

THE ADVOCATE

November
2013



Judge Klapper with his wife Jackie, sons Daniel and Jack, and daughters Lindsey and Lauren.

Upcoming events:

November

Board of Governors Elections & CLE

*When: November 20
CLE at 4:00 pm
Dinner at 6:00 pm*

Where: Hollywood Casino

CLE: Ethics

*Cost: \$25 for the CLE
\$25 for dinner (\$35
with lobster tails)*

January

Happy Hour

When: Date and time TBA

Where: TBA

February

President's Gala

*When: February 1, 2014 at
6:00 pm*

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

*Cost: \$50 (\$40 for young
lawyers 35 and under)*

KLAPPER SWORN IN AS DISTRICT COURT JUDGE

Bill Klapper was sworn in as the newest Wyandotte County District Court Judge on October 4, 2013.

Bill was born to Duke and Betty Klapper in Oklahoma and moved to Kansas City, Kansas in 1961. He and his two sisters, Penny Kaighen and Brenda Williams attended public schools in Wyandotte County. Bill then graduated from Washburn University with a Bachelors degree in Business Administration in 1980 and earned his law degree from Drake University in 1982.

From 1985 to 1989, Bill served as an Assistant District Attorney. He became an Assistant City Attorney for Kansas City, Kansas in 1990 and went into private practice in 1992. For the past 16 years Bill has engaged in the private practice of law and served as permanent Pro Tem Judge in the Juvenile Division.

Bill married Jackie Sauber in 1981 and they have four children. Daniel is a chemical engineer with Kansas Gas Service, Lindsey teaches at Harriet Tubman Elementary School in New Orleans, Jack is a sophomore at KU studying architectural engineering and Lauren is a sophomore at Piper High School.

Bill gratefully acknowledges and thanks all of the many friends and colleagues who have helped make this day possible. Bill also wants to express his appreciation to his Administrative Assistant, Karen Coulter, whose knowledge and experience have helped make it a smooth transition from private practice to the bench.

Bill says his judicial approach is to let the lawyers present their case as they choose as long as they are professional and courteous to opposing counsel and the court. He wants all litigants to feel that they received a fair trial.

Submitted by Mike Sexton



JOIN US WEDNESDAY AT THE HOLLYWOOD CASINO

The November meeting of the Wyandotte County Bar Association will take place this Wednesday at the Hollywood Casino in Kansas City, Kansas. As always, the November meeting is the time when we elect new officers to the Wyandotte County Bar Association Board of Governors. The positions up for election this year as well as the candidates vying for those positions can be found below.

The CLE topic this month is professional responsibility and will be presented by Kansas Attorney Disciplinary Administrator Stan Hazlett. The presentation begins at 4:00 pm and the cost is \$25 for members and \$35 for non-members.

President-elect:

- Mike Sexton

Secretary:

- Renee Henry
- Karl Wenger

Board of Governors:

(2 positions available)

- Alan Fogleman
- Casey Johnson
- Lisa Garza
- Zak Kolich

The dinner and meeting will follow the CLE presentation at approximately 6:00 pm. Dinner is \$25 for the buffet, or \$35 to get four lobster tails with the buffet.

In addition to the election, Wyandotte County District Attorney Jerome A. Gorman will be presenting some information regarding the District Attorney's Office's new criminal diversion program. A longtime member of the Bar Association, Gorman has been with the District Attorney's Office since 1981 and was elected District Attorney in 2004.

BRAJKOVIC SWORN IN AS MUNICIPAL COURT JUDGE

Brandelyn K. Brajkovic was sworn in as the newest judge of the Kansas City, Kansas Municipal Court on October 9.

Brandy was born in Manhattan, Kansas to Ted and Sandy Nichols. She grew up in Anthony, Kansas and graduated from Chaparral High School in 1992. Brandy later attended the University of Kansas, graduating with a bachelor's degree in 1998 and a law degree in 2002.

Following law school, Brandy took a job with Kansas Legal Services in Kansas City, Kansas. In 2003, she was hired by the Unified Government of Kansas City, Kansas as the Municipal Court domestic violence prosecutor and later joined the Unified Government legal department.

Upon moving to Kansas City, Kansas, Brandy met her husband George Brajkovic and his two daughters, Ainsley and Mallory. Brandy and George were married in 2005 and have two sons: Tate, who passed away in 2011, and Max.

Brandy understands that the large Municipal Court dockets can be a challenge but also sees it as an opportunity to make a positive impact in the community.

The Honorable William J. Burns *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.

