

# THE ADVOCATE

January  
2014



*A group of young attorneys from the Wyandotte County District Attorney's Office enjoying last year's President's Gala.*

## Upcoming events:

### February

#### President's Gala

*When: February 1  
6:00 pm*

*Where: James P. Davis Hall  
at Wyandotte  
County Lake*

*Cost: \$50 per person (\$40  
per person for  
attorneys 35 and  
under)*

#### CLE & Happy Hour

*When: February 19  
CLE at 4:00 pm  
Happy hour begins  
at 6:00 pm*

*Where: The law firm of  
McAnany,  
Van Cleave &  
Phillips*

*Cost: \$25 for the CLE  
Happy hour is  
being provided by  
McAnany,  
Van Cleave &  
Phillips*

## JOIN US THIS SATURDAY FOR THE ANNUAL PRESIDENT'S GALA

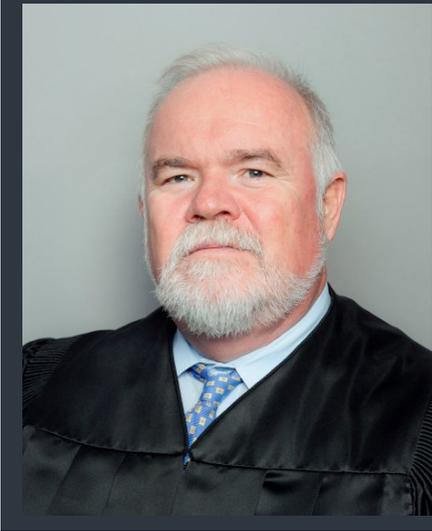
The Wyandotte County Bar Association will kick off another year at the annual President's Gala on Saturday, February 1st at James P. Davis Hall at Wyandotte County Lake. The party starts at 6:00 p.m. and tickets are \$50 per person or \$40 per person for attorneys 35 and under.

We will be celebrating the success of our outgoing President, The Honorable Dan Duncan, and wishing new President Jane Sieve-Wilson all the best for the coming year. As always, there will be heavy hors d'oeuvres and plenty to drink. Make sure to bring your checkbook because there will be a number of gift baskets to bid on in the silent auction and, of course, a ton of great packages up for bid at the live auction.

The Bar Association is very happy to announce that the KC AllStars will be providing the entertainment for the third straight year. If you haven't heard the AllStars play you don't know what you're missing. You'll know it's been a good night if we are lucky enough to have our very own Ray Probst get on stage and join the AllStars on vocals.

RSVP now so you don't miss it!. For questions or to RSVP please call the law library at (913) -573-2899.

*If you have any interest in serving on a Bar Association committee please contact a board member or call the law library at (913) 573-2899*



## A message from our President

It doesn't seem possible that a year has come and gone. Looking back, it seems to me we had a decent year. Any success we did have is, of course, due to the diligence and hard work of all the members involved in making our Bar Association what it is.

We tried some new things—a Mardi Gras meeting, a poker tournament and meeting at the Hollywood Casino. We continued some things—the President's Gala, the Golf Tournament and the Roast. These are tried and true reasons to belong to our Bar and worthy of keeping.

Our meetings are always preceded by excellent CLE (thanks to Tim Alvarez and Lisa Garza). We have the best, cheapest and easiest to use CLE in the state. Our meetings featured programs (thanks, Mike Sexton) and Legend of the Bar (thanks, Don Taylor) which made them both interesting and entertaining. So looking back, I can say (safely) that any job worth doing is worth delegating.

Looking forward, Jane Sieve-Wilson is putting a lot of energy into the President's Gala. You should all make every effort to attend. It promises to be another exceptional evening, I also understand we will have another Mardi Gras meeting (whether or not there will again be \$1.00 beer is, as yet, undetermined). Get out your beads and be there.

I thank everyone who helped make my year so successful and encourage each of you to help make incoming President Jane Sieve-Wilson's year even better.

**The Honorable Daniel A. Duncan,  
President**

## Member Spotlight: Casey Johnson



Casey Johnson recently joined the Wyandotte County Bar Association after he began working for Kansas Legal Services in October 2013. His work for Legal Aid focuses on landlord/tenant, mortgage foreclosures, and domestic cases. He really enjoys the job because of the different types of cases he gets to work on and he finds helping his clients very rewarding.

Casey grew up in the DeSoto area. He graduated from Kansas State University with dual

majors of economics and political science. He then went to KU law school. Initially, Casey was interested in pursuing a career in corporate law as he did not want anything to do with litigation. However, having interned with Legal Aid for two years during law school he changed his mind.

