

Kentucky Supreme Court
Kentucky Court of Appeals
Appellate eFiling eLearning Content

The requirements listed below are not exhaustive and are meant to supplement the Administrative Rules of Practice and Procedure for the Kentucky Court of Justice, Electronic Filing Pilot Project ([2018-11](#)) with modifications specifically for appellate practice. Additional requirements and guidance will be provided as the appellate eFiling pilot develops and as new features are made available.

(1) Electronic Filing

(a) Appellate court filings are considered timely **received** pursuant to RAP 5(E) upon the automatic generation and transmission of a Notice of Electronic Filing from the court with a hyperlink to the electronically filed document.

(b) Filings that are timely received shall be reviewed by the appellate clerk pursuant to RAP 27(E) for compliance with the Kentucky Rules of Procedure. Filings that meet procedural requirements shall be filed and docketed in the clerk's case management system. When docketed, a Notice of Court Processing shall also be sent to the filer and indicating that his or her filing has been filed with the court.

(c) Untimely filings will be returned to the filer as unauthorized pursuant to RAP 27(F) unless accompanied by a motion requesting leave to file. A Notice of Rejection shall be electronically sent to the filer indicating that the appellate clerk has rejected his or her filing because it was not tendered within the time allowed.

(d) Unauthorized filings will be returned to the filer as unauthorized pursuant to RAP 27(F) unless accompanied by a motion requesting leave to file. A Notice of Rejection shall be electronically sent to the filer indicating that the appellate clerk has rejected his or her filing because it was not provided for in the appellate rules.

(e) If a filing is noncompliant, a deficiency notice will be issued by regular mail by the appellate clerk to the filer indicating the nature of the deficiency. The filer must correct the deficiency and electronically resubmit the corrected filing within ten (10) days to preserve the timely received date indicated on the original notice of electronic filing.

(f) Documents that cannot be filed due to a pending motion will be designated as "tendered" until the documents may be filed.

(2) Service of Electronically Filed Documents

(a) To receive service of documents through eFiling, counsel must file a document in the case or a notice of intent to receive electronic service to proactively opt-in to the case in the KCOJ eFiling system.

- (b) The generation and transmission of a Notice of Electronic Filing with a hyperlink to the filed document(s) shall constitute service on any other eFilers in the case. No other service is required.
- (c) Service by conventional means is still required for those parties not participating in appellate eFiling. The certificate of service must indicate whether the parties were served by electronic or conventional means.

(3) Redaction and information relating to minors. It is the responsibility of the eFiler to redact any personal identifying information from documents prior to their submission, including dates of birth, social security numbers, driver license or other personal identification numbers, and financial account information. Initials or a descriptive term must be used instead of a name in cases involving juveniles, allegations of abuse and neglect, termination of parental rights, mental health, and expungements. RAP 5(B)(2).

(4) Conversion to PDF/A or PDF Format Required. Electronically filed documents must meet the same requirements of format and page/word limits as paper documents conventionally filed pursuant to the Kentucky Rules of Appellate Procedure. RAP 31, 32.

- (a) Documents must be converted to PDF/A or PDF format before they are filed in the eFiling system. PDF/A is the preferred format. Scanned documents are not permitted.
- (b) The eFiler must ensure that the filing is an accurate representation of the document, and is complete and readable.

(5) Hyperlinks. eFiled appellate documents may contain hyperlinks as follows:

- (a) Internal hyperlinks to the table of contents or other internal document points are permitted.
- (b) Hyperlinks to citations of opinions and other legal authorities accessible via Westlaw or other publicly available sources are strongly encouraged for the convenience of the Court.

(6) Electronically Filed Briefs. The formatting requirements for briefs in RAP 31 are the same for electronically filed briefs with the following additions and exceptions:

- (a) The brief and related attachments shall be filed in one eFiling envelope.
- (b) The brief and the appendixes shall be separate PDF or PDF/A files.
- (c) Cover, binding, and copy requirements. Notwithstanding the provisions of RAP 31, no front or back color cover or binding is required for electronically filed briefs. Extruding tabs are not required but exhibits and attachments within a brief appendix should be separated by divider page and/or bookmarked through the document's table of contents. Filers must clearly indicate the brief type by

selecting the appropriate brief type in the eFiling system and by indicating same on the cover page of the brief. Only one copy of the brief is required unless additional copies are requested by the clerk or the court.

- (d) Motions relating to the brief, such as a Motion to Exceed Page Limits or a Motion for Additional Time, shall be filed in the same envelope as the brief, but as a separate PDF or PDF/A.
- (e) Nothing in these electronic filing requirements shall alter the timelines for filing briefs.

(7) Other Documents

- (a) Documents relating to a filing shall be included as separate attachments and filed within the same envelope. For example, a Motion for Discretionary Review should be one PDF file and other documents, such as orders, opinions, and judgments being appealed, should be filed as separate and additional PDF files within the same envelope.

(8) Signatures. All documents, including briefs, may be signed using electronic signatures as defined in Section 11 of the eFiling Rules. The filing attorney shall include his or her current official email address in the signature block.

(9) Nothing in these electronic filing requirements shall alter the timelines for filing documents.