses;
(C) telephone numbers;
(D facsimile numbers; and
(E) email addresses.

(2) *Additional Requirements for Attorneys.* Attorneys must also include their state supreme court registration numbers or, where an attorney is not admitted to practice in Kansas, the equivalent. Attorneys admitted from the Western District of Missouri, by reciprocal admission, must include their Kansas District Court registration number.

(3) *Duty to Update Contact Information.* Each attorney or pro se party must notify the clerk of any change of address or telephone number.

(c) Entry of Appearance by Attorneys. An attorney enters his or her appearance by:

(1) signing and filing a formal entry of appearance; or
(2) signing the initial pleading, motion, or notice of removal filed in the case. Entries of appearance must comply with subsection (b) of this rule.

(d) Attorney Appearances in Removed and Transferred Cases.

(1) *Duty to Clients.* The transfer or removal of a case to the District of Kansas does not relieve attorneys who appeared in the other court of their obligations to their clients.

(2) *Attorneys Admitted in this Court.* Attorneys admitted to practice in this court will be entered as attorneys of record in the action in this court.

(3) *Attorneys Not Admitted in this Court.* Within 21 days of the removal or transfer, attorneys not admitted to practice in this court must:

(A) obtain admission to practice in this court, if eligible;
(B) associate with an attorney admitted to practice in this court, who must move to admit the attorney not admitted to practice in this court in accordance with D. Kan. Rule 83.5.4 or
(C) move to withdraw in accordance with D. Kan. Rule 83.5.5.

(e) Exhibits to Pleadings or Papers. Bulky or voluminous materials should not be filed in their entirety or incorporated by reference unless the court finds the

materials essential and grants leave to file them. The court may strike any pleading or paper filed in violation of this rule.

(f) **Certificates of Service.** If a certificate of service is required under Fed. R. Civ. P. 5(d) it must state:

(1) the name and address of the attorney or party served;

(2) the capacity in which such person was served (i.e., as attorney for plaintiff or a particular defendant);

(3) the manner of service; and

(4) the date of service.

* * *

As amended 12/1/22, 12/1/09, 4/13/06, 3/17/04, 6/22/98, 2/27/98, 10/20/93.

RULE 5.3
COPIES REQUIRED FOR A THREE-JUDGE COURT

(a) **In General.** This rule governs actions or proceedings that an Act of Congress requires be heard and determined by a district court of three judges.

(b) **Conventional Filings.** All pleadings, papers, and documents filed subsequent to the designation of the court, as provided in 28 U.S.C. § 2284 must be filed with the clerk in quadruplicate — an original and three copies — only if the pleading, paper, or document is filed in conventional paper format. The clerk must timely distribute the documents to the designated judges.

(c) **Electronic Filings.** If the pleading, paper, or document is filed electronically, additional copies should not be provided to the court in conventional paper format. See D. Kan. Rule 7.1(d).

* * *

As amended 3/17/04.

RULE 5.4.1
ELIGIBILITY, REGISTRATION, PASSWORDS

(a) **Registration Requirements.** An electronic filer must register as a Filing User of the court's Electronic Filing System, using the form prescribed by the clerk that requires the Filing User's name, address, telephone number, and email address. If the registrant is an attorney, he or she must also provide a declaration that the attorney is either admitted to the bar of this court or has been admitted pro hac vice.

(b) **Attorneys Admitted Pro Hac Vice.**

(1) *Access to Electronic Filings.* Attorneys who are admitted pro hac vice and who register as Filing Users are granted access to the court's Electronic Filing System through PACER and will receive the automatically-generated notices of electronic filing.

(2) *Filing Prohibition.* Attorneys who are admitted pro hac vice may not file documents electronically unless they are employed by the United States of America.

(3) *Local Counsel's Involvement.* The court requires meaningful participation by local counsel and, to that end, requires local counsel to sign all pleadings and other papers filed. See D. Kan. Rule 83.5.4(c).

(c) Unrepresented Parties. A party who is not represented by an attorney may register as a Filing User in the Electronic Filing System. If, during the course of action, an attorney appears on the party's behalf, the attorney must immediately advise the clerk to terminate the party's Filing User registration.

(d) Security. After registering, the Filing User will receive notification of the user login and password. Filing Users must protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. The court may sanction Filing Users who fail to comply with this provision.

* * *

As amended 12/1/22.

RULE 5.4.2
SEALED DOCUMENTS

The following procedure applies to under-seal filings in civil cases unless otherwise ordered by the court.

(a) Provisional Under-Seal Filings. A party may provisionally file a document that it reasonably believes may contain confidential information under seal. The filing party must either (i) simultaneously serve the provisionally sealed document on other parties by means other than filing it with the court's electronic filing system, such as by sending it via other authorized electronic means, or (ii) move for a court order that service on another party is not required. The document will be deemed filed as of the date it is provisionally filed under seal so as to trigger subsequent filing deadlines and will remain provisionally sealed until further court order. The clerk's office will subsequently grant access to provisionally sealed documents to all attorneys who are eligible to have access according to the court's Administrative Procedures.

(b) Notice. Immediately after the provisional under-seal filing, the filing party must file a notice of proposed sealed record. The notice must (1) identify the subject confidential information by the ECF docket number of the provisional under-seal filing and (2) state the extent to which the filing party seeks to maintain the information under seal and the identities of any other parties and/or non-parties that previously designated the information as confidential pursuant to a protective order ("the Proponent"). The filing party must (1) serve the notice on all Proponents and (2) provide notice to any Proponent that is a non-party to the litigation that the Proponent should follow the procedure set forth in subsection (c) to the extent the Proponent wants to maintain the document or portions thereof under seal. The party that provisionally filed the document under seal has no obligation to assert the confidentiality interests of other Proponents.

(c) Motion to Seal or Redact. A Proponent that seeks to maintain any portion of the document under seal, or to allow the document to be filed in the public record with redactions, must file a motion to seal or redact in the public record. The motion must be filed within 7 days after the document is filed provisionally under seal; any response must be filed within 3 days after service of the motion; and any reply must be filed within 1 day after the response. The motion must include the following:

(1) a description of the specific portions of the document, without attaching the document in question or revealing the confidential information, that the

Proponent asks the court to maintain under seal or allow to be redacted, which must be narrowly tailored to the asserted confidentiality interest;

(2) the confidentiality interest to be protected and why such interest outweighs the presumption of public access (stipulations between the parties or stipulated protective orders, alone, are insufficient to justify restriction);

(3) a clearly defined and serious injury that would result in the absence of restricting public access;

(4) why no lesser alternative is practicable or why restricting public access will adequately protect the confidentiality interest in question;

(5) the extent to which the motion is opposed or unopposed, if known; and

(6) in cases involving a pro se incarcerated party, the extent to which the pro se incarcerated party should be granted access to the sealed or redacted materials.

A Proponent requesting redactions from the public record must separately email the document to chambers with its proposed redactions highlighted in yellow.

(d) Disposition of Documents Filed Provisionally Under Seal. A Proponent that receives the notice required by subsection (b) and does not timely file a motion to seal or redact in accordance with subsection (c) waives its right to maintain that the filing contains confidential information. Under those circumstances, within 2 days after the deadline for filing a motion to file under seal or redact expires, the filing party must notify the court that the document that was filed provisionally under seal may be unsealed. Any court order on a motion to seal or redact will direct the party that provisionally filed the document under seal to make the appropriate filing in the public record.

* * *

As amended 03/01/24, 12/1/22, 3/17/08; (formerly LR 5.4.6).
Adopted 3/17/04.

RULE 5.4.3
TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

* * *

(formerly LR 5.4.11)
Adopted 3/17/04.

RULE 5.4.4
ADMINISTRATIVE PROCEDURES

To facilitate implementation of the foregoing rules, the clerk is authorized to develop, adopt, publish, and modify as necessary *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in the District of Kansas.* ("Administrative Procedures Guide").

* * *

As amended 12/1/22; (formerly LR 5.4.13).
Adopted 3/17/04.

RULE 6.1
TIME

(a) Motions for an Extension of Time to Perform an Act. All motions for an extension of time to perform an act required or allowed to be done within a specified time must be filed as soon as practicable and in no event less than 3 days before the specified time. The motion must show:

(1) whether there has been prior consultation with other parties and the views of other parties;

(2) the date when the act was first due;

(3) if prior extensions have been granted, the number of extensions granted and the date of expiration of the last extension; and

(4) the cause for the requested extension.

(b) Motions for Continuance. A party must file a motion to continue a pretrial conference, a hearing on a motion, or trial reasonably in advance of the current setting and must specify the views of other parties.

(c) Joint or Unopposed Motions. In accordance with Fed. R. Civ. P. 29, stipulations for extensions of time must be approved by the court only if such extensions affect the following: time for completing discovery, hearing a motion, submitting the parties' jointly proposed pretrial order, or the pretrial conference, hearings, or trial dates. If an extension of any of these specified dates is jointly requested, the parties must still demonstrate good cause for such extensions, and the court will not continue any discovery, conference, or trial date solely because the parties so stipulate.

(d) Time for Filing of Responses and Replies. Unless the court orders otherwise, the following time periods apply to filing responses and replies:

(1) *Dispositive and similar motions.* The deadlines set forth in this subsection apply to motions to dismiss, for judgment on the pleadings, to remand, to transfer, to compel arbitration, to certify or decertify a class or collective action, for summary judgment, to exclude expert testimony, for default judgment, for a new trial, to alter or amend the judgment, and for judgment. Responses to such motions must be filed within 21 days after the motion is served. Replies must be filed within 14 days after the response is served.

(2) *Motions for an extension of time or to exceed page limits.* The court may decide a motion for extension of time pursuant to D. Kan. Rule 6.1(a) or a motion to exceed page limits pursuant to D. Kan. Rule 7.1(d)(4) without awaiting further briefing. A party that wants to file a response should promptly notify chambers of that fact.

(3) *Motions to reconsider.* The court may deny a motion to reconsider pursuant to D. Kan. Rule 7.3 without awaiting a response or the court may set a response deadline. No response is necessary unless the court establishes a response deadline.

(4) *Other motions.* Responses to all other motions must be filed within 14 days after the motion is served. Replies must be filed within 7 days after the response is served.

* * *

As amended 03/0/24, 12/1/22, 3/17/11, 12/1/09, 3/17/04, 9/00.

-III-
PLEADINGS AND MOTIONS

RULE 7.1
MOTIONS IN CIVIL CASES

(a) **Form and Filing.** All motions, unless made during a hearing or at trial, must be filed in writing with the clerk. The motion or opening brief filed in support of the motion must contain:

(1) a statement of the specific relief sought;

(2) a statement of the nature of the matter before the court;

(3) a concise statement of the facts, with each statement of fact supported by reference to the record; and

(4) the argument, which must refer to all statutes, rules, and authorities relied upon.

(b) **Joint or Unopposed Motions.** If a motion is joint or unopposed, the caption and the body of the motion must so state.

(c) **Responses and Replies to Motions.** A party opposing a motion must file a response, and the moving party may file a reply within the time provided in D. Kan. Rule 6.1(d). If a response is not filed by the applicable deadline, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.

(d) **Page Limitations.** Unless the court orders otherwise, the following page limits apply to briefs on motions:

(1) *Discovery-related motions*. Principal briefs in support of, or in response to, discovery-related motions must not exceed 10 pages and replies must not exceed 3 pages.

(2) *Summary judgment and class certification motions*. Principal briefs in support of, or in response to, summary judgment and class certification motions must not exceed 40 pages and replies must not exceed 15 pages. Unless otherwise ordered, these page limits also apply to non-motion briefs, e.g., merits briefs in Social Security or bankruptcy appeals and proceedings addressed by D. Kan. Rule 9.1(a) (those filed under 28 U.S.C. §§ 2241, 2254, and 2255, and motions to correct or reduce a sentence or civil rights complaints by prisoners).

(3) *All other motions*. Principal briefs in support of, or in response to, all motions other than those set forth in subparagraphs (d)(1) and (2) above must not exceed 15 pages and replies must not exceed 5 pages.

(4) Any motion to exceed these page limits must be filed at least 3 days before the brief's filing deadline.

(e) **Exhibits.** The filing party must separately label any exhibits attached to motions or briefs and file an index of such exhibits.

(f) **Supplemental Authorities.** If pertinent and significant authorities come to a party's attention after the party's final brief has been filed—or after oral argument but before a decision—a party may promptly advise the court by notice filed on the CM/ECF system setting forth the citations. The notice must state reasons for the supplemental citations, referring either to the page of the brief or to a point argued

orally; if the supplemental citations refer to a brief, the notice must be linked in the ECF system to that brief. The body of the notice must not exceed 350 words. Any response must be made within 5 days and must be similarly linked and limited.

* * *

As amended 12/1/22, 10/13, 3/05, 3/04, 9/00.

RULE 7.2
ORAL ARGUMENT ON MOTIONS

The court may set any motion for oral argument or hearing at the request of a party or on its own initiative.

* * *

As amended 3/17/13.

RULE 7.3
MOTIONS TO RECONSIDER

Except for motions under Fed. R. Civ. P. 59(e) or 60, parties seeking reconsideration of a court order must file a motion within 14 days after the order is served unless the court extends the time. A motion to reconsider must be based on:

(1) an intervening change in controlling law;
(2) the availability of new evidence; or
(3) the need to correct clear error or prevent manifest injustice.

* * *

As amended 03/01/24, 12/1/22, 12/01/09, 6/11/98.

RULE 7.4
APPLICATION OF THIS RULE

D. Kan. Local Rules 7.1 through 7.3 apply to all motions in civil cases, including motions and objections relating to discovery, to appeals in bankruptcy, and to motions to review orders of magistrate judges.

* * *

As amended 12/1/22; (formerly LR 7.5).

RULE 9.1
HABEAS CORPUS, MOTIONS TO VACATE, AND CIVIL RIGHTS COMPLAINTS BY PRISONERS

(a) Use of Official Forms Required. The following filings must be in writing, signed, and verified (meaning sworn under penalty of perjury):

(1) petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 2254;
(2) motions to vacate sentence pursuant to 28 U.S.C. § 2255; and
(3) motions to correct or reduce sentence pursuant to Fed. R. Crim. P. 35 by persons in custody pursuant to a judgment of a court.

Such petitions, motions, and civil rights complaints by prisoners under 42 U.S.C. § 1983 and pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics , 403 U.S. 388, 91 S. Ct. 1999, 29 L.Ed.2d 619

(1971), must be on forms approved by the court. Upon request, the clerk of the court will supply forms without charge.

(b) Required Information. Every petition, motion to vacate, and motion to correct or reduce sentence must contain the following information:

(1) petitioner's full name and prison number (if any);
(2) name of the respondent;
(3) place of petitioner's detention;
(4) name and location of the court that imposed sentence;
(5) case number and the offense or offenses for which sentence was imposed;
(6) the date on which sentence was imposed and the terms of the sentence;
(7) whether a finding of guilty was made after a plea of guilty, not guilty, or *nolo contendere*;
(8) in the case of a petitioner who has been found guilty following a plea of not guilty, whether that finding was made by a jury or a judge without a jury;
(9) whether petitioner appealed from his or her conviction or the imposition of sentence, and if so, the name of each court to which he or she appealed, the results of such appeals, and the date of such results;
(10) whether petitioner was represented by an attorney at any time during the course of the proceedings under which sentence was imposed, and the name(s) and address(es) of such attorney(s) and the proceedings in which petitioner was represented; whether the attorney was one of petitioner's own choosing or appointed by the court;
(11) whether a plea of guilty was entered pursuant to a plea bargain, and if so, the terms and conditions of the agreement;
(12) whether petitioner testified at trial (if any);
(13) whether petitioner has any petition, application, motion, or appeal currently pending in any court, and if so, the name of the court and the nature of the proceeding;
(14) whether petitioner has filed in any court, state or federal, previous petitions, applications, or motions with respect to this conviction; if so, the name and location of each such court, the specific nature of each proceeding, the disposition thereof, the date of each disposition, and citations (if known) of any written opinions or orders; and
(15) in concise form, the grounds upon which petitioner bases his or her allegations that he or she is held in custody unlawfully or his or her sentence is illegal, imposed in an illegal manner, or should be reduced; the facts that support each of the grounds; whether any such grounds have been previously presented to any court by petition, motion, or application; if so, which grounds have been previously presented and in what proceedings; and if any grounds have not been previously presented, which grounds have not been so presented and the reasons for not presenting them.

(c) Additional Information in Challenges of a State Conviction. A petitioner challenging a state conviction must supply the following additional information:

(1) if petitioner did not appeal from the judgment of conviction or imposition of sentence,
(2) the reasons why he or she did not do so, and

(3) a showing that he or she has exhausted his or her remedies in state court.

(d) Additional Information Required in Challenges to Federal Custody Pursuant to 28 U.S.C. § 2255. A petitioner in federal custody seeking a writ of habeas corpus or relief by motion pursuant to 28 U.S.C. § 2255 must provide the following additional information:

(1) the name of the judge who imposed sentence;

(2) in concise form, the grounds on which petitioner bases his or her allegation that the sentence imposed upon him or her is invalid; the facts that support each of the grounds; whether any such grounds have been presented to any federal court by way of petition for writ of habeas corpus, motion pursuant to 28 U.S.C. § 2255, or any other petition, motion, or application; if so, which grounds have been previously presented and in which proceedings; and if any grounds have not been previously presented, which grounds have not been so presented and the reasons for not presenting them;

(3) whether petitioner has filed in any court petitions for habeas corpus, motions pursuant to 28 U.S.C. § 2255, or any other petitions, motions, or applications with respect to the conviction; if so, the name and location of each such court, the specific nature of each proceeding, the disposition thereof, the date of each such disposition, and citations, if known, of any written opinion or order entered therein or copies (if available) of such opinions or orders; and

(4) if a previous motion pursuant to 28 U.S.C. § 2255 was not filed or if such a motion was filed and denied, the reasons petitioner's remedy by way of such motion was inadequate or ineffective to test the legality of his or her detention.

(di) All Grounds for Relief Required; Successive Petitions. Petitions and motions for post-conviction relief submitted pursuant to this rule must specify all grounds for relief available to the petitioner or movant and of which he or she has knowledge or, by the exercise of reasonable diligence, should have knowledge. Before filing a second or successive habeas corpus application, the applicant must file a motion, pursuant to 28 U.S.C. § 2244(b)(3), with the Tenth Circuit Court of Appeals for an order authorizing this court to consider the application. Absent such authorization from the Tenth Circuit Court of Appeals, the second or successive habeas corpus application must be dismissed.

(dii) Information in Section 1983 Cases and Bivens Cases. A prisoner who is a plaintiff in a civil rights action filed pursuant to 42 U.S.C. § 1983 must supply the following information:

(1) plaintiff 's full name;

(2) place of plaintiff's residence;

(3) names of defendants;

(4) places of defendants' residences;

(5) title and position of each defendant;

(6) whether the defendants were acting under color of state law or as federal agents at the time the claim alleged in the complaint arose;

(7) a brief statement of the facts;

(8) the grounds upon which plaintiff bases his or her allegations that constitutional rights, privileges, or immunities have been violated, together with the facts that support each of those grounds;

(9) a statement of prior judicial and administrative relief sought; and

(10) a statement of the relief requested.

(g) Proceedings Without Prepayment of Fees, or In Forma Pauperis.

(1) *In General.* A pro se petitioner, movant, or plaintiff who tenders a petition, motion, or complaint for filing without prepayment of fees must:

(A) complete the motion for leave to proceed without prepayment of fees on the form supplied by the clerk;

(B) complete a supporting affidavit on the form supplied by the clerk; and

(C) set forth information regarding his or her ability to prepay the costs and fees of the proceeding or give security therefor.

(2) *Inmates.*

(A) Where a petitioner, movant, or plaintiff is an inmate of a penal institution and desires to proceed without prepayment of fees, he or she must also submit a certificate executed by an authorized officer of the institution in which he or she is confined. The certificate must state the amount of money or securities on deposit to his or her credit in any account in the institution.

(B) The court may consider the certificate when it rules on the motion for leave to proceed without prepayment of fees.

(3) *Service.* If the court grants leave to proceed without prepayment of fees, the court may proceed under Fed. R. Civ. P. 4(d) to obtain waiver of service of summons on behalf of an inmate plaintiff. If waiver is not obtained, the court will order the United States Marshal or a Deputy United States Marshal to serve the summons and complaint.

(h) Tender of Pleadings to Clerk. Petitioners, movants, and plaintiffs need only submit the original petition, motion, or complaint to the clerk for filing. Additional copies are not required. If tendered for filing by mail, any petition, motion, or complaint must be addressed to:

Clerk of the United States District Court
for the District of Kansas
490 U.S. Courthouse
444 Southeast Quincy
Topeka, Kansas 66683

(i) Failure to Comply with Rules. The clerk may return a petition, motion, or complaint that does not comply with this rule, together with a copy of this rule and a statement of the reason or reasons for its return. The clerk will retain one copy of each noncomplying document returned. If the clerk cannot tell whether a document complies with this rule, the document will be referred to the court for determination. The clerk will return the document if the court so directs.

(j) Filing and Docketing. When the clerk receives a petition, motion, or complaint complying with this rule that is tendered for filing without prepayment of fees, the clerk will:

(1) docket the petition, motion, or complaint;
(2) refer it to the court for further proceedings; and
(3) serve a copy of the petition or motion, together with a notice of its filing, on the Attorney General of the state involved or on the United States Attorney for the district in which the judgment under attack was entered.

The filing without prepayment of fees of such petition, motion, or complaint does not require an answer or other responsive pleading unless the court orders otherwise.

(k) Case Management. All cases filed by a prisoner are exempt from requirements under the Federal Rules of Civil Procedure that mandate a scheduling order, Fed. R. Civ. P. 16(b); disclosure of information, Fed. R. Civ. P. 26(a); and a planning meeting between the parties or their attorneys, Fed. R. Civ. P. 26(f). But the court may impose any or all of these requirements if necessary to effectively manage an action.

* * *

NOTE: This is a mandated rule.
As amended 3/17/10, 2/27/98.

RULE 11.1
SANCTIONS

(a) Sanctions Under These Rules, Fed. R. Civ. P. 11, and Other Rules and Statutes.

(1) *On Court's Own Initiative.* The court, upon its own initiative, may issue an order to show cause why sanctions should not be imposed against a party and/or an attorney for violation of these rules, Fed. R. Civ. P. 11, 28 U.S.C. § 1927, or other provisions of the federal rules or statutes. The court will state the reasons for issuing the show cause order. Unless otherwise ordered, all parties may respond within 14 days after the filing of the order to show cause. The responses may include affidavits and documentary evidence as well as legal arguments.

(2) *On a Party's Motion.* A party may raise the issue of sanctions by a timely-filed motion. The responding party may respond in the same manner as specified above.

(3) *Procedure.* After the response time passes and without further proceedings, the court may rule on the issues of violation and the nature and extent of any sanction imposed. Discovery and evidentiary hearings on sanctions are permitted only by court order. The court will articulate the factual and legal bases for its rulings on sanctions.

