

94-2-20. Electronic mail filing. (a)(1) Electronic mail shall be sent to the court's central electronic mail address in order to be considered filed with the court. The format for documents shall be as specified in K.A.R. 94-2-3. Electronic mail sent to any individual judge's or to any court staff's personal electronic mail address shall not be considered to be filed with the court.

(2) Each application and appeal filed by electronic mail shall be followed by any applicable filing fees as specified in K.A.R. 94-2-21.

(b) Electronic mail shall have a return electronic mail address along with the name of the individual sending the electronic mail and a telephone number by which that individual can be contacted.

(c) Each pleading or other document filed by electronic mail shall have the same effect as that of any document filed with the court by any other means. Only one copy of the pleading or document shall be transmitted. An electronic signature or the symbol "/s/" on the signature line in place of a signature shall have the same effect as that of an original signature.

(d) Electronic mail received in the court's office at the central electronic mail address on or before 5:00 p.m. shall be deemed filed on that day. Electronic mail received after 5:00 p.m. shall be deemed to be filed as if received on the next regular workday of the court. The time of receipt shall be the time shown by the court's electronic mail system. Electronic mail received on a Saturday, Sunday, or legal holiday shall be deemed to be filed as if received on the next regular workday of the court.

(e) Electronic mail shall be printed by the court and a copy placed in the appropriate file or files. A copy of any associated transmission acknowledgment shall also be placed in the file or files.

(f) If an electronic mail message indicates that there is an attachment but the attachment is not sent or the attachment cannot be opened, the party that sent the message shall be apprised of this fact by the court. If the attachment is then sent and the court is able to open the attachment, the file date and time shall be the date and time the opened attachment was actually received by the court. Each attachment shall be sent in a format specified by the court.

(g) The sender may petition the court for an order filing the document *nunc pro tunc* if an electronic mail document is not filed with the court because of either of the following:

(1) An error in the transmission of the document, the occurrence of which was unknown to the sender; or

(2) a failure to process the electronic mail document when received by the court. The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an affidavit of transmission by electronic mail in the form as set forth in Kansas supreme court rule 119, appendix B relating to facsimile filings.

(h) Each party who files a document by electronic mail shall retain a copy of that document in the party's possession or control during the pendency of the action and shall produce the document upon request pursuant to K.S.A. 60-234, and amendments thereto,

by the court or any party to the action. Failure to produce the document may result in the document being stricken from the record and may result in sanctions pursuant to K.S.A. 60-211, and amendments thereto.

(i) Each party utilizing electronic mail shall comply with K.S.A. 77-525, and amendments thereto, regarding ex parte communications and with K.A.R. 94-2-5, which requires that a copy of any correspondence with the court be exchanged with all parties. A certificate of service shall be included on pleadings. For letters, there shall be an indication on the letter that a copy was sent to all parties.