

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2593

By Committee on Judiciary

Requested by Matt Bingesser on behalf of the Office of the Attorney General

1-29

1 AN ACT concerning contingent fee contracts for legal services; relating to
2 contracts entered into for legal services by a political subdivision;
3 requiring an open meeting before a political subdivision may approve
4 such a contract; requiring the attorney general to approve such contract
5 before such contract becomes effective.

6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) A political subdivision may only enter into a contingent
9 fee contract for legal services if the governing body of the political
10 subdivision:

11 (1) Calls a meeting for the purpose of considering the contract and
12 provides, in the notice or agenda of the meeting issued pursuant to K.S.A.
13 75-4318, and amendments thereto, the:

14 (A) Reasons for pursuing the matter that is the subject of the legal
15 services of which the attorney or law firm would be retained and the
16 desired outcome of pursuing the matter;

17 (B) qualifications, experience and competence of the attorney or law
18 firm selected or considered for selection by the governing body;

19 (C) nature of any relationship, regardless of how short, between the
20 political subdivision or governing body and the attorney or law firm that is
21 a party to the contract;

22 (D) reasons the legal services cannot be adequately performed by the
23 attorneys and supporting personnel of the political subdivision;

24 (E) reasons the legal services cannot be reasonably obtained from
25 attorneys under a contract providing for an hourly rate payment structure
26 as opposed to a contingency fee structure; and

27 (F) reasons entering into a contingent fee contract for legal services is
28 in the best interest of the residents of the political subdivision;

29 (2) makes a finding, in writing, that:

30 (A) It is in the best interest of the residents of the political subdivision
31 to contract for the legal services or there is a substantial need for the legal
32 services that are the subject of the contingent fee contract;

33 (B) the legal services cannot be adequately performed by the
34 attorneys and supporting personnel of the political subdivision; and

35 (C) the legal services cannot reasonably be obtained from attorneys

1 under a contract providing for an hourly rate payment structure because
2 the nature of the legal matter that is the subject of the contract or the
3 political subdivision does not have the funds necessary or would pay
4 substantially more for the legal services provided under a contract
5 providing for an hourly rate payment structure; and

6 (3) approves the contract in an open meeting after discussion and
7 consideration of the items described in paragraph (1).

8 (b) (1) Before a contingency fee contract for legal services approved
9 by a political subdivision pursuant to subsection (a) is effective and
10 enforceable, the political subdivision shall obtain approval of the contract
11 by the attorney general. The political subdivision shall provide to the
12 attorney general:

13 (A) A copy of the proposed contract;

14 (B) a description of the legal matter that is the subject of the proposed
15 contract;

16 (C) a copy of the notice and agenda issued pursuant to subsection (a)
17 (1), the date such notice was issued and a description of the method for
18 providing such notice; and

19 (D) a copy of the written findings made pursuant to subsection (a)(2).

20 (2) Within 45 days after the political subdivision has provided the
21 attorney general with the information described in paragraph (1), the
22 attorney general shall:

23 (A) Approve the contract and, if the request involves a matter of
24 purely local concern that does not implicate any statewide interest, shall do
25 so promptly; or

26 (B) refuse to approve the contract for one of the following reasons:

27 (i) The legal matter that is the subject of the contract presents one or
28 more questions of law or fact that are in common with a lawsuit, demand
29 or settlement asserting or resolving claims that the state has already
30 addressed or is pursuing in court;

31 (ii) the legal matter involves claims or issues that are more
32 appropriately within the scope of state enforcement and, ~~as determined by~~
33 ~~the attorney general in a written finding identifying the specific state~~
34 ~~interest at issue and how~~ the pursuit of the matter independently by the
35 political subdivision could lead to inconsistent legal outcomes or
36 undermine the state's unified position ~~would materially and directly~~
37 ~~interfere with such state enforcement~~; or

38 (iii) the contract does not comply with the Kansas rules of
39 professional conduct for attorneys adopted by the Kansas supreme court.

40 (3) If the attorney general refuses to approve the contract, the attorney
41 general shall provide notice to the political subdivision in writing with a
42 detailed explanation of the reason for refusing to approve the contract. **The**
43 **political subdivision may appeal such refusal to approve the contract**

1 to the district court, and the court shall perform a de novo review of
2 the contract consistent with this section.

3 (4) If the attorney general has not taken action and provided the
4 political subdivision notice of such action on a contract pursuant to
5 paragraph (2) within 45 days after receipt of such notice, such contract
6 shall be deemed approved.

7 (4)(5) All information and records made, maintained, kept, obtained
8 or received by the attorney general pursuant to subsection (b)(1)(B) shall
9 be confidential, except as required or authorized pursuant to this section.
10 The provisions of this paragraph shall expire on July 1, 2031, unless the
11 legislature reviews and reenacts such provisions in accordance with K.S.A.
12 45-229, and amendments thereto, prior to July 1, 2031.

13 (c) In any judicial or quasi-judicial proceeding in which a political
14 subdivision is represented by an attorney providing legal services under a
15 contingent fee contract for legal services that does not comply with the
16 provisions of this section, the attorney general may appear in such
17 proceeding and request that the proceeding be dismissed or intervene and
18 recover damages on behalf of the political subdivision. If the court or
19 quasi-judicial body concludes that the contract for legal services does not
20 comply with the provisions of this section, the court or quasi-judicial body
21 shall dismiss the matter without prejudice or allow the attorney general to
22 intervene on behalf of the political subdivision.

23 (d) As used in this section:

24 (1) "Contingent fee" means any fee that is contingent on the outcome
25 of the matter for which the service is rendered;

26 (2) (A) "legal services" means all services:

27 (i) Performed by or under authority of a law firm or attorney, whether
28 or not such services are performed by someone admitted to practice law in
29 Kansas; and

30 (ii) that constitute the practice of law in Kansas;

31 (B) "legal services" does not include services performed by:

32 (i) Bond counsel or other attorneys to assist a political subdivision
33 with services related to bonds, temporary notes, no-fund warrants, state
34 infrastructure loans or lease financing;

35 (ii) attorneys or other persons to assist a political subdivision in the
36 collection of unpaid debts, fees, fines, costs, restitution, taxes or utility
37 bills;

38 (iii) attorneys to recoup costs, including deductibles, from an at-fault
39 party's insurance company;

40 (iv) attorneys to assist with the sale of property; or

41 (v) court trustees to assist the enforcement of support orders pursuant
42 to K.S.A. 20-375 et seq., and amendments thereto; and

43 (3) (A) "political subdivision" means:

1 (i) A political or taxing subdivision of the state, including municipal
2 and quasi-municipal corporations, board, commissions, authorities,
3 councils, committees, subcommittees and other subordinate groups or
4 administrative units thereof, receiving or expending and supported, in
5 whole or in part, by public funds; and

6 (ii) any municipality as defined in K.S.A. 75-1117, and amendments
7 thereto; and

8 (B) "political subdivision" does not include water utilities as defined
9 in K.S.A. 19-3501, and amendments thereto.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.