

Amended Supreme Court Rule 169

The Kansas Supreme Court is accepting comment on recently adopted changes to Supreme Court Rule 169 concerning information judges must now provide jurors about their right to discuss or not discuss a case after a trial concludes. The rule amendment is required by HB 2479 and HB 2579, which were adopted earlier this year and become effective July 1, 2018. The amended rule also becomes effective July 1, 2018.

Comments on amendments to Rule 169 will be reviewed and the court will consider amending the rule if it's deemed warranted and beneficial.

Changes are shown using strikethrough for deletion and underlining the new language.

Comments may be submitted to publiccomments@kscourts.org with "Rule 169" in the subject line until 5 p.m., Friday, July 27, 2018.

RULE 169

POSTTRIAL COMMUNICATION WITH JURORS

~~On completion of a jury trial and b~~Before the jury is discharged at the completion of a jury trial, the court must give the substance of the following instruction:

You ~~now~~ have completed your duties as jurors in this case and are discharged with the thanks of the court. ~~The question may arise w~~Whether you may discuss this case with anyone, including a party or a party's attorney, the attorneys who presented it to you. For your guidancee the court instructs you that whether you talk to anyone is entirely your own decision. If you talk with anyone, you may share as much or as little as you like about your deliberations or the facts that influenced your decision.

It is proper for a party or a party's ~~the~~ attorneys to discuss this the case with you; ~~and~~ you may talk with that person ~~them~~, but ~~you need not~~ it is not required. ~~If you talk with them you may tell them as much or as little as you like about your deliberations or the facts that influenced your decision.~~ After today, if a party or a party's attorney asks to speak to you, that person must give you his or her name and relationship to this case. A party or a party's attorney must also inform you of your right to decide whether to discuss this case and your right to a copy of any declaration filed with the court. Promptly report to the court i~~f~~ a party or a party's an attorney ~~does not give you this information,~~ persists in discussing the case over your objections without your consent, ~~or~~ becomes critical of your service either before or after any discussion has begun, or has unreasonable contact with you please report it to me.