



KANSAS
ASSOCIATION OF
COUNTIES

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Testimony of the Kansas Association of Counties to the
House Committee on Judiciary
Opponent Testimony on HB 2461 • January 29, 2020

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify as an opponent to HB 2461 as introduced on behalf of the Kansas Association of Counties. HB 2461 would restrict the ability of local units of government, including our member counties, from entering into contracts for legal services to be paid on a contingent fee basis.

KAC opposes this bill as introduced for a few primary reasons. First, the bill as introduced is overly broad regarding the types of legal contracts that are restricted. Restricting all contingent fee contracts without the approval of the state attorney general could prevent counties from being able to enter into contingent agreements in litigation in which the state has no interest. That does not address the issue for which this bill was introduced.

Second, KAC opposes HB 2461 as introduced because it does not offer an avenue for review in the event that a county were to be denied permission to enter into a contingent fee agreement for legal services. Giving one individual the final say with no means for appeal of the decision places a large amount of authority in one individual's hands. Finally, as an attorney representing a client there is an ethical obligation to protect the client's interests. This legislation could put an attorney in conflict with carrying out their ethical obligation to their client and also upholding the law.

KAC would encourage the committee to carefully consider amendments to this bill that would address these concerns. Thank you for your time and consideration.

Respectfully,

Jay Hall

Kansas Association of Counties

