



KANSAS ASSOCIATION OF DEFENSE COUNSEL

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TO: Senator Warren, Chair
Senate Committee on Judiciary

FROM: Tyler Heffron, President
On behalf of the Kansas Association of Defense Counsel

DATE: February 5, 2026

RE: Kansas Association of Defense Counsel's Written Testimony Supporting SB 398

Chairwoman Warren, thank you for the opportunity to submit testimony on this matter. My name is Tyler Heffron, and I am the President of the Kansas Association of Defense Counsel (KADC). KADC is a state-wide organization of lawyers admitted to practice law in Kansas who devote a substantial amount of their time to defending clients, including businesses, in civil litigation cases. In addition to working to improve the skills of defense attorneys and elevating the standards of trial practice, our organization advocates for the administration of justice because our clients depend on it.

KADC supports SB 398 in its current form. The proposed legislation offers a clear, commonsense approach which clarifies Kansas' expert evidence rule contained in K.S.A. § 60-456, to align with the Federal Rules of Evidence (FRE) 702.¹ This clarification further reinforces the role of Kansas courts as gatekeepers in determining the admissibility of expert testimony.

Specifically, the proposed legislation clarifies and makes clear that: (1) the Court determines whether proffered expert testimony meets the statutory standard for admissibility; (2) the proponent of the expert evidence bears the burden of establishing the sufficiency of the expert's basis and reliability of the expert's methodology in its application of the evidence; and (3) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case. In short, the proposed legislation provides welcome clarity to both pretrial and trial practice. It preserves full access to qualified experts for all parties while ensuring that Kansas juries hear expert opinions that are both reliable and properly applied to the facts of the case.

Thank you for the opportunity to provide this testimony.

¹ Amended FRE 702 became official Dec. 1, 2023, following a unanimous recommendation by the Federal Committee on Rules of Practice and Procedure, adoption by the Judicial Conference and the U.S. Supreme Court, and congressional review.