(b) Imposition of Sanctions. If the court finds a violation of local rule or rules or statutes. In addition, the court may issue such orders as are just under the circumstances, including the following: court order, the court may impose sanctions pursuant to Fed. R. Civ. P. 11 or other federal rules or statutes. In addition, the court may issue such orders as are just under the circumstances, including the following:

(1) an order that designated matters or facts are taken as established for purposes of the action;
(2) an order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting it from offering specified witnesses or introducing designated matters in evidence;
(3) an order striking pleadings or parts thereof, or staying proceedings until the rule is complied with, or dismissing the action or any part thereof, or rendering a judgment by default against the failing party; and
(4) an order imposing costs, including attorney's fees, against the party, or its attorney, who has failed to comply with a local rule.

(c) Sanctions Within the Discretion of the Court. The court has discretion whether to impose sanctions for violation of a local rule or order. In considering sanctions, the court may consider whether a party's failure was substantially justified or whether other circumstances make sanctions inappropriate.

* * *

As amended 12/01/09.

RULE 15.1
MOTIONS TO AMEND AND FOR LEAVE TO FILE

(a) Requirements of Motion. A party filing a motion to amend or a motion for leave to file a pleading or other document that may not be filed as a matter of right must:
(1) set forth a concise statement of the amendment or leave sought;
(2) attach the proposed pleading or other document; and
(3) in the case of a proposed amended pleading, a non-pro se filer must also attach a redlined version of the proposed amendment that shows all proposed changes to the pleading; and
(4) comply with the other requirements of D. Kan. Rule 7.1.

(b) Where Motion Granted. If the court grants the motion, the moving party must file and serve the pleading or other document within 5 days of the court's order granting the motion, or as the court otherwise directs.

* * *

As amended 12/1/22, 12/1/09, 3/17/04, 12/19/00, 4/8/99, 10/22/98.

RULE 16.1
MATTERS EXEMPT FROM PRETRIAL CONFERENCES, SCHEDULING, CASE MANAGEMENT

Unless the court orders otherwise in a particular case, the following categories of actions are exempt from the requirements of Fed. R. Civ. P. 16(b):

(a) Social Security cases and other actions for review of administrative decisions;
(b) all cases filed by pro se prisoners or directly related to the litigant's incarceration;
(c) governmental administrative enforcement proceedings;
(d) forfeiture proceedings;
(e) eminent domain proceedings;
(f) bankruptcy appeals; and
(g) actions to enforce arbitration awards.

* * *

As amended 12/1/22.

RULE 16.2
PRETRIAL CONFERENCES AND WITNESS/EXHIBIT DISCLOSURES

(a) General Provisions. In most cases, the court will conduct a pretrial conference after discovery is complete and before the filing of dispositive motions (e.g., summary judgment). If the case remains at issue after dispositive motions have been decided, the judge who will preside at trial usually will enter a separate trial order or conduct another pretrial conference to formulate a trial plan to facilitate the admission of evidence at trial. The court will also set deadlines for filing and ruling on any objections to final witness and exhibit disclosures and deposition designations, motions in limine, proposed instructions in jury cases, proposed findings of fact and conclusions of law in non-jury cases, and any other matters calculated to make trial more efficient.

The court will prepare the pretrial order or designate counsel to do so. At a time as may be ordered by the court under Fed. R. Civ. P. 16(b)(3)(B)(v), the parties must submit a proposed pretrial order in the form prescribed by the court. The parties have joint responsibility to attempt in good faith to formulate an agreed order which the judge can sign at the conference. If the parties disagree on any particulars, they are each to submit proposed language on the points in controversy, for the judge to rule on at the conference. To attempt in good faith to formulate an agreed order means more than mailing or faxing a form or letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult and deliberate, or in good faith attempt to do so. Objections to the pretrial order must be made in writing and within such time as the court may specify.

(b) Witness and Exhibit Disclosures. At times ordered by the court under Fed. R. Civ. P. 16(b) and (c)(2)(G), the parties must file witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3).

(1) *Content of Disclosures.* Witness disclosures must set forth the address of each witness as well as the subject matter about which each witness is expected to testify. Witness and exhibits disclosed by one party may be called or offered by the other party. If a witness or exhibit appears on a final Fed. R. Civ. P. 26(a)(3) disclosure that has not previously been included in a Fed. R. Civ. P. 26(a)(3) disclosure (or timely supplement thereto), that witness or exhibit presumptively will be excluded at trial. See Fed. R. Civ. P. 37(c)(1). This restriction does not apply, however, to rebuttal witnesses or documents, the necessity of which could not reasonably be anticipated as of the deadline for filing final witness and exhibit disclosures. The disclosures of the parties must also identify specific deposition exhibits to be used. Witnesses expected to testify as experts must be so designated.

(2) *Trial Exhibits.* Before meeting with the courtroom deputy to mark exhibits, the parties must exchange copies of all proposed exhibits and attempt to agree as to their authenticity and relevancy.

(3) *Testimony by Deposition.* With respect to any witness who will appear by deposition, the disclosure must designate by page and line (or other

appropriate designation in the case of a videotaped deposition) those portions of the deposition the offering party intends to offer into evidence. The opposing party must then file a counter designation of those portions of the deposition which the opposing party believes in fairness ought to be considered with the part the offering party has designated in accordance with Fed. R. Civ. P. 32(a)(4). Any disputes concerning deposition testimony, including any unresolved evidentiary objections, must be brought to the court's attention as set forth in the pretrial order or separate trial order.

* * *

As amended 12/1/22, 10/13, 3/04, 9/00, 3/20/92.

RULE 16.3
ALTERNATIVE DISPUTE RESOLUTION

(a) Authorization for and Purpose of Mediation. Pursuant to 28 U.S.C. § 652, the court may require litigants in civil cases to consider the use of an alternative dispute resolution ("ADR") process. The court's primary ADR procedure is mediation facilitated by a private mediator chosen by the parties. The mediation process is intended to improve communication among the parties and provide the opportunity for greater litigant involvement in the earlier resolution of disputes, with the ultimate goal of securing the just, speedy, and inexpensive disposition of civil cases.

(b) Summary Description of ADR Procedures.

(1) *Mediation.* Mediation utilizes a neutral third party to facilitate discussions among the parties to help them find a mutually acceptable resolution of the case. The goal of the mediator, who may meet with the parties jointly and separately, is to help them identify their underlying interests, improve communication, and generate settlement options. A mediator may employ traditional facilitative strategies (aimed at solutions to problems underlying the litigation), evaluative strategies (designed to present the strengths and weaknesses of the case, or its relative value), or a combination of both approaches. In limited circumstances, the court may conduct the mediation.

(2) *Other ADR Procedures.* In appropriate cases, the court will facilitate other forms of ADR, as authorized by 28 U.S.C. §§ 654-658, including, but not limited to, early neutral evaluation, mini-trial, and arbitration.

(c) Referral of Cases to Mediation. Consistent with Fed. R. Civ. P. 16, the court will discuss ADR procedures at the scheduling conference. In most cases, the court will direct the parties, at the earliest appropriate opportunity, to mediate their dispute with a private mediator.

(1) *Referral and Selection Process.* The court may refer a case to mediation at any appropriate time. If the court orders mediation, the parties will jointly select the mediator. The parties may select any person to serve as mediator, and the person need not be included on the court-maintained list of mediators. Absent substantial countervailing considerations, the court will appoint the jointly-selected mediator. If the parties cannot agree on a mediator, the parties will submit their nominations to the court, who will select the mediator.

(2) *Attendance at Mediation Session by Persons with Settlement Authority.* Attendance by a party or its representative with settlement authority at the mediation is mandatory, unless the court orders otherwise. The purpose of this requirement is to have the party or representative who can settle the case present at the mediation. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, authority to settle, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. The parties' attorney(s) responsible for resolution of the case must also be present.

(3) *Notice to Interested Nonparties.* Attorneys must coordinate with the mediator and identify any nonparties who have an interest in the case (including, but not limited to, primary and excess liability insurance carriers, subrogees, and lienholders). The attorneys must provide written notice to all interested nonparties informing them of the date and location of the mediation and that their participation is strongly encouraged. A copy of such notice must be provided to all parties and the mediator.

(4) *Requests to be Excused.* Unless all parties agree, only the court may excuse the presence of a person with settlement authority from attending the mediation in person.

(5) *Sanctions.* In appropriate circumstances, the court may impose sanctions pursuant to Fed. R. Civ. P. 16(f).

(d) List of Mediators. The ADR administrator will maintain a list of mediators who have expressed a desire to mediate cases pending in this court and have complied with the requirements of this paragraph.

(1) *Minimum Qualifications and Training.* For placement on the list of mediators, the person must be a lawyer and:

(A) must have been a member of a state or federal bar in good standing for the preceding five years and satisfy one of the following additional requirements:

(i) participated in 40 hours of approved mediation training within the past two years;

(ii) approved as a mediator for civil cases pursuant to the rules adopted by the Kansas Supreme Court; or

(iii) participated as mediator, co-mediator, or attorney in 10 mediations in court cases in the past three years;

(B) must abide by the disclosure rule set forth in paragraph (g) below;

(C) must agree to participate periodically in court-approved ADR orientation or refresher training;

(D) must agree:

(i) to permit participants in the mediation sessions they conduct to give feedback to the court about how the process was conducted; and

(ii) to submit reports upon conclusion of the mediation; and

(E) must agree to serve as a mediator on a pro bono basis or, in the court's discretion, at a reduced fee in two cases per year.

(2) *Placement on the List of Mediators.* All applicants must complete the required application form. The ADR administrator will review the applications and place applicants meeting the minimum requirements on a list of mediators. Being on the list of mediators is not an indication a person is an effective mediator, and no certification results by placement on the list. The list serves as a resource of persons who offer mediation services and appear to meet the court's minimum requirements.

(3) *Evaluation.* The ADR administrator is authorized to develop an evaluation program to evaluate the mediation services of private mediators. Any comments or complaints concerning mediators on the list should be made to the ADR administrator.

(4) *Removal from the List of Mediators.* The ADR administrator may remove any person from the list of mediators for any reason consistent with the effective management of the program.

(e) Compensation of Private Mediators. Except when serving pro bono, private mediators must be compensated at the rate negotiated by the attorneys and the mediator. The fee must be divided by agreement of the parties or as ordered by the court.

(f) Mediation with Indigent Parties. If a party is indigent, the mediation services will be provided pro bono or at a reduced rate to that party. The court will determine whether a party is indigent.

(g) Required Disclosures by Mediator. The mediator must immediately disclose to the parties the relevant facts giving rise to any potential conflict of interest, including, but not limited to, the following:

(1) any basis upon which the mediator's impartiality might reasonably be questioned;

(2) any bias or prejudice concerning a party to this case;

(3) personal knowledge of evidentiary facts that are disputed in this case;

(4) the mediator or the mediator's spouse is serving as a lawyer in the case;

(5) any lawyer in the mediator's firm has served or is serving as a lawyer in the case;

(6) the mediator or the mediator's spouse is a party to the case or an officer, director, or trustee of a party to the case;

(7) the mediator or the mediator's spouse has been or is likely to be a material witness in the case;

(8) a lawyer with whom the mediator currently practices has been or is likely to be a material witness in the case; and/or

(9) the mediator (directly or as a fiduciary), the mediator's spouse, or any of the mediator's minor children who live with the mediator have a financial interest in the case or in any party to the case.

(h) Withdrawal. If a party requests the mediator to withdraw because of the disclosures made pursuant to paragraph (g) above, the mediator must withdraw, and the parties must agree on another mediator.

(i) **Confidentiality.** Except as provided in paragraph (j) below, this court, the mediator, all attorneys, the parties, and any other persons involved in the mediation must treat as "confidential information" the contents of written mediation statements, anything that happened or was said, any position taken, and any view of the merits of the case formed by any participant in connection with any mediation. "Confidential information" must not be:

(1) disclosed to anyone not involved in the mediation process;

(2) disclosed to the trial judge; or

(3) discoverable or subject to compulsory process or used for any purpose, except as provided in paragraph (j) below, in any pending or future proceeding in any court unless a court determines that such testimony or disclosure is necessary to:

(A) prevent manifest injustice;

(B) help establish a violation of law or ethical violation; or

(C) prevent harm to the public health or safety, of such magnitude in the particular case to outweigh the integrity of dispute resolution proceedings in general by reducing the confidence of parties in future cases that their communications will remain confidential.

(j) **Limited Exceptions to Confidentiality**. Paragraph (i) above does not prohibit:

(1) disclosures as may be stipulated by all parties and the mediator;

(2) disclosure of an agreement, by all parties to the agreement, which appears to constitute a settlement contract, if necessary, in proceedings to determine the existence of a binding settlement contract;

(3) a report to or an inquiry by the ADR administrator regarding a possible violation of these Local Rules;

(4) a report of a possible violation of a court order to the judge or magistrate judge signing the order;

(5) any participant or the mediator from responding to an appropriate request for information duly made by persons authorized by the court to monitor or evaluate the court's ADR program; or

(6) disclosures as are otherwise required by law.

* * *

As amended 3/05 (formerly D.Kan.S.O. 04-1 and 03-6), 4/8/99, 2/28/97, 2/3/95.

-IV-
PARTIES

RULE 23.1
CLASS ACTIONS

(a) **Class Action Complaint.** The complaint in a class action case must bear next to its caption the legend, "Complaint — Class Action." The complaint must contain, under a separate heading styled "Class Action Allegations," the following:

(1) A reference to the portion or portions of Fed. R. Civ. P. 23 under which it is claimed that the suit is properly maintainable as a class action.

(2) Appropriate allegations thought to justify such claim, including, but not necessarily limited to:

(A) the size and definition of the alleged class;
(B) the basis upon which the plaintiff claims
(i) to be an adequate representative of the class; or
(ii) if the class is comprised of defendants, that those named as parties are adequate representatives of the class;
(C) the alleged question of law or fact claimed to be common to the class; and
(D) for actions sought to be maintained under Fed. R. Civ. P. 23(b)(3), allegations thought to support the findings required by that subdivision.

(b) Motion for Class Action Determination. Consistent with Fed. R. Civ. P. 23(c)(1), as early as is practicable, a party seeking certification of a class action must file a motion to determine whether the case may be maintained as a class action. If a party wishes to present oral testimony to support the class action motion, it must inform the court in its motion. In ruling on such a motion, the court may:
(1) allow the action to be so maintained;
(2) disallow and strike the class action allegations; or
(3) order postponement of the determination pending discovery or such other preliminary procedures as appropriate and necessary in the circumstances. Whenever possible, where the court postpones determination, the court will set a date for renewing the motion.

(c) Class Action Counterclaims or Crossclaims. The foregoing provisions apply, with appropriate adaptations, to any counterclaim or crossclaim alleged to be brought for or against a class.

(d) Burden of Proof; Notice. Any party seeking to maintain a case as a class action bears the burden of presenting an evidentiary basis to the court showing that the action is properly maintainable as such. If the court determines that an action may be maintainable as a class action, the party obtaining that determination must, unless the court orders otherwise, initially bear the expenses of and be responsible for giving such notice as the court may order to members of the class.

* * *

As amended 9/28/87.

RULE 23-A
NOTICE OF MULTI-DISTRICT LITIGATION RELATED CASE

(a) Notice of Related Case. If any party to a Multi-District Litigation ("MDL") is named in a civil action pending in this District which concerns the same subject matter as the cases in the MDL, it shall file a Notice of Related Case in the individual docket and the MDL docket, stating if the case should or should not be assigned to the judge coordinating the MDL in accordance with the rules governing centralization found in 28 U.S.C. § 1407(a). The Notice of Related Case shall be limited to five pages.

(b) Responses and Replies to Notice of Related Case. Any response to the Notice of Related Case, which need only be filed by any objecting parties, shall be filed within seven days after filing of the notice and shall be limited to five pages. Replies shall be filed within five days after the response is filed and limited to five pages.

(c) Failure to Respond or No Objection. If no response is filed or a response indicating no objection is filed, the case shall be assigned to the MDL judge for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407(a).

(d) Objection. If an objection is filed, the court will decide if the case should or should not be assigned to the MDL judge in accordance with the rules governing centralization found in 28 U.S.C. § 1407(a).

(e) Failure to Object. Failure by any party in the MDL to object as set forth herein shall constitute a waiver of any objection to assignment of the case to the MDL judge.

* * *

Adopted 3/17/16.

-V-
DEPOSITIONS AND DISCOVERY

RULE 26.1
MOTIONS FOR PROTECTIVE ORDERS

(a) Stay of Discovery. A motion for a protective order pursuant to Fed. R. Civ. P. 26(c) or 30(d) stays the discovery at which the motion is directed pending order of the court.

(b) Stay of Deposition. A properly-noticed deposition is automatically stayed if:

(1) one of the following motions has been filed:

(A) motion to quash or modify a deposition subpoena pursuant to Fed. R. Civ. P. 45(d)(3)(A); or

(B) motion to order appearance or production only upon special conditions pursuant to Fed. R. Civ. P. 45(d)(3)(C); and

(2) the objecting party has filed and served the motion upon the attorneys or parties:

(A) by delivering a copy within 14 days after service of the deposition notice; and

(B) at least 48 hours prior to the noticed time of the deposition.

(c) No Appearance at Deposition Required. Pending resolution of any motion that stays a deposition under this rule, neither the objecting party, witness, nor any attorney is required to appear at the deposition to which the motion is directed until the court rules on the motion or it is otherwise resolved.

* * *

As amended 12/1/22, 12/1/09; (formerly LR 26.2).

RULE 26.3
DISCLOSURES AND DISCOVERY NOT TO BE FILED

(**a**) **Papers Not to Be Filed.** The following papers must be served upon other attorneys or unrepresented parties, but not filed with the clerk:

(1) disclosures required under Fed. R. Civ. P. 26(a)(1) and (2);

(2) interrogatories under Fed. R. Civ. P. 33;

(3) requests for production or inspection under Fed. R. Civ. P. 34;

(4) requests for admissions under Fed. R. Civ. P. 36; and

(5) the responses thereto.

(b) Certificate of Service. A party serving such disclosures and discovery must, at the time of service, file with the clerk a certificate of service stating the type of disclosure or discovery or response served, the date and type of service, and the party served.

* * *

As amended 12/1/22, 3/04, 2/16/95.

RULE 26.4
EXPERT WITNESSES

(a) Court-Appointed Experts. If a judge determines that the appointment of expert witnesses in an action may be desirable, the judge will order the parties to show cause why expert witnesses should not be appointed. After opportunity for hearing, the judge may request nominations and appoint one or more such witnesses. If the parties agree in the selection of an expert or experts, the judge will appoint the agreed expert or experts. Otherwise, the judge may make the selection. The judge will determine the duties of the witness and inform the witness thereof at a conference at which the parties will have an opportunity to participate. A witness so-appointed must advise the parties of the findings of the witness, if any. The judge or any party may call the witness to testify. Any party may examine and cross-examine the witness.

This rule does not limit the parties in calling their own expert witnesses.

(b) Compensation. Expert witnesses appointed pursuant to this rule are entitled to reasonable compensation in such sum as the judge may allow. Such compensation must be paid as follows:

(1) In a criminal case, by the United States as the judge orders out of available funds;

(2) In a civil case, by the parties in equal portions, unless the judge otherwise directs, and the compensation taxed as costs in the case.

* * *

As amended 12/1/22, 9/00.

RULE 30.1
NOTICE OF DEPOSITIONS

The reasonable notice provided by Fed. R. Civ. P. 30(b)(1) for taking depositions is 7 days. For good cause, the court may enlarge or shorten such time.

* * *

As amended 12/1/22, 12/1/09.

RULE 30.2
DEPOSITIONS; NOT TO BE FILED; DELIVERY

(a) Depositions Not Filed. Parties are not to file depositions unless the court orders them to do so.

(b) Delivery of Depositions. The originals of all stenographically-reported depositions must be delivered to the party noticing the deposition:

(1) upon signature by the deponent if he or she has requested to review the transcript and to make changes to same;
(2) upon completion if the deponent has not requested to review the transcript; or
(3) upon certification by the shorthand reporter that following reasonable notice to the deponent and deponent's attorney of the availability of the transcript for signature, the deponent has failed or refused to sign it.

(c) Retention of Originals. The party to whom it is delivered must retain the original of the deposition to be available for appropriate use by any party in a hearing or trial of the case.

* * *

RULE 30.3
TIME FOR TAKING DEPOSITIONS

The deposition of a material witness not subject to subpoena should ordinarily be taken during the discovery period. However, the deposition of a material witness who agrees to appear at trial, but who later becomes unable or refuses to attend, may be taken at any time prior to trial.

* * *

RULE 32.1
USE OF DISCOVERY AT TRIAL

If depositions, interrogatories, requests for production or inspection, or admissions, or responses thereto are to be used at trial, the party seeking to use them must file the portions to be used at the beginning of trial, insofar as their use reasonably can be anticipated.

* * *

RULE 33.1
ADDITIONAL INTERROGATORIES TO THOSE PERMITTED BY FED. R. CIV. P. 33(a)

If a party seeks leave to serve additional interrogatories to those permitted by Fed. R. Civ. P. 33(a), a motion must be filed that sets forth (1) the proposed additional interrogatories; and (2) the reasons establishing good cause for their service. Such motion is subject to D. Kan. Rule 37.2.

* * *

RULE 33.2
FORMAT FOR INTERROGATORIES UNDER FED. R. CIV. P. 33

Each interrogatory being answered must immediately precede each answer to an interrogatory.

* * *

As amended 12/1/22.

RULE 35.1
TRIAL PREPARATION AFTER CLOSE OF DISCOVERY

Subject to any deadlines set in a scheduling order for seeking a Fed. R. Civ. P. 35 physical or mental examination of a party or person who is in the party's custody or under its legal control, the court may order the examination at any time prior to trial.

* * *

RULE 37.1
MOTIONS RELATING TO DISCOVERY

(a) Pre-Motion Conference. Before filing any disputed discovery-related motion, and after satisfying the duty to confer or to make a reasonable effort to confer in D. Kan. Rule 37.2, the party intending to file a discovery-related motion must contact the court to arrange a telephone conference with the judge and opposing counsel. The court will inform the parties whether any information, other than a nonargumentative statement of the nature of the dispute, should be submitted or filed in advance of this conference. Unless otherwise requested by the court, no disputed discovery-related motion, material, or argument should be filed or submitted prior to this telephone conference.

(b) Content of Motions. Discovery-related motions must be accompanied by copies of the notices of depositions, the portions of the interrogatories, requests, or responses in dispute. Motions directed at subpoenas must be accompanied by a copy of the subpoena in dispute.

(c) Time for Filing Discovery-Related Motions. Any discovery-related motion must be filed within 30 days of the default or service of the response, objection, or disclosure that is the subject of the motion, or, for all other disputes, within 30 days after the movant knew or reasonably should have known of the potential dispute. The court may deny any motion filed after that 30-day period as untimely unless the movant demonstrates diligence in attempting to resolve the specific discovery dispute at issue.

* * *

As amended 12/1/22, 9/00.

RULE 37.2
DUTY TO CONFER CONCERNING DISCOVERY DISPUTES

The court will not entertain any motion to resolve a discovery dispute pursuant to Fed. R. Civ. P. 26 through 37, or a motion to quash or modify a subpoena pursuant to Fed. R. Civ. P. 45(d), unless the attorney for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. Civ. P. 26(c) and 37 and this rule related to the efforts of the parties to resolve discovery or disclosure disputes must describe with particularity the steps taken by all attorneys to resolve the issues in dispute.

