

61-3202. Trial of actions by court or jury; evidence. (a) If a case is not settled or otherwise disposed of at the pretrial hearing, the case shall be set for trial by the court.

(b) All lawsuits filed under this act shall be tried by the court, unless a trial by jury is demanded by one of the parties. Demand for jury trial shall be made on or before the date of the pretrial conference.

(c) A lawsuit tried by jury pursuant to the code of civil procedure for limited actions shall be tried to a jury composed of six persons having the same qualifications of jurors as other jurors in district court, unless the parties agree on a lesser number. The court shall summon not less than 12 prospective jurors from the source and in the manner provided for the summoning of petit jurors in the district court. When there is more than one plaintiff or more than one defendant in such action, the court shall summon three additional prospective jurors for each such additional plaintiff or defendant. Each juror shall be paid as specified in K.S.A. 43-171, and amendments thereto, for each day of attendance and shall receive mileage at the rate prescribed in K.S.A. 75-3203, and amendments thereto. Such jury fees shall be paid by the county. The provisions of K.S.A. 60-247, subsections (b) through (h) of K.S.A. 60-248, K.S.A. 60-250 and 60-251, and amendments thereto, shall be applicable to actions pursuant to the code of civil procedure for limited actions insofar as they are not inconsistent with the provisions of this act.

(d) In all trials pursuant to the code of civil procedure for limited actions, the testimony of witnesses shall be taken orally in open court, unless otherwise provided by this act. All matters relating to witnesses and the admission of evidence shall be governed by article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 2000, ch. 161, § 32; Jan. 1, 2001.