

**Shawnee County
Office of the County Counselor**



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January 28, 2020

House Committee on Judiciary
Rep. Fred Patton, Chair
Kansas State Capitol
Statehouse, Room 346-S
Topeka, KS 66612

RE: House Bill No. 2461 – Limiting Local Government’s Ability to Hire Legal Counsel through a Contingency Fee Contract.

Chair Patton and other distinguished members of this Committee:

Thank you for the opportunity to provide testimony in opposition to House Bill 2461. Shawnee County opposes this bill for two fundamental reasons:

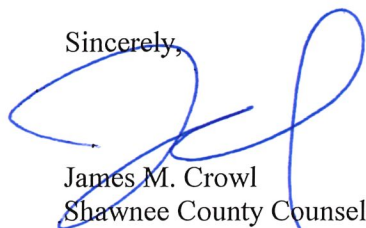
- 1) The legislation is overbroad. This legislation is aimed at preventing local governments from participating in class action litigation, but as presented, this bill also would prohibit a local government from hiring an attorney to recover damages on an entirely local issue. For example, it is common that an injured employee will hire a local attorney to pursue a third party claim to recover damages that are related to a work related injury. Local governments are allowed to join on this claim to also recover money paid toward that employee’s workers compensation claim. There is simply no state interest in these types of legal claims and no reason for the state to regulate local governments who are simply attempting to recover damages to its employees that have been caused by third parties; and
- 2) The legislation could prevent local taxpayers from recovering damages to which they are entitled. The legislation, as presented, allows the Attorney General to essentially “veto” a local government’s attempt to recover damages on behalf of local taxpayers. Local governments can suffer damages in various circumstances that are unique and are not the same as damages that might be suffered by the State. Currently, both the State of Kansas and local governments can determine for themselves whether, and under what circumstances, claims should be pursued to protect their taxpayers.

A better approach, if determined to be necessary, would be to require local governments to provide notice to the Attorney General in the event that it enters into class action litigation. This notice would allow the Attorney General the opportunity to review the litigation and determine whether, and under what circumstances, the State of Kansas might also desire to pursue a similar claim.

House Committee on Judiciary
January 28, 2020
Page 2

I thank you for your time and consideration of this important issue.

Sincerely,



James M. Crowl
Shawnee County Counselor
Shawnee County Legislative Coordinator

C: Board of County Commissioners of Shawnee County, Kansas