2013 was a big year for Casey. He graduated from law school, started working for Kansas Legal Services and got married in the same year. To top it all off, Casey and his wife Katie recently learned that they will be having a baby this fall. Katie is an occupational therapist at a local nursing home and her father, Merle Parks, is also a longtime member of the Wyandotte County Bar Association

The next time you see Casey be sure you introduce yourself and make him feel welcome.

*Submitted by Mike Sexton*

## James “Jim” Oliver Yates *Legend of the Bar*

*At each meeting we highlight our rich history by honoring one of our members, past or present, who has been an important piece of the colorful patchwork that is the Wyandotte County Bar Association.*

James Oliver Yates was born February 13, 1919 on a farm near Tonganoxie, Kansas and died March 16, 2006 in Kansas City, Kansas. Jim lived with his parents on a farm near Tonganoxie until he was 14 when they bought a farm near Horton, Kansas. Jim graduated from Horton High School, then went to work at Wilbur’s Grocery Store in Horton where he worked his way up to general manager before he enlisted in the United States Army after the start of World War II.

After his discharge from the military with the rank of Sergeant, Jim decided to take advantage of the GI Bill to further his education. He had decided to become a lawyer and taking advantage of the GI Bill was the only he could have achieved this goal. He also wanted to travel and see some of the country and saw no reason not to do so while getting his education. It has been said that Jim attended seven schools including Pittsburgh State College in Pittsburgh, Kansas, Washington State University in Seattle Washington, and Washburn Law School in Topeka, Kansas.

He met and married Marjorie Morrow when he attended Washington State University. Jim and Marge’s house became the site for study sessions for a small ground of friends, including future U.S. Senator Bob Dole. After graduating from Washburn Law School, Jim did not have the resources to immediately open a law office. He wanted to be a sole practitioner and that required having an office and funds enough to support himself and his family until he started getting some paying clients. In the meantime he had a wife, and a daughter and one on the way to support. He started looking for a place to live and a job, preferably near Kansas City, Kansas where he wanted to practice.

He found a job with the Army Corps of Engineers simply by walking into their Kansas City District Office and asking for a job. He was immediately hired and placed in charge of coordinating the cleanup efforts from the 1951 flood that had damaged so much of the Kansas City bottom area. While he was with the Corps for approximately two years he and Marge rented a small house near the Leavenworth County Lake a few miles west of Tonganoxie. His uncle and some cousins farmed outside of town and through their contacts and some of his own he was able to pick up a few minor legal cases that he could handle from his home.

On one occasion Jim was in a courtroom in Kansas City, Kansas where Donald Little, who later became a Wyandotte County District Court Judge was present and was impressed with Jim’s appearance and courtroom demeanor. After some casual conversation Mr. Little learned of Jim’s desires and circumstances and offered Jim the opportunity to share his office and use the law library for an office until he could get his practice off the ground. Needless to say Jim jumped on the generous offer and very soon retired from the Army Corps and started his long and successful law career.

Jim and Marge purchased a small home at 25th and Orville in Kansas City, Kansas where they lived for a few years and completed their family of five daughters: Muriel Elaine; Martha Josephine (Jo); Mary Anne; Marsha Lynne; and Marilyn Yvonne. Jim and Marge were divorced in the early to mid-1960s and he took on the formidable task of raising his five daughters. Two of the girls went to law school, one becoming a Wyandotte County District Court Judge and another a Kansas Worker’s Compensation Administrative Judge; the other three daughters secured responsible jobs and careers.

Most of Jim's legal career was spent at offices in the Security Bank Building, 7th and Minnesota Avenue. After leaving Don Little's office, Jim leased office space on the third floor of the bank building and practiced at the same location for almost 50 years. Jim's office space had a waiting room with sufficient space for two secretaries plus five offices. He kept the largest office for himself and share the remaining offices with other private practitioners. He made it known from the start that it was his office space and they either conducted themselves in a professional manner or would be gone. Jim eventually established one of the most extensive legal clientele in the county.

Although his fees were quite reasonable because he was primarily representing the common laborer, he demanded to be paid on time for his work. If not he would hand the client their file and send them on their way. Jim's large practice required that he have his own secretary and he kept her continually busy. Jim handled bankruptcy cases because of the nature of his clientele and discovered that most lawyers did not want to handle those cases because they were very time consuming. He started receiving referrals and eventually was handling the largest percentage of bankruptcy cases filed in Bankruptcy Court.

Jim was always the first at the office in the morning and the last to leave at night. He usually was in his office on Saturdays and sometimes for a few hours on Sunday. He was always well prepared on any court appearance and always conducted himself in a professional manner with his clients. He was respected by his fellow lawyers and by both the trial and appellate judges.

Although Jim worked long hours and seldom took a vacation he still played almost as hard as he worked. Jim had a love affair with country and western music. He became acquainted with a number of band musicians, a few who became lifetime friends. Jim, with the help of some of these close friends, learned to play the guitar and it wasn't long

before Jim started having Jam sessions in his home.

