

March 9, 2012

Chairman Marc Rhoades
House Standing Committee on Appropriations

RE: Opposition to Senate Bill 425

Dear Chairman Rhoades:

Thank you for considering this written testimony in opposition to Senate Bill 425 ("SB 425"). As you are aware, SB 425 proposes to add yet another fee to the costs of filing documents and pleadings in Kansas courts.

The proponent(s) of SB 425 have failed to provide a projection of the revenue that the proposed additional fee would create. Without such a projection, justification for the bill amounts to speculation that if another fee is added to the costs of filing documents and pleadings, then an e-filing system can be paid for. I respectfully request that you not pass SB 425, as speculation cannot be the basis for sound laws.

Additionally, for context, please be aware that a surcharge is already in place, and attaches to the costs of filing documents and pleadings. For example:

Type of Fee	Current Docket Fee	Current Surcharge	Current Total
Chapter 60 (Civil) filing	\$156	\$22	\$178
Chapter 61 filing (> \$5k)	\$103	\$19	\$122
Foreign Judgment filing	\$156	\$22	\$178

The additional \$10 fee as proposed by SB 425 would obstruct some litigants from pursuing meritorious claims through Kansas courts, as the costs of filing alone would approach almost \$190 in civil cases. Bear in mind that filing a lawsuit is the first step in attempting to satisfy a claim. That is, process must be served (fees incurred), in all likelihood post-judgment orders must be filed (fees incurred), post-judgment orders must be served (fees incurred), and so on.

Clearly, when the costs of seeking satisfaction of a claim rise, less people seek satisfaction through Kansas courts. Less filers results in less revenue for the Judiciary Technology Fund, and the purpose of SB 425 is thwarted.

Thank you for considering this written testimony in opposition to SB 425. Please feel free to contact me if you have any questions: (308) 382-3000.

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/s/Brady W. Keith,
Assistant General Counsel.