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MEMORANDUM

To: House Committee on Judiciary
From: Natalie Scott, Assistant Revisor of Statutes
Date: January 29, 2020
Subject: Bill Brief on HB 2461

HB 2461 enacts the public litigation coordination act.

Section 1 names the act. Subsection (b) provides that, except as provided further, on and after the effective date of the act, a public entity shall not contract for legal services on a contingent fee basis and any contract in violation of the act is unenforceable. Subsection (c) provides that a valid contract in effect prior to the effective date of the act will remain valid, but cannot be extended or renewed.

Subsection (d) provides that, upon application, the attorney general may waive the prohibition in subsection (b) only if waiver would serve the public interest and would not impede legal interests of the state. If an application involves a proposed contract governed by the professional services sunshine act, the attorney general may only waive the prohibition in subsection (b) if K.S.A. 75-37,135 is satisfied. Any waiver by the attorney general shall be in writing and shall be incorporated into the contract for legal services.

Subsection (e) provides definitions of “contingent fee”, “legal services” and “public entity”.