A "reasonable effort to confer" means more than emailing, mailing, or faxing a letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult, and deliberate, or in good faith attempt to do so.

* * *

As amended 12/1/22, 9/00.

-VI-
TRIALS

RULE 39.1
ORAL ARGUMENT AT JURY TRIALS

At trial, the party having the burden of proof has the right to open and close the jury argument regardless of whether the defendant has offered evidence. If each of the parties has the burden of proof on one or more issues, the court will determine the order of arguments. The court may set time limitations on arguments.

* * *

As amended 3/04. Formerly Rule 122(a).

RULE 40.1
ASSIGNMENT OF CASES

The chief judge is responsible for the business of the court and the assignment of cases to the judges. In the interest of justice or to further the efficient disposition of the business of the court, a judge may return a case to the clerk for reassignment or, with the approval of the chief judge, may transfer the case to another judge who consents to such transfer.

* * *

RULE 40.2
DETERMINATION OF PLACE OF TRIAL

(**a**) **General Provisions.** At the time the complaint is filed, the plaintiff must file a request stating the name of the city where the plaintiff desires the trial to be held. Unless the court orders otherwise, the plaintiff's request governs where the case is filed, docketed, and maintained.

(b) **Request for Location Without Record Office.** If the plaintiff requests trial in a location where there is no record office of the court, the case will be docketed and maintained at the record office of the court where the case is filed, unless the court orders otherwise.

(c) **Removed Actions.** A removing party, at the time of filing the notice of removal as set forth in D. Kan. Rule 81.1, must also file a designation of place of trial.

(d) **Responding Party's Request.** The following parties must file a request stating the name of the city where they desire the trial to be held:

(1) each defendant, at the time it files its first pleading; and

(2) the plaintiff in a removed action, within 14 days after notice of the removal.

(e) **Court Not Bound.** The court is not bound by the requests for place of trial. It may determine the place of trial upon motion or in its discretion.

* * *

As amended 12/1/22, 12/01/09, 11/16/90.

RULE 40.3
SETTLEMENT OF CASES SET FOR TRIAL

(a) **Duty to Notify Court.** The parties must immediately notify the court if they reach an agreement that resolves the litigation as to any or all parties.

(b) Failure to Timely Notify Court. Whenever a civil action scheduled for jury trial is settled or otherwise disposed of by agreement in advance of the trial date, except for good cause, jury costs paid or incurred must be assessed equally against the parties and their attorneys or otherwise assessed as the court directs. Jury costs include attendance fees, per diem, mileage, and parking.

(c) Timely Notification. No jury costs will be assessed if notice of settlement or disposition of the case is given to the jury coordinator at least one full business day prior to the scheduled trial date.

* * *

RULE 47.1
CONTACT WITH JURORS AFTER TRIAL

(a) Court Order or Permission Required. The parties, their attorneys, or their representatives must not initiate contact with any juror about the trial, either orally or in writing, except:

(1) by permission or order of the court in its discretion; and

(2) under any such terms and conditions as the court may establish.

(b) Restrictions on Contact. If the court permits contact with jurors, the following restrictions apply, in addition to any other restrictions the court imposes:

(1) Jurors may decline to participate in any contact.

(2) If a juror declines to participate in any contact, no person may reinitiate contact.

(3) If a juror agrees to participate in any contact, the juror must not disclose any information with respect to:

(A) the specific vote of any juror other than the juror who was contacted; or

(B) the deliberations of the jury.

(c) Juror-Initiated Contact. Subject to any terms or conditions the court may impose under subsection (a), nothing in this rule prohibits a juror from initiating contact with the parties, their attorneys, or their representatives. The restrictions set forth in subsection (b) continue to apply even when the juror first initiates the contact.

(d) Notice of Rule. When discharging or excusing empaneled jurors, the court will advise them of this rule.

* * *

As amended 8/26/24, 6/18/97, 10/6/87.

RULE 51.1
JURY INSTRUCTIONS

(a) Filing Proposed Jury Instructions. All proposed jury instructions must be filed and served prior to trial, except for isolated unforeseeable instructions, which are addressed in sub-section (c)(1). Jury instructions are to be submitted in accordance with the following requirements:

(1) *Joint Submission.* The parties must jointly submit one set of agreed instructions. To this end, the parties must serve their proposed instructions upon each other, then meet, confer, and submit one complete set of agreed instructions.

(2) *Supplemental Individually-Proposed Instructions.* If the parties cannot agree upon one complete set of instructions, they must submit one set of those instructions that have been agreed, and each party must submit a supplemental set of instructions that are not agreed.

(3) *Consultation Requirement.* It is not sufficient that the parties merely agree upon general instructions, and then each submit their own set of substantive instructions. The parties are expected to meet, confer, and agree upon the substantive instructions for the case, if possible.

(b) Format of Proposed Instructions.

(1) *Annotation.* Each proposed instruction must indicate the number of the proposed instruction and the authority supporting the instruction.

(2) *Neutrality Requirement.* All instructions must be short, concise, understandable, and neutral statements of law. Argumentative instructions are improper, will not be given, and should not be submitted.

(3) *Single Legal Proposition.* Each proposed instruction must, as far as possible, embrace a single legal proposition.

(4) *Modification of Form Instructions.* Any modifications of instructions from statutory authority, Devitt and Blackmar, PIK, or other form instructions must specifically state the modification made to the original form instruction, along with the authority supporting the modification.

(c) Waiver.

(1) *Waiver of Instruction.* Instructions not requested as set forth above and not timely filed will be considered not properly requested within the meaning of Fed. R. Civ. P. 51 and may be deemed waived unless the subject of the request is one arising in the course of trial that could not have been anticipated prior to trial from the pleadings, discovery, or nature of the case.

(2) *Waiver of Objection.* The failure to timely file objections, consistent with the pretrial order, may constitute a waiver of such objection.

(d) Additional Copy of Proposed Instructions. In addition to filing proposed jury instructions, the parties must submit the instructions directly to the appropriate judge or magistrate judge in the form and manner used by that judge.

* * *

As amended 3/17/10. Renumbered 3/04. Formerly Rule 39.1(b).

RULE 52.1
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) Requirements.

(1) *Plaintiff's Proposed Findings of Fact.* Plaintiff must organize proposed findings of fact as follows:

In consecutively numbered paragraphs and simple declarative sentences, plaintiff must set forth all of the facts relied on in support of plaintiff's claim for relief. Each finding must reference in parenthesis the supporting trial exhibit and/or pages in the trial transcript.

(2) *Plaintiff's Proposed Statement of Conclusions.* Plaintiff's statement of conclusions must set forth all conclusions necessary to demonstrate

liability. Plaintiff must consecutively number and clearly and concisely state each conclusion. Plaintiff must include only one conclusion per paragraph, and must include a supporting citation to legal authority for each conclusion.

(3) *Defendant's Proposed Findings,* Conclusions, and Response. Defendant must prepare its proposed findings and conclusions in the manner described above. In addition to its own proposed findings and conclusions, defendant must respond to plaintiff's proposed findings and conclusions. Each response must bear the same number as the proposed finding or conclusion to which it is addressed.

(b) Definitions. As used in D. Kan. Rule 52.1(a), the term plaintiff includes plaintiffs as well as counterclaimants, cross-claimants, intervenors, and any other parties who assert affirmative claims for relief. The term defendant includes defendants as well as counterclaim defendants, crossclaim defendants, and any other parties who are defending against affirmative claims for relief.

* * *

As amended 3/04.

-VII-
JUDGMENT

RULE 54.1
TAXATION AND PAYMENT OF COSTS

(a) Procedure for Taxation.

(1) *Form and Deadline.* The party entitled to recover costs must file a bill of costs on a form provided by the clerk (available at the clerk's office or on the court's website under the Forms section) within 30 days after:

(A) the expiration of time allowed for appeal of a final judgment or decree; or

(B) receipt by the clerk of an order terminating the action on appeal.

(2) *Brief Required.* The party seeking costs must file a brief in support of its costs with the bill of costs. The brief must:

(A) clearly and concisely itemize and describe the costs (the clerk may disallow costs for failure to itemize and verify costs);

(B) set forth the statutory and factual basis for the reimbursement of those costs under 28 U.S.C. § 1920;

(C) reference and include copies of relevant invoices, receipts, and disbursement instruments in support of the requested costs; and

(D) state that the party has made a reasonable effort, in a conference with the opposing counsel or pro se party, to resolve disputes regarding costs.

(3) *Waiver.* The failure of a prevailing party to timely file a bill of costs constitutes a waiver of taxable costs.

(4) *Stipulation.* If the parties resolve costs, the party seeking costs must file a stipulation setting forth the amount of costs agreed upon within 14 days after the conference with the opposing counsel or pro se party.

(b) Objections to Bill of Costs.

(1) *Response Brief.* Within 14 days from the date the bill was filed, a party who objects to any item in a bill of costs must file a brief setting forth such objections with supporting documentation.

(2) *Reply Brief.* Within 7 days from the date the response was filed, the moving party may file a reply.

(3) *Clerk's Action.* When objections are filed, the clerk will consider the objections and any reply, and will tax costs subject to review by the court. If no timely objections are filed, the clerk may tax costs as claimed in the bill.

(c) Judicial Review. Pursuant to Fed. R. Civ. P. 54(d), the court may review the clerk's action when a party files and serves a motion for review within 7 days of the date the clerk taxes costs.

(d) To Whom Payable. All costs taxed are payable directly to the party entitled thereto – not to the clerk or court – except in the following cases:

(1) where the court orders otherwise;

(2) in criminal cases;

(3) in suits for civil penalties for violations of criminal statutes; and

(4) in government cases not handled by the Department of Justice.

* * *

As amended 12/1/22, 3/17/11; 11/16/90.

RULE 54.2
AWARD OF STATUTORY ATTORNEY'S FEES

(a) Consultation Required. A party who moves for statutory attorney's fees pursuant to Fed. R. Civ. P. 54(d)(2) must promptly initiate consultation with the other party or parties.

(b) Where the Parties Agree. If the parties reach agreement, they must file an appropriate stipulation and request for an order.

(c) Where the Parties Disagree. If they are unable to agree, the moving party must file the following within 30 days of filing the motion:

(1) a statement that, after consultation in accordance with this rule, the parties have been unable to reach an agreement with regard to the fee award; and

(2) a memorandum setting forth the factual basis for each criterion that the court is asked to consider in making an award.

(d) Statement of Consultation. The statement of consultation must set forth the date of the consultation, the names of those who participated, and the specific results achieved.

The court will not consider a motion for statutory attorney's fees made pursuant to Fed. R. Civ. P. 54(d)(2) until the moving party files the statement of consultation in compliance with this rule.

(e) Memorandum and Response. The memorandum in support of Fed. R. Civ. P. 54 motion must be supported by time records, affidavits, or other evidence. The memorandum need not be filed at the same time as the motion. This is an exception to D. Kan. Rule 7.1(a). Other parties have 14 days to file a response to the memorandum in compliance with this rule.

(f) **Discovery.** Discovery may not be conducted in connection with motions for awards of attorney's fees unless the court permits upon motion and for good cause.

* * *

RULE 56.1
MOTIONS FOR SUMMARY JUDGMENT

(a) **Supporting Brief.** The brief in support of a motion for summary judgment must begin with a section that contains a concise statement of material facts as to which the movant contends no genuine issue exists. The facts must be numbered and must refer with particularity to those portions of the record upon which movant relies. All material facts set forth in the statement of the movant will be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party.

(b) **Opposing Brief.**

(1) A brief in opposition to a motion for summary judgment must begin with a section containing a concise statement of material facts as to which the party contends a genuine issue exists. Each fact in dispute must be numbered by paragraph, refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, state the number of movant's fact that is disputed.

(2) If the party opposing summary judgment relies on any facts not contained in movant's brief, that party must set forth each additional fact in a separately numbered paragraph, supported by references to the record, in the manner required by subsection (a), above. All material facts set forth in this statement of the non-moving party will be deemed admitted for the purpose of summary judgment unless specifically controverted by the reply of the moving party.

(c) **Reply Brief.** In a reply brief, the moving party must respond to the non-moving party's statement of additional material facts in the manner prescribed in subsection (b)(1).

(d) **Notice to Pro Se Litigant Who Opposes a Summary Judgment Motion.** Any represented party moving for summary judgment against a party proceeding pro se must serve and file as a separate document, together with the papers in support of the motion, the following "Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment" with the full texts of Fed. R. Civ. P. 56 and D. Kan. Rule 56.1 attached. Where the pro se party is not the plaintiff, the movant must amend the form notice as necessary to reflect that fact.

"Notice to Pro Se Litigant Who Opposes a Motion for Summary Judgment"

The defendant in this case has moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This means that the defendant has asked the court to decide this case without a trial, based on written materials, including affidavits, submitted in support of the motion. The claims you assert in your complaint may be dismissed without a trial if you do not respond to this motion on time by filing sworn affidavits and/or other documents as required by Rule 56(c)

of the Federal Rules of Civil Procedure and by D. Kan. Rule 56.1. The full text of these two rules is attached to this notice.

In short, Fed. R. Civ. P. 56 provides that you may not oppose summary judgment simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant's motion for summary judgment.

If you do not respond to the motion for summary judgment on time with affidavits and/or documents contradicting the material facts asserted by the defendant, the court may accept defendant's facts as true, in which event your case may be dismissed and judgment entered in defendant's favor without a trial.

* * *

As amended 12/1/22, 10/13, 9/00.

RULE 58.1
JOURNAL ENTRIES AND ORDERS

In all cases where the court directs that a judgment be settled by journal entry pursuant to Fed R. Civ. P. 58, it must be prepared in accordance with the directions of the court. Attorneys preparing the journal entry must, within 14 days – unless the court orders otherwise – serve copies on all other attorneys involved who must, within 14 days after service is made, serve on the attorney(s) preparing said journal entry any objections in writing. At the expiration of the time for serving objections, the attorney(s) preparing said journal entry must submit the original, together with any objections received, to the court for approval. If the attorneys cannot agree as to the form of the journal entry, the court will settle the journal entry.

* * *

As amended 12/01/09.

RULE 62.1
MANDATES OF AN APPELLATE COURT

When an appellate court remands a case to this court for further proceedings, the clerk will refer the case to the judge who heard the case, unless the appellate court has otherwise directed. Any other order or mandate of an appellate court, when filed with the clerk of this court, automatically becomes the order or judgment of this court. The clerk will enter it as such without further order.

* * *

RULE 62.2
SECURITY

A bond or other security staying execution of a money judgment must, unless the court otherwise directs, be in the amount of the judgment, plus 25% of that amount to cover interest and any award of damages for delay.

* * *

As amended 12/1/22.

-VIII-
PROVISIONAL AND FINAL REMEDIES

RULE 65.1
RESTRAINING ORDERS AND TEMPORARY INJUNCTIONS

A request for a temporary injunction or restraining order set forth in a pleading is not sufficient to bring the issue before the court prior to trial. If a party desires a ruling before trial, the party must request relief by separate motion.

* * *

RULE 65.2
SECURITY PROVIDERS

(a) Certain Persons Prohibited. No clerk or other court supporting personnel or any practicing attorney will be accepted as surety on any bond or other security.

(b) Security. Unless the court directs otherwise, every bond or other security must be secured by:

(1) a cash deposit equal to the amount of the bond;

(2) a corporation authorized to execute bonds under 31 U.S.C. §§ 9304-9308; or

(3) an individual residing in the District of Kansas owning sufficient unencumbered real or personal property within the district above all homestead and exemption rights and all obligations as surety, to insure the payment of the amount of the bond and all costs incident to collecting the same.

(c) Minors or Incompetent Persons. In all cases where a minor or an incompetent person has sued and recovered by and through a representative, the bond to be made by the representative must, unless otherwise ordered by the court, be treated in all respects as provided by the existing laws of the State of Kansas with respect to the bond of such representative.

* * *

As amended 12/1/22.

RULE 66.1
ADMINISTRATION OF ESTATES

(a) Authority for Rule. This rule is promulgated in the exercise of the authority granted to district courts by Fed. R. Civ. P. 66 and applies to the practice in the administration of estates by receivers or by other similar officers appointed by the court.

(b) Inventory by Receivers. Unless otherwise ordered, a receiver or other similar officer appointed by the court must file:

(1) an inventory of all property of which he has taken possession or control, as well as of any that he has not been able to reduce to possession and control;

(2) a list of the then-known liabilities of the estate; and

(3) a report explaining such inventory.

Such filing must be made as soon as practicable after appointment, but in any event not later than 30 days thereafter.

(c) Accountings of Receivers. From time to time thereafter, at intervals of six months or as otherwise ordered, a receiver must file a current report and account of his receipts and disbursements and of his acts as such officer.

(d) Administration of Estates. In all other respects, the administration of estates by receivers or other officers must follow the procedure in bankruptcy cases as nearly as possible. But the court will ascertain and award the allowance of compensation of:

(1) receivers or similar officers or their attorneys; and

(2) all those whom the court appointed to aid in the administration of the estate.

*** * ***

RULE 67.1
REGISTRY FUNDS

(a) Orders Pursuant to Fed. R. Civ. P. 67. Any party who seeks a court order for the deposit of funds pursuant to Fed. R. Civ. P. 67 must prepare a proposed order for the court and serve the same upon the clerk of this court. Filing Users in cases assigned to the Electronic Filing System must submit this proposed order directly to the appropriate judge or magistrate judge in the form and manner set forth in the Administrative Procedures Guide. Parties may and should utilize forms or proposed motions and orders that are maintained and available at each record office of the court for this purpose.

(b) Investment in Income-Earning Account. In cases where a party depositing funds with the clerk desires that the funds be invested with a named institution, the order shall so specify but, in the absence of specific directions to the contrary, all registry funds will be invested in a general interest-bearing account in the bank selected for that period through appropriate bidding procedures.

(c) Disbursements from Income-Earning Account.

(1) All funds disbursed under this rule will be disbursed only on order of the court. Unless the court orders otherwise, the clerk will disburse the funds no earlier than 14 days after the date of the court order.

(2) All funds deposited in an income-earning account will be assessed a charge of 10% of the income earned regardless of the nature of the case underlying the investment.

* * *

As amended 12/1/22, 4/15/20, 3/17/10, 3/05, 3/04, 3/13/92.

-IX-
SPECIAL PROCEEDINGS; MAGISTRATE JUDGES

RULE 71A.1
CONDEMNATION ACTIONS

When the United States files separate condemnation actions and a single declaration of taking relating to those separate actions, the clerk may establish a master file in which the declaration of taking may be filed. The filing of the declaration of taking in the master file constitutes a filing of the same in each of the actions to which it relates.

* * *

RULE 72.1.1
AUTHORITY OF UNITED STATES MAGISTRATE JUDGES

(a) Duties Under 28 U.S.C. § 636(a). Each full-time United States Magistrate Judge of the court is authorized to perform the duties prescribed by 28 U.S.C. § 636(a), and may:

(1) Exercise all of the powers and duties conferred or imposed upon United States Commissioners by law and by the Federal Rules of Criminal Procedure.

(2) Administer oaths and affirmations, and take acknowledgments, affidavits, and depositions.

(3) Order that arrested persons be released or detained pending judicial proceedings pursuant to 18 U.S.C. § 3141 *et seq*.

(4) Conduct extradition proceedings in accordance with 18 U.S.C. § 3184.

(b) Disposition of Misdemeanor Cases. A magistrate judge may:

(1) Try persons accused of, and sentence persons convicted of, misdemeanors committed within this district in accordance with 18 U.S.C. § 3401;

(2) Direct the probation service of the court to conduct a presentence investigation in any misdemeanor case; and

(3) Conduct jury trials in misdemeanor cases where the defendant so requests and is entitled to trial by jury under the Constitution and laws of the United States.

(c) Determination of Nondispositive Pretrial Matters. In accordance with 28 U.S.C. § 636(b)(1)(A), a magistrate judge may hear and determine any procedural or discovery motion or other pretrial matter in a civil or criminal case, other than the motions that are specified in subsection (d) of this rule. A magistrate judge is also authorized to conduct such hearings and conferences and to issue such orders as are provided for by Fed. R. Civ. P. 16.

(d) Recommendations Regarding Case-Dispositive Motions. In accordance with 28 U.S.C. § 636(b)(1)(B), a magistrate judge may submit to a judge of the court a report containing proposed findings of fact and recommendations for disposition by the judge of the following pretrial motions in civil and criminal cases:

(1) Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

(2) Motions for judgment on the pleadings;

(3) Motions for summary judgment;
(4) Motions to dismiss or permit the maintenance of a class action;
(5) Motions to dismiss for failure to state a claim upon which relief may be granted;
(6) Motions to involuntarily dismiss an action;
(7) Motions for review of default judgment;
(8) Motions to dismiss or quash an indictment or information made by a defendant; and
(9) Motions to suppress evidence in a criminal case. A magistrate judge may determine any preliminary matters and conduct any necessary evidentiary hearings or other proceedings arising in the exercise of the authority conferred by this subsection.

(e) Prisoner Cases Under 28 U.S.C. §§ 2241, 2254, and 2255. A magistrate judge may perform any or all of the duties imposed upon a judge by the rules governing proceedings in the United States District Courts under 28 U.S.C. §§ 2241, 2254, and 2255. A magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding and submit to a judge a report containing proposed findings of fact and recommendations for disposition of the petition by the judge. When specifically designated by a judge of the court and upon the consent of the parties, a magistrate judge may conduct any or all proceedings in such cases and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c).

(f) Prisoner Cases Under 42 U.S.C. § 1983 and Bivens Cases. A magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding, and submit to a judge a report containing proposed findings of fact and recommendations for the disposition of petitions filed by prisoners pursuant to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 402 U.S. 388, 91 S. Ct. 1999, 29 L.Ed.2d (1971). When specifically designated by a judge of the court and upon the consent of the parties, a magistrate judge may conduct any or all proceedings in such cases, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c).

(g) Special Master References. A magistrate judge may be designated by a judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Fed. R. Civ. P. 53. Upon the consent of the parties, a magistrate judge may be designated by a judge to serve as a special master in any civil case, notwithstanding the limitations of Fed. R. Civ. P. 53(a)(2).

(h) Conduct of Trials and Disposition of Civil Cases Upon Consent of the Parties. When specifically designated by a judge of the court and upon the consent of the parties, a full-time magistrate judge may conduct any or all proceedings in any civil case that is filed in this court, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings upon consent of the parties, a magistrate judge may hear and determine any and all pretrial and post-trial motions that are filed by the parties, including case-dispositive motions.

