



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Judiciary Committee
March 3, 2025
SB 242

Kansas Association of Counties
Opponent Testimony – Written Only

Chairwoman Warren and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer opponent testimony on SB 242, which 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.

KAC also opposes SB 242 because it usurps the attorney client relationship. Counties generally are not the client of the Attorney General. Individual counties have attorney-client relationships with their own counsel. Requiring outside approval of contracts that a county may enter into for representation usurps the attorney client relationship and presents additional ethical questions regarding the representation. Would SB 242 create an attorney-client relationship between the Attorney General and the requesting county?

Additionally, consideration of the contract under Section 1 (a)(1)(A) could compromise the legal position of the county by waiving confidentiality considerations by discussing the reasons for pursuing the matter in an open meeting. This could also negatively impact potential settlement discussions.

For these reasons, KAC opposes SB 242 as introduced and would oppose its passage in the current form. Thank you for your time and consideration.

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