

KANSAS TRIAL LAWYERS ASSOCIATION



For Immediate Release: May 20, 2020

Statement from David Morantz, President of the Kansas Trial Lawyers Association.

Over the past week, I have presented testimony on behalf of KTLA to both the Kansas Senate and House Judiciary Committees. Our testimony has addressed various proposals being discussed that would grant immunity to businesses and professions in the state of Kansas. We oppose these proposals for the following reasons:

Kansas courts do an excellent job of protecting Kansas citizens and businesses, even during a State of Disaster Emergency. Immunity laws are unwarranted, unnecessary, and unfair because they permit special treatment for certain groups or individuals, allow government to pick winners and losers, and limit legal accountability.

Immunity laws remove protections, including every Kansan's right to their day in court, the right to seek resolution of a dispute, and the right to trial by jury. Some immunity laws—including the proposals being discussed now are unconstitutional in Kansas because they do not provide an adequate substitute remedy and because they retroactively limit Kansans' vested rights.

Our senior citizens are particularly vulnerable right now and should not be stripped of legal rights or subjected to further danger from legislation that would disincentivize adequate infection control measures. Any corporate immunity, no matter how narrowly tailored and limited, should include benefits for workers. With unemployment rising and workplace safety growing as an issue as more employees return to the workplace, it is astounding to think that there are people in our state focused on protections for professionals and corporations while rarely, if ever, considering Kansas workers.

Finally, KTLA members join with many other Kansans represented by the organizations who testified in opposition to the KMS and Kansas Chamber immunity proposals, including Kansas Advocates for Better Care, Working Kansas Alliance, AARP of Kansas, Disability Rights Center, and Kansas AFL-CIO. We support and we share their concern with the rush to limit the rights of Kansas consumers and workers.

Legislation passed during a stressed and compressed session, and when Kansans don't have full access to their lawmakers, runs the risk of creating consequences far beyond what a bill's supporters, stakeholders, and lawmakers can currently conceive.

For all these reasons, KTLA believes action on the proposals is premature and risks doing more harm than good to Kansans citizens and businesses.

HISTORIC FIRE STATION NO. 2 • 719 SW VAN BUREN • TOPEKA, KANSAS
66603
(785) 232-7756 • (785) 232-7730 FAX • WWW.KTLA.ORG • INFO@KTLA.ORG