



**KANSAS
TRIAL LAWYERS
ASSOCIATION**

To: Senator Kellie Warren , Chair
Members of the Senate Judiciary Committee

From: Callie Jill Denton
Executive Director

Date: February 5, 2026

Re: SB 413 Prohibiting counsel from suggesting an amount to award for noneconomic damages and loss

Thank you, on behalf of the Kansas Trial Lawyers Association, for the opportunity to provide testimony regarding SB 413.

KTLA believes in the effectiveness of the current rules of civil procedure and evidence. We believe in Kansas judges' ability to fairly administer our procedural laws so that juries receive only the relevant facts and information they need to render a verdict in a case. We believe the current law applies to counsels' arguments and statements relating to noneconomic loss, and the law is working to ensure juries can make a fair decision based on the evidence.

SB 413 is not a reaction to any deficiency in Kansas law. It is based on an American Legislative Exchange Council (ALEC) model policy known as the Anchors Away Act. However, SB 413 goes even further than the ALEC model. SB 413 prohibits any party from in any way characterizing or quantifying the plaintiff's noneconomic losses in their arguments, if counsel's statement could be construed as a numerical or financial value.

SB 413 has the effect of prohibiting the plaintiff's counsel from presenting arguments to the jury about the value of their noneconomic loss, and the defendant from presenting arguments refuting the alleged loss. The jury, lacking arguments from both parties about plaintiffs' claims, may feel forced to develop and rely on theories that are not based on the evidence and cannot have been argued by counsel under the current law. This outcome is not fair to the parties in the dispute.

SB 413 does not lead to informed juries. It doesn't improve fairness or promote more efficient trials. It flies in the face of common sense – if a plaintiff alleges damages and seeks compensation, counsel should provide juries with an explanation of how plaintiff sees – and how juries should see – plaintiff's noneconomic loss . And defendants should have an opportunity to refute plaintiffs' claims with *their* explanation, and how the defendant views the claim.

In recent years, Texas, Missouri, and Georgia have considered legislation based on the ALEC model. None of the bills went as far as SB 413 to completely silence the parties' arguments regarding the value of noneconomic loss. Of these states, Georgia was the only state that passed a bill, in 2025.

Kansas' civil justice system is fair, and the laws are sufficient to ensure that juries receive the relevant information relating to the facts of the case and the claims of the parties. SB 413 is dangerously broad, and unnecessary.

Thank you for the opportunity to offer the concerns of Kansas trial lawyers. On behalf of KTLA, I respectfully request that the committee reject SB 413.