William J. Burns was born in 1924 to Louis and Nellie Burns. He grew up on Armstrong Avenue directly behind what is now the Bishop Ward football field. At that time, the field was actually an amusement park ran by gypsies. Burns alleged that the gypsies tried to lure him into running away from home to join the circus. Whether this offer was actually made is unverified but, nonetheless, he turned them down and remained in KCK.

He attended St. Peter's grade school and Bishop Ward High School, graduating in the class of 1942. He excelled in academics and sports, especially football and basketball. Burns received a scholarship to Creighton University where he played basketball for one year. Because Creighton did not have an officer candidate training school, he then transferred to Bowling Green University in Ohio where he played football and was a varsity letter winner.

Upon his graduation from Bowling Green in 1945, Burns married his high school sweetheart, Barbara West. Ultimately, he and Barbara were blessed with 8 children - 4 boys and 4 girls, who have now produced 26 grandchildren, 20 great-grandchildren with 2 more on the way.

Like many in his generation, Burns served his country in World War II as he became a machine gun trainer for the Marines. When the war ended, he returned to KCK and worked for the IRS while attending law school at Kansas City University, now known as UMKC.

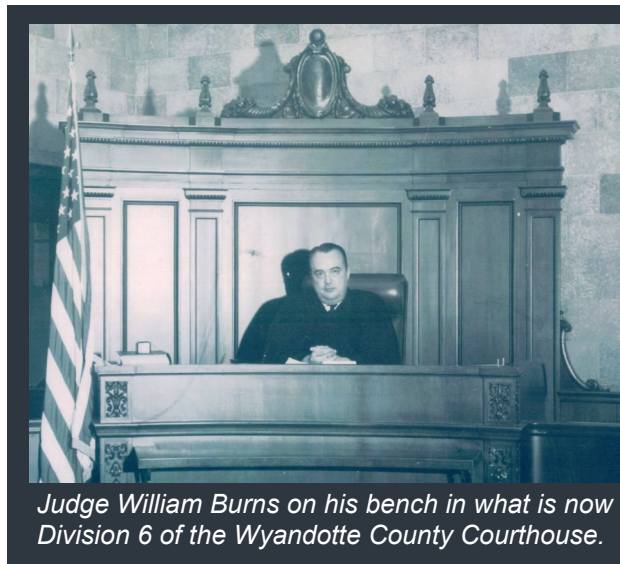
Upon his graduation from law school, the Korean War had started and Burns was summonsed to reserve duty. He was ordered to Camp Pendleton in California so he packed up the car and left Kansas City along with Barbara and their three kids, all three of whom were under five years old. The day after his arrival in California, Burns was informed that he would not be stationed at Camp Pendleton after all and that he was now to report to Quantico, Virginia.

So he drove back across the country, but was released from reserve duty after about 6 months.

The family returned to Wyandotte County and Burns went into private practice. In 1956, he was elected City Judge which was in the courthouse where Division 11 is now located. At that time there were only 4 District Court Judges in Wyandotte County. There was also a

gentlemen's agreement that 2 of the judges would be Democrats and 2 would be Republicans.

In 1962, he went against that agreement and ran as a Democrat against one of the sitting Republicans. It was not a popular move within the legal community. In fact, the chairman of the Wyandotte County Democratic party actually endorsed the sitting Republican judge. Burns ran on the theme that judges should be elected by 76,000 voters and not 76 lawyers. He won the election and became a District Court Judge.



Judge William Burns on his bench in what is now Division 6 of the Wyandotte County Courthouse.

(Continued on page 4)

(Legends of the Bar: William J. Burns, continued from page 3)

Burns' courtroom was where Judge Boal is now serving and he handled all types of cases. One of the stories often told is about when the Attorney General's office raided a local private club for a liquor law violation. The prosecution of the case was up to County Attorney Bob Foster who assigned the matter to Frank Menghini. The defendant was represented by Cy Long. The prosecution introduced several bottles of liquor into evidence and Burns took them into his chambers for safekeeping. He did not have much patience for petty cases, particularly those that dragged on longer than he thought they should. At some point, he advised the parties that the trial was taking too long and the prosecution's evidence was lacking. The prosecutor replied, "Judge, our evidence are the liquor bottles which clearly do not contain the proper stamps." Burns then held up the bottles, which were now empty, and inquired "What evidence?" The alcohol had somehow disappeared out of the window in his chambers and the case was dismissed.

