

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 420

As Amended by Senate Committee of the Whole

Brief*

SB 420 amends the Code of Civil Procedure dealing with offers of judgment. The bill adds to the current requirement for payment of court costs that attorneys fees be paid by the offeree to the offeror if the final judgment is more favorable to the offeror than the offer. Reasonable attorneys fees awarded by the court shall not exceed the lesser of:

- ! reasonable attorney fees incurred by the offeror after making the offer, or
- ! reasonable attorney fees incurred by the offeree after the making of the offer.

The Senate Committee added the language dealing with reasonable attorney fees.

The Senate Committee of the Whole excluded the reasonable attorney payment provision from actions filed under Article 16, Chapter 60 (divorce, separate maintenance, child custody).

Background

The bill was supported by Senator John Vratil as a way to encourage settlement of lawsuits. The bill was opposed by a representative of the Kansas Trial Lawyers Association who argued the bill would limit access to trial to only those persons who have the ability to pay their own and the other party's attorney fees.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>