

THE ADVOCATE

July
2013



Zak Kolich, J.D. Baker and Ruth Benien man (and woman) the registration table at the golf tournament.

Upcoming events:

July

TGIF, Poker Tournament & Bowling Night

When: July 19
TGIF at 4:00 pm
Poker at 6:00 pm

Where: St. John's Catholic Club—Strawberry Hill

Cost: Free beer & bowling

September

Roast of Hon. Ernest L. Johnson & CLE

When: September 17
CLE at 4:00 pm
Dinner at 6:00 pm

Where: Hollywood Casino

Cost: \$25 for the CLE
\$25 for dinner

October

Judges Night & CLE

When: TBA
CLE at 4:00 pm
Dinner at 6:00 pm

Where: Hollywood Casino

Cost: \$25 for the CLE
\$25 for dinner

KOLICH ORGANIZES ANOTHER GREAT TOURNAMENT

With 32 teams playing in the 33rd Annual Wyandotte County Bar Association Golf Tournament, the tournament continues its impressive turnaround since Zak Kolich took over the duties of Tournament Committee Chairman in 2011. Once the most anticipated event on the Bar Association calendar, the tournament saw a steady drop in teams and was losing money each year until Zak took the reins. From recruiting teams and sponsors to getting the trophies and coordinating the evening dinner, it is a lot of work.

Zak works in the Law Office of Michael Wallace where his practice is focused on workers' compensation. Zak and his wife, Katie, live in Shawnee with their three children. We want to thank Zak for all of his hard work and all of the golfers who came out to make this year's tournament one of the best in recent memory.

A special thanks also goes out to all of our hole sponsors as well as the Kansas DUI Resource Center, ALPS Lawyer's Professional Liability Insurance, Emerald Court Reporters, Metropolitan Court Reporters and Richard Krupper & Associates for being sponsoring partners of this year's tournament.

The team of Rex Henoeh, Tom Hammond, Thomas Hammond and Pat Doherty won this year's Championship Flight, beating out the team of Ray Probst, Kevin Muxlow, Erik Lorfing and The Honorable Aaron Roberts in a scorecard playoff. Both teams shot 18 under par for the day.

Last but by no means least; we want to thank Raynac the Magnificent for making an appearance to entertain the crowd after dinner. Raynac's psychic powers may have left a few of our more venerable members a little worse for wear but, apparently, none more than Raynac himself. We hope he has recovered by next year.

JOIN US NEXT FRIDAY FOR A TGIF, POKER & BOWLING

Starting what we hope will be a new Wyandotte County Bar Association tradition, the Bar Association will host a TGIF on Friday, July 19 at the St. John's Catholic Club on Strawberry Hill. Free beer will be on tap beginning at 4:00 p.m. and the Texas Hold'em poker tournament begins at 6:00. Members will also be able to bowl for free on the six-lane bowling alley.

There will be a \$10 buy in but, so we don't break any laws, the only winnings will be a trophy and what our President has described as cheap and tawdry prizes. For fans of the movie *The Jerk*, just think "Anything below the stereo and on this side of the bicentennial glasses. Anything between the ashtrays and the thimble. Anything in this three inches right in here, in this area. That includes the Chiclets, but not the erasers."

Come on out and beat the heat with cold beer, bowling and poker in the air-conditioned basement of St. John's Catholic Club. To sign up for the poker tournament call Brenda at (913) 573-2899.

Member Spotlight: *Alan Fogleman*

Alan Fogleman grew up in Olathe. He graduated from Olathe North High School and attended the University of Kansas. During high school and college Alan was a drummer in an alternative band.

At KU Alan majored in accounting and wanted to join the FBI. By the time he graduated he knew he wanted to be a part of the justice system and elected to attend law school at KU. During law school he interned in the Johnson County District Attorney's office. On graduation from law school Alan began working in the Wyandotte County District Attorney's office and has been there over two years. He handles a variety of criminal cases. He plans on working for the District Attorney's Office for a long time.

Alan lives in western Wyandotte County with his wife, Jen, and their dog, Marley. Jen is a special education teacher at New Chelsea Elementary School.

Outside of work Alan enjoys socializing with friends. He plays on a softball team and has a regular tee time at Sunflower golf course with other assistant district attorneys.

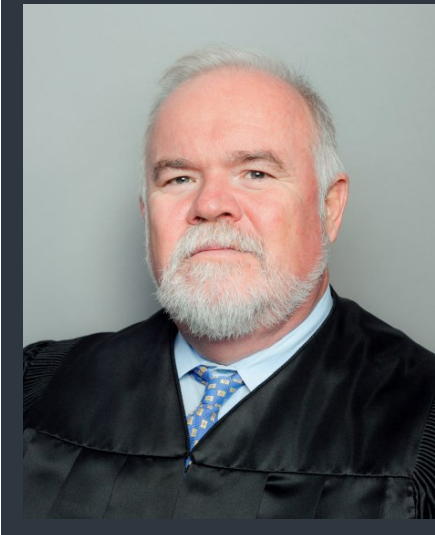
While Alan has only been practicing law for two years, he is already a judge. He is a barbeque judge, having been certified by the Kansas City Barbeque Society. He judges from five to ten barbeque contests each year.