He was able by this time to afford to build a bar in his basement and keep it stocked with liquor which his musician friends enjoyed and appreciated. The jam sessions occurred almost every weekend and started late afternoon and lasted until the early hours of the morning. Jim didn't seem to need or want much sleep. When Jim moved to his large Johnson County home more musicians came for the weekend country and western jam sessions, including some well known singers who were in town for special performances.

After his daughters were adults and out of the house Jim had a special occasion in March of each year that he seldom, if ever, missed. He looked forward to the Mardi Gras in New Orleans and would take 2 or 3 of his longtime musician friends, along with their instruments, down to the French Quarter and would try to be there before Fat Tuesday. They went not only to party but especially to roam the streets of the French Quarter and play their music. People were surprised there was nothing to put money in and that they refused money or free drinks. They just enjoyed playing their music as much as the people enjoyed listening to them, especially when J.B. got out his fiddle. Some of Jim's longtime musician friends who survived him and were present at his funeral. Undoubtedly his lifetime association with them allowed him to temporarily get away from the law and especially from his dreaded memories. Jim was buried with full military honors next to his daughter Mary Anne and close to his parents and grandparents in the Maple Grove cemetery, Tonganoxie, Kansas. Jim was an exceptional lawyer, a 50 plus year member of the Wyandotte County Bar Association, and is deserving to be among the Legends of this Bar. He would have been very proud of the honor.

*Submitted by The Hon. William Cook (retired)*

## Jury verdicts:

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### Civil

#### Division 1

**11/4/13**

Case No. 12 CV 1569  
Richard & Catherine Davis vs. Kansas  
Department of Transportation  
Plaintiff: Jason Prier  
Defense: Merle Parks  
Cause of action: Eminent domain  
Verdict: Plaintiff's verdict in the amount of  
\$224,000.00.

**11/18/13**

Case No. 11 CV 350  
Estate of Jasper Wiglesworth vs. Unified  
Government  
Plaintiff: Timothy Wiglesworth  
Defense: Timothy Orrick  
Cause of action: Eminent domain.  
Verdict: Plaintiff's verdict in the amount of  
\$153,500.00.

**12/2/13**

Case No. 12 CV 1658  
Marshall Williams vs. Richard Patterson  
Plaintiff: Jack O'Connor  
Defense: Bradley Russell  
Cause of action: Automobile Accident.  
Verdict: For the defense.

#### Division 3

**11/13/13**

Case No. 13 CV 479  
Keith Stroker vs. Neri Isidro-Porras  
Plaintiff: Jack O'Connor  
Defense: Jim Ensz  
Cause of action: Automobile Accident.  
Verdict: Plaintiff's verdict in the amount of  
\$11,499.69.

**12/18/13**

Case No. 12 CV 1543  
Allen vs. Associated Podiatrists, P.A.  
Plaintiff: Dustin DeVaughn  
Defense: Paul Hasty  
Cause of action: Personal injury  
Verdict: For the Defense.

#### Division 7

**12/5/13**

Case No. 11 CV 434  
Kantrell Robinson vs. Deffenbaugh Industries &  
Auto Club  
Plaintiff: Daniel Cohen & Davy Walker  
Defense: Richard F. Modin (Deffenbaugh),  
Pamela W. Brown (Auto Club)  
Cause of action: Automobile Accident.  
Verdict: Plaintiff's verdict in the amount of  
\$52,456.00.

### Criminal

#### Division 1

**12/9/13**

Case No. 08 CR 344  
State of Kansas vs. Vernie Burns  
Prosecution: Sheryl Lidtke  
Defense: Craig Lubow  
Charges: Count I-IV—Four counts of  
Aggravated Indecent Liberties with  
a Child  
Verdict: Hung on Count I, not guilty on  
Counts II, III & IV.

#### Division 4

**11/13/13**

Case No. 13 CR 510  
State of Kansas vs. Kenneth Carr  
Prosecution: Susan Alig  
Defense: Joel Rook  
Charges: Count I—Burglary  
Count II—Theft.  
Verdict: Not guilty on Count I, guilty on  
Count II.

**Jury Verdicts (continued):****11/22/13**

Case No. 12 CR 968  
State of Kansas vs. Richard Johnson  
Prosecution: Mollie Hill  
Defense: Stacey Schlimmer  
Charges: Count I—Rape  
Count II—Aggravated Indecent  
Liberties with a Child  
Count III—Aggravated Indecent  
Liberties with a Child  
Count IV—Aggravated Indecent  
Liberties with a Child  
Count V—Rape  
Verdict: Not guilty on all counts.

