	Date
MINUTES OF THE HOUSE COMMITTEE ON	JUDICIARY
The meeting was called to order by Representative R	Chairperson at
3:30 XXX/p.m. on	, 19 <u>87</u> in room <u>313-S</u> of the Capitol.
All members were present except: Representatives Peterson and Vancrum, wh	o were excused.

Annuarial

February 2

1987

Committee staff present:

Jerry Donaldson, Legislative Research Department Mike Heim, Legislative Research Department Mary Ann Torrence, Revisor of Statutes Office Mary Jane Holt, Secretary

Conferees appearing before the committee:

Mike Sexton, President, Kansas Trial Lawyers Association, Kansas City, Ks. Ron Smith, Kansas Bar Association

The minutes of January 14, 1987 were approved.

<u>Hearing on H.B. 2021</u>-Itemized verdict in personal injury and wrongful death suits

Mike Sexton testified in support of H.B. 2021. He stated itemized jury verdicts will give more definition to the extent of the damages as there would be documentation for each specific category. This would preclude the possibility of any error by a jury. Also by having an itemized jury verdict it will be known whether there is a large non-pecuniary award.

The Chairman asked staff to check whether the language in this bill was consistent with the medical malpractice itemized jury verdicts passed last session.

Ron Smith testified in support of itemized verdicts for use in all personal injury actions. He said a Model Periodic Payment of Judgments Act will be introduced in the Senate which has a section that requires itemized verdicts, however, the language is different than Section 1 of H.B. 2021. He suggested it might be necessary to reconcile the two systems later in the session, (see Attachment \underline{I}).

The Chairman announced David Litwin, who represents the Kansas Chamber of Commerce and Industry and the Coalition on Tort Reform, could not be present but wanted the Committee to know these organizations are in support of H.B. 2021.

The hearing was closed on H.B. 2021.

Hearing on H.B. 2022-Arbitration of Claims in Tort-Re Proposal No. 29.

Mike Sexton testified the Kansas Trial Lawyers do support alternative disput resolution programs and would support H.B. 2022.

Ron Smith testified in support of the intent of H.B. 2022. He stated there is no common law prohibition against post-injury arbitration of a personal injury claim. He noted the concept of the bill is good, and hopefully litigants would make use of the new law, (see Attachment II).

The hearing was closed on H.B. 2022.

CONTINUATION SHEET

MINUTES OF THE	HOUSE COMMITTEE C	NJUDICIARY	,
room <u>313-S</u> , Statehous	se, at3:30 xxx /p.m. on	January 2 2 ,	, 1987

The hearing on H.B. 2021 was reopened for further Committee discussion. Staff reported the language was not exactly the same as in medical malpractice itemized jury verdicts. Representative Solbach stated the language in H.B. 2021 is what the Interim Committee on Tort Reform drafted.

The meeting was adjourned at 4:15 p.m. by the Chairman.

The next meeting of the Committee will be held at 3:30~p.m., Monday, January 26, 1987 in Room 313-S.

GUEST REGISTER

DATE Jan 22 19

HOUSE JUDICIARY

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NAME	ORGANIZATION	ADDRESS
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Mary Vincent	assoc. General Cont.	Tapeka
Hack Marny	Ment. Cont. assn. of Ks	Gal
Dry Hartman.	Baker Vain - STATE Affairs	BAHWIN
Bren P. Singer	Baker University - Judicial Record Team	
Ron Sinth	KS BAR ASSOC	Loper Lity
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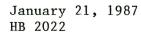


1200 Harrison P.O. Box 1037 Topeka, Kansas 66601 (913) 234-5696 January 20, 1987 HB 2021

Mr. Chairman. Members of the House Judiciary committee. I am Ron Smith, Legislative Counsel for KBA.

KBA supports itemized verdicts for use in all personal injury actions.

There is a technical matter that needs brought up. KBA will be introducing in the Senate the Model Periodic Payment of Judgments Act. Section 4 of that act is a requirement for itemized verdicts. The language in that section is different than Section 1 of HB 2021. We may need a marriage bill later in the session to reconcile the two systems, since the itemized verdict in the MPPJA has key words in it that are used throughout the rest of this act.





1200 Harrison P.O. Box 1037 Topeka, Kansas 66601 (913) 234-5696

Mr. Chairman. Members of the House Judiciary committee. I am Ron Smith, KBA Legislative Counsel.

KBA generally supports the <u>intent</u> of HB 2022, to foster alternative dispute resolution through arbitration in tort claims that lend itself to that purpose.

There is no common law prohibition against post-injury arbitration of a personal injury claim. KSA 5-401 had a statutory provision for some time now.

I would point out that a problem with arbitration is the lack of state incentives to use it. Incentive legislation to use arbitration in tort claims is another subject, but just by passing the bill will not put people into arbitration systems. We will try, however.

The concept is good, and we support it. KBA has several alternative dispute resolution programs underway. Hopefully, litigants will make use of this new law. We'll certainly alert all Kansas lawyers to its availability.

Attachment II
House Judiciary 1/22/87