

**NOTICE OF AMENDMENT OF
LOCAL RULES OF PRACTICE OF
THE UNITED STATES DISTRICT COURT**

The United States District Court for the District of Kansas gives notice of the amendment of local rules 5.4.2, 6.1, 7.3, 83.2.1, and 83.5.3.

A redline version of the amendments is available to the bar and the public on the District of Kansas website at www.ksd.uscourts.gov. Printed copies are available at the division offices of the Clerk at Kansas City, Topeka, and Wichita. The offices are open from 9:00 a.m. to 4:30 p.m. (closed for lunch from Noon – 12:30 p.m. in Wichita and Topeka) on all days except Saturdays, Sundays, and federal legal holidays.

Interested persons, whether or not members of the bar, may submit comments on the amendments to the Clerk at any of the division offices or by email at ksd_RulesComments@ksd.uscourts.gov. All comments must be in writing and, to receive consideration by the Court, must be received by the Clerk **on or before 5:00 p.m., December 4, 2023.**

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 and must 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. The document will be deemed filed as of ~~that 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 ~~have entered an appearance in the case and have not been terminated~~ are eligible to have access according to the court's Administrative Procedures.

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RULE 6.1
TIME

- (d) **Time for Filing Responses and Replies.** ~~Except for motions filed under D. Kan. Rule 7.3 or u~~Unless the court orders otherwise, the following time periods apply to filing responses and replies:
- ~~(1) *Discovery-related motions.* Discovery-related motions include those pursuant to Federal Rules of Civil Procedure 26-37 and 45. Responses to discovery motions must be filed within 14 days after the motion is served. Replies must be filed within 7 days after the response is served.~~
 - ~~(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.~~

- (24) *Other motions.* Responses to all other motions must be filed within ~~21~~14 days after the motion is served. Replies must be filed within ~~14~~7 days after the response is served.

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.

~~Upon reviewing a motion to reconsider, the court may deny the motion without further briefing or set a deadline for response. No response to a motion to reconsider is necessary unless the court establishes a response deadline.~~

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.

~~There is a limited exception to the ban on recording and publication of district court proceedings as set forth in these rules for district judges participating in a pilot program established by the Judicial Conference of the United States in March 2020 (JCUS-MAR-2020, p. 9) to evaluate streaming of live audio of oral arguments in civil cases.~~

~~Any recording and broadcasting conducted pursuant to the pilot program must comply with the program guidelines issued by the Judicial Conference Committee on Court Administration and Case Management, pursuant to the pilot program (available at www.uscourts.gov).~~

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

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. ~~annually—on or before the first day of July—register with the clerk on such forms as the clerk prescribes.~~
- (2) *CLE Certification, Local Rules Familiarization, and Pro Bono.* During registration, As a part of the registration form, the registrant~~s~~ must certify that,
 - (A) in the preceding 12-month period, the attorney has ~~he or she has~~ earned at least the minimum number of continuing legal education credit hours required by the Rules of the Supreme Court of Kansas ~~relating to continuing legal education;~~
 - (B) the attorney has ~~he or she~~ read and is familiar with the District of Kansas Local Rules; and
 - (C) the attorney ~~he or she~~ 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 ~~he or she~~ 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. At the time of each registration, the registrant, if not excused by these rules from payment, must pay an annual fee in such amount as the court orders for the ensuing 12-month period. Any fee received after July 31 shall be accompanied by the \$100 re-registration fee.
- (5) *Registration Card.* The clerk will issue an attorney registration card to all registrants. to each attorney duly registered hereunder a registration card on a form approved by the court.

(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.

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As amended 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.