Another story involves our esteemed colleague Jay Harold Vader who tried his first jury trial in 1973 in front of Burns. The prosecutor was the Honorable John J. Bukaty, Jr. and the defendant faced three counts of armed robbery. Jay was surprised that Burns ordered the jury back on a Saturday morning to continue its deliberations but, as a legal novice, he figured that was just the way things were done. While waiting for his verdict, Jay noticed a number of other attorneys had made their way to the courthouse to watch the proceedings on that Saturday morning. Jay's client was found not guilty. Burns then ordered young Mr. Vader to Frank's Place where he soon discovered that the real reason the jury was brought back on Saturday was so that Burns and the other attorneys could get out of the house and adjourn to Frank's Place for the post-trial activities. It

was the first and only time Jay has had court on a Saturday in 40 years of practicing law.

Burns' wife often worried about his health and every day she would meticulously pack him a healthy and nutritious lunch. The family only had one car so Barbara would drive him to work and drop him off. Burns would then walk into the courthouse and promptly hand his healthy lunch to Curtis the shoeshine man and then made his daily arrangements to go out to lunch with the boys.

Burns was diagnosed with lung cancer in 1974 and died in August of 1975. It was three weeks after serving as the best man in his son Bill's wedding and two days after he turned 51. His legend is that of a judge who was fair, well-versed in the law, a great evaluator of the merits of a case with a unique ability to get the parties to resolve their differences.

One of Burns' best friends was the late Judge Bill Mahoney. In fact, their lifelong friendship dated back to grade school at St. Peter's. Judge Mahoney wrote the following concise and heartfelt remembrance:

"From one who knew Buoyant Bill Burns. William J. Burns was a good father, a good judge, a good man. He devoted his life to the service of his God, his family, his country and his community.

He excelled in athletics, in scholastics, in judicial pursuits, and, indeed, in life itself. He accepted the high judicial post he had earned with humility and good humor.

An uncommon man, he knew people and their frailties, and his outlook on life remained unchanged, despite his achievement of a place of lofty eminence, influence and power. He never forgot his humble beginnings.

The best things in life are good friends and a fine family. The worst thing in life is ill health. Bill Burns had much more than his share of all three."

*Submitted by:
The Honorable Robert P. Burns*

Jury Verdicts:

Probate

Division 10—Hon. Kathleen M. Lynch

9/3/13

Case No. 11 CV 1986

In the Matter of the Care & Treatment of Roger Lee Sweet

Petitioner: Thomas Dickerson & Chelsea Dickerson

Respondent: Jeffrey Leiker

Claim: Involuntary Commitment as a Sexually Violent Predator

Verdict: Respondent found to be a Sexually Violent Predator

Civil

Division 6—Hon. David W. Boal

9/3/13

Case No. 11 CV 1986

Harjinder Singh vs. Intermodal Cartage Co. Inc.

Plaintiff: Thomas Dickerson & Chelsea Dickerson

Defense: Theresa Otto & John Gates

Claim: Personal Injury

Verdict: For the Plaintiff in the amount of \$38,426.00

Division 7—Hon. William P. Mahoney

10/1/13

Case No. 12 CV 579

Patricia Sweet Ramirez vs. David Gooden, CRNA & Mary A. Chernoff, M.D.

Plaintiff: Michael Oliver

Defense: B.K. Christopher & Justin Fowler

Claim: Medical malpractice

Verdict: For the Defense

Criminal

Division 4—Hon. Michael A. Russell

9/05/13

Case No. 12 CR 1661

State of Kansas vs. Scott Buie

Prosecution: Shawn Boyd

Defense: Steve Alexander

Charges: Count I—Aggravated Robbery

Verdict: Hung.

9/17/13

Case No. 13 CR 316

State of Kansas vs. Timothy Hill

Prosecution: Jacob Fishman

Defense: James Colgan

Charges: Count I—Possession of Methamphetamine

Count II—Possession of Drug Paraphernalia

Count III—No registration

Verdict: Hung on counts I and II, guilty on count III.

9/19/13

Case No. 12 CR 1561

State of Kansas vs. Charles Crowley

Prosecution: Christopher Mann

Defense: Reginald Davis

Charges: Count I—Possession of Cocaine

Count II—Possession of Drug Paraphernalia

Count III—No seatbelt

Verdict: Guilty as charged.

Jury Verdicts *(continued)*:**10/10/13**

Case No. 12 CR 1599
 State of Kansas vs. Derrick Burnett
 Prosecution: Mollie Hill
 Defense: William Dunn
 Charges: Count I—Kidnapping
 Count II—Attempted Aggravated
 Robbery
 Count III—Kidnapping
 Count IV—Criminal Possession of
 a Firearm
 Verdict: Not guilty on all counts.