Alan became active in the Wyandotte County Bar Association as a way to connect with other lawyers in the legal community. He has enjoyed the chance to get to know other lawyers than those he works with on a regular basis. At the urging of former Social Committee Chairman Jenny Myers, Alan has been active in recruiting new members for the bar association.

Submitted by Mike Sexton



Alan and his wife, Jen.



A message from our President

I am really enjoying being your Bar Association President. Coming up on the middle of my term, I think I can safely say it's been a fun year. The Golf Tournament was full again and went off without a hitch thanks to the dedication of Zak Kolich. When you see Zak be sure to thank him.

We were also graced by the presence of Ray Nac the Magnificent with his able assistant, Don Taylor. The return of a comedy skit to the evening just made the night better. Thank Ray and Don when you see them. Also, the writers (Honorable Mo Ryan, Honorable John McNally, Jerry Jeserich and Ray Probst)

should be thanked or comforted whichever you think is appropriate to their efforts.

Looking forward, we have a TGIF on Friday, July 19, at St. John's Social Club with free beer and bowling from 4 to 7. The first Wyandotte County Bar Association Texas Hold 'Em Poker Tournament will start at 6:00 p.m. The buy in is \$10.00. A sign-up sheet will be in the Law Library and at the TGIF. We only have room for twenty-four players, so sign up early. I am hopeful this will be a lot of fun. I hope to see you all there.

There is no meeting in August, but in September we will be back to the casino to roast Honorable Ernie Johnson. One of the roasters told me there are some stories about Ernie which just couldn't be shared at his retirement reception. I can't wait to hear them.

Our meeting in October will be Judges Appreciation Night also at the casino. As always, the November meeting is election of officers. Anyone interested in becoming more involved in the Association, please let one of your officers know.

In closing, I want to recognize the continued outstanding efforts of Tim Alvarez and Lisa Garza in providing top notch CLE's in convenient and affordable packages. When you see them thank them. Also, Mike Sexton has done a wonderful job in arranging outstanding programs for our meetings.

The trouble with thanking workers is you always leave someone out. It is not my intention to do so. All of the committees of our organization work hard and do an excellent job. They all deserve your thanks.

Any of you who receive this, but are not attending meetings, feel free to call me with suggestions as to what we can do to make the meetings something you would want to attend. I hope the rest of your summer is as much fun as mine has been to date.

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

Remember to visit our website at www.wycobar.com for Bar Association information, including news, special announcements and a member directory!

The “Downer” D’s:

depression, dementia, drugs, disbarment and death

I’m not going to tackle all of them today – just one: depression. Before we begin, I need to tell you that as I wrote that headline, I thought to myself, “How can someone stand to talk or write all the time about such depressing topics”? And I realized I like to do it because the KALAP message is that most situations can get better, so we approach it from the viewpoint of hope.

And if anybody needs hope it’s the person who’s depressed. And if anybody needs help, it’s the person who’s depressed - because he or she is mostly paralyzed, overwhelmed and very tired. The standard things to look for with depression are these:

- Problems sleeping
- Trouble focusing or concentrating
- Difficulty making decisions
- Irritability
- Loss of interest in normal daily activities
- Feeling sad or down
- Feeling hopeless
- Crying spells for no apparent reason
- Unintentional weight gain or loss
- Restlessness
- Being easily annoyed
- Feeling fatigued or weak
- Feeling worthless
- Loss of interest in sex
- Thoughts of suicide or suicidal behavior
- Unexplained physical problems, such as back pain or headaches.

My experience is that the first four are each very good indicators of a problem. Anecdotally, we have had a big influx of lawyers suffering from depression at KALAP in the last several months and most of them say they just can’t make themselves do the tasks they know they need to

be doing. Sometimes it is across the board, and sometimes just dealing with one particular case or client that is troublesome. They can’t open letters, return phone calls, finish pleadings, sometimes even show up in court. This all sounds irresponsible and it well may engender an ethical complaint. But those with an actual depression diagnosis are ill and sometimes they are down so deep that though they want help they can’t even ask for it.

We already know that rates of depression are higher in lawyers – about double the general population. Some think there are many contributing factors, one being the nature of our profession which can be inherently stressful. And then there’s the nature of the lawyer personality: the achiever, perfectionist, “fixer”.

As a group we are less likely to recognize symptoms in ourselves, or to seek help and more likely to self medicate with alcohol, drugs, or overwork. And of course even though the economy is improving, the conditions of the last 5 years have taken a toll.

