

Supreme Court of Kentucky

2023-32

ORDER

In Re: Guidelines for Submission and Review of Proposed Rule Amendments

Under Section 116 of the Kentucky Constitution, the Supreme Court has the power to prescribe “rules of practice and procedure for the Court of Justice.” Supreme Court Rule 1.010 further vests the policymaking authority of the Court of Justice in the Supreme Court.

The Supreme Court has exercised this authority, in part, through adoption of statewide rules governing the practice of law: Rules of Civil Procedure; Family Court Rules of Practice and Procedure; Juvenile Court Rules of Practice and Procedure; Rules of Criminal Procedure; Rules of Appellate Procedure; Rules of Evidence; and Rules of the Supreme Court.

Each set of rules is governed by a committee that is chaired by a member of the Supreme Court. Proposed amendments that have been submitted to the Supreme Court are reviewed by the committee, which tenders recommended changes to the Court. The Court publishes the proposed changes to all members of the Kentucky Bar Association and to the general public for a 60-day review and comment period.¹ At the end of that period, all comments are considered by the Court, which may choose to reject or adopt a proposed amendment. The Court may also decide to hold the proposed amendments for further public discussion during the Supreme Court Rules Hearing at the KBA annual convention.

To ensure transparency in the rule-making process and to establish a timeline for submission of proposed rule amendments, the Supreme Court hereby adopts the following guidelines for the submission and review of proposed rule amendments:

1. Proposed rule amendments must be submitted in writing to the Supreme Court. Amendments may be submitted electronically to ruleamendments@kycourts.net.

¹ See Rules of Civil Rule Procedure (CR) 87; Rules of Criminal Procedure (RCr) 13.08; and Supreme Court Rules (SCR) 10.000. If the Court determines that a proposed amendment is non-substantial, it can waive the review-and-comment period in the interest of convenience.

2. Proposed rule amendments will be considered on a rotating basis. In even-numbered years starting in the year 2024, the Supreme Court will consider proposed amendments to the Rules of Criminal Procedure, the Rules of Evidence, and the Supreme Court Rules. In odd-numbered years, the Court will consider amendments to the Rules of Civil Procedure, Family Court Rules of Practice and Procedure, Juvenile Court Rules of Practice and Procedure, and the Rules of Appellate Procedure.
3. Nothing in these guidelines will prevent the Supreme Court from considering rule amendments outside of this rotation as it deems necessary.
4. The chair of each rules committee will establish its membership. Committees will meet upon the call of the chair.

This order supersedes the Policy Statement of the Supreme Court In Re: Rules, entered on October 28, 1996.

Entered this 19th day of September 2023.

All sitting; all concur.


CHIEF JUSTICE