**12/9/13**

Case No. 13 CR 133  
State of Kansas vs. Christopher Clark  
Prosecution: Jacob Fishman  
Defense: Rebecca Hamilton  
Charges: Count I—Distribution of Cocaine  
Count II—Distribution of Cocaine  
Verdict: Hung jury.

**Division 5****11/18/13**

Case No. 13 CR 224  
State of Kansas vs. Tyrell Jackson  
Prosecution: Alan Fogleman  
Defense: Christopher Williams  
Charges: Count I—Aggravated Robbery  
Verdict: Guilty.

**12/11/13**

Case No. 13 CR 224  
State of Kansas vs. William Roth  
Prosecution: Susan Alig  
Defense: Bill Dunn  
Charges: Count I—Eluding a Law  
Enforcement Officer  
Verdict: Hung Jury.

**Division 9****11/12/13**

Case No. 12 CR 1208  
State of Kansas vs. James Johnson  
Prosecution: Jacob Fishman  
Defense: Bill Dunn  
Charges: Count I—Eluding a Law  
Enforcement Officer  
Count II—DUI  
Verdict: Mistrial.

**12/2/13**

Case No. 12 CR 1569  
State of Kansas vs. Jacky Lassitter  
Prosecution: Ryan Walkiewicz & Logan McRae  
Defense: KiAnn McBratney  
Charges: Count I—Aggravated Indecent  
Liberties with a Child  
Verdict: Guilty.

**12/9/13**

Case No. 07 CR 637  
State of Kansas vs. Tommy Mackey  
Prosecution: Jennifer Tatum  
Defense: Tim Dupree  
Charges: Count I—Murder in the First  
Degree  
Verdict: Guilty of Murder in the Second  
Degree.

## Jury Verdicts (continued):

### Division 16

**11/5/13**

Case No. 13 CR 74

State of Kansas vs. Herschel Pike

Prosecution: Susan Alig

Defense: Michael Duma

Charges: Count I—Possession of Marijuana  
w/ Intent to Distribute  
Count II—Possession of Drug  
Paraphernalia  
Count III—Possession of  
Marijuana without a  
Tax Stamp

Verdict: Guilty of Possession of Marijuana  
on Count I, not guilty on all other  
counts.

**11/13/13**

Case No. 13 CR 519

State of Kansas vs. Alton Burton

Prosecution: Mollie Hill

Defense: KiAnn McBratney

Charges: Count I—Aggravated Criminal  
Sodomy

Verdict: Not guilty.

**11/13/13**

Case No. 13 CR 1620

State of Kansas vs. Gordon Worthy

Prosecution: Ian Tomasic

Defense: John Ivan

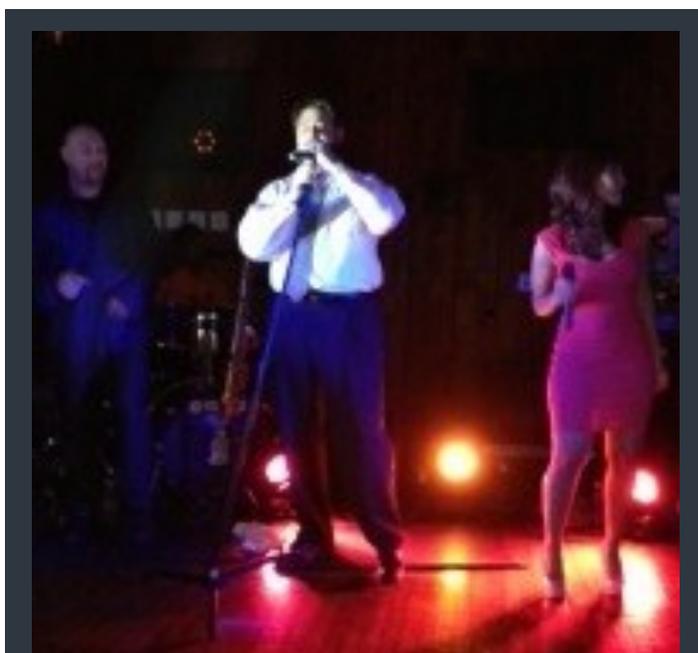
Charges: Count I—Possession of  
Methamphetamine

Verdict: Guilty.

## Announcements:

Small defense litigation law firm seeks an associate attorney. The successful candidate must be licensed in Kansas & Missouri. The firm is desirous of an attorney with 3 years litigation experience.

Please submit resume, salary requirement and writing sample to [cbuttron@fieldsandbrown.com](mailto:cbuttron@fieldsandbrown.com).



*The KC AllStars will be joining us for the third year in a row and if you stay late enough you just may get the pleasure of seeing our very own Ray Probst join them on vocals.*

# THE ADVOCATE

## WYANDOTTE COUNTY BAR ASSOCIATION

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