



SCOKY Amends Several Civil Rules, Including Providing Litigants the Option to Require Electronic Service

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The Kentucky Supreme Court recently issued an order amending several of the Kentucky Rules of Civil Procedure effective January 1, 2014. The amended Civil Rules are as follows:

CR 4.01(1)(b) and (c): The amendment provides that upon the filing of a civil action (or upon the issuance of a new summons in a pending civil action), the clerk of the court where the civil action is filed may return the summons and complaint or other initiating document to the attorney or party who had the summons issued in order that the initiating party may achieve service (rather than "transferring them to any person authorized to deliver them...."). This has long been an accepted procedure in Kentucky practice, but some practitioners had questioned whether the existing Rule specifically authorized the procedure. The amendment removes any doubt.

CR 5.02: The amendment permits a litigant to require, rather than authorize, opposing parties to serve the litigant electronically (by email or fax) by serving a notice of election of electronic service. Exceptions may be requested from the court for good cause. Self-represented (pro se) litigants who are unable to utilize electronic means may continue to serve other parties by mail or hand-delivery, and productions that are too large to be made electronically may likewise be made by mail or hand-delivery.

CR 6.05: The amendment provides that the three extra days a receiving party has to respond or act when served by mail also applies to electronic service.

CR 7.03(1)(a): The amendment changes the privacy protections of the Rule by providing that all but the last four digits of a Social Security Number must be redacted, rather than the entire number as provided in the Rule when it was adopted in 2009.

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