



DICKERSON OXTTON

TO: Senator Kellie Warren, Chairperson
Senator Kenny Titus, Vice-Chairperson
Senator Ethan Corson, Ranking Minority Member
Members of the Senate Committee on Judiciary

DATE: February 5, 2026

RE: SB 413 (OPPOSE)

Chairperson Warren, Vice-Chair Titus, Ranking Minority Member Corson, and Members of the Committee:

Thank you for the opportunity to provide testimony in opposition to Senate Bill 413. My name is Jeffrey A. Wilson. I am a practicing attorney who has taken 13 cases to verdict since 2021. However, I am not testifying simply as a trial lawyer. I am also a Kansan with family roots dating back seven generations, and I have a deep trust in the judgment of Kansas citizens. That is the primary reason I oppose SB 413.

This is "Washington, D.C. Solutions" vs. "Kansas Common Sense"

SB 413 is not a homegrown Kansas solution to a Kansas problem. It is a cut-and-paste import of the "Anchors Away Act," a model policy drafted by the American Legislative Exchange Council (ALEC) and pushed by national corporate interest groups in Washington, D.C.

I have heard similar language has been pushed in Georgia, Texas, and Missouri. These national groups are trying to impose a "Nanny State" regulation on Kansas courtrooms, operating under the assumption that Kansas jurors are not smart enough to hear a damage request and evaluate it critically.

Kansas pragmatism relies on the "free market of ideas." If a plaintiff's lawyer asks for an absurd amount of money, the conservative solution is not for the government to censor the lawyer; the solution is for the defense to expose that absurdity through evidence. We should trust the adversarial system, not rig it because one side prefers not to argue the merits.

"Blindfolding" Jurors Creates Chaos, Not Certainty

The proponents of SB 413 argue that suggesting a number ("anchoring") causes "runaway verdicts." As someone who lives in the courtroom, I can tell you that is simply not true. Jurors are

independent thinkers, not rubber stamps. They are far smarter than the proponents of this bill think.

In my 13 recent trials and observing other trials, I have seen that removing the number often leads to higher, less predictable verdicts:

- In December of 2025, a jury in Wichita came back with an award of more than \$2 million, despite the fact that counsel never suggested or asked for a specific number.
- In one of my own trials, I made the decision not to ask the jury for a specific number. The jury returned a verdict of over \$1 million.
- On the other hand, I have stood before juries, suggested a specific number based on the evidence, and had them return a verdict for far less than I requested or even hoped they would award.

My experience shows that prohibiting attorneys from asking the jury to award a specific amount does not lower verdicts. Instead, it creates variance. When you blindfold a jury to the value of a case, they are forced to guess. That guessing game destroys business certainty. Insurance companies cannot set accurate reserves or settle cases if trial outcomes are random. SB 413 trades a stable system for a casino.

Silencing the Vulnerable: The Unintended Consequences

But the most dangerous part of this bill is that it would disproportionately affect the most vulnerable Kansans. This bill does not just apply to business disputes; it applies to anyone with a noneconomic damage claim, including stay-at-home moms, disabled Kansans, victims of elder abuse in nursing homes and children who have survived sexual abuse.

In many of those cases, noneconomic damages are the chief component of the claim, if not the only component. Stay at home moms and disabled persons have no lost income to award, for example. And the injustice presented by SB 413 is even more pronounced when it comes to victims of abuse. In these tragic cases, the claims are almost always entirely noneconomic in nature. A retired senior in a nursing home has no lost wages to calculate; a child abuse victim may have minimal medical bills compared to the life-long trauma they endure.

By prohibiting counsel from suggesting a value for noneconomic damages, SB 413 effectively prohibits these victims from telling a jury what their claims are worth. Jurors are left without a compass for the most difficult calculation they have to make. By removing the guideposts, we aren't just blindfolding the jury; we are muting the victim. It silences those who have lost their dignity and quality of life, simply because their losses cannot be measured on a spreadsheet. The burden on these vulnerable citizens is an intolerable consequence and represents a barrier to justice.

Conclusion: Put Your Trust in Kansans—They Deserve It

The legislature does not need to intervene to help corporate defendants who hire lawyers that cannot effectively rebut a damages argument. If a plaintiff asks for the moon, a competent defense

lawyer can explain why that is wrong.

SB 413 attempts to replace the judgment of Kansas jurors with a government mandate. It limits free speech in the courtroom and assumes the worst of our citizens. I respectfully urge the Committee to reject this out-of-state model legislation and preserve the integrity of the Kansas jury system; I urge the Committee to return the trust Kansans have placed in you.

Respectfully,

A handwritten signature in black ink that reads "Jeffrey A. Wilson". The signature is written in a cursive style with a large initial "J" and a distinct "A" before the last name.

Jeffrey A. Wilson, KS Bar No. 26527