(i) **Authority to Perform Additional Duties.** Pursuant to 28 U.S.C. § 636(b)(3), magistrate judges are to perform additional functions and duties, including the following:

(1) conduct scheduling conferences; pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil and criminal cases;

(2) conduct calendar and status calls for civil and criminal calendars, and determine motions to expedite or postpone the trial of cases;

(3) conduct arraignments in cases not triable by the magistrate judge to the extent of taking a not guilty plea or noting a defendant's intention to plead guilty or *nolo contendere* and ordering a presentence report in appropriate cases;

(4) take a felony guilty plea when the defendant consents and the district judge does not object;

(5) receive grand jury returns in accordance with Fed. R. Crim. P. 6(f);

(6) accept waivers of indictments pursuant to Fed. R. Crim. P. 7(b);

(7) conduct voir dire and select petit juries for the court when the parties consent and the district judge does not object;

(8) accept petit jury verdicts in civil cases in the absence of a judge;

(9) conduct necessary proceedings leading to the potential revocation of probation;

(10) issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

(11) order the exoneration of forfeiture of bonds;

(12) conduct proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971 in accordance with 46 U.S.C. § 1484(d);

(13) conduct examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;

(14) perform the functions specified in 18 U.S.C. §§ 4107, 4108, and 4109 regarding proceedings for verification of appointment of counsel therein;

(15) conduct such hearings as are necessary or appropriate, and submit to a judge proposed findings of fact and recommendations for disposition of applications for judgment by default pursuant to Fed. R. Civ. P. 55(b), or motions to set aside judgments by default pursuant to Fed. R. Civ. P. 55(c);

(16) require compliance with local rules with regard to pro se petitions under 42 U.S.C. § 1983, and enter orders appointing attorneys in civil rights cases; and

(17) perform any additional duty that is not inconsistent with the Constitution and laws of the United States.

(j) **Part-time United States Magistrate Judges.** Part-time United States Magistrate Judges are hereby authorized in accordance with the provision of 28 U.S.C. § 636 to perform all duties not otherwise prohibited by law, including but not limited to the following:

(1) issue summonses, warrants, and search warrants; to conduct proceedings under Fed. R. Crim. P. 5 and 32.1; appoint attorneys; and conduct proceedings under 18 U.S.C. § 3141 *et seq*., all as provided by the Federal Rules of Criminal Procedure;

(2) hear and dispose of misdemeanor and petty offenses as provided by 18 U.S.C. § 3401, in accordance with Fed. R. Crim. P. 58 and in such cases to direct the probation service of the court to conduct a presentence investigation;

(3) perform the duties set forth in §§ (e), (f), and (i) of this rule;

(4) conduct settlement conferences pursuant to D. Kan. Rule 16.3;

(5) appoint attorneys in civil rights and habeas cases referred to such magistrate judge;

(6) administer oaths and affirmations, and take acknowledgments, affidavits, and depositions; and

(7) perform such further duties as may be referred by a judge of the court in accordance with 28 U.S.C. § 636.

When a jury trial is requested in a misdemeanor case, such case will be transferred to a full-time magistrate judge sitting in Kansas City, Topeka, or Wichita.

* * *

As amended 3/17/10; 9/00, 10/22/98, 2/27/98, 2/2/95.

RULE 72.1.2
ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES

(a) Criminal Cases.

(1) *Misdemeanor Cases.* All misdemeanor cases will be assigned upon the filing of an information, complaint, or violation notice, or the return of an indictment to a magistrate judge, who will proceed in accordance with 18 U.S.C. § 3401 and the rules of procedure for the trial of misdemeanors.

(2) *Felony Cases.* Upon the return of an indictment or the filing of an information or complaint, all felony cases will be assigned to a magistrate judge for proceedings pursuant to Fed. R. Crim. P. 5, the conduct of an arraignment, acceptance of waivers of indictment pursuant to Fed. R. Crim. P. 7(b), and such pretrial conferences as are necessary, and for the hearing and determination of all pretrial procedural and discovery motions.

(b) Civil Cases. The clerk of the court will assign civil cases to a magistrate judge or judge for the conduct of a Fed. R. Crim. P. 16(b) scheduling conference, the issuance of a scheduling order, and such other pretrial conferences as are necessary and appropriate, and for the hearing and determination of all pretrial, procedural, and discovery motions. Where the parties consent to the trial and disposition of a case by a magistrate judge under D. Kan. Rule 72.1.3, such case will, with the approval of the judge to whom it was assigned at the time of filing, be reassigned to a magistrate judge for the conduct of all further proceedings and the entry of judgment.

(c) Reservation of Proceedings by Judges. Nothing in these rules precludes a judge from reserving any proceedings for conduct by a judge, rather than by a magistrate judge.

* * *

As amended 8/26/24.

RULE 72.1.3
CONSENT TO CIVIL TRIAL JURISDICTION

(a) Consent to Exercise of Civil Trial Jurisdiction.

(1) *In General.* A party who consents to the exercise of civil trial jurisdiction authorized in 28 U.S.C. § 636(c)(1) may communicate such consent to the clerk on a clerk-provided form signed by the party or his or her attorney.

(2) *Notice.* At the time an action is filed, the clerk will send notice to the plaintiff or his or her representative that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. The clerk will provide such notice to other parties as an attachment to copies of the complaint and summons when served. Additional notices may be furnished to the parties at later stages of the case, and may be included with pretrial notices and instructions.

(3) *Confidentiality.* A judge or magistrate judge must not be informed of a party's response to the clerk's notification unless all parties have consented to the referral to a magistrate judge.

(4) *Timing.* The consent must be submitted to the clerk prior to the time of trial.

(b) Referral by the Court. After the consent form has been first executed by all parties and then submitted to the clerk to ensure compliance with this Rule, the clerk will transmit it to the district judge to whom the case has been assigned for approval and referral of the case to a magistrate judge.

(c) Withdrawal of Consent. After a case has been referred, no party may withdraw its consent to the exercise of a magistrate judge's jurisdiction without court approval.

* * *

As amended 12/1/2, 22/2/95.

RULE 72.1.4
OBJECTIONS; APPEALS; STAY OF MAGISTRATE JUDGE'S ORDERS

(a) Objections to Magistrate Judge's Order. The procedure for filing objections to an order of a magistrate judge in a non-dispositive matter follows Fed. R. Civ. P. 72(a). Such objections must be made by filing a motion to review the order in question.

(b) Objections to Magistrate Judge's Recommendation. The procedure for filing objections to the recommendation of a magistrate judge on a dispositive or other matter follows Fed. R. Civ. P. 72(b).

(c) Appeal from Judgment. The procedure for appeal from a judgment in an action tried by consent to a magistrate judge follows Fed. R. Civ. P. 73.

(d) Application for Stay of Magistrate Judge's Order. Application for stay of a magistrate judge's order pending review of objections must first be made to the magistrate judge.

(e) Application in Criminal Cases. In criminal cases, motions to appeal or otherwise seek review by a district judge of a magistrate judge's order must be filed within

14 days of the magistrate judge's order. The district judge may extend this deadline on a showing of good cause.

* * *

As amended 8/26/24, 12/01/09, 6/18/97

-X-
DISTRICT COURT AND CLERK

RULE 77.1
RECORD OFFICES; FILING OF PLEADINGS AND PAPERS

(a) Record Offices. The record offices of the court are located in Topeka, Wichita, and Kansas City, Kansas. In cases of emergency or other exigent circumstances, a judge may order the closing of the record office of the court at such judge's duty station, with provision being made for the filing of pleadings and papers.

(b) Filing of Pleadings and Papers. Pleadings and other papers must be filed via the court's Electronic Filing System.

(c) Email Filing.

(1) *Unrepresented Parties.* Only pro se filers may file papers in civil matters as an attachment to an email sent to the clerk's office.

(A) *Form, Format, Service, and Signature.* Such papers, when transmitted through email, must comply with all provisions of these rules and the Federal Rules of Civil Procedure regarding the form, format, service, and signature of pleadings and papers.

(B) *Notice.* A copy of the papers transmitted to the clerk must also be immediately transmitted to all parties who have the capability of receiving email transmissions. The filer must immediately notify parties not having such capability of the email filing by telephone.

(C) *Court's Review.* Pro se filers may file papers by email under any circumstance and do not need to provide an affidavit setting forth the facts constituting compelling circumstances.

* * *

As amended 12/1/22, 3/17/16, 3/17/10, 3/17/08.

RULE 77.2
ORDERS AND JUDGMENTS GRANTABLE BY CLERK

(a) Orders and Judgments. The clerk may grant the following orders and judgments without direction by the court:

(1) Orders specially appointing a person to serve process under Fed. R. Civ. P. 4(c);

(2) Orders extending once for 14 days the time within which to answer, reply, or otherwise plead to a complaint, crossclaim, or counterclaim if the time originally prescribed to plead has not expired;

(3) Orders for the payment of money on consent of all parties interested therein;

(4) Consent orders for the substitution of attorneys;

(5) Consent orders dismissing an action, except in cases governed by Fed. R. Civ. P. 23 or 66; and

(6) Entry of default and judgment by default as provided for in Fed. R. Civ. P. 55(a) and 55(b)(1).

(b) Content of Proposed Orders. Any order submitted to the clerk under this rule must be signed by the party or attorney submitting it, and is subject to Fed. R. Civ. P. 11 and D. Kan. Rule 11.1. Any order submitted to the clerk for an extension of time under subparagraph (a)(2) of this subsection must specifically state:

(1) The date when the time for the act sought to be extended is due;

(2) The date to which the time for the act is to be extended; and

(3) That the time originally prescribed has not expired.

(c) Clerk's Action Reviewable. For good cause, the court may suspend, alter, or rescind the actions of the clerk under this rule.

* * *

As amended 12/01/09, 2/1/95.

RULE 77.3
CASE NUMBERING SYSTEM

(a) Civil Cases. The clerk assigns each civil case a number upon filing. The number will begin with a two-digit indicator of the year in which the case was filed, followed by a hyphen and the individualized case number of four digits, followed by another hyphen and the initials of the judge or magistrate judge to whom the case has been assigned. The four-digit individualized case numbers are as follows: Wichita cases begin with a "1" or a "6" (e.g., 98-1001-JTM); Kansas City cases begin with a "2" (e.g., 98-2001-KHV); and Topeka cases begin with a "4" (e.g., 98-4001- JAR). Prisoner cases begin with a "3" (e.g., 98-3001-KHV).

(b) Criminal Cases. The clerk assigns each criminal case a number upon filing. The number will begin with a two-digit indicator of the year in which the case was filed, followed by a hyphen and the individualized case number of five digits, followed by another hyphen and the number assigned to each particular defendant in the case. The five-digit individualized case numbers are as follows: Wichita cases begin with a "1" (e.g., 98-10001-01); Kansas City cases begin with a "2" (e.g., 98-20001-01); and Topeka cases begin with a "4" (e.g., 98-40001-01). Prisoner cases begin with a "3" (e.g., 98-30001-01).

* * *

As amended 3/16/92.

RULE 77.4
SEAL OF THE COURT

The seal of this court is an American eagle, with outspread wings, occupying a circular field beneath thirteen stars arranged in a semicircle, holding in its left talon four arrows and in its right talon a fruited olive branch. The circular field is bordered by the words "United States District Court, District of Kansas."

* * *

RULE 77.5
DISSEMINATION OF INFORMATION BY COURT SUPPORTING PERSONNEL

(a) Requirements. Court supporting personnel must not disclose to anyone, without authorization by the court, the following information:

(1) information relating to a pending civil case or matter under investigation by the judges, magistrate judges, or clerk of the court that is not a part of the public records of the court;

(2) information concerning pending grand jury proceedings or relating to criminal cases, including, *inter alia*, grand jury subpoenas, search warrants, copies of the returns thereof, and all papers in connection therewith;

(3) *in camera* arguments; and

(4) hearings or conferences held in chambers or otherwise outside the presence of the public or not a part of the public records of the court.

(b) Definition. The term "court supporting personnel," as used in this rule, includes United States probation officers, United States marshals, deputy marshals, judges' chambers personnel, bailiffs, official court reporters and employees or subcontractors retained by them, court reporters retained by parties, and clerks of the court or their deputies.

(c) Punishment. Any person violating this rule will be subject to punishment as for criminal contempt of court.

* * *

As amended 3/16/92.

RULE 77.6
BENCH-BAR COMMITTEE

There is a Bench-Bar Committee appointed by the court.

(a) Membership. The committee consists of the chief judge, such other judges as may from time to time be appointed by the court, the United States Attorney or an assistant he or she designates, the district public defender or an assistant he or she designates, and the chair of the Bench-Bar Committee of the Kansas Bar Association. The judges shall also select nine actively-practicing members of the bar of the court.

(b) Terms of Office. Each member from the active bar will serve a three-year term or such other term as the court may decide.

(c) Meetings. The Bench-Bar Committee will meet at such times as it determines and at the call of the chief judge.

(d) Duties. The Bench-Bar Committee serves general advisory and liaison roles with respect to the operation of the court and will, among other things:

(1) provide a forum for the continuous study of the operating procedures of the court;

(2) serve as liaison among the court, its bar, and the public;

(3) study, consider, and recommend the adoption, amendment, or rescission of the Rules of Practice of the court;

(4) study and promote a continuing legal education program; and

(5) make studies and render reports and recommendations as the court directs.

* * *

As amended 12/1/22, 3/17/12, 3/17/10, 5/03, 10/20/93.

RULE 79.1
ACCESS TO COURT RECORDS

(a) **Access.** The public records of the court are available for examination in the office of the clerk during normal business hours. Access to electronically-filed documents is available as set forth in D. Kan. Rule 5.4.1.

(b) **Copies.** The clerk will make and furnish copies of official public court records upon request and payment of prescribed fees.

(c) **Sealed or Impounded Records.** Records or exhibits ordered sealed or impounded by the court are not public records within the meaning of this rule.

(d) **Search for Cases by the Clerk.** The office of the clerk of this court may make a search of the most recent 10 years of the master index maintained in the office and issue a certificate of such search. The clerk charges a fee for each name for which a search is conducted, payable in advance.

* * *

As amended 3/05, 3/04, 6/01, 6/13/88.

RULE 79.2
COURT LIBRARIES

The court's libraries are maintained for the exclusive use of the judges and magistrate judges and their staffs.

* * *

RULE 79.3
CUSTODY AND DISPOSITION OF TRIAL EXHIBITS, SEALED DOCUMENTS, AND FILED DEPOSITIONS

(a) **During Trial.** After being marked for identification, all exhibits – except weapons, drugs, or other sensitive materials – will be placed in the custody of the clerk during the duration of the trial, unless the court orders otherwise. Any weapons, drugs, or other sensitive exhibits must be held in the custody of the counsel offering the exhibits during trial.

(b) **After Trial.** Upon completion of the trial, all exhibits will be returned to counsel offering them, unless the court orders otherwise. A party or a party's attorney who has custody of an exhibit must keep it available for the use of the court or an appellate court, and must grant the reasonable request of any party to examine or reproduce the exhibit for use in the proceeding. Such party is responsible for documentation of the chain of custody of such exhibits.

(c) **Disposition of Exhibits, Sealed Documents, and Filed Depositions by Clerk.** Any exhibit, sealed document, or filed deposition in the clerk's custody more than 30 days after the time for appeal, if any, has expired or an appeal has been decided and mandate received, may be returned to the parties or destroyed by the clerk if unclaimed after reasonable notice.

* * *

As amended 8/26/24, 4/15/20.

RULE 79.4
SEALED FILES AND DOCUMENTS IN CIVIL CASES

(a) Documents/Files Sealed after the Effective Date of This Rule.

(1) *10-Year Seal.* Any file, pleading, motion, memorandum, order, or other document placed under seal by order of this court in any civil action will be unsealed by operation of this rule 10 years after entry of a final judgment or dismissal unless the court otherwise ordered at the time of entry of such judgment or dismissal.

(2) *Renewal.* Any party may seek to renew the seal for an additional 10 years or less by filing a motion within six months of the time the seal is to be lifted and providing notice to the remaining parties. There is a rebuttable presumption that the seal will not be renewed. The moving party bears the burden to establish an appropriate basis for renewing the seal.

(b) Civil Case Application Only. By its terms, this rule applies only to civil actions and does not apply to sealed files, documents, records, transcripts, or any other matter sealed in criminal cases.

* * *

As amended 3/17/10. New rule adopted 10/22/98.

-XI-
GENERAL PROVISIONS

RULE 80.1
USE OF TRANSCRIPTS

Absent prior court authorization, only certified transcripts of prior sworn testimony ("Testimonial Transcripts"), and not unofficial real-time transcripts of such testimony, may be quoted from in arguments to the court or in filings with the court. Court approval is required to quote from a Testimonial Transcript to the jury, and absent good cause shown such approval will only be granted for quotations from certified transcripts. Any Testimonial Transcripts quoted from or attached as an exhibit to any pleading must contain the title page, quoted material, as well as the court reporter's certificate page authenticating such proceedings. Material filed in violation of this rule may be disregarded by the court, and quotations made in violation of this rule may be ordered stricken and disregarded by the court.

* * *

Adopted 4/15/20.

RULE 81.1
REMOVAL FROM STATE COURTS

(a) Notice of Removal. A defendant or defendants desiring to remove any civil action from a state court must file a notice of removal as required by 28 U.S.C. § 1446.

(b) Place of Filing Notice of Removal. Except in cases removed by the United States, notices of removal must be filed in the following record offices of the clerk of the court:

(1) *In Kansas City* — cases from the state court of the First, Sixth, Seventh, Tenth, Eleventh, Twenty-second, or Twenty-ninth Judicial Districts of Kansas;

(2) *In Topeka* — cases from the state court of the Second, Third, Fourth, Fifth, Eighth, Twelfth, Twenty-first, Twenty-eighth, or Thirty-first Judicial Districts of Kansas; and

(3) *In Wichita* — cases from the state court of the Ninth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, or Thirtieth Judicial Districts of Kansas.

(c) Notice.

(1) *Notice to the Parties.* The removing party must promptly serve written notice of the filing of the notice of removal on all adverse parties.

(2) *Notice to State Court.* The removing party must forthwith file a copy of the notice of removal with the clerk of the state court from which the case is removed. Such filing effects the removal.

(3) *Proof of Service.* The removing party must file a certificate with the clerk of the court showing proof of service of all notices and filings with the clerk of the state court.

* * *

As amended 12/16/08, 3/10/92.

RULE 81.2
COPIES OF STATE COURT PROCEEDINGS IN REMOVED ACTIONS

Within 21 days after filing the notice of removal, the removing party must file with the clerk of this court a copy of all records and proceedings had in the state court. The court may remand any case sought to be removed to this court for failure to comply with this rule.

* * *

As amended 12/1/09.

RULE 83.1.1
AMENDMENT OF RULES

The public notice provided in 28 U.S.C. § 2071 and Fed. R. Civ. P. 83 for making and amending these rules consists of (1) publishing a notice of the proposed adoption or amendment of these rules on the court's website and (2) inviting written comment.

* * *

As amended 3/17/14, 2/14/89.

RULE 83.1.2
STANDING ORDERS AND MANDATED RULES

(a) Standing Orders. By vote of a majority of the judges, the court may from time to time issue standing orders dealing with administrative concerns or with matters of temporary or local significance. Each standing order, unless expressly made effective until further order, will include the effective date and the expiration date. Standing orders have the same force and effect as other rules of the court. They are

numbered consecutively by calendar year (e.g., 98-1) and are located on the court's website under Local Rules. They must be cited as D. Kan. S.O. 98-1, e.g.

(b) **Mandated Rules.** Mandated rules are those adopted (1) in compliance with statute or the Federal Rules of Procedure (civil or criminal); or (2) by direction of a superior court; or (3) subject to approval by an external reviewing panel.

(c) **Amendment.** D. Kan. Rule 83.1.1 does not apply to the adoption, amendment, or rescission of standing orders and mandated rules. Standing orders and mandated rules may be adopted, amended, or rescinded by action of a majority of the judges.

* * *

RULE 83.2.1
PHOTOGRAPHS, RECORDINGS, AND BROADCASTS

Except for devices used in connection with official court records, the following are prohibited in the courthouse: (1) radio or television broadcasting; and (2) the use of reproduction or recording equipment that is (a) photographic, (b) electronic, or (c) mechanical. Ceremonial proceedings such as the administration of oaths of office to appointed officials of the court, naturalization, and presentation of portraits or awards may be photographed in or broadcast from the courtroom, only with permission and under the supervision of the court. This rule does not apply to employees who work in the courthouse, or to use of courtrooms by other government agencies.

* * *

As amended 03/01/24, 4/12/21, 9/1/11, 3/17/05 (formerly Amended D. Kan. S.O. 04-2), 9/28/87.

RULE 83.2.2
COURT SECURITY

(a) **Application of Rule.** This rule applies to any building occupied or used by the United States Courts in the District of Kansas, and to the environs of any such building. It is in effect at all times that judges, magistrate judges, or court personnel are present, whether or not court proceedings are actively under way.

(b) **Persons Subject to Search.** All persons seeking entry to a courtroom, to the chambers of any district or magistrate judge, to any offices of the court, or to any of the halls or corridors adjacent thereto are subject to search by the United States Marshal, Deputy United States Marshals, or other officers designated by the Marshal or the court. Such search may include briefcases, parcels, purses, or other containers.

(c) **Weapons.**

(1) *In the Courthouse.* No weapons other than exhibits are permitted in the courthouse, with the exception of weapons carried by:

(A) the United States Marshal;
(B) Deputy United States Marshals;
(C) Court Security Officers;
(D) Federal Protective Officers;
(E) officers approved by the court, the United States Marshal, or by federal law; and
(F) authorized law enforcement officers whose official duty station is the courthouse.

(2) *In the Courtrooms.* No person other than a United States Marshal, Deputy United States Marshal, Court Security Officer, or officer approved by the court or United States Marshal is permitted to bring a weapon other than an exhibit into any courtroom, except as specifically permitted by this rule.

(3) *Exhibits.* Any firearm intended for introduction as an exhibit must be presented to the United States Marshal for a safety check before it is brought into any courtroom.

(d) Emergency Mutual Aid. This rule does not apply during emergency mutual aid situations occurring at any building occupied or used by this court. Exemptions include, but are not limited to, police response to calls for assistance, fire and/or first aid response to rescue calls, or law enforcement and emergency response to critical building emergencies. When possible, the United States Marshal and/or Court Security Officer should be notified of the need to exempt this rule.

* * *

As amended 2/95, 11/93.

RULE 83.2.3
SPECIAL ORDERS IN SENSATIONAL CASES

In a widely-publicized or sensational criminal or civil case, the court may enter a special order governing such matters as: extrajudicial statements by attorneys, parties, or witnesses; the seating and conduct of spectators and news media representatives; the management and sequestration of jurors and witnesses; and other matters the court finds necessary to ensure a fair trial.

* * *

RULE 83.2.4
ELECTRONIC COMMUNICATION DEVICES

(a) Definition. For purposes of this rule, an electronic communication device includes any computer, personal digital assistant, cell phone, digital camera or camcorder, pager, two-way radio, or other electronic communication device.

(b) Who May Possess. Federal law enforcement officers, employees, and tenants of the courthouse may bring electronic communication devices into the courthouse.

(c) Who May Possess Subject to Screening and Clearance. Possession of electronic communication devices is otherwise prohibited, except by:

(1) lawyers, including pro hac vice attorneys, who present photo identification and a current bar registration card from this or any other federal or state court;

(2) staff in the company of such lawyers; and

(3) court interpreters who come to the federal courthouse to perform interpreting services and who present photo identification and a current court interpreter identification card from this court; and

(4) individuals who are granted specific written permission from this court.

All such individuals and electronic communication devices are subject to proper screening and security clearance before entering the courthouse. Furthermore, lawyers are responsible for ensuring that their staff comply with all rules regarding use of electronic communication devices.

(d) **Unauthorized Persons and Purposes**. No person who is allowed to possess an electronic communication device in the courthouse may allow it to be used by any unauthorized person or for any unauthorized purpose.

