

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 1:00 P.M. on March 31, 2005 in Room 423-S of the Capitol.

All members were present except:

Dean Newton- excused
Delia Garcia- excused
Jeff Jack- excused
Kasha Kelley- excused
Kevin Yoder- excused
Marti Crow- excused
Michael Peterson- excused
Pat Colloton- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes

Conferees appearing before the committee:

Gene Balloon, Attorney at Law, Shook, Hardy & Bacon
Mark Baldwin, Chief Financial Officer, Data Systems International
Marlee Carpenter, Kansas Chamber of Commerce
William Skepnek, Kansas Trial Lawyers Association

Chairman O'Neal announced that the meeting on **Senate Substitute for HB 2457 - dealing with appeals of judgements and supersedeas bonds** would be for informational purpose.

Gene Balloon, Attorney at Law, and Mark Baldwin, Data Systems International, spoke about a case that is currently on file in which the court awarded the plaintiff \$6 million dollars. The company was not able to post a supersedeas bond. Most bonding companies write bonds for 20% of the net worth of a company. (Attachment 1)

Marlee Carpenter, Kansas Chamber of Commerce, appeared in support of limiting the amount of bond a defendant must post while appealing an adverse judgement. (Attachment 2)

William Skepnek, Kansas Trial Lawyers Association, appeared as an opponent to the bill. District Courts already have the ability to lower bonds that have been set. The proposed bill takes away that latitude. It's being proposed to address one case, which will be finished before the legislation is passed. (Attachment 3)

Committee meeting adjourned at 1:45 p.m.