



KANSAS BAR
ASSOCIATION

TO: **The Honorable Kellie Warren**
 and members of the Senate Committee on Judiciary

FROM: **Joseph N. Molina, On Behalf of the Kansas Bar Association**

RE: SB 413 - [Prohibiting counsel from suggesting an amount of damages for noneconomic loss in civil actions.](#)

DATE: **February 4, 2026**

Chairwoman Warren and Members of the Senate Committee on Judiciary,

I am Joseph N. Molina, and I represent the Kansas Bar Association. I provide this written testimony in **OPPOSITION** to SB 413 - [Prohibiting counsel from suggesting an amount of damages for noneconomic loss in civil actions.](#)

Thank you for the opportunity to provide testimony in opposition to **SB 413**, which would prohibit counsel from suggesting any dollar amount, range, formula, or comparable reference when arguing non-economic damages to a jury.

While the bill is framed as a reform, SB 413 would in fact undermine fairness, efficiency, and confidence in Kansas civil courts.

First, SB 413 makes verdicts less predictable and less fair.

Even Kansans who are skeptical of lawsuits should want a civil justice system that produces consistent and reasonable outcomes. Jurors are routinely asked to evaluate complex evidence and make difficult decisions. When jurors are given no framework for evaluating non-economic damages, they do not become more precise—they are left to guess. Guessing leads to inconsistency, unpredictability, and more extreme outcomes. SB 413 does not promote accuracy; it invites confusion.

Second, the bill will reduce settlements and increase the number of jury trials, clogging court dockets.

Most civil cases resolve through settlement because both sides can reasonably estimate what a jury might do. By making jury outcomes harder to predict, SB 413 encourages defendants to “roll the dice” rather than settle. The result will be fewer settlements, more

jury trials, longer delays, and higher litigation costs—burdens that will be felt not only by litigants, but by Kansas courts and businesses.

Third, SB 413 will increase confusion and appellate litigation.

The bill creates a new category of “gotcha” disputes over what lawyers can and cannot say in closing argument. For example, if defense counsel argues that the jury should award “nothing” for pain and suffering, is that a number? Is it permissible? These questions will not be resolved in advance; they will be litigated through objections, motions, and appeals, further increasing costs and uncertainty.

Fourth, Kansas judges already have the tools to address improper arguments.

Trial judges have broad discretion to manage the courtroom, rule on objections, and prevent misleading or prejudicial advocacy. If an argument crosses the line, judges can and do stop it. SB 413 is not filling a gap—it is replacing judicial discretion with a rigid rule that will generate more disputes, not fewer.

Finally, SB 413 reflects an unnecessary and troubling double standard.

Kansas entrusts juries with the most serious decisions imaginable in criminal cases, including questions of guilt, liberty, and even life and death. Yet SB 413 suggests that those same jurors cannot be trusted to hear a suggested amount for pain and suffering in a civil case. That is not meaningful reform. It is an unwarranted limitation based on distrust of jurors who have long served Kansas courts faithfully.

In short, SB 413 needlessly withholds information from juries, makes their job harder, increases costs and delays, and rests on the flawed assumption that jurors cannot be trusted to weigh evidence responsibly.

For these reasons, we respectfully urge the Committee to oppose SB 413.

Thank you for your time and consideration. I would be happy to answer any questions.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 5,500 members include lawyers, judges, law students, and paralegals. www.ksbar.org