(e) **Use of Devices in the Courtroom.** Laptop computers may be used in the courtroom. Personal digital assistants, cell phones, or other devices to allow communication may be used in the courtroom only during court recesses or when authorized by the presiding judge or appropriate staff. No other electronic communication device may be used in the courtroom except by federal law enforcement officers and court personnel.

(f) **Limit on Use.** No electronic communication device may be used in violation of D. Kan. Rule 83.2.1.

(g) **Sanctions.** Any electronic communication device used in violation of this rule or D. Kan. Rule 83.2.1 is subject to immediate, permanent confiscation. In addition, in the discretion of the court, the violator or other responsible party may be subject to other sanctions (including financial sanctions).

* * *

As amended 3/17/11, 3/05 (formerly D. Kan. S.O. 04-3).
New rule adopted 7/9/99.

RULE 83.2.5
CONFLICTS INVOLVING SPOUSES AND CHILDREN OF JUDGES

The following rule is designed to give guidance to parties and attorneys regarding the potential disqualification of a judge in a case involving the children and/or spouse of the judge. For purposes of this rule, the term "spouse" includes a person other than a spouse who maintains both a household and intimate relationship with the judge or child.

A judge of the court will be disqualified if the judge's spouse, child, or a spouse of a child is:

(a) a party in a case;

(b) likely to be a material witness in a case (to the judge's knowledge);

(c) an attorney involved in the case; or

(d) has an ownership interest in a law firm to come before the court.

In other situations involving a judge's spouse, child or child's spouse, a judge is not deemed subject to a conflict of interest and will not recuse unless additional aggravating factors warranting recusal are present. Mere employment of a spouse, child, or child's spouse by a law firm does not mandate that the judge per se recuse from every matter in which the law firm is involved. For example, the court would expect law firms to take reasonable steps to "wall off" any judge's spouse, child or child's spouse from working on or being privy to information about any cases pending before that judge for additional protection from a conflict. Additional aggravating factors and/or other relatives who might present potential conflicts will be individually considered pursuant to the applicable canons, advisory opinions, and case law.

* * *

Adopted 3/17/09 (formerly D. Kan. S.O. 08-2).

-XII-
ATTORNEYS AND BAR DISCIPLINE

RULE 83.5.1
ROLL OF ATTORNEYS

(a) **Members.** The bar of this court consists of those attorneys admitted to practice before this court who have taken the oath prescribed by the rules in force at the time they were admitted; who have signed the roll of attorneys maintained by the clerk; and who remain in good standing.

(b) **Non-Members.** Law firms, law partnerships, and corporations may not be members of the bar of this court. No attorney will be permitted to appear in any action or proceeding merely because he or she is associated in a firm, partnership, or corporation, one or more members of which are admitted to practice in this court.

(c) **Pro Se Appearances.** Only attorneys enrolled as provided in paragraph (a) of this rule or duly admitted pro hac vice may appear or practice in this court. But nothing in these rules prohibits any individual from appearing personally on his or her own behalf.

(d) **Applicability.** These rules governing attorneys who practice before the court are applicable to the United States Bankruptcy Court for the District of Kansas.

* * *

As amended 10/20/93.

RULE 83.5.2
ADMISSION TO BAR

(a) **Who May Apply.** Those persons admitted to practice in the courts of the State of Kansas and/or the United States District Court for the Western District of Missouri who are in good standing in any and all bars to which they have ever been admitted (or who have resigned from such a bar as a member in good standing, so long as such resignation was not made to avoid investigation or discipline) may apply for admission to the bar of this court.

(b) **Requirements for Admission.** Admission will be granted upon motion of a member of the bar of this court accompanied by the written statement of the applicant representing that the applicant:

(1) is of good moral character;

(2) meets the foregoing requirements;

(3) can demonstrate familiarity with the Rules of Practice of this court, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Appellate Procedure, the Federal Rules of Evidence, and federal jurisdiction and venue. Such familiarity may be based upon course work completed, examination, experience, or such other evidence as the movant deems substantially equivalent; and

(4) acknowledges the obligation to render pro bono services as set forth in Kansas Rules of Professional Conduct 6.1 and 6.2.

(c) **Oath or Affirmation.** The following oath or affirmation must be administered to the applicants by or at the direction of a judge or magistrate judge of this district:

You do solemnly swear/affirm that you will support the Constitution of the United States; that you will do no falsehood, nor consent to the doing of any in court; that you will not wittingly or willfully promote or sue any false, groundless, or unlawful suit, nor give aid or consent to do the same; that you will delay no person for lucre or malice, but you will conduct yourself in the office of an attorney within the courts according to the best of your knowledge and discretion, and with good fidelity, as well to the court as to your clients.

(d) Temporary Permits. Persons who hold a temporary permit to practice law granted by the Supreme Court of Kansas may apply for a temporary permit to practice in this court. The granting of temporary admissions to practice in this court is governed by this rule, and is effective upon the applicant taking the oath prescribed by this rule. Such temporary permit to practice in this court is effective only so long as the temporary admittee's temporary permit to practice in the Kansas state courts is in effect.

* * *

As amended 3/17/19, 7/9/99, 11/13/97, 11/16/90.

RULE 83.5.2.1
SPECIAL ADMISSIONS – ATTORNEYS FOR THE UNITED STATES GOVERNMENT AND THE FEDERAL PUBLIC DEFENDER OFFICE

Any attorney representing the United States Government, or any agency thereof, or any attorney employed by the Federal Public Defender's Office may appear in an official capacity without having to comply with D. Kan. Rule 83.5.2(a), provided the attorney is in good standing of the bar of the highest court of any state, territory, or the District of Columbia.

* * *

Adopted 4/12/21.

RULE 83.5.3
REGISTRATION OF ATTORNEYS

(a) Annual Registration.

(1) *In General.* All attorneys admitted to the practice of law before this court, except as set out in paragraphs (b) and (c) below, must complete annual registration on or before June 30 through the online portal.

(2) *CLE Certification, Local Rules Familiarization, and Pro Bono.* During registration, registrants must certify that,

(A) in the preceding 12-month period, the attorney has earned at least the minimum number of continuing legal education credit hours required by the Rules of the Supreme Court of Kansas

(B) the attorney has read and is familiar with the District of Kansas Local Rules; and

(C) the attorney acknowledges the obligation to render pro bono services as set forth in Kansas Rules of Professional Conduct 6.1 and 6.2 .

(3) *Reciprocal Admission.* If admitted to practice before this court solely because of admission to the United States District Court for the Western District of Missouri, the registrant must certify that the attorney has earned

the minimum number of credit hours required by the rules of the Missouri Supreme Court and the Western District of Missouri related to continuing legal education.

(4) *Annual Fees.* Registrants must pay the annual fee on or before June 30 unless excused from payment under paragraphs (b) or (c) below. Fees received on or after July 1 must include an additional $100 late fee prior to reinstatement.

(5) *Registration Card.* The clerk will issue an attorney registration card to all registrants.

(b) Exemption from Fees.

(1) *State Court Judges and Federal Court Employees.* State court judges who are barred by law or rule from the practice of law and federal court employees who do not actively practice before the court are exempt from payment of the registration fee.

(2) *Attorneys Appearing Pro Hac Vice.* Attorneys appearing pro hac vice are not required to pay the annual registration fee.

(3) *Newly-Admitted Attorneys.* No registration fee will be charged to any attorney newly admitted to this court after January 1 for the first registration period following such admission. Where an attorney newly admitted to the court pays the registration fee for the period in which the attorney is exempt and wishes to be refunded, the attorney must initiate a refund by requesting it in writing.

(c) Retired and Inactive Attorneys. An attorney who has retired from or is no longer engaged in the practice of law in this court may so notify the clerk in writing. An attorney filing such notice is thereafter ineligible to practice in this court until reinstated under such terms as the court directs. During any period of retirement or inactive status under this rule, the retired or inactive attorney need not pay the annual registration fee.

(d) Non-Appropriated Fund. The court maintains a non-appropriated fund derived from attorney registration fees in accordance with Volume 4, Chapter 6, of the Guide to Judiciary Policies and Procedures and in accordance with the Rules of Practice and Procedure for District and Bankruptcy Court for the District of Kansas.

(1) *Fund Custodian.* The clerk of the court is appointed as the fund custodian. The custodian will receive, safeguard, deposit, disburse, and account for all funds. The custodian will ensure the financial statements and reports are prepared in a timely manner to meet the needs of the court.

(2) *Fund Management.* All receipts will be deposited in federally insured banks or savings institutions and whenever feasible, will be placed in interest-bearing accounts. Funds must be segregated from all other monies in the court's custody, including other non-appropriated funds.

(3) *Audits.* The Administrative Office of the U.S. Courts or court-appointed outside auditors may perform audits. The written results of the audits will be provided to the court. Costs for outside audits will be paid by the fund. Annual audits will be performed for the fiscal year, October 1 through September 30.

(4) *Budget.* At the beginning of each fiscal year, the court will approve a budget for the year that forecasts fund income and expenses. The court-approved budget will serve as authorization for the custodian to spend monies for categories listed on the budget. The custodian is allowed to exceed budgeted amounts by no more than 10%. A majority of the judges must approve expenditures beyond the 10% variance.

(5) *Items Outside the Budget.* For items not covered by the annual budget, the chief judge may issue an order of approval that disburses funds for expenditures not exceeding $1,000. For items exceeding $1,000 not covered by the annual budget, a majority of the judges must approve the order of approval issued by the chief judge.

(6) *Calculation of Registration Fee.* During the first three months of each calendar year, the judges will examine the accounts of the trustee of the fund and fix the registration fee for the next annual registration of attorneys. In fixing the fee, the judges will consider the amount on hand, the projected earnings from investments, and the probable expense of pending and anticipated proceedings.

(e) Disbursements. Disbursements from the Bar Registration and Disciplinary Fund are permitted only for the following purposes:

(1) To defray the expense of administering the registration and bar disciplinary procedures.

(2) As set forth in paragraph (f) of this rule, to reimburse court-appointed attorneys in civil cases for out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise recovered in the action.

(3) To reimburse members of official committees appointed by the court, who may not be otherwise reimbursed, for their expenses incurred in attending meetings and performing the duties required of committee members. Applications for such reimbursements must be made on forms supplied by the clerk. The clerk may approve applications for amounts not to exceed $300. The chief judge must also approve reimbursement for expenses exceeding $300. Travel expenses will be paid from the fund in an amount not to exceed the same rates as official travel for federal employees. Claims will be allowed for actual expenses, not to exceed the rates in effect at the time of travel.

(4) To make such other expenditures the judges consider to be for the benefit of the court and bar.

(f) Reimbursement Procedures for Court-Appointed Counsel in Civil Cases.

(1) *Allowable Expenses.* Allowable expenses include items set out in 28 U.S.C. § 1920, fees for expert witnesses and other out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise recovered in the action. Reimbursements must not include general office overhead or items and services of a personal nature.

(2) *Reimbursement Procedure.* To qualify for reimbursement, all expenditures in excess of $500 for investigative expenses — for example, retrieval of

medical records, employment records, and the like — must be approved in advance by the court. Before incurring any reimbursable expense, the attorney must:

(A) complete a reimbursement form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the judge to whom the case is assigned and, where required, by the chief judge.

(3) *Who Must Approve Expenditures.* The presiding judge may approve expenditures that total less than $3,000 for the entire case. The chief judge must approve expenditures that reach or exceed $3,000.

(4) *Ex Parte Requests.* Attorneys may request approval on an ex parte basis.

(5) *Amount of Reimbursement.* The clerk will reimburse attorneys such amount as the court approves.

(6) Any reimbursements paid from the Bar Fund must be repaid if money is recovered in the case, unless waived by the court.

(g) Suspension. The clerk will issue an order of suspension to any attorney who has failed to register as of August 1 of the registration year. Any attorney who continues to practice in this court while suspended will be subject to disciplinary procedures.

(h) Reinstatement. The court may reinstate an attorney who was suspended solely because of his or her failure to register or pay the annual registration fee upon:

(1) application;

(2) payment of a $100 re-registration fee (except that the court may waive the fee for good cause); and

(3) payment of such additional amount as the court requires.

* * *

As amended 03/01/24, 11/1/23, 3/17/19, 3/17/16, 3/17/13, 10/17/13, 3/17/11, 12/01/09, 3/17/09, 5/03, 9/00.

RULE 83.5.3.1
APPOINTMENT OF COUNSEL IN CIVIL CASES

In those civil cases (other than a habeas corpus action) where a judge appoints an attorney to represent a party, reimbursement of out-of-pocket expenses may be made pursuant to D. Kan. Rule 83.5.3(e)(2).

* * *

As amended 6/5/95.

RULE 83.5.4
APPEARANCE FOR A PARTICULAR CASE

(a) Requirements for Pro Hac Vice Admission. An attorney who is not admitted to practice in this court may be admitted for the purposes of a particular case only, if the following conditions are met:

(1) The attorney must be a member in good standing of the bar of another state or federal court;

(2) A member in good standing of the bar of this court must move for his or her admission;
(3) The motion must be in writing;
(4) The motion must be accompanied by an affidavit on the form prescribed by court rule (see website); and
(5) The attorney seeking admission must pay a registration fee of $50 per case. An attorney's admission is subject to 28 U.S.C. § 515, 517, and similar provisions of the United States Code. Attorneys employed by any department or agency of the United States government are not required to pay a pro hac vice registration fee.

(b) Signatures. All pleadings or other papers signed by an attorney admitted pro hac vice must also be signed by a member of the bar of this court in good standing, who must participate meaningfully in the preparation and trial of the case or proceedings to the extent the court requires.

(c) Consent to Disciplinary Jurisdiction. An attorney who applies for admission pro hac vice by doing so consents to the exercise of disciplinary jurisdiction by this court over any alleged misconduct that occurs during the progress of the case in which the attorney so admitted participates. An attorney of record in an action transferred under 28 U.S.C. § 1407 may continue to represent his or her client in the District of Kansas. Parties in such actions need not obtain local counsel in this district.

(d) Preclusion from Practice. An attorney who has been permitted to appear pursuant to this rule who is found guilty of a serious crime or is publicly disciplined by any court may be precluded from continuing that special appearance and from appearing at the bar of this court in any other case.

(e) Refusal of Admission. In the event disciplinary or grievance proceedings or sanctions are pending, the court may refuse admission pending disposition of such proceedings.

(f) Appearance Pro Se. Any party appearing on his or her own behalf without an attorney is expected to read and be familiar with the Rules of Practice and Procedure of this court; the relevant Federal Rules of Civil Procedure, of Criminal Procedure, or the Bankruptcy Rules; and the pertinent Federal Rules of Evidence; and to proceed in accordance with them.

* * *

As amended 11/1/23, 3/17/19, 12/01/09, 8/21/06, 9/00, 6/18/97, 10/20/93.

RULE 83.5.5
WITHDRAWAL OF APPEARANCE

An attorney who has appeared in a case may withdraw in accordance with the Kansas Rules of Professional Conduct as described in D. Kan. Rule 83.6.1. This rule does not apply to those attorneys who have entered a limited appearance pursuant to D. Kan. Rule 83.5.8.

(a) Withdrawal of Attorney Whose Client Will be Left Without Counsel. Withdrawal of an appearance for an attorney whose client will be left without counsel is authorized only upon court order. An attorney seeking to withdraw whose client will be left without counsel must:

(1) file a motion to withdraw that:

(A) sets forth the reasons for the withdrawal, unless doing so would violate any applicable standards of professional conduct;

(B) provides evidence that the withdrawing attorney provided the client with notice of:

(i) the admonition that the client is personally responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order; and

(ii) the dates of any pending trial, hearings, conferences, and deadlines; and

(C) provides the court with a current mailing address and telephone number for the client;

(2) serve the motion to withdraw on the withdrawing attorney's client either by personal service or by certified mail, with return receipt requested;

(3) serve the motion to withdraw on all attorneys of record and pro se parties in the case pursuant to Fed. R. Civ. P. 5(b); and

(4) file either:

(A) proof of personal service of the motion to withdraw or the certified mail receipt, signed by the client; or

(B) an affidavit indicating that the client received a copy of the motion to withdraw. Withdrawal is not effective until the court enters an order authorizing withdrawal.

(b) Withdrawal of Attorney Whose Client Continues to Be Represented by Other Counsel of Record. Withdrawal of an appearance by an attorney whose client continues to be represented by other counsel of record is authorized without an order of the court, unless the only remaining counsel of record is admitted pro hac vice under D. Kan. Rule 83.5.4. In instances where the remaining counsel of record is admitted pro hac vice, the withdrawing attorney must comply with either subsection (a) or (c) of this rule.

An attorney seeking to withdraw whose client will continue to be represented by other counsel of record may withdraw provided the withdrawing attorney files a pleading entitled "Notice of Withdrawal of Appearance" signed by the withdrawing attorney. Such notice must identify the other attorneys of record who will continue to represent the withdrawing attorney's client. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(c) Withdrawal of Attorney Whose Client Will Be Represented by Substituted Counsel. Substitution of counsel admitted to practice in this court is authorized without an order of the court. Substitution of counsel and simultaneous withdrawal of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a pleading entitled "Withdrawal of Counsel and Entry of Appearance of Substituted Counsel" signed by (1) the attorney withdrawing and (2) the attorney to be substituted as counsel. Such notice of withdrawal must be served pursuant to Fed. R. Civ. P. 5(b) on the client, all attorneys of record, and any pro se parties in the case.

(d) Substitution of Counsel for the United States, an Agency, or an Officer Thereof, or Substitution of Counsel for Individuals Represented by the

Federal Public Defender. Substitution of counsel for the United States, an agency, or officer thereof, or substitution of counsel for individuals represented by the Federal Public Defender is authorized without an order of the court. Substitution of counsel may be accomplished as follows:

The attorney to be substituted as counsel of record files a pleading entitled "Notice of Substitution of Counsel and Entry of Appearance of Substituted Counsel" signed by the attorney to be substituted as counsel. The substitution shall be effective upon the filing of the notice and the attorney to be withdrawn from representation need not sign or file any notice. The notice of substitution must be served pursuant to Fed. R. Civ. P. 5(b) on all attorneys of record and any pro se parties in the case.

(e) Withdrawal of Attorney for Criminal Appeal. Withdrawal of counsel for a defendant in a criminal case who wishes to appeal from a judgment of conviction after trial or a guilty plea or from a sentence imposed under the Sentencing Guidelines is governed by 10th Circuit Rules 46.3 and 46.4.

(f) Withdrawal of Attorney for Non-Essential Party in Bankruptcy Cases. In a bankruptcy case (other than an adversary proceeding), the appearance of any attorney for a party other than the debtor or the trustee may be withdrawn by filing a motion certifying that 1) the client has consented to or requested the withdrawal, 2) there are no pending adversary proceedings or contested matters affecting the client, and 3) that the address for all future notices to the client is set forth in the motion and the client has consented to accept notices and service at that address for all purposes in the case upon the withdrawal of the attorney. Such motion must be delivered by mail or CM/ECF notification, as applicable, to all attorneys of record, and any pro se parties who have appeared in the case, but without the requirement for notice and hearing. The withdrawal shall be effective only upon the entry of an order granting the motion.

* * *

As amended 11/25/21, 4/15/20, 3/17/14, 3/17/09, 10/22/98, 2/2/95.

RULE 83.5.6
LEGAL INTERNS

Legal interns, as defined by the Kansas Supreme Court, who meet the stated qualifications, may appear before the judges and magistrate judges of this district to perform the same services as defined by the Kansas Supreme Court. Legal interns appearing before this court are subject to all of the requirements and limitations defined by the Kansas Supreme Court. Prior to an appearance, whether by signature on a pleading, motion, or memorandum, or by appearance in court, the legal intern and the supervising attorney must file a copy of the order admitting the legal intern to practice as governed by the Kansas Supreme Court as well as all written consents and approvals required thereby.

* * *

As amended 2/27/98, 2/3/95.

RULE 83.5.7
APPEARANCES BY FORMER LAW CLERKS

An attorney who has served as a law clerk to a judge must not appear in any case that was pending before that judge during the tenure of the attorney as a law clerk.

A former law clerk must not appear in a case that is assigned to the judge by whom he or she was employed for a period of one year after leaving the employment of that judge.

This rule applies to former law clerks to district judges, magistrate judges, and bankruptcy judges.

* * *

Adopted 03/17/08 (formerly D. Kan. S.O. 95-1).

RULE 83.5.8
LIMITED SCOPE REPRESENTATION IN CIVIL CASES

(a) In General. A lawyer may limit the scope of representation in civil cases if the limitation is reasonable under the circumstances and the client gives informed consent in writing.

(b) Procedures. A lawyer who provides limited representation must comply with Kansas Supreme Court Rule 115A, as later amended or modified, with two exceptions. First, the lawyer must use the federal forms rather than the Kansas State Court forms. Second, Rule 115A(c) does not apply in the District of Kansas. Any attorney preparing a pleading, motion, or other paper for a specific case must enter a limited appearance and sign the document. The Bankruptcy Court may have additional local rules that govern its limited scope practice.

(c) Participation. The United States District Court for the District of Kansas allows any attorney registered as active to practice before this court to offer limited scope representation.

* * *

New Rule Adopted 3/17/14.

RULE 83.6.1
PROFESSIONAL RESPONSIBILITY

(a) Kansas Rules. The Kansas Rules of Professional Conduct as adopted and amended by the Supreme Court of Kansas are adopted by this court as the applicable standards of professional conduct, except as otherwise provided by a specific rule of this court.

(b) Disciplinary Enforcement. For misconduct defined in these rules, and after proceedings conducted in accordance with these rules, any attorney within the disciplinary jurisdiction of this court may be disbarred, suspended from practice, reprimanded, or subjected to other appropriate disciplinary action.

(c) Standards of Conduct. Any of the following acts or omissions by an attorney constitute misconduct and are grounds for discipline:

(1) Acts or omissions that violate the standards of professional conduct adopted by this court;

(2) Conduct violating applicable rules of professional conduct of another jurisdiction;

(3) Willful disobedience of a court order requiring the attorney to do or forebear an act connected with or in the course of the practice of law;
(4) Willful violation of the attorney's oath prescribed by these rules;
(5) Neglect or refusal, on demand, to pay over or to deliver money or property due or belonging to a client, except where such money or property is retained under a bona fide claim of a lien for services;
(6) Destroying, secreting, fraudulently withdrawing, mutilating, or altering any paper, record, or exhibit belonging to the files or records in any action or proceeding;
(7) Willful violations of a valid order of the court, the Disciplinary Panel, or a hearing panel; and
(8) The willful failure to appear before or respond to a lawful demand from disciplinary authority, except that this rule does not require disclosure of information otherwise protected by applicable rules relating to confidentiality.

* * *

As amended 3/17/04, 9/17/99, 10/22/98.

RULE 83.6.2
DISCIPLINE OF ATTORNEYS

(a) Disciplinary Panel.

(1) *Composition of Disciplinary Panel.* The chief judge will assign a panel of three active or senior judges of the court to be known as the Disciplinary Panel. From time to time, the chief judge may designate other judges to serve as members or as alternates on the Disciplinary Panel.
(2) *Duties of Disciplinary Panel.* The Disciplinary Panel may, by a majority vote, provide for the investigation of a disciplinary complaint. The Disciplinary Panel has general supervision over all proceedings involving:
(A) the disbarment, suspension, censure, or other discipline of lawyers practicing in this court; or
(B) the alleged physical or mental disability of lawyers practicing in this court.

