

HOUSE BILL No. 2461

By Committee on Judiciary

1-22

1 AN ACT enacting the public litigation coordination act; relating to
2 contracts by public entities for legal services on a contingent fee basis;
3 powers and duties of the attorney general.
4

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

6 Section 1. (a) This section shall be known and may be cited as the
7 public litigation coordination act.

8 (b) Except as provided in subsections (c) and (d), on and after the
9 effective date of this act:

10 (1) A public entity shall not contract for legal services on a contingent
11 fee basis; and

12 (2) any contract for legal services in violation of this subsection is
13 void and unenforceable.

14 (c) A valid contract for legal services in effect prior to the effective
15 date of this act shall remain valid and enforceable, but on and after the
16 effective date of this act, such contract shall not be extended or renewed,
17 nor shall parties be added, except in compliance with subsection (d).

18 (d) (1) Except as provided by subsection (d)(2), the attorney general,
19 upon written application by a public entity, may waive the prohibition in
20 subsection (b) only if, as determined in the sole discretion of the attorney
21 general, waiver would serve the public interest and would not impede legal
22 interests of the state.

23 (2) If any application pursuant to subsection (d)(1) involves a
24 proposed contract that, if entered into by the attorney general, would be
25 governed by K.S.A. 75-37,135, and amendments thereto, then the attorney
26 general may waive the prohibition in subsection (b) only if the
27 requirements of K.S.A. 75-37,135, and amendments thereto, and
28 subsection (d)(1) are satisfied.

29 (3) Any waiver by the attorney general pursuant to this subsection
30 shall be in writing, may be subject to conditions and shall be incorporated
31 by the public entity into the contract for legal services.

32 (e) As used in this act:

33 (1) "Contingent fee" means a fee or other compensation contingent on
34 the outcome of the matter for which the legal service is rendered.

35 (2) "Legal services" means:

36 (A) All services performed by, or under authority of, a law firm or

1 attorney, whether or not admitted to practice law in Kansas; and

2 (B) all services that constitute the practice of law in Kansas.

3 (3) "Public entity" means:

4 (A) The state, as defined in K.S.A. 75-6102, and amendments thereto;

5 (B) any municipality, as defined in K.S.A. 75-6102, and amendments
6 thereto; and

7 (C) any officer, agent or employee of the state or any municipality
8 acting in an official capacity.

9 Sec. 2. This act shall take effect and be in force from and after its
10 publication in the Kansas register.