

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CIVIL PROCEDURE**

COURTS AND CLERKS

CR 79.06 Clerks of the Court of Appeals and Supreme Court

(1) Scope of rule.

Rule 79.06 applies only to the clerks of the Court of Appeals and Supreme Court.

(2) General docket.

The clerk of each appellate court shall keep a general docket in which shall be recorded all appeals and original proceedings in that court. It shall show the number and style of each case and the dates it is docketed, submitted, or sent to the court, and decided. In appealed cases it shall show also the county from which appealed, whether it is civil or criminal, and if advanced; the dates briefs are filed; the dates a petition for rehearing, modification or extension is filed and ruled on and the nature of the ruling; and the date the order or opinion became final.

(3) Docketing of appeals.

No action in or appeal to the Court of Appeals or Supreme Court will be docketed until the filing fee required by Rule 76.42(2) is paid. Subject to that requirement, an appeal shall be docketed when the appellate court clerk receives copies of the notice of appeal, judgment, and receipt for the filing fee from the appropriate court clerk. A motion for relief under Rule 65.07 or 65.09 shall also be treated as an appeal and shall be docketed when it is filed and the filing fee is paid. A motion for relief under CR 65.08 shall be treated as an interlocutory motion in the pending appeal from the final judgment and shall not receive a separate docketing number in the Court of Appeals.

(4) Docket sheets.

The clerk shall attach to each case record a docket sheet which shall bear the style and file number of the case, a brief indication of the subject-matter, the names and addresses of the attorneys, and in appealed cases the county and appellate district from which appealed and the name and address of the trial judge. Every step taken in the case shall when taken be entered by the clerk on the docket sheet.

(5) Docket of motions for transfer and review.

The clerk of the Supreme Court shall keep a special docket of motions for transfer of cases from the Court of Appeals and a special docket of motions for review of cases from the Court of Appeals. They shall show the style of each case, the county from which it comes, the dates of filing, responding, submission and ruling, and the nature of the ruling. After the motion is granted, the appeal shall be transferred to the general docket at the time specified in paragraph (3) of this Rule 79.06.

(6) Filing of papers.

Nothing lodged with the clerk in connection with an original proceeding or an appealed case, or on which action of any kind by the court is sought, shall be docketed or noted as a step in a proceeding unless (a) it is tendered within the time allowed for its filing and otherwise conforms to these rules and (b) the filing fee mentioned in paragraph (3) of this Rule 79.06 has been paid. A late, unauthorized, or otherwise nonconforming paper will be considered only by leave of the court.

(7) Request for transmittal of record on appeal.

(a) Transmittal of the record on appeal from the clerk of the trial court shall be requested by the clerk of the appellate court when the appellant's reply brief is filed or at the expiration of the time

allowed for its filing, whichever is the sooner, with the following exceptions in criminal cases (including proceedings under RCr 11.42):

(i) If the notification required by Rule 75.07(5) indicates that counsel for the appellant is the Public Advocate of the Commonwealth or the Attorney General of the Commonwealth, the clerk of the appellate court shall request transmittal of the record forthwith; or

(ii) If the notification required by CR 75.07(5) indicates that counsel for the appellant is someone other than the Public Advocate of the Commonwealth or the Attorney General of the Commonwealth or that the appellant is acting pro- se, the clerk of the appellate court shall request transmittal of the record when the appellant's brief is filed. Should the appellant fail to file a brief, the clerk need not request the record unless so directed by the court.

(b) The record on appeal in a civil case shall not be requested by the clerk until the appellant has complied with the applicable provisions of Rule 76.02.

HISTORY: Amended by Order 98-2, eff. 1-1-99; prior amendments eff. 11-1-95, (Order 95-1), 7-1-81, 7-1-79; adopted eff. 1-1-78