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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 31, 2024

Subject: Bill Brief on HB 2510

HB 2510 authorizes a party to obtain discovery of the existence and content of an agreement for third-party funding of litigation under the code of civil procedure.

The bill amends K.S.A. 60-226, which is the statute in the rules of civil procedure that covers discovery. A new provision is added relating to third-party agreements. It provides that a party may obtain discovery of the existence and content of any third-party agreement where a person, other than the party's attorney, has agreed to pay expenses directly related to prosecuting the legal claim and has a contractual right to receive compensation that is contingent on and sourced from the proceeds. This information would not be admissible as evidence because of such disclosure.