(b) Duties of the Clerk.

(1) *"Bar Disciplinary File."* The clerk will maintain as a public record a general file to be known as the "Bar Disciplinary File." The file must contain a copy of any procedural guidelines the Disciplinary Panel adopts and such other documents as the Disciplinary Panel directs.
(2) *"Bar Discipline Orders."* The clerk will maintain as a public record a general file to be known as the "Bar Discipline Orders." This file must contain orders of discipline or other disposition in bar disciplinary cases originating in this court for active attorneys who are listed and available to the public. Any disciplinary proceedings pursuant to this rule or Rule 83.6.3 will be governed by the confidentiality provisions found in these rules. All documents in reciprocal cases, including referred and non-referred discipline, pursuant to Rule 83.6.4 will be publicly available.

(3) *Duties When a Complaint is Filed.* When a complaint is filed the clerk must:

(A) ascertain from the disciplinary authorities of all bars of which the charged attorney is a member, his or her standing and disciplinary record (unless the facts are already known);

(B) file the information received; and

(C) report it to the Disciplinary Panel.

(4) *Notice To Disciplinary Authorities.* The clerk must transmit notice of all public discipline imposed against a lawyer, transfers to or from disability inactive status, and reinstatements to the Disciplinary Administrator of the Supreme Court of Kansas and to the National Discipline Data Bank maintained by the American Bar Association. The clerk must also transmit the same to the disciplinary authorities of any other bars of which the disciplined attorney is a member.

(c) Confidentiality.

(1) *Disclosure.* Prior to the filing and service of formal charges in a disciplinary matter, the proceedings are confidential, except that the pendency, subject matter, and status of an investigation may be disclosed:

(A) by the clerk if the respondent has waived confidentiality or if the proceeding is based upon allegations that include either the conviction of a crime or public discipline by another court; or

(B) by the Disciplinary Panel if it has determined:

(i) the proceeding is based upon allegations that have become generally known to the public; or

(ii) there is a need to notify another person or organization, including any recognized clients' security fund to protect the public, the administration of justice, or the legal profession.

(2) *Proceedings.* Upon filing and service of formal charges in a disciplinary matter, or filing of a petition for reinstatement, the proceeding is public except for:

(A) deliberations of the hearing panel or court; or

(B) information subject to a protective order.

(3) *Proceedings Alleging Disability.* Proceedings for transfer to or from disability inactive status are confidential. All orders transferring a lawyer to or from disability inactive status are public.

(4) *Protective Orders.* To protect the interests of a complainant, witness, third party, or respondent, the Disciplinary Panel may — upon application of any person and for good cause — issue a protective order prohibiting the disclosure of specific information otherwise privileged or confidential. The Disciplinary Panel may direct that the proceedings be conducted so as to implement the order. This may include requiring that the hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of the application.

(5) *Duty of Participants.* All participants in a proceeding under these rules must conduct themselves so as to maintain the confidentiality mandated by this rule.

* * *

As amended 7/19/21, 3/15/03, 10/22/98, 11/16/90

RULE 83.6.3
PROCEDURE IN DISCIPLINARY CASES

(a) Jurisdiction.

(1) *In General.* Any lawyer admitted to practice law in this court is subject to the disciplinary jurisdiction of this court.

(2) *Definitions.* The term "any lawyer admitted to practice law in this court" includes the following persons:

(A) Any formerly-admitted lawyer with respect to the following acts:

(i) acts committed prior to resignation, suspension, disbarment, or transfer to inactive status; or

(ii) acts subsequent thereto that amount to the practice of law in violation of these rules or of the Model Rules of Professional Conduct as adopted by the Supreme Court of Kansas or any standards of professional conduct adopted by the court in addition to or in lieu thereof;

(B) Any lawyer specially admitted for a particular proceeding; and

(C) Any lawyer not admitted to the bar of this court or the bar of Kansas who practices or attempts to practice law in this court.

(b) Complaints Generally.

(1) *Complaints Filed in This Court.* A complaint against an attorney practicing in this court for any cause or conduct that may justify disciplinary action must be:

(A) in writing;

(B) under oath – unless filed by a judge or magistrate judge of this court; and

(C) filed in the record office of the clerk at Kansas City.

The clerk must refer all complaints so-filed to the Disciplinary Panel.

(2) *Complaints Filed with the Kansas Disciplinary Administrator.* Alternatively, a complainant concerned with federal conduct may file a complaint with the Kansas Disciplinary Administrator.

(3) *Referral of Complaint.* Even where a complainant files a complaint in this court, the court or the Disciplinary Panel may refer the complaint to the Kansas Disciplinary Administrator.

(c) Initial Action by Disciplinary Panel.

(1) *Dismissal.* The Disciplinary Panel must dismiss the complaint if it finds from the face of the complaint that it is frivolous, groundless, or malicious. If it so finds, the Disciplinary Panel's order must recite the reasons for dismissal. Upon dismissal under this subparagraph, the clerk must mail a copy of the order of dismissal to the complainant by certified mail, return receipt requested.

(2) *Referral to Hearing Panel.* The Disciplinary Panel must refer the matter to a hearing panel if it finds from the face of the complaint the misconduct

charged would, if true, justify disciplinary sanctions. The hearing panel consists of three members of the bar of this court appointed by the Disciplinary Panel. One member must be designated as chairperson of the hearing panel.

(d) Hearing Panel.

(1) *Hearings.* A hearing panel sits as a panel of inquiry. Upon reasonable notice to the complainant and respondent, the hearing panel may hold hearings on the issues. All hearings must be recorded verbatim pursuant to 28 U.S.C. § 753(b).

(2) *Actions of Chairperson.* The chairperson of the hearing panel conducting the inquiry is hereby designated and appointed master with authority to cause subpoenas to be issued commanding the appearance of witnesses, the production of books, papers, documents, or tangible things designated therein at such hearings or such other time designated in the subpoena. The chairperson may also administer oaths to the parties and witnesses.

(3) *Contempt Proceedings.* The Disciplinary Panel may order the initiation of contempt proceedings against witness when:

(A) the witness fails or refuses to attend or testify under oath; and

(B) his or her name is certified to the Disciplinary Panel.

(e) Investigation by Disciplinary Counsel.

(1) *Disciplinary Counsel's Duty.* With the approval of the chief judge, the chairperson of the hearing panel may appoint one or more members of the bar of this court (or if circumstances require of the bar of another court) in good standing, as Disciplinary Counsel. Disciplinary Counsel's duty is to:

(A) investigate, present, and prosecute charges; and

(B) prepare all orders and judgments as directed by the hearing panel.

(2) *Investigation and Report.* Disciplinary Counsel must conduct an initial investigation of the charges and submit a written report to the hearing panel recommending:

(A) dismissal of the complaint;

(B) informal admonition of the attorney; or

(C) prosecution of formal charges before a hearing panel.

(3) *Disposition.* The hearing panel may direct further investigation or take action by a majority vote.

(4) *Informal Admonition.* If informal admonition is contemplated, the attorney must first be notified. The attorney may demand a formal hearing by written request to the chairperson of the hearing panel.

(f) Formal Charges.

(1) *Formal Complaint.* If the hearing panel directs or demands formal prosecution, Disciplinary Counsel must, after making such additional investigation as he finds necessary, prepare and file with the clerk a formal complaint.

(A) *Requirements of Complaint.* The complaint must be sufficiently clear and specific to inform the respondent of the alleged misconduct.

(B) *Service.* A copy of the complaint, together with a summons, must be served upon the respondent. The summons must be in the general form of a civil summons issued pursuant to Fed. R. Civ. P. 4 and be served in accordance with that rule.

(C) *Response.* The respondent must serve a response upon Disciplinary Counsel and file a copy with the clerk within 21 days after service of the complaint unless the chairperson of the hearing panel extends the time.

(2) *Hearing.*

(A) *When Set.* The chairperson of the hearing panel must set the matter for hearing:

(i) Following the service of a response or upon the respondent's failure to respond; and

(ii) Upon completion of any additional investigation that the chairperson of the hearing panel allows either party.

(B) *Notice.* Disciplinary Counsel must serve a notice of hearing upon the respondent, respondent's attorney, and the complainant. The notice must be served at least 14 days in advance of the hearing date and must state:

(i) the respondent is entitled to be represented by an attorney at his or her own expense, to cross-examine witnesses and to present evidence; and

(ii) the date and place of the hearing.

(C) *Rules of Evidence.* The Federal Rules of Evidence govern the hearing, except as these rules otherwise provide. All witnesses must be sworn and all proceedings and testimony must be recorded as provided by 28 U.S.C. § 753(b).

(D) *Burden of Proof.* Disciplinary Counsel bears the burden of establishing charges of misconduct by clear and convincing evidence.

(3) *Report.* At the conclusion of the hearing, Disciplinary Counsel must prepare a report setting forth the findings and recommendations of the hearing panel. A majority of the hearing panel must sign the report and submit it to the Disciplinary Panel.

(A) *Prior Record and Other Circumstances.* In recommending discipline, the hearing panel may consider the respondent's prior record, if any. The panel's report must fully set forth any mitigating or aggravating circumstances that affect the nature or degree of discipline recommended.

(B) *Failure to Reach Unanimous Decision.* If the panel cannot agree unanimously on either the findings of fact or the recommended discipline, or both, Disciplinary Counsel must, if requested, prepare a draft of a majority report for consideration by the majority. The minority member may file a minority report.

(C) *Filing and Distribution of Report.* Reports must be filed with the clerk for referral to the Disciplinary Panel. Disciplinary Counsel

must mail or deliver a copy to the respondent and to attorneys of record.

(D) *Confidentiality.* The hearing panel's report is confidential, must be so marked, and must not become a public record unless the Disciplinary Panel so orders.

(4) *Referral to Disciplinary Administrator.* The hearing panel may, with or without preparing charges, refer the matter to the Disciplinary Administrator of the Supreme Court of Kansas. In considering whether to make this referral, the hearing panel will consider any prior discipline imposed, the nature of the conduct, the type of investigation necessary, and where the conduct occurred.

(g) Review of Report.

(1) *Items Forwarded to Disciplinary Panel.* With the hearing panel's report, the clerk must also forward to the Disciplinary Panel:

(A) copies of the complaint;

(B) the answer, if any;

(C) the transcript of the hearing;

(D) all evidence admitted before the panel; and

(E) all evidence properly offered but rejected.

Together, these items constitute the record in the case.

(2) *Citation Issued to the Respondent.* At the same time, the clerk must issue and serve a citation by certified mail to the respondent's last address registered with the clerk.

(A) *Content of the Citation.* The citation must direct the respondent to file within 21 days from the date of mailing either:

(i) a statement that the respondent does not wish to file exceptions to the report, findings, and recommendations; or

(ii) respondent's exceptions to the report.

(B) *Failure to File Exceptions.* Any part of the report, findings, or recommendations not timely excepted to will be deemed admitted.

(C) *Undeliverable Citation.* If the citation is not deliverable by mail directed to the respondent's last address registered with the clerk and the respondent cannot be otherwise served, the matter stands submitted upon the filing by the clerk of a certificate reporting such facts.

(3) *Procedure.*

(A) *Exceptions Not Timely Filed.* If the respondent fails to file timely exceptions, the hearing panel's findings of fact will be deemed admitted and the case submitted on the record.

(B) *Exceptions Timely Filed.* If exceptions are timely filed, the respondent has 30 days thereafter to file a brief; Disciplinary Counsel 30 days after service of the respondent's brief; and the respondent 14 days after service of Disciplinary Counsel's brief to file a responsive brief. The case will be submitted to the Disciplinary Panel on the record when all briefs have been filed or the time for filing them has expired.

(4) *Other Disability or Disciplinary Proceedings.* If the Disciplinary Panel receives reliable information that disability or disciplinary proceedings involving the same attorney or the same or connected circumstances are pending or contemplated in another jurisdiction, the Panel may stay the proceedings in this court or direct such other action as it deems appropriate.

(5) *Evidence to be Considered.* During its review, the Disciplinary Panel must not receive or consider any evidence that was not presented to the hearing panel, except after notice to the respondent and Disciplinary Counsel and opportunity to respond. If new evidence warranting a reopening of the proceeding is discovered, the case must be remanded to the hearing panel for a hearing. The hearing may be limited to specified issues.

(6) *Entry of Order*. Upon conclusion of the proceedings, the Disciplinary Panel must promptly enter an appropriate order for the court.

* * *

As amended 12/01/09, 3/17/04, 10/22/98, 11/16/90.

RULE 83.6.4
RECIPROCAL DISCIPLINE

(a) Discipline By Other Courts. Upon being disciplined in another jurisdiction, a lawyer admitted to practice before this court must promptly inform the clerk. Upon notification from any source that a lawyer within the jurisdiction of this court has been disciplined in another jurisdiction, the clerk must obtain and file a certified copy of the disciplinary order.

(b) Notice and Order to Show Cause.

(1) *Notice to Attorney.* Upon the filing of a certified or exemplified copy of a judgment or order demonstrating an attorney admitted to practice before this court has been publicly disciplined by another court, the clerk, in the name of the court, will forthwith issue a notice directed to the attorney containing:

(A) a copy of the judgment or order from the other jurisdiction or a statement of any information received relating to the discipline imposed by the other court;

(B) an order to show cause directing that the attorney inform the Disciplinary Panel within 30 days after service of that order upon the attorney, personally or by certified mail, return receipt requested, of any claim by the attorney predicated upon the grounds set forth in (d) hereof that the imposition of discipline substantially similar to that imposed by the other court would be unwarranted and the reasons therefore; and

(C) if the discipline administered in the other jurisdiction included suspension from the practice of law, disbarment, or if the attorney has surrendered his or her license, an order temporarily suspending the attorney from practice in the District Court and the Bankruptcy Court as provided for in D. Kan. Rule 83.6.6.

(2) *Notice to Other Court.* The other court will be given notice of the issuance of the order to show cause and of the response by the attorney and has the

right to intervene in the proceedings for the purpose of demonstrating the discipline imposed by it was appropriate.

(c) Stays. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court must be deferred until such stay expires.

(d) Reciprocal Discipline Imposed; Exceptions. After 30 days has passed from service of the notice issued pursuant section (b) of this rule, the Disciplinary Panel must impose discipline substantially similar to that imposed by the other court unless the respondent-attorney demonstrates, or the Disciplinary Panel finds, that on the face of the record upon which the discipline in the other jurisdiction is predicated, it clearly appears:

(1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(2) There was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Disciplinary Panel could not, consistent with its duty, accept as final the conclusion on that subject;

(3) The imposition of the same discipline by the Disciplinary Panel would result in grave injustice; or

(4) The misconduct established warrants substantially different discipline.

Where the Disciplinary Panel finds that any of the above elements are present, it will enter an order that it finds appropriate. The party seeking a different discipline bears the burden to show that the same or substantially similar discipline is not appropriate.

(e) Final Adjudication in Other Courts. In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct establishes conclusively the misconduct for purposes of a disciplinary proceeding in this court.

(f) Referral to a Hearing Panel. At any stage, the Disciplinary Panel may refer proceedings under this rule to a hearing panel for investigation and report to the Disciplinary Panel.

* * *

As amended 9/23/05, 3/17/04, 11/16/90.

RULE 83.6.5
ATTORNEYS CHARGED WITH CRIMES AND DISCIPLINARY PROCEEDINGS

(a) Attorney's Duty. Any attorney admitted to practice before this court, whether as a regular member of the bar of this court or to practice in this court pro hac vice, must notify the clerk in writing within 14 days after service of process or notice to him or her of:

(1) a charge of commission of a serious crime, or a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; or

(2) a grievance such as would subject the attorney to discipline in this court, in any other court of the United States, or the District of Columbia, or in any state, territory, commonwealth, or possession of the United States.

This also applies to diversion agreements relating to criminal charges, potential criminal charges, or disciplinary proceedings.

(b) Interim Suspension. The Disciplinary Panel must enter an order immediately suspending an attorney admitted to practice before this court when:

(1) a certified copy of a judgment of conviction is filed with the clerk of this court;

(2) the judgment shows that the attorney has been convicted of a serious crime as hereinafter defined;

(3) the conviction is in any court of the United States, or the District of Columbia, or in any state, territory, commonwealth, or possession of the United States; and

(4) the conviction resulted from a plea of guilty or *nolo contendere* or from a verdict after a trial or otherwise.

The suspension must occur regardless of whether an appeal is pending and must last until final disposition of a disciplinary proceeding based upon such conviction. A copy of such order must immediately be served upon the attorney. Service may be made personally or by certified mail, return receipt requested, addressed to the attorney at his or her most current address on file with the clerk of this court. For good cause, the Disciplinary Panel may set aside such order in the interests of justice.

(c) Serious Crime. The term "serious crime" includes any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy of solicitation of another to commit a "serious crime."

(d) Evidence of Crime. A certificate of a conviction of an attorney for any crime is conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against said attorney based upon the conviction. A diversion agreement, for the purpose of any disciplinary proceeding, constitutes a conviction of the crime originally charged.

(e) Reinstatement. An attorney suspended under this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a crime has been reversed. But the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which must be determined on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

* * *

As amended 11/1/23, 12/01/09, 3/17/04, 11/16/90.

RULE 83.6.6
INTERIM SUSPENSION

(a) Suspension, Disbarment, or the Surrender of a License in Another Jurisdiction.

(1) *Clerk's Duty.* The clerk must issue an order of interim suspension — temporarily suspending an attorney from practicing law in the District and Bankruptcy Courts of this District — upon receipt of a certified or

exemplified copy of an order by another jurisdiction suspending, disbarring, or accepting the surrender of the license to practice law of the attorney.

(2) *Application for Relief.* An attorney may petition for relief from an order of interim suspension by directing a written application to a member of the Disciplinary Panel. Upon receipt of the application, the Disciplinary Panel may consider reinstatement of the attorney while the disciplinary proceedings are pending at a hearing to be conducted as provided for in subsection (b).

(3) *Notification to Judges.* The judges, magistrate judges, and bankruptcy judges of the District and Bankruptcy Courts assigned to any cases in which the attorney is an attorney of record must be notified of the filing of the application and the date and time of any hearing.

(b) Public or Private Censure in Another Jurisdiction.

(1) *Citation.* If the discipline administered by the other jurisdiction only includes the lesser sanction of public or private censure, the Disciplinary Panel may issue a citation on its own motion. The citation will direct an attorney against whom disciplinary or disability proceedings are pending in this court or in any other jurisdiction to:

(A) appear before a member of the Disciplinary Panel; and

(B) show cause why that attorney should not be suspended during the pendency of such proceedings.

The show cause order and a copy of the document initiating the disciplinary proceeding must be served personally or by certified mail, return receipt requested, addressed to the attorney at his or her most current address on file with the clerk of this court.

(2) *Disciplinary Panel's Action.* After hearing, or if the respondent fails to appear as ordered, the Disciplinary Panel may enter an order suspending the attorney from practice for a definite or indefinite period or may discharge the citation.

* * *

As amended 9/23/05, 3/17/04, 11/16/90.

RULE 83.6.7
ATTORNEYS WHO RESIGN FROM THE BAR DURING AN INVESTIGATION OF MISCONDUCT OR DISBARMENT ON CONSENT

(a) Duty of Attorneys. Any attorney admitted to practice before this court who is disbarred on consent or resigns from the bar of this court or any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending, must promptly inform the clerk of this court of such disbarment on consent or resignation.

(b) Duty of the Clerk. Upon receipt of information from any source that an attorney practicing in this court has been disbarred on consent or has resigned from the bar of any court, the clerk must report such information to the Disciplinary Panel.

* * *

As amended 11/16/90.

RULE 83.6.8
REINSTATEMENT AFTER DISCIPLINE

(a) Petitions for Reinstatement.

(1) *When an Attorney May Apply.*

(A) *Disbarred Attorney.* An attorney who has been disbarred may not apply for reinstatement within five years of the effective date of the disbarment. An attorney who has been disbarred may not resume practice until reinstated by the court.

(B) *Suspended Attorney.* An attorney suspended for three months or less will ordinarily be reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the order.

(i) *Automatic Reinstatement with Affidavit.* An attorney suspended for three months or less must be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the order.

(ii) *Reinstatement by Court.* An attorney may not resume practice until reinstated by the court.

(2) *Advance Cost Deposit.* If the attorney has been reinstated by the Kansas Supreme Court, no advance deposit shall be required. In all other cases, the Disciplinary Panel may request an advance cost deposit before considering a petition for reinstatement. This deposit will be used to offset any costs involved in the reinstatement proceeding pursuant to D. Kan. Rule 83.6.10. Any funds remaining after the proceeding will be returned to the petitioner.

(3) *Successive Petitions.* No petition for reinstatement under this rule may be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(b) Burden of Proof. A petitioner seeking reinstatement bears the burden of demonstrating by clear and convincing evidence that:

(1) he or she has the moral qualifications, competence, and learning in the law required for admission to practice law before this court; and

(2) his or her resumption of the practice of law will not be:

(A) detrimental to the integrity and standing of the bar;

(B) detrimental to the administration of justice; or

(C) subversive of the public interest.

(c) Referral of Petition. The Disciplinary Panel may refer petitions for reinstatement to a hearing panel. When so referred, the chairperson of the hearing panel must conduct the investigation. The hearing panel, after review of the basic file and such investigation as it deems necessary, must report its findings of fact with supporting documents and its recommendations to the Disciplinary Panel.

(d) Entry of Order. After review of the files and the report of the hearing panel, the Disciplinary Panel must enter an order for the court, granting or denying reinstatement.

* * *

As amended 3/17/13, 3/17/04, 11/16/90.

RULE 83.6.9
PROCEEDINGS IN WHICH AN ATTORNEY IS DECLARED TO BE MENTALLY INCOMPETENT, IS ALLEGED TO BE INCAPACITATED, OR IS PLACED ON DISABILITY INACTIVE STATUS BY ANOTHER JURISDICTION

(a) Attorneys Declared Mentally Incompetent. The Disciplinary Panel must enter an order suspending a member of the bar of this court from the practice of law where the attorney:

(1) has been judicially declared incompetent; or

(2) has been involuntarily committed to a mental hospital; and

(3) the Disciplinary Panel has proper proof of the fact.

Such suspension is effective immediately and extends for an indefinite period, until further order of the Disciplinary Panel. A copy of such order must be served upon the attorney, his or her guardian, and the director of the mental hospital. Service may be effected in such manner as the Disciplinary Panel directs.

(b) Attorneys Alleged to Be Incapacitated.

(1) *Determination Whether Attorney is Incapacitated.* Through its chairperson, a hearing panel may petition the Disciplinary Panel to determine whether a member of the bar of this court is incapacitated from practicing law based on mental or physical infirmity or illness or use of drugs or intoxicants. When petitioned in this manner, the Disciplinary Panel may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated. This may include designating qualified medical experts to examine the attorney. The attorney's failure or refusal to submit to such examination is prima facie evidence of incapacity. If after due consideration, the Disciplinary Panel concludes that the attorney is incapacitated from practicing law, it must enter an order suspending or transferring him or her to inactive status until further order of the Disciplinary Panel.

(2) *Notice.* The Disciplinary Panel may provide for such notice to the respondent of proceedings in the matter as is deemed proper and advisable.

(3) *Appointment of Representation.* The Disciplinary Panel may appoint an attorney to represent the respondent if he or she is without representation.