Division 5—Hon. Michael A. Grosko**9/05/13**

Case No. 12 CR 1420
 State of Kansas vs. Ruben Bazuldua
 Prosecution: Alan Fogleman
 Defense: Jim Colgan
 Charges: Count I—Aggravated Battery
 Verdict: Guilty of lesser included offense
 of simple battery.

9/16/13

Case No. 13 CR 131
 State of Kansas vs. Damon Nelson
 Prosecution: Alan Fogleman
 Defense: Timothy Dupree
 Charges: Count I—Eluding a Police Officer
 Count II—Possession of Marijuana
 with the Intent to Distribute
 Count III—Possession of a
 Controlled Substance without a
 Tax Stamp
 Count IV—Possession of Drug
 Paraphernalia
 Verdict: Guilty on Counts I, III & IV.
 Guilty of lesser included offense
 of simple possession of marijuana
 on Count II.

10/22/13

Case No. 12 CR 1224
 State of Kansas vs. Christopher Broadnax
 Prosecution: Jennifer Tatum
 Defense: Michael J. Nichols
 Charges: Count I—Rape
 Count II—Aggravated Burglary
 Verdict: Guilty on Count I, not guilty on
 Count II.

Division 8—Hon. Robert P. Burns**9/09/13**

Case No. 12 CR 1164
 State of Kansas vs. Jamond Miller
 Prosecution: Mollie Hill
 Defense: Frederick Zimmerman
 Charges: Count I—Aggravated Robbery
 Count II—Aggravated Battery
 Verdict: Guilty as charged.

Division 9—Hon. J. Dexter Burdette**9/03/13**

Case No. 12 CR 1548
 State of Kansas vs. Trae Thomas
 Prosecution: Ryan Walkewicz
 Defense: Tom Telthorst
 Charges: Count I—Aggravated Robbery
 Count II—Aggravated Robbery
 Verdict: Hung on Count 1, guilty on Count
 II.

10/7/13

Case No. 12 CR 1306
 State of Kansas vs. Humberto Chavez
 Prosecution: Shawn Boyd
 Defense: Craig Lubow
 Charges: Count I—Aggravated Battery
 Count II—Aggravated Battery
 Verdict: Not guilty on Count I, guilty on
 Count II.

Jury Verdicts *(continued)*:

10/15/13

Case No. 13 CR 232

State of Kansas vs. Bomani Lewis

Prosecution: Jacob Fishman

Defense: Michael Highland

Charges: Count I—Possession of Marijuana
with the Intent to Distribute

Count II—Possession of a
Controlled Substance without a
Tax Stamp

Verdict: Not guilty on all counts.

10/21/13

Case No. 12 CR 1320

State of Kansas vs. D'Andre Harris

Prosecution: Mollie Hill

Defense: Dwight Alexander

Charges: Count I—Rape

Verdict: Not guilty.

Division 16—Hon. Robert P. Burns

9/06/13

Case No. 13 CR 03

State of Kansas vs. Marlin Cawthon

Prosecution: Mollie Hill

Defense: William Dunn

Charges: Count I—Rape
Count II—Aggravated Kidnapping

Verdict: Not guilty on Count I. Guilty of
lesser included offense of
Aggravated Battery on Count II.

If you have an article,
announcement or classified
advertisement that you would like
published in *The Advocate*, please
call Brenda Eaton at (913) 573-2899.

Save the Date:

*Please join the Board of Governors of the
Wyandotte County Bar Association for our annual*

President's Gala

Saturday, February 1, 2014 — 6:00 pm to 11:00 pm

James P. Davis Hall

Wyandotte County Lake

*\$50 per person, \$40 per person for young lawyers,
35 and under*

*To RSVP call Brenda Eaton at (913) 573-2899 or
email her at beaton@wycokck.org*

Cocktail attire

Announcements:

Wyandotte County District Court Chief Judge R. Wayne Lampson has issued a new Administrative Order requiring all attorneys who wish to be on the criminal appointment list to submit a new application. The deadline is approaching soon, call his Administrative Assistant Nancy Gilbert for more information: (913) 573-2923.

The Wyandotte County Bar Foundation is asking for donations for the live and silent auctions at the President's Gala in February. All proceeds go to support the Bar Foundation. If you have items you would like to donate or for more information please call Ruth Benein at (913) 621-7100.

THE ADVOCATE

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For information contact:

BRENDA EATON, EXECUTIVE SECRETARY

WYANDOTTE COUNTY COURTHOUSE
FIFTH FLOOR
710 N. 7TH STREET
KANSAS CITY, KS 66101

PHONE: (913) 573-2899
FAX: (913) 573-2892

WEBSITE: WWW.WYCOBAR.COM