

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE**

GENERAL PROVISIONS

RCr 1.08 Papers; form, filing, service

(1) All pleadings and papers, other than exhibits and printed briefs, filed in the courts shall be typewritten in black ink on unglazed white paper 8 1/2 by 11 inches in dimension, leaving at least a double space between lines, and shall be clearly readable. This requirement shall not apply to computer print-outs or similar reproductions prescribed by the Administrative Office of the Courts for use in the district court, nor shall it apply to those papers filed by a party pro se.

(2) Whenever these Rules do not specify the manner of filing and service of papers the following shall apply:

(a) Every order required by its terms to be served, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one that may be heard ex parte, and every written notice, appearance, demand, designation of record on appeal, and similar papers shall be served upon each party.

(b) Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party himself or herself is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to him or her or by mailing it to him or her at his or her last known address or, if no address is known, by leaving it with the clerk of the court. Delivery of a copy within this rule means handing it to the attorney or to the party; or leaving it at his or her office with the person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

(c) Whenever any pleading or other paper is served under subparagraphs (a) and (b), proof of the time and manner of such service shall be filed before action is to be taken thereon by the court or the parties. Proof may be by certificate of a member of the bar of the court or by affidavit of the person who served the papers, or by any other proof satisfactory to the court.

(d)(i) All papers required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter.

(ii) The filing of papers with the court as required by these Rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or her, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(iii) The clerk shall endorse upon every paper filed in an action the date of its filing. Such endorsement shall constitute the filing of the pleading or other paper, and no order of court shall be required.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 9-1-81 (Order 81-5), 1-1-78; adopted eff. 1-1-63