

Approved February 2, 1987  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at  
Chairperson

3:30 ~~xxx~~/p.m. on January 22, 1987 in room 313-S of the Capitol.

All members were present except:

Representatives Peterson and Vancrum, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Mary Jane Holt, Secretary

Conferees appearing before the committee:

Mike Sexton, President, Kansas Trial Lawyers Association, Kansas City, Ks.  
Ron Smith, Kansas Bar Association

The minutes of January 14, 1987 were approved.

Hearing on H.B. 2021-Itemized verdict in personal injury and wrongful  
death suits

Mike Sexton testified in support of H.B. 2021. He stated itemized jury verdicts will give more definition to the extent of the damages as there would be documentation for each specific category. This would preclude the possibility of any error by a jury. Also by having an itemized jury verdict it will be known whether there is a large non-pecuniary award.

The Chairman asked staff to check whether the language in this bill was consistent with the medical malpractice itemized jury verdicts passed last session.

Ron Smith testified in support of itemized verdicts for use in all personal injury actions. He said a Model Periodic Payment of Judgments Act will be introduced in the Senate which has a section that requires itemized verdicts, however, the language is different than Section 1 of H.B. 2021. He suggested it might be necessary to reconcile the two systems later in the session, (see Attachment I).

The Chairman announced David Litwin, who represents the Kansas Chamber of Commerce and Industry and the Coalition on Tort Reform, could not be present but wanted the Committee to know these organizations are in support of H.B. 2021.

The hearing was closed on H.B. 2021.

Hearing on H.B. 2022-Arbitration of Claims in Tort-Re Proposal No. 29.

Mike Sexton testified the Kansas Trial Lawyers do support alternative disput resolution programs and would support H.B. 2022.

Ron Smith testified in support of the intent of H.B. 2022. He stated there is no common law prohibition against post-injury arbitration of a personal injury claim. He noted the concept of the bill is good, and hopefully litigants would make use of the new law, (see Attachment II).

The hearing was closed on H.B. 2022.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,  
room 313-S, Statehouse, at 3:30 ~~xm~~p.m. on January 22, 1987.

The hearing on H.B. 2021 was reopened for further Committee discussion. Staff reported the language was not exactly the same as in medical malpractice itemized jury verdicts. Representative Solbach stated the language in H.B. 2021 is what the Interim Committee on Tort Reform drafted.

The meeting was adjourned at 4:15 p.m. by the Chairman.

The next meeting of the Committee will be held at 3:30 p.m., Monday, January 26, 1987 in Room 313-S.





**KANSAS BAR  
ASSOCIATION**

1200 Harrison  
P.O. Box 1037  
Topeka, Kansas 66601  
(913) 234-5696

January 20, 1987  
HB 2021

Mr. Chairman. Members of the House Judiciary committee. I am  
Ron Smith, Legislative Counsel for KBA.

KBA supports itemized verdicts for use in all personal injury actions.

There is a technical matter that needs brought up. KBA will be introducing in the Senate the Model Periodic Payment of Judgments Act. Section 4 of that act is a requirement for itemized verdicts. The language in that section is different than Section 1 of HB 2021. We may need a marriage bill later in the session to reconcile the two systems, since the itemized verdict in the MPPJA has key words in it that are used throughout the rest of this act.

Attachment I  
House Judiciary 1/22/87



**KANSAS BAR  
ASSOCIATION**

1200 Harrison  
P.O. Box 1037  
Topeka, Kansas 66601  
(913) 234-5696

January 21, 1987  
HB 2022

Mr. Chairman. Members of the House Judiciary committee. I am  
Ron Smith, KBA Legislative Counsel.

KBA generally supports the intent of HB 2022, to  
foster alternative dispute resolution through arbi-  
tration in tort claims that lend itself to that  
purpose.

There is no common law prohibition against post-injury arbitration  
of a personal injury claim. KSA 5-401 had a statutory provision for  
some time now.

I would point out that a problem with arbitration is the lack of  
state incentives to use it. Incentive legislation to use arbitration  
in tort claims is another subject, but just by passing the bill will  
not put people into arbitration systems. We will try, however.

The concept is good, and we support it. KBA has several alterna-  
tive dispute resolution programs underway. Hopefully, litigants will  
make use of this new law. We'll certainly alert all Kansas lawyers to  
its availability.