Not nearly enough people who suffer from depression are getting treatment. BUT, of the people who are getting treatment, most are getting better. Treatment varies but most people benefit from a combination of talk therapy and medication. Sometimes it takes a while to find a therapist that is a good fit, as well as finding the right medication, or the right dose. But I know from talking directly with many lawyers working with KALAP that those who persevere and take an active role in their own recovery are always glad they did.

In addition to KALAP, www.kalap.org, here are some other resources:

<http://www.lawyerswithdepression.com/>
http://www.suicidepreventionlifeline.org/http://www.americanbar.org/groups/lawyer_assistance.html

Submitted by Anne McDonald, KALAP Director

Bud Boddington 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.

It was 23 years ago when Bud Boddington graced the cover of Wyandotte County's "The Advocate" riding his beloved horse in full cowboy attire. It is my privilege to briefly share my memories of Bud Boddington, a true legend of the Bar of this county and this State. So many young faces in the Bar today did not know and will not remember Bud Boddington. I remember him fondly as one of my mentors in the law for over 20 years of practicing law with him at Boddington & Brown in the Security Bank Building first floor office.

Bud was born in 1922 and was the son of Edward Boddington, Sr., also a well-known Wyandotte County lawyer for many years. Bud died in 2000 at the age of 78, leaving his wife Jeanne, daughter Ellen, son Craig, and his horse behind. Bud's example surely influenced the overachieving drive of his son Craig, who was an Eagle Scout, a full-bird Colonel in the Marine Corps and still one of the best-known hunters and authors in the world.

Bud was 19 years old when World War II began, and his experience as a naval carrier-based fighter pilot understandably formed his personality for the rest of his life. Bud kept a photo collage in his office of shooting down a plane during the war. Bud was gracious, but quick to react to a perceived insult or indignity. Ask any person who knew Bud, and the first reaction you will get is a broad smile. There are too many Bud stories to recount, but everyone who knew him has many.

One of my early memories of Bud was from a jury trial he had before Judge Cook with Lynn Johnson on the other side. During the trial, Bud made a hearsay objection, to which Lynn

made an eloquent response outlining the hearsay exception which applied. Judge Cook then turned to Bud and said, "Mr. Boddington?" Bud replied, "Hearsay." Lynn Johnson turned to Bud and asked, "Mr. Boddington, will you at least admit there are exceptions to the hearsay rule?" Bud instantly replied, "Nope."

It was not that Bud didn't know the law; he surely demonstrated a keen knowledge of legal issues. Bud's real talent was knowing that he was playing to a jury and every action, word and nuance was performed with the jury in mind. Bud had defendants dress "down" for trial, and he could identify the essence of the case and focus the juries on his version of the case. His demeanor and presentation were easily understood and absolutely believable.

Bud's reputation was known throughout the State. As a young lawyer, whenever I would enter a distant Kansas court for the first time, I could always count on the judge knowing Bud and I could form an instant bond with the judge. Bud tried cases in the days before formal discovery when trials were truly "trial by ambush" and his trial skills were forged against some of the best trial lawyers who have graced the courts of this State.

Those of us that worked with Bud, like Jack Brown, Ken Holm, Ken Reilly, Jim Martin, Dave Hauber, Frank Weidling and others, surely benefitted in our own careers learning from his experience, skill, honesty and charm. It's hard to imagine that Bud could have been anything but a lawyer. Bud was unique, and for that, he will be remembered fondly by all of us who knew him.

Submitted by Leo Logan

Jury Verdicts:

Civil

Division 6—Hon. David W. Boal

6/3/13

Case No. 10 CV 436

Mark Bullock vs. BNSF Railway Company

Plaintiff: Dan Cohen & Davy Walker

Defense: Craig Leff

Cause of action: Federal Employee Liability Act

Verdict: For the Plaintiff in the amount of \$1,720,000.00.

Division 7—Hon. William P. Mahoney

6/3/13

Case No. 11 CV 1223

Nancy Wagner vs. Max O'Neill

Plaintiff: Brad Wolmoth

Defense: Dana Harris

Cause of action: Automobile accident

Verdict: For the Plaintiff in the amount of \$10,278.06.

Criminal

Division 1—Hon. David J. King (out-of-county judge)

6/14/13

Case No. 11 CR 1373

State of Kansas vs. Thomas J. Reardon

Prosecution: Steven Karrer (Assistant Attorney General)

Defense: William Dunn

Charges: Count I—Perjury

Count II—Making a False Writing

Verdict: Hung jury.

Division 4—Hon. Michael A. Russell

5/13/13

Case No. 12 CR 1308

State of Kansas vs. Jose Esquivel-Ruiz

Prosecution: Mollie Hill

Defense: Phillip Sedgwick

Charges: Count I—Aggravated Indecent Liberties

Verdict: Not guilty.

