



Testimony in Opposition to SB54
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Senate Judiciary Committee
February 10, 2025

Chair Warren and Senate Judiciary Committee Members

I appear today in opposition to SB 54 on behalf of our client, the International Legal Finance Association (ILFA)

We appreciated the committee debate on this very issue for the last 3 years.

The foundation of our opposition to this bill remains the same; 1) we do not understand the “problem” in Kansas that needs to be fixed that would necessitate putting a law on the books, and 2) what is being proposed in this bill...”forced disclosure” between two contracting parties serves little purpose other than to advantage one party to a lawsuit, to the detriment of the other.

This consumer litigation funding mechanism, a critical option in almost all circumstances, should not be penalized because it’s new, or at times returns a profit. It levels the legal playing field for litigants that often times pits “small” against “big.” Further, in a free market economy, people should be able to enter into contracts, freely, and with their eyes wide open, without requiring that the contract containing the details of their confidential business relationship be turned over to their legal adversary.

The Legislature passing a law forcing this mandate onto a party in a lawsuit becomes even more confusing, when under our current judicial system, either party to the lawsuit can currently petition the judge to disclose this information. Should the judge find the information relevant to the case, rather than a “fishing expedition” by the opposing party, the judge can order the release of such information as deemed appropriate.

I am appreciative of the opportunity to offer testimony on this issue, and would respectfully ask that you not advance SB54.

About

Mission Statement

The Judicial Council works to improve the administration of justice in Kansas by continuously studying the judicial system and related areas of law, by recommending changes when they are appropriate, and by preparing publications which further this mission.

Goals and Objectives

The goal of the agency is to review the judicial branch of government and the various substantive and procedural codes used by the courts to identify problem areas or areas of potential improvement and to take appropriate action. To meet this goal, the Judicial Council establishes advisory committees to review specific areas of law and to make recommendations for needed improvement to the Judicial Council. The Judicial Council then reviews the recommendations, makes appropriate changes, and forwards the recommendations to the Supreme Court or to the Legislature for consideration and approval.

Statutory History

The Judicial Council was created in 1927. It is established under K.S.A. 20-2201 et seq. Members of the Council, its advisory committees are authorized compensation and allowances under K.S.A. 20-2206.

Operations

The Judicial Council is responsible for an ongoing study of the judicial branch of government. It recommends options for improvement in the administration of justice to both the Legislature and Supreme Court. Projects are initiated by the Council, assigned by the Legislature, and requested by the Supreme Court. Council work may involve drafting legislation and court rules, writing books and manuals, publishing forms, preparing jury instructions, and making reports and recommendations.

The Council has ten members, eight of whom are appointed by the Chief Justice of the Supreme Court as follows: one member of the Supreme Court, one member of the Court of Appeals, two district court judges, and four practicing attorneys. The Chairs of the House and Senate Judiciary Committees are also members.

The Judicial Council uses advisory committees to assist in various projects. Advisory committees of the Judicial Council include Administrative Procedure, Appellate Procedure, Civil Code, Criminal Law, Death Penalty, Family Law, Guardianship and Conservatorship, Juvenile Offender / Child in Need of Care, Municipal Court Manual, PIK (Pattern Instructions for Kansas) - Civil, PIK (Pattern Instructions for Kansas) - Criminal, Probate Law, and Tribal-State Judicial Forum.

Examples of enacted legislation recommended by the Judicial Council include legislation enacting the Kansas False Claims Act; enactment of revisions to the Kansas Administrative Procedures Act and the Act for Judicial Review; enactment of the Uniform Prudent Management of Institutional Funds Act; enactment of extensive

Judicial Council Members

The members of the Judicial Council of Kansas are appointed by the Chief Justice of the Supreme Court, pursuant to K.S.A. 20-2201, for a term of four years, with the exception of the Chairs of the House and Senate Judiciary Committees who serve on the Council as long as they chair the respective Judiciary Committees.

Justice Eric S. Rosen, Chair; Topeka, Kansas; (2023)

Appointed October 25, 2023, to complete the term of Justice Marla J. Luckert, whose term will expire on June 30, 2027.

Judge Stephen D. Hill; Topeka, Kansas; (2011)

Reappointed for a 4-year term ending June 30, 2025.

Judge Amy Harth; Paola, Kansas; (2021)

Reappointed for a 4-year term ending June 30, 2027.

Judge Keven M. P. O'Grady; Olathe, Kansas; (2024)

Appointed May 24, 2024, to complete the term of Judge Patty Macke Dick, whose term will expire on June 30, 2025.

Senator Kellie Warren; Leawood, Kansas; (2021)

Chair of the Senate Judiciary Committee; Began January 2021, and will remain on the Council as long as she is Chair of the Senate Judiciary Committee.

Representative Susan Humphries; Wichita, Kansas; (2023)

Chair of House Judiciary Committee; Began October 2023, succeeding Fred Patton, and will remain on the Council as long as she is Chair of the House Judiciary Committee.

Victor J. Braden; Sawyer, Kansas; (2019)

Reappointed for a 4-year term ending June 30, 2027.

Joseph W. Jeter; Hays, Kansas; (2000)

Reappointed for a 4-year term ending June 30, 2027.

F. James Robinson, Jr.; Wichita, Kansas; (2018)

Reappointed for a 4-year term ending June 30, 2025.

Sarah Bootes Shattuck; Ashland, Kansas; (2011)

Reappointed for a 4-year term ending June 30, 2025.