(c) Placement on Disability Inactive Status By Another Jurisdiction. If the Disciplinary Panel receives notice that another jurisdiction has placed a member of the bar of this court on disability inactive status, the Disciplinary Panel may enter an order suspending the attorney from the practice of law. Such suspension is effective immediately and extends for an indefinite period, until further order of the Disciplinary Panel. A copy of such order must be served upon the attorney, his or her guardian, and the director of the mental hospital. Service may be effected in such manner as the Disciplinary Panel directs.

(d) Claim of Disability During Disciplinary Proceedings. If, during a disciplinary proceeding, the respondent contends that he or she is suffering from a disability by reason of mental or physical infirmity or illness or use of drugs or intoxicants that

makes it impossible for the respondent to adequately defend himself or herself, the Disciplinary Panel must enter an order immediately suspending the respondent from practicing law until a determination is made of the respondent's capacity to continue to practice law.

(e) Application for Reinstatement.

(1) *Determination Whether Disability Has Been Remedied.* Any attorney suspended for incompetency, mental or physical infirmity or illness, or because of use of drugs or intoxicants may apply to the Disciplinary Panel for reinstatement once a year, or at such shorter intervals as the Disciplinary Panel may direct in the order of suspension. The Disciplinary Panel must grant the application upon a showing by clear and convincing evidence that the attorney's disability has been removed and he or she is fit to resume the practice of law. The Disciplinary Panel may take or direct such action as it deems necessary or proper to determine whether the attorney's disability has been remedied. This includes directing the attorney be examined by such qualified medical experts as the Disciplinary Panel designates. The Disciplinary Panel may direct the applicant pay the expenses of such an examination.

(2) *Declaration of Competence.* When an attorney has been suspended because of a judicial declaration of incompetence or involuntary commitment to a mental hospital and has thereafter been judicially declared to be competent, the Disciplinary Panel may dispense with further evidence and direct the reinstatement of the attorney upon such terms as are deemed proper and advisable.

(f) Evidentiary Hearing.

(1) *Appointment of Disciplinary Counsel.* If an evidentiary hearing is held to determine whether an attorney is incapacitated or to consider an attorney's application for reinstatement, the Disciplinary Panel may appoint Disciplinary Counsel to appear for the purpose of examining and cross-examining witnesses and offering proof pertinent to the issues.

(2) *Burden of Proof.* The burden of proof in proceedings to transfer to disability inactive status is on Disciplinary Counsel. The burden of proof in proceedings seeking reinstatement, readmission, or transfer from disability inactive status is on the applicant.

(g) Waiver of Physician-Patient Privilege. By filing an application for reinstatement, an attorney who has been suspended for disability waives any physician-patient privilege regarding his or her treatment during the period of disability. The attorney must disclose the name of every psychiatrist, psychologist, physician, and hospital by whom or in which the attorney has been examined or treated since suspension. The attorney also must furnish the Disciplinary Panel with written consent for such psychiatrists, psychologists, physicians, or hospitals to divulge any information or records the medical experts designated by the Disciplinary Panel may request.

* * *

As amended 3/17/10, 3/17/04, 11/16/90.

RULE 83.6.10
FEES AND COSTS

(a) **Taxation of Costs.** The Disciplinary Panel may tax the costs of any disciplinary or disability proceeding under these rules to a respondent or to a person seeking reinstatement, or as hereinafter provided.

(b) **Fees and Reimbursement.** Disciplinary Counsel appointed pursuant to these rules may apply to the Disciplinary Panel for an order awarding fees and reimbursement of expenses. Other expenses in the administration of these disciplinary rules will be paid upon order of the Disciplinary Panel.

(c) **Payments and Deposits.** The clerk must make any payment under this rule from the Bar Registration and Disciplinary Fund. All costs or reimbursements paid to the clerk in disciplinary or disability cases must be deposited in the general account of the U.S. Treasury.

* * *

As amended 11/16/90.

RULE 83.6.11
APPLICABILITY OF FED. R. CIV. P. 11 TO DISCIPLINARY PROCEEDINGS

Fed. R. Civ. P. 11 is applicable to any pleading, motion, or other paper filed or submitted in disciplinary proceedings conducted under these rules and specifically to proceedings under D. Kan. Rules 83.6.1 through 83.6.12.

* * *

RULE 83.6.12
GENERAL PROVISIONS

(a) **Court's Inherent Power.** Nothing in these rules deprives this court of its inherent power to regulate the admission, practice, and discipline of attorneys practicing before it.

(b) **Statute of Limitations.** No statute of limitations bars any proceeding under these disciplinary rules.

(c) **Deferral and Abatement.** Processing of disciplinary complaints must not be deferred or abated because of substantial similarity to the material allegations of pending civil or criminal litigation unless expressly authorized by the Disciplinary Panel. Abatement of a complaint is not justified by:

(1) unwillingness or neglect of a complainant to sign a complaint or to prosecute a charge;

(2) settlement or compromise between the complainant and the attorney; or

(3) restitution by the attorney.

(d) **Time Limitations.** Except as otherwise provided in these rules, time limitations are directory and not jurisdictional.

(e) **Deviation From Rules.** Any deviation from the rules and procedures set forth in these rules is neither a defense in a disciplinary proceeding nor grounds for dismissal of any complaint absent actual prejudice to the respondent. The respondent must show any such prejudice by clear and convincing evidence.

(f) Judicial Immunity. Complaints, reports, or testimony in the course of disciplinary proceedings under these rules are deemed to be made in the course of judicial proceedings. All participants are entitled to judicial immunity and all rights, privileges, and immunities afforded public officials and other participants in actions filed in the courts of Kansas.

* * *

As amended 11/16/90.

-XIII-
REVIEW OF ADMINISTRATIVE PROCEEDINGS

RULE 83.7.1
REVIEW OF ORDERS OF ADMINISTRATIVE AGENCIES, BOARDS, COMMISSIONS, AND OFFICERS (EXCLUDING SOCIAL SECURITY APPEALS INVOLVING ONE INDIVIDUAL PURSUANT TO 42 U.S.C. § 405)

(a) Review or Enforcement of an Agency Order-How Obtained.

(1) *Petition for review of agency order.* Review of an order of an administrative agency, board, commission, or officer must be obtained in the following manner:

(A) by filing a pleading with the clerk of the court;
(B) within the time prescribed by law;
(C) in the form indicated by the applicable statute;
(D) with a caption that names each party seeking review;
(E) naming the defendant or respondent designated in the applicable statute;
(F) identifying the order or part thereof to be reviewed; and
(G) containing a citation of the statute by which jurisdiction is claimed. If two or more persons are entitled to seek judicial review of the same order and their interests are such as to make joinder proper, they may file a joint pleading. As used in this rule, the term "agency" includes any federal agency, board, commission, or officer — including the Commissioner of Social Security under Title 42 of the United States Code.

(2) *Application for enforcement of order; cross-application for enforcement.* An application for enforcement of an order of an agency must contain a concise statement of the proceedings in which the order was entered, the facts upon which jurisdiction and venue are based, and the relief requested. In cases seeking review of an agency order, which the court has jurisdiction to enforce, the agency may file a cross-application for enforcement.

(3) *Service of process.* Service of process must be in the manner provided by Fed. R. Civ. P. 4, unless a different manner of service is prescribed by an applicable statute.

(b) The record on review or enforcement.

(1) *Composition of the record.* Unless the applicable statute provides otherwise, the record on review in proceedings to review or enforce an agency order is comprised of:

(A) the order sought to be reviewed or enforced;

(B) the findings or report on which it is based; and

(C) the pleadings, evidence, and proceedings before the agency.

(2) *Omissions from or misstatements in the record.* If anything material to any party is omitted from the record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the court may at any time direct the omission or misstatement be corrected and, if necessary, a supplemental record be prepared and filed.

(c) Filing of the record.

(1) *Review Proceedings.* In review proceedings, the agency must file the record with the clerk of this court when it files its answer unless the statute authorizing review provides a different time.

(2) *Enforcement Proceedings.* In enforcement proceedings, the record need not be filed unless the respondent has filed an answer contesting enforcement of the order. If the record is required, the court will fix the time for its filing.

(d) Filing and Service of Briefs. The party seeking review must serve and file a brief conforming to the requirements of D. Kan. Rule 7.1 within 45 days after the date on which the record is filed. The responding party must serve and file a brief within 30 days after service of the brief of the party seeking review. The party seeking review may serve and file a reply brief within 14 days after service of the brief of the respondent. The court may extend or shorten the time for filing and serving briefs. The case is submitted when all briefs have been filed. The court will render a decision upon the briefs and the record, without oral argument, unless the court otherwise directs.

(e) Applicability of Other Rules. The parties to any proceedings governed by this rule must give the same notice of the filing of pleadings, records, and other documents as is required by Fed. R. Civ. P. 5. All other provisions of the Federal Rules of Civil Procedure and the rules of this court apply to such proceedings to the extent they are applicable. This rule controls over any conflicting local rule.

* * *

As amended 1/23, 3/04, 10/22/98.

RULE 83.7.2
SOCIAL SECURITY APPEALS INVOLVING ONE INDIVIDUAL PURSUANT TO 42 U.S.C. § 405

(a) Review. Review of Social Security Appeals involving one individual pursuant to 42 U.S.C. § 405(g) shall be in accordance with the Fed. R. Civ. P., Supplemental Rules for Social Security Actions.

(1) The action shall commence with the filing of a complaint conforming to Supplemental Rule 2(b).

(2) Plaintiff need not serve a summons and complaint pursuant to Civil Rule 4. The court will notify the U. S. Attorney for the District of Kansas and the Social Security Administration's Office of General Counsel.

(3) The Commissioner will answer by filing a certified copy of the administrative record in accordance with Supplemental Rule 4.

(b) Filing and Service of Briefs. The plaintiff must serve and file a brief within 30 days after the date on which the answer is filed or 30 days after entry of an order disposing of the last motion filed under Civil Rule 4(c), whichever is later. The Commissioner must serve and file a brief within 30 days after service of the plaintiff's brief. The plaintiff may file a reply brief and serve it on the Commissioner within 14 days after service of the Commissioner's brief.

(1) The certified administrative record constitutes the facts to be considered in the court's review. Therefore, neither party shall submit a separate statement of facts. However, each assertion of fact in the parties' briefs must be supported by citation to the record. With the exception of a statement of facts, the parties' briefs must conform to the requirements of D. Kan. Rule 7.1.

(2) The court may extend or shorten the time for filing and serving briefs. The case is submitted when all briefs have been filed. The court will render a decision upon the briefs and the record, without oral argument, unless the court otherwise directs.

(c) Applicability of Other Rules. The parties to any proceedings governed by this rule must give the same notice of the filing of pleadings, records, and other documents as is required by Fed. R. Civ. P. 5. All other provisions of the Federal Rules of Civil Procedure and the rules of this court apply to such proceedings to the extent they are applicable. This rule controls over any conflicting local rule.

* * *

Adopted 01/04/23

RULE 83.7.3
PROCEEDINGS IN SOCIAL SECURITY APPEALS AFTER A "SENTENCE SIX" REMAND

(a) Transcript of Proceeding. 42 U.S.C. § 405(g) requires in "sentence six" remand cases where the Commissioner's decision is not fully favorable to the plaintiff, that the Commissioner file the transcript of the proceeding upon which his or her decision was based. At the time the transcript is filed, the United States Attorney's Office for the District of Kansas must contact the plaintiff to determine whether the plaintiff intends to further pursue the case.

(b) Where the Plaintiff Will Not Pursue the Case. If the plaintiff does not intend to further pursue the case, a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1) must be filed within 14 days of the date the transcript is filed.

(c) Where the Plaintiff Will Pursue the Case. If the plaintiff intends to pursue the case following remand, the plaintiff must file an amended complaint within 14 days of the date the Commissioner files the transcript, thereby making clear that he or she intends to challenge the unfavorable decision of the Commissioner following remand. The Commissioner must then file an answer within 14 days of the date plaintiff's amended complaint is filed. Briefing shall continue from the filing of the answer in accordance with Local Rule 83.7.2(b).

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As amended 01/04/23, 12/01/09. Adopted 03/17/08 (formerly D. Kan. S.O. 07-1).

-XIV-
RULES APPLICABLE TO BANKRUPTCY PROCEEDINGS

RULE 83.8.1
THE BANKRUPTCY COURT

The serving bankruptcy judges of this district constitute and shall be known as "The United States Bankruptcy Court for the District of Kansas."

* * *

RULE 83.8.2
SCOPE OF RULES

These local district court rules govern practice and procedure in this district of all cases under Title 11 United States Code and of all civil proceedings arising under, in or related to Title 11. They implement and complement Title 11 United States Code, the Bankruptcy Amendments and the Federal Judgeship Act of 1984, the bankruptcy rules promulgated under 28 U.S.C. § 2075, and other local rules of this court.

* * *

RULE 83.8.3
FILING OF PAPERS

(a) Bankruptcy Rules 5005, 7001, 7003, and 9027 apply and all petitions, proofs of claim or interest, complaints, motions, applications, and other papers referred to in those rules shall be captioned "In the United States Bankruptcy Court for the District of Kansas."

(b) The filing requirements provided by subsection (a) of this rule include — but are not limited to — cases and proceedings within the purview of 28 U.S.C. § 1334(c)(2) and 28 U.S.C. § 157(b)(5).

* * *

RULE 83.8.4
MAINTENANCE OF CASE AND CIVIL PROCEEDING FILES; ENTRY OF JUDGMENTS

The clerk of the Bankruptcy Court shall maintain a complete file in each Title 11 case and in each proceeding arising in, under, or related to Title 11. A certified copy is sufficient for a judgment, order, decision, or proceeding separately docketed in the District Court. The entry of judgment by a district judge or a bankruptcy judge, as the case may be, shall be in accordance with Bankruptcy Rule 9021.

* * *

RULE 83.8.5
CLARIFICATION OF GENERAL REFERENCE TO BANKRUPTCY JUDGES

(a) **Standing Order of Reference.** The "Amended Standing Order of Reference", effective June 24, 2013, refers to the bankruptcy judges for this district, all cases

under Title 11 and any or all proceedings arising under Title 11 or arising in or related to a case under Title 11.

(b) Particular Cases Within Reference. That reference includes, without limitation,

(1) personal injury tort and wrongful death claims or causes of action within the purview of 28 U.S.C. § 157(b)(5);

(2) state law claims or causes of action of the kind referred to at 28 U.S.C. § 1332(c)(4); and

(3) involuntary cases under 11 U.S.C. § 303.

(c) Proceedings Requiring Article III Jurisdiction. If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this rule, the bankruptcy judge shall, unless otherwise ordered by the District Court, hear the proceeding and submit proposed findings of fact and conclusions of law to the District Court. The District Court may treat any order of the Bankruptcy Court as proposed findings of fact and conclusions of law in the event the District Court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the constitution.

* * *

Amended 3/17/14.

RULE 83.8.6
TRANSFER OF PARTICULAR PROCEEDINGS FOR HEARING AND TRIAL BY A DISTRICT JUDGE

A particular proceeding commenced in or removed to the Bankruptcy Court shall be transferred to the District Court for hearing and trial by a district judge only in accordance with the procedure below.

(a) Filing of Motion Required. A party seeking such transfer shall file a motion therefore in the Bankruptcy Court certifying one or more of the following grounds:

(1) It is in the interest of justice, in the interest of comity with state courts, or respect for state law that this District Court should abstain from hearing the particular proceeding as is contemplated by 28 U.S.C. § 1334(c)(1).

(2) The particular proceeding is based upon a state law claim or state law cause of action with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under 28 U.S.C. § 1334; that an action on the claim or cause of action is commenced and can be timely adjudicated in a state forum; and that under 28 U.S.C. § 1334(c)(2) this District Court must abstain from hearing the particular proceeding.

(3) The particular proceeding is a personal injury tort or a wrongful death claim within the purview of 28 U.S.C. § 157(b)(5).

(4) Resolution of the particular proceeding requires con-sideration of both Title 11 U.S.C. and other laws of the United States regulating organizations or activities affecting interstate commerce and thus must be withdrawn to this District Court under 28 U.S.C. § 157(d).

(5) The proceeding is under 11 U.S.C. § 303, a jury trial is demanded, and no statement of consent to trial before a bankruptcy judge has been filed.

(6) Cause exists, within the contemplation of 28 U.S.C. § 157(d), for the withdrawal of the particular proceeding to this District Court (a specification of such alleged cause must be stated).

(b) Time for Filing Motion for Transfer.

(1) If movant is an original plaintiff, the motion shall be filed within 20 days after the proceeding is commenced.

(2) If movant is an original defendant, intervenor, or an added party, the motion shall be filed within 20 days after movant has entered appearance or been served with summons or notice.

(3) In a proceeding that has been removed under 28 U.S.C. § 1452, the removing party shall file the motion within 20 days after the removal; other parties shall file within 20 days after being served with summons or notice.

(4) In a proceeding of the kind designated in (a)(3) above, a recommendation to the District Court may be filed by a bankruptcy judge *sua sponte* at any time.

(5) Failure to timely move for transfer of a particular proceeding for hearing and trial by a district judge shall be construed as consent to final entry of judgment in the Bankruptcy Court.

(c) Transmission to District Court. The motion for transfer, together with a written recommendation of a bankruptcy judge, shall be transmitted by the clerk of the Bankruptcy Court to the clerk of the District Court. The latter shall assign the motion to a district judge who shall rule *ex parte* or upon such notice as the district judge shall direct. The ruling shall be filed in the Bankruptcy Court as an order of the district judge.

(d) Continuation of Proceeding. In instances where the ruling is not dispositive of the particular proceeding transferred, the proceeding shall go forward to hearing, trial, and judgment as the district judge's order shall direct.

(e) Docketing. A proceeding retained for hearing and determination by a district judge shall be carried on the civil docket of the clerk of the District Court. Certified copies of all final orders and judgments entered by the district judge shall be transmitted by the clerk of the District Court and filed with the clerk of the Bankruptcy Court.

* * *

Amended 3/17/14.

RULE 83.8.7
DETERMINATION OF AUTHORITY OF BANKRUPTCY COURT TO ENTER FINAL JUDGMENT

Any proceeding where a party challenges the authority of the Bankruptcy Court to enter final judgment shall be subject to D. Kan. Rule 83.8.6 next above, and the motion required by D. Kan. Rule 83.8.6 shall be made within the time periods fixed by D. Kan. Rule 83.8.6(b) above. The Bankruptcy Court may also make this determination *sua sponte*.

* * *

As amended 3/17/14.

RULE 83.8.8
REVIEW OF NON-CORE PROCEEDINGS HEARD BY BANKRUPTCY JUDGE

(a) **Applicability of Bankruptcy Rule 9033.** Where the Bankruptcy Court has issued proposed findings of fact and conclusions of law in a particular matter, Bankruptcy Rule 9033 applies to the review of those findings and conclusions, regardless of whether the proceeding has been designated core or non-core.

(b) **Objections; Designation of Record.** If a party objects to the proposed findings of fact and conclusions of law filed by a bankruptcy judge, the party shall serve and file along with its objection a designation of the items contained in the Bankruptcy Court record that the party believes the district judge will need to review the proposed findings and conclusions as provided by Bankruptcy Rule 9033(d). Within the time allowed for responding to the objection, any other party shall serve and file a designation of any additional items in the record that the party believes the district judge will need. If any party designates a transcript of a proceeding or any part thereof, the party shall immediately deliver to the reporter (in the event the matter was recorded by a court reporter) and file with the clerk a written request for the transcript and make satisfactory arrangements for the payment of its cost.

(c) **Transmission to District Court.** The Bankruptcy Court clerk shall transmit to the District Court clerk a copy of the proposed findings and conclusions. On receiving the proposed findings and conclusions, the District Court clerk will assign the matter to a district judge.

(d) **Specificity Required.** The district judge may summarily overrule objections lacking specificity as to allegedly erroneous findings or conclusions.

(e) **Entry of Order.** If no objection has been timely filed or if the parties consent in writing, the district judge may accept the recommendations of the bankruptcy judge and enter appropriate orders without further notice.

* * *

As amended 3/17/14, 6/18/97.

RULE 83.8.9
POST-JUDGMENT MOTIONS

(a) **Post-Judgment Motions in the Bankruptcy Court.** In proceedings heard and finally determined by a bankruptcy judge, motions under Bankruptcy Rules 9023 and 9024 shall be filed in, and addressed to, the Bankruptcy Court.

(b) **Post-Judgment Motions in the District Court.** In proceedings heard and finally determined by a district judge, motions under Bankruptcy Rules 9023 and 9024 shall be filed in, and addressed to, the District Court.

* * *

As amended 3/17/14.

RULE 83.8.10
APPEALS

(a) **Election-Where the Appeal Will be Heard.** An appeal from a final or interlocutory order of a bankruptcy judge in a case under Title 11, a proceeding arising under Title 11, or a proceeding arising in or related to a case under Title 11 shall be heard by a panel of the 10th Circuit Bankruptcy Appellate Panel, unless

one or more of the parties to the appeal elects pursuant to 28 U.S.C. § 158(c)(1), Fed. R. Bankr. P. 8005, and 10th Circuit B.A.P. Local Rule 8005-1 to have the appeal heard in the District Court or the appeal is certified for direct appeal to the Court of Appeals for the 10th Circuit under 28 U.S.C. § 158(d)(2).

(b) **Procedure for Appeals to the District Court.** Appeals to the District Court are governed by 28 U.S.C. § 158(a), and the procedure shall be according to Part VIII of the Federal Rules of Bankruptcy Procedure with the following modifications:

(1) A motion for leave to appeal an interlocutory order and any answer to the motion shall be submitted without oral argument unless otherwise ordered.

(2) The time limits specified in Fed. R. Bankr. P. 8016(e) , 8017(e), and 8018 for filing briefs shall apply in appeals to the District Court unless the court fixes different limits in a specific case on its own motion or the motion of a party in interest.

(3) Fed. R. Bankr. P. 8022 shall not apply in this district unless, in the order entered on the appeal, the district judge grants leave to file a motion for rehearing.

(c) **Procedure for Direct Appeals to the 10th Circuit.** Direct appeals to the 10th Circuit Court of Appeals are covered by 28 U.S.C. § 158(d)(2), and the procedures shall be according to Fed. R. App. P. 5, and Fed. R. Bankr. P. 8006.

* * *

As amended 3/17/15, 3/17/07, 3/17/06, 6/18/97.

RULE 83.8.11
DIVISION OF BUSINESS OF BANKRUPTCY COURT; ASSIGNMENT OF TITLE 11 CASES

The business of the Bankruptcy Court shall be divided among the bankruptcy judges as provided in the supplemental Local Rules adopted by the Bankruptcy Court in accordance with D. Kan. Rule 83.8.12 subject to disapproval by the chief judge of the district. A particular Title 11 case may be reassigned in whole or in part in the same manner.

* * *

RULE 83.8.12
SUPPLEMENTAL BANKRUPTCY COURT LOCAL RULES

The Bankruptcy Court may adopt supplemental local rules not inconsistent with these District Court Rules, the Bankruptcy Rules, or Title 11 or Title 28 of the United States Code.

* * *

RULE 83.8.13
JURY TRIALS

(a) A district judge shall conduct jury trials in all bankruptcy cases and proceedings in which a party has a right to trial by jury, a jury is timely demanded, and no statement of consent to jury trial before a bankruptcy judge has been filed.

