

Amendments to the Kansas Code of Civil Procedure; HB 2473

HB 2473 amends the Kansas Code of Civil Procedure to conform to recent changes in federal law. First, it removes "discharge in bankruptcy" from the list of affirmative defenses a party must state in responding to a pleading. Next, it provides that the draft required disclosures concerning expert witnesses and drafts of a disclosure by an expert witness provided in lieu of the required disclosures are protected from discovery, regardless of the form in which the draft is recorded. Similarly, it provides that communications between a party's attorney and expert witnesses are protected from disclosure regardless of the form of the communications, except to the extent the communications:

- Relate to the compensation for the expert's study or testimony;
- Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
- Identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

Further, the bill requires disclosure of the subject matter on which the expert is expected to testify and the substance of the facts and opinions to which the expert is expected to testify, regardless of whether the expert is retained or specially employed to provide expert testimony.