5/20/13

Case No. 12 CR 860

State of Kansas vs. Cleveland Henderson

Prosecution: Elizabeth Evers

Defense: James Colgan

Charges: Count I—Aggravated Robbery
Count II—Criminal Possession of a Firearm by a Felon

Verdict: Guilty on all counts.

6/10/13

Case No. 12 CR 597

State of Kansas vs. Ashley Rodriguez

Prosecution: Mollie Hill

Defense: Phillip Sedgwick

Charges: Count I—Criminal Threat

Verdict: Guilty.

6/28/13

Case No. 12 CR 1166

State of Kansas vs. Lorenzo Pulliam

Prosecution: Cathy Eaton & Katie Devlin

Defense: Gary Stone

Charges: Count I—Attempted First Degree Murder

Count II—Second Degree Murder
Count III—Criminal Possession of a Firearm by a Felon

Verdict: Count I—Guilty of Attempted Voluntary Manslaughter

Count II & III—Guilty as charged.

Jury Verdicts (continued):**Division 5—Hon. Michael Grosko****5/14/13**

Case No. 12 CR 40

State of Kansas vs. Michael Howard

Prosecution: Shawn Boyd

Defense: James Spies

Charges: Count I—Aggravated Battery
Count II—Criminal Damage to
Property—felonyCount III—Criminal Damage to
Property—misdemeanor

Count IV—Reckless driving

Verdict: Defendant's motion for acquittal
granted at the close of State's
evidence.**Division 8—Hon. Robert P. Burns****5/20/13**

Case No. 12 CR 1298

State of Kansas vs. Ellmarries Harris

Prosecution: Alan Fogleman

Defense: KiAnn McBratney

Charges: Count I—Aggravated Robbery
Count II—Aggravated Robbery

Verdict: Not guilty on all counts.

6/10/13

Case No. 12 CR 1324

State of Kansas vs. Albert Vincent

Prosecution: Elizabeth Evers

Defense: Joshua Seiden

Charges: Count I—Aggravated Assault
Count II—Endangering a Child

Verdict: Not guilty on all counts.

6/24/13

Case No. 11 CR 1085

State of Kansas vs. Reginald Arnold

Prosecution: Sheryl Lidtke

Defense: Jeffrey Leiker

Charges: 10 Counts of Sexual Exploitation
of a Child

Verdict: Guilty on all counts.

Division 9—Hon. J. Dexter Burdette**6/10/13**

Case No. 12 CR 251

State of Kansas vs. Ray Howard

Prosecution: Shawn Boyd

Defense: Cline Boone

Charges: Count I—Aggravated Burglary
Count II—Criminal Damage to
Property

Verdict: Hung jury.

6/24/13

Case No. 12 CR 1241

State of Kansas vs. Daniel Mays

Prosecution: Elizabeth Evers

Defense: Debera Erickson

Charges: Count I—Theft

Verdict: Guilty.

Division 16—Hon. Wesley K. Griffin**5/21/13**

Case No. 12 CR 323

State of Kansas vs. Ricky Davis

Prosecution: Susan Alig

Defense: Christopher Williams

Charges: Count I—Possession of Cocain
Count II—Possession of Drug
ParaphernaliaVerdict: Guilty on Count I, Not Guilty on
Count II.**6/5/13**

Case No. 12 CR 1448

State of Kansas vs. Curtis Anderson

Prosecution: Cathy Eaton

Defense: James Spies

Charges: Count I—Aggravated Indecent
Liberties with a Child

Verdict: Guilty.

Jury Verdicts (continued):

6/5/13

Case No. 12 CR 186

State of Kansas vs. Jose Delgado

Prosecution: Shawn Boyd

Defense: Luke Harkins

Charges: Count I—Possession of
Methamphetamine

Count II—No Driver's License

Verdict: Guilty on all counts.

6/25/13

Case No. 12 CR 1657

State of Kansas vs. Corey Winfield

Prosecution: Brett Richman

Defense: Dwight Alexander

Charges: Count I—Possession of Cocaine

Verdict: Guilty.



Erik Lorfing and Judge Aaron Roberts help Raynac the Magnificent clear his mind so that his psychic powers were at full strength for his dinner performance.

Office Space for Rent:

Office space available at 827 Armstrong Avenue in Kansas City, Kansas. Just a block and a half from the courthouse!

Call (913) 321-9600 for more information.

Office space available at 78th and State Avenue in Kansas City, Kansas. Great western Wyandotte County location!

Call (913) 334-4800 for more information.



Roger McLean swings for the fences at the 33rd Annual Wyandotte County Bar Association Golf Tournament.

A special thanks goes out to all of the hole sponsors and sponsoring partners of the 33rd Annual Wyandotte County Bar Association Golf Tournament!

THE ADVOCATE

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