(b) A bankruptcy judge shall conduct jury trials in all bankruptcy cases and proceedings in which a party has a right to trial by jury, where a jury is timely demanded, and the parties have jointly or separately filed a statement of consent to

trial before a bankruptcy judge. A bankruptcy judge may hear and determine all motions, dispositive or otherwise, filed by the parties in such a case or proceeding.

* * *

As amended 2/10/95.

-XV-
RULES APPLICABLE TO CRIMINAL CASES

RULE CR1.1
LOCAL RULES APPLICABLE TO CRIMINAL CASES

The rules in Part XV and the following rules govern the procedure in all criminal proceedings before this court:

Rule	Topic
D. Kan. Rule 1.1	Scope and Modification of Rules; Definitions; Citation
D. Kan. Rule 5.1(a)-(c)(1), (e)	The Form of Pleadings and Papers
D. Kan. Rule 5.4.1	Eligibility, Registration, and Passwords
D. Kan. Rule 5.4.3	Technical Failures
D. Kan. Rule 5.4.4	Authorizing the Clerk to Adopt Administrative Procedures for Filing
D. Kan. Rule 7.2	Oral Argument on Motions
D. Kan. Rule 7.3	Motions to Reconsider
D. Kan. Rule 11.1	Sanctions
D. Kan. Rule 26.4	Expert Witnesses
D. Kan. Rule 38.1	Random Selection of Grand and Petit Jurors
D. Kan. Rule 40.1	Assignment of Cases
D. Kan. Rule 47.1	Communication With Jurors After Trial
D. Kan. Rule 62.1	Mandates of an Appellate Court
D. Kan. Rule 72.1.1	Authority of Magistrate Judges
D. Kan. Rule 72.1.2	Assignment of Matters to Magistrate Judges
D. Kan. Rule 72.1.4(d)-(e)	Objections, Appeals, and Stays of a Magistrate Judge's Order
D. Kan. Rule 77.1(a)-(b)	Record Offices and the Filing of Documents
D. Kan. Rule 77.3(b)	Case Numbering System for Criminal Cases
D. Kan. Rule 77.5	Dissemination of Information by Court Supporting Personnel
D. Kan. Rule 79.1	Access to Court Records
D. Kan. Rule 79.3	Custody and Disposition of Trial Exhibits, Sealed Documents, and Filed Depositions
D. Kan. Rule 80.1	Use of Transcripts
D. Kan. Rule 83.1.2	Standing Orders and Mandated Rules
D. Kan. Rule 83.2.1	Photographs, Recordings, and Broadcasts

D. Kan. Rule 83.2.2	Court Security
D. Kan. Rule 83.2.3	Special Orders in Sensational Cases
D. Kan. Rule 83.2.4	Electronic Communication Devices
D. Kan. Rule 83.2.5	Conflicts Involving Spouses and Children of Judges
D. Kan. Rule 83.5.1	Roll of Attorneys
D. Kan. Rule 83.5.2	Admission to the Bar
D. Kan. Rule 83.5.2.1	Special Admissions for the U.S. Government and the Federal Public Defender Office
D. Kan. Rule 83.5.3(a)-(e), (g)-(i)	Registration of Attorneys
D. Kan. Rule 83.5.4	Appearance for a Particular Case
D. Kan. Rule 83.5.5(b)-(e)	Withdrawal of Appearance
D. Kan. Rule 83.5.6	Legal Interns
D. Kan. Rule 83.5.7	Appearances by Former Law Clerks
D. Kan. Rules 83.6.1 through 83.6.10	Professional Responsibility and Discipline
D. Kan. Rule 83.6.12	General Provisions

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As adopted 8/26/24.

RULE CR1.2
TIME FOR FILING RESPONSES AND REPLIES TO MOTIONS

Unless otherwise ordered by the court, any response to a motion must be filed within 14 days after the motion is served. Any reply must be filed within 7 days after the response is served.

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As adopted 8/26/24.

RULE CR1.3
MOTIONS AND BRIEFING IN CRIMINAL CASES

(a) **Form and Filing**. All motions, unless made during a hearing or at trial, must be filed in writing with the clerk. The motion or opening brief filed in support of the motion must contain:

(1) a statement of the specific relief sought;

(2) a statement of the nature of the matter before the court;

(3) a concise statement of the facts;

(4) the argument, which must refer to all statutes, rules, and authorities relied upon; and

(5) when appropriate, whether there has been prior consultation with other parties and, if so, the views of other parties.

(b) **Joint or Unopposed Motions**. If a motion is joint or unopposed, the caption and the body of the motion must so state.

(c) **Supplemental Authorities**. If pertinent and significant authorities come to a party's attention after the party's final brief has been filed—or after oral argument but before a decision—a party may promptly advise the court by notice filed on the

CM/ECF system setting forth the citations. The notice must state reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally; if the supplemental citations refer to a brief, the notice must be linked in the CM/ECF system to that brief. The body of the notice must not exceed 350 words. Any response must be made within 5 days and must be similarly linked and limited.

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As adopted 8/26/24.

RULE CR17.1
SUBPOENAS IN CRIMINAL CASES INVOLVING COURT-APPOINTED COUNSEL

(a) **Issuance of Subpoenas for Witness Testimony at a Hearing or Trial.** In any criminal matter in which the defendant is represented by the Federal Public Defender or other court-appointed counsel, upon request of such counsel, the clerk shall issue a subpoena for witness testimony at a hearing or trial in blank, signed and sealed, to counsel without the necessity for an individual court order. By completing a blank subpoena, defense counsel represents that counsel believes the defendant is unable to pay the witness fees and that the presence of the witness is necessary to an adequate defense. Subpoenas issued under this subsection shall be deemed issued by court order pursuant to Fed. R. Crim. P. 17(b).

(b) **Service of Subpoenas.** Upon presentation of such a subpoena, the United States Marshal shall serve it in the same manner as in other criminal cases pursuant to Fed. R. Crim. P. 17(b).

(c) **Process Costs and Witness Fees.** The United States Marshal shall pay the process costs and fees of any witness subpoenaed pursuant to this rule as provided in Fed. R. Crim. P. 17(b) and 28 U.S.C. § 1825.

(d) **Subpoenas in Certain Hearings.** A subpoena may not be issued under this rule to compel the attendance of a witness at a preliminary hearing, or any hearing related to pretrial detention, or revocation or modification of supervision.

***

As adopted 8/26/24.

RULE CR32.1
PRESENTENCE REPORTS

(a) **Sentencing Hearing.** When a presentence investigation and report are made under Fed. R. Crim. P. 32(c), the sentencing hearing shall be scheduled no earlier than 70 days following entry of guilty plea or a verdict of guilty, unless otherwise requested by a party and ordered by the court. If the defendant and the defendant's counsel consent, a presentence investigation may be commenced prior to a plea of guilty or *nolo contendere* or a conviction.

(b) **Delivery to Counsel.** Delivering the defendant's copy to the defendant's counsel shall satisfy the requirement of furnishing the presentence report to the defendant for purposes of Fed. R. Crim. P. 32(e)(2). The probation officer's recommendation, if any, on the sentence shall not be disclosed except upon an order issued by this court.

(c) **Sentencing Factors.** After the final version of the presentence report has been provided to the parties, but no later than five days prior to the sentencing date, the

attorney for the government and/or the attorney for the defendant may file with the court a written statement setting forth their respective positions in regard to the sentencing factors, and facts that have not been resolved, in accordance with Guideline 6A1.2 and 6A1.3 and any amendments of the United States Sentencing Commission Guidelines Manual.

(d) Reports Made Available to U.S. Parole Commission or Bureau of Prisons. Any copy of a presentence report that the court makes available or has made available to the United States Parole Commission or to the Bureau of Prisons, constitutes a confidential court document and shall be presumed to remain under the continuing control of the court during the time it is in the temporary custody of those agencies. Such copies shall be provided to the Parole Commission and the Bureau of Prisons only for the purpose of enabling those agencies to carry out their official functions, including parole release and supervision, and shall be returned to the court after such use, or upon request.

(e) Disclosure Under Subpoena. When a demand for disclosure of presentence and probation records is made by way of subpoena or other judicial process to a probation officer of this court, the probation officer may file a petition seeking instruction from the court with respect to responding to the subpoena. No disclosure shall be made except upon an order issued by this court.

* * *

As amended 8/26/24.

RULE CR44.2
APPEARANCE IN CRIMINAL CASES

Retained attorneys appearing for defendants in criminal cases shall promptly file a written entry of appearance. An attorney seeking pro hac vice admission for a criminal case shall follow D. Kan. Rule 83.5.4.

* * *

As amended 8/26/24.

RULE CR44.3
WITHDRAWAL OF APPEARANCE

An attorney who has appeared in a criminal case may withdraw in accordance with D. Kan. Rule 83.5.5(b)-(e) only.

* * *

Adopted 3/17/09. Amended 8/26/24.

RULE CR47.1
RELIEF FROM STATE DETAINERS

No petition lodged or filed by a prisoner under the Interstate Agreement on Detainers (18 U.S.C., Appendix III) for relief of any sort from the effect of a state detainer shall be entertained unless (a) the petitioner has, at least 180 days prior to the date of lodging or filing his petition, given or sent to the warden or other official having petitioner's custody for delivery to the prosecuting officer of the jurisdiction in which the case giving rise to the detainer is pending, and to the appropriate court, a written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint upon which the detainer

is based; and (b) the petitioner has not been brought to trial on such indictment, information, or complaint.

* * *

RULE CR49.2
ELIGIBILITY, REGISTRATION, PASSWORDS

Rule 5.4.1 applies except that a party to a criminal action who is not represented by an attorney may not register as a Filing User in the Electronic Filing System unless the court permits.

* * *

Adopted 3/17/04. Amended 8/26/24.

RULE CR49.6
SEALED DOCUMENTS

(a) **Procedure for Requesting Leave to File Under Seal.** In criminal cases and except as described in (d) below, a party filing a motion for leave to file documents under seal must file that motion electronically, under seal, in the Electronic Filing System. The motion for leave to file under seal must attach as sealed exhibits the document(s) the party requests to be filed under seal. Finally, if required, the party must simultaneously provide the motion and document(s) it requests to be filed under seal to other parties in the case.

(b) **Order Granting Leave.** If the court grants the motion for leave to file under seal, the assigned judge will enter electronically a text entry only order authorizing the filing of the document(s) under seal. The filing party must then file its document(s) electronically under seal and, if required, provide them to other parties in the case. Further, if required, the party must submit, via email to KSD_<Judge'sLastName>_chambers@ksd.uscourts.gov a password protected proposed order (contact the clerk's office to obtain the password).

(c) **Order Denying Leave.** If the court denies the motion for leave to file under seal, the assigned judge will enter electronically an order denying the filing of the document(s) under seal.

(d) **Search Warrants and Orders for Electronic Evidence.** Any application and warrant for search, seizure, and/or tracking devices, applications and orders obtained pursuant to 18 U.S.C. §§ 2703(d) and 3123, and affidavits in support of such applications shall be kept and retained under seal by the clerk against everyone except attorneys and employees of the U.S. Attorney's Office. In the event that execution of the warrant results in the seizure of evidence later discoverable in a criminal proceeding, any duly appointed Assistant United States Attorney or Special Assistant United States Attorney is authorized to disclose the application, affidavit, and warrant or order to counsel for the defendant(s) without further authorization of the court and such documents will be unsealed when a return in filed absent a further order of the court.

* * *

Adopted 3/17/09 (formerly D. Kan. S.O. 08-1). Amended 8/26/24.

RULE CR49.6.1
COOPERATOR INFORMATION

When defendants potentially or actually cooperate with the government, such cooperation may be disclosed in a variety of documents and pleadings, including but not limited to: plea agreements, sentencing memoranda, cooperation agreements, motions for downward departure, and motions to reduce sentence. For the protection and safety of defendants who potentially or actually cooperate with the government, any and all pleadings or documents referencing, discussing or reflecting any such potential or actual cooperation ("cooperator information") shall be treated as follows.

The clerk's office will create a Restricted Document Folder in every felony criminal case as soon as practicable after case opening. In multi-defendant cases, a separate Restricted Document Folder will be created for each defendant. The docket entry and any documents the presiding judge orders filed in the Restricted Document Folder will be sealed and not reflected on the public docket sheet, nor will the docket sheet reflect any skipped numbers.

Any and all pleadings or documents containing cooperator information must be submitted by the prosecutor and the defendant to the presiding judge's chambers email account, for judicial review and determination whether placement in the Restricted Document Folder is warranted. The presiding judge will respond to the prosecutor and defendant by email, thus notifying them of the judge's decision to place, or not place the submitted document(s) in the Restricted Document Folder.

If the presiding judge determines the submitted document(s) should be placed in the Restricted Document Folder, the presiding judge shall forward the document(s) to the clerk's office and will direct the clerk's office to file such submitted document(s) in the Restricted Document Folder. If the presiding judge concludes the submitted document(s) should not be placed in the Restricted Document Folder, the document(s) will be returned by email to the prosecutor and defendant.

In the District of Kansas, a Restricted Document Folder is created in every felony criminal case, whether or not the defendant is cooperating with the government. Thus the presence of this Restricted Document Folder does not mean that this defendant has or will cooperate with the government.

* * *

Adopted 3/17/19.

RULE CR53.1
DISSEMINATION OF INFORMATION

(a) Prohibited Statements; Attorneys' Obligations.

(1) An attorney participating in or associated with a grand jury or other investigation of a criminal matter shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration:

(A) Information contained in a public record;

(B) That the investigation is in progress;

(C) The general scope of the investigation including a description of the offense, and if permitted by law, the identity of the victim;

(D) A request for assistance in apprehending a suspect or assistance in other matters and the information necessary thereto; or

(E) A warning to the public of any dangers.

(2) An attorney associated with the prosecution or defense of a criminal case to be tried by a jury shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication that relates to:

(A) The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused;

(B) The possibility of a plea of guilty to the offense charged or to a lesser offense;

(C) The existence or contents of any confession, admission, or statement given by the accused or the accused's refusal or failure to make a statement;

(D) The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examination or tests;

(E) The identity, testimony, or credibility of a prospective witness;

(F) Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

(3) Subsection (a)(2) above does not preclude an attorney from announcing:

(A) The name, age, residence, occupation, and family status of the accused;

(B) Any information necessary to aid in the apprehension of an accused or to warn the public of any dangers he may present;

(C) A request for assistance in obtaining evidence;

(D) The identity of the victim of the crime;

(E) The fact, time and place of arrest, resistance, pursuit, and use of weapons;

(F) The identity of investigating and arresting officers or agencies, and the length of the investigation;

(G) The nature, substance, or text of the charge;

(H) Quotations from or references to public records of the court in the case;

(I) The scheduling or result of any step in the judicial proceedings;

(J) That the accused denies the charges made against him.

(4) The foregoing provisions of this rule do not preclude an attorney from replying to charges of misconduct publicly made against him or her, or from participating in the proceedings of legislative, administrative, or other investigative bodies.

(b) Attorneys' Employees and Associates. An attorney must exercise reasonable care to prevent his or her employees and associates from making any extrajudicial statement that the attorney would be prohibited from making under this rule.

(c) Fed. R. Crim. P. 6(e)(3) Materials. Matters required to be filed with the District Court pursuant to Fed. R. Crim. P. 6(e)(3) shall be first presented to the District Court before whom was impaneled the grand jury whose material has been disclosed. The disclosure should include all persons who will have access to the grand jury material except those who are under the immediate supervision of the

attorney for the government or the government personnel to whom disclosure is reported. In the event the court directs the filing of the disclosure with the clerk's office, it shall be sealed by the clerk and not released except by order of the court for good cause.

(d) Closure of Proceedings. All criminal proceedings shall be held in open court unless otherwise provided by law or ordered by the court.

* * *

As amended 8/26/24.

RULE CR58.1
PAYMENT OF A FIXED SUM IN LIEU OF APPEARANCE IN CERTAIN PETTY OFFENSE CASES

A person charged in this district with the commission of specified petty offenses may pay a fixed sum to the clerk of this court in lieu of appearance before a judge or a magistrate judge. For the purposes of this rule, the Central Violations Bureau for the Tenth Circuit may act as agent for the clerk of the court. Payment of the fixed sum to the clerk signifies that the person charged with the petty offense does not contest the charge nor request a trial, and is tantamount to the entry of a plea of guilty. The amount so paid must be forfeited to the United States of America.

* * *

NOTE: The following categories of alleged offenders must appear for trial:

(a) Persons charged with any offense not listed in the standing order.

(b) Persons charged with an offense resulting in personal injury, death, or property damage in excess of $100.

(c) Persons charged with any listed offense may be required to appear before a judge or magistrate judge if in the opinion of the law enforcement officer the circumstances surrounding the alleged offense are aggravated.

* * *

-XVI-
STANDING ORDERS

IN THE UNITED STATES DISTRICT COURT
AND
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

IN THE MATTER OF THE KANSAS BAR ASSOCIATION'S PILLARS OF PROFESSIONALISM
MEMORANDUM AND ORDER

This matter is pending before the District and Bankruptcy Courts of the District of Kansas on the recommendation of the Court's Bench Bar Committee's Rule 1 Working Group on Professionalism and Sanctions and affirmed by the District Court's Bench-Bar Committee to "adopt" the Kansas Bar Association's "Pillars of Professionalism."

The "Pillars of Professionalism" were suggested to the Kansas Bar Association by the late Kansas Supreme Court Chief Justice Robert E. Davis as a means of providing an inspirational and aspirational set of guidelines for lawyers across the State of Kansas. The Kansas Bar Association appointed a Commission on Professionalism and the Bar composed of lawyers and judges from around the state. This group worked over months to draft these goals. After consideration, the Board of Governors of the Kansas Bar Association approved and adopted the "Pillars of Professionalism" at their annual meeting on June 15, 2012. Subsequently, the Kansas Supreme Court issued an order on September 28, 2012 adopting the aspirational goals contained in the Pillars.

The District and Bankruptcy Courts have considered the recommendation of the Rule 1 Working Group and adopt the attached "Pillars of Professionalism" as aspirational goals to guide lawyers in their pursuit of civility, professionalism and service to the public.

IT IS SO ORDERED. The Clerks of the respective courts are directed to file this Memorandum and Order as a permanent record of the court and publicize it on the courts' website or otherwise publish at the Court's discretion.

DATED this 19th day of October, 2012.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
Chief District Judge

s/ Robert E. Nugent
ROBERT E. NUGENT
Chief Bankruptcy Judge

* * *

Pillars of Professionalism*

> Professionalism focuses on actions and attitudes. A professional lawyer behaves with civility, respect, fairness, learning and integrity toward clients, as an officer of the legal system, and as a public citizen with special responsibilities for the quality of justice.

Admission to practice law in Kansas carries with it not only the ethical requirements found in the *Kansas Rules of Professional Conduct*, but also a duty of professionalism. Law students who aspire to be members of the Kansas bar should also heed these guidelines. Kansas lawyers have a duty to perform their work professionally by behaving in a manner that reflects the best legal traditions, with civility, courtesy, and consideration. Acting in such a manner helps lawyers preserve the public trust that lawyers guard and protect the role of justice in our society. Lawyers frequently interact with clients, courts, opposing counsel and parties, and the public at large. A lawyer's actions also reflect on the entire legal profession. With those interactions in mind, the following Pillars of Professionalism have been prepared. These Pillars should guide lawyers in striving for professionalism.

With respect to clients:

1. Respect your clients' goals and counsel them about their duties and responsibilities as participants in the legal process. Treat clients with courtesy, respect, and consideration.

2. Be candid with clients about the reasonable expectations of their matter's results and costs.

3. Encourage clients to act with civility by, for example, granting reasonable accommodations to opponents. Maintaining a courteous relationship with opponents often helps achieve a more favorable outcome. Counsel clients against frivolous positions or delaying tactics, which are unprofessional even if they may not result in sanctions.

4. Counsel clients about the risks and benefits of alternatives before making significant decisions. Act promptly to resolve the matter once the relevant facts have been obtained and a course of action determined.

5. Communicate regularly with clients about developments. Keep them informed about developments, both positive and negative.

With respect to courts:

1. Treat judges and court personnel with courtesy, respect, and consideration.

2. Act with candor, honesty, and fairness toward the court.

3. Counsel clients to behave courteously, respectfully, and with consideration toward judges and court personnel.

4. Accept all rulings, favorable or unfavorable, in a manner that demonstrates respect for the court, even if expressing respectful disagreement with a ruling is necessary to preserve a client's rights.

With respect to opposing parties and counsel:

1. Be courteous, respectful, and considerate. If the opposing counsel or party behaves unprofessionally, do not reciprocate.

2. Respond to communications and inquiries as promptly as possible, both as a matter of courtesy and to resolve disputes expeditiously.

3. Grant scheduling and other procedural courtesies that are reasonably requested whenever possible without prejudicing your client's interests.

4. Strive to prevent animosity between opposing parties from infecting the relationship between counsel.

5. Be willing and available to cooperate with opposing parties and counsel in order to attempt to settle disputes without the necessity of judicial involvement whenever possible.

With respect to the legal process:

1. Focus on the disputed issues to avoid the assertion of extraneous claims and defenses.

2. Frame discovery requests carefully to elicit only the information pertinent to the issues, and frame discovery responses carefully to provide that which is properly requested.

3. Work with your client, opposing counsel, nonparties, and the court to determine whether the need for requested information is proportional to the cost and difficulty of providing it.

4. Maintain proficiency, not only in the subject matter of the representation, but also in the professional responsibility rules that govern lawyers.

5. Be prepared on substantive, procedural, and ethical issues involved in the representation.

With respect to the profession and the public:

1. Be mindful that, as members of a self-governing profession, lawyers have an obligation to act in a way that does not adversely affect the profession or the system of justice.

2. Be mindful that, as members of the legal profession, lawyers have an obligation to the rule of law and to ensure that the benefits and the burdens of the law are applied equally to all persons.

3. Participate in continuing legal education and legal publications to share best practices for dealing ethically and professionally with all participants in the judicial system.

4. Take opportunities to improve the legal system and profession.

5. Give back to the community through pro bono, civic or charitable involvement, mentoring, or other public service.

6. Defend the profession and the judiciary against unfounded and unreasonable attacks and educate others so that such attacks are minimized or eliminated.

7. Be mindful of how technology could result in unanticipated consequences. A lawyer's comments and actions can be broadcast to a large and potentially unanticipated audience.

8. In all your activities, act in a manner which, if publicized, would reflect well on the legal profession.

*The late Chief Justice Robert E. Davis (1937-2010) inspired these pillars of professionalism. The Chief Justice "always maintained his sense of grace and civility" and was a model of professionalism. See 79 J. Kan. B. Ass'n. 10 (Oct. 2010). Chief Justice Davis cited the pillars in the Ralph Waldo Emerson poem "A Nation's Strength" to inspire and recognize the staff of the Kansas Legal Services and, thus we believe it is fittingly used here. See 79 J. Kan. B. Ass'n. 9 (Jan. 2010). We dedicate these pillars of professionalism to the memory of Chief Justice Davis.

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A list of Standing Orders is available at the District of Kansas website:

http://ksd.uscourts.gov/index.php/local-rules/

8/26/2024