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**TESTIMONY OF ATTORNEY KEVIN D. CASE BEFORE
THE KANSAS HOUSE JUDICIARY COMMITTEE ON HB 2694
February 15, 2022**

My name is Kevin D. Case and I am an attorney licensed to practice law in the State of Kansas (1990 – present). I was raised in Derby, Sedgwick County, Kansas the son of an aerospace engineer employed by Boeing Military Air Corp., and a stay at home mother. I attended public schools in U.S.D. 260.

Following undergraduate and graduate school at Baylor Univ., in Texas (1980-1987), I attended the University of Kansas School of Law graduating in 1990. During law school I interned in the Kansas House of Representatives and the Kansas State Senate.

From 1994 – 1997 I was appointed an assistant attorney general serving under Attorney General Robert T. Stephan (R) and Attorney General Carla J. Stovall (R). In that capacity, I represented the interests of the State of Kansas in litigation in state district and appellate courts and the U.S. District Court for the District of Kansas and on appeal to the U.S. Court of Appeals for the 10th U.S. Circuit in Denver, Co. During my tenure at the Attorney General's Office I was assigned to represent the interests of the Kansas judiciary including the Office of Judicial Administration (OJA).

I am presently Chairman of the Board of Case Linden, P.C. a law firm engaged in the defense of civil litigation for business interests in the States of Kansas and Missouri. Presently, I represent a diverse collection of business interests who employ thousands of tax-paying Kansans: agricultural interests, manufacturing, retail, trucking, professional services. For one reason or another these business interests may find themselves in litigation in a Kansas district and appellate court. We commonly defend class action litigation where the claims against our clients are brought by a collection of individuals on behalf of even larger group of individuals, too. Today, I am appearing in favor of House Bill 2694 regarding litigation financing.

One of the core tenants of fair and impartial civil court proceedings is the transparency of those who have an interest in its outcome. HB 2694 is a meaningful initiative designed to ensure that those persons or entities who have a direct financial interest in a particular litigated matter is disclosed in pretrial proceedings.

Pretrial disclosures of this kind are found elsewhere in the law. It is a routine requirement that my clients are made to disclose the existence of property and casualty insurance policies that might be called upon to provide defense and indemnity coverage for the claims asserted in litigation.

Jurors, when they are called upon for jury duty, are made to disclose whether they have an interest in the case before them, or whether they might otherwise be disqualified from jury service because their ability to be impartiality does not pass judicial scrutiny.

In the U.S. District Court in the District of Kansas, the parties are made to disclose whether their clients have issued shares to general public in one effort to notify the U.S. Magistrates and U.S. District Court Judges to offer them a meaningful opportunity to assist in their own efforts to ensure that they avoid conflicts of interest while presiding over a case.

HB 2694 is a thoughtful approach to ensuring those who might have a direct financial stake in specific litigation is disclosed to avoid the same or similar conflicts of interest. Similarly such a disclosure is material to clients that I defend when certain confidential disclosures are made in the case.

In litigation, it is common that the parties share confidential information between them and that disclosure process is commonly governed by a protective order. If confidential information intended only for the parties or their attorneys is shared with an undisclosed financial participant in the litigation, that fact is material to the disclosing party. Non-parties to litigation who are not constrained by the confidentiality provisions because they are not disclosed pose a potential future litigation exposure.

I support HB 2694 as a meaningful attempt to address the present real-world climate where litigation is increasingly being financed by undisclosed parties.