



February 10, 2026

Senator Kellie Warren
Senate Committee on the Judiciary
201 SW 8th Ave., Room 419-E
Topeka, KS 66603

COMMENT OF THE DRI CENTER FOR LAW AND PUBLIC POLICY IN SUPPORT OF SB 398

Dear Senator Warren,

I chair the DRI Center for Law and Public Policy Legislation and Rules Committee. Founded in 2012, the Center for Law and Public Policy (the Center)—through scholarship, legal expertise, and advocacy—provides the most effective voice for the defense bar in the discussion of substantive law, judicial process, constitutional issues, and the integrity of the civil justice system at both the national and state levels.

The Center supported the amendment to Federal Rule of Evidence 702, which took effect in December 2024. Since then, as DRI's affiliated state defense organizations have expressed interest, DRI and the Center have worked with them and other defense organizations to promote the adoption of similar amendments in their states.

The Kansas Association of Defense Counsel (KADC) is taking a leadership role in organizing support for the bill. DRI stands with KADC and echoes their advocacy arguments in favor of clarifying K.S.A. §60-456 to align with amended FRE 702 and prevent unsupported “expert” testimony from reaching jurors. The goals are to improve the clarity of the rule by explicitly requiring that the party proposing to use an expert has the burden to demonstrate to the judge that it is more likely than not that the expert meets the requirements of the rule, and to establish that the expert's opinions reflect a reliable application of the principles and methods upon which the testimony is based.

We appreciate your consideration in this matter and urge passage of SB 398.

Sincerely,

Brooks Magratten

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