

# THE ADVOCATE

September  
2013



*Secure in knowing none of us will appear in front of him again, the Wyandotte County Bar Association will roast retired Judge Ernie Johnson on September 17.*

## Upcoming events:

### September

#### Roast of Hon. Ernest L. Johnson & CLE

*When: September 17  
CLE at 4:00 pm  
Dinner & Roast at 6:00 pm*

*Where: Hollywood Casino*

*CLE: Civil Litigation*

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

### October

#### Judge's Appreciation Night & CLE

*When: October 16  
CLE at 4:00 pm  
Dinner at 6:00 pm*

*Where: Hollywood Casino*

*CLE: Family Law*

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

### October

#### Board Elections & CLE

*When and Where: TBA*

*CLE: Ethics*

## JOIN US TUESDAY FOR THE ROAST OF HON. ERNEST L. JOHNSON

He has been retired for a few months now and his wife Carol is ready to have him out of the house for a few hours so we will be roasting Judge Ernie Johnson at our September meeting. Unless this roast lasts as long as Jay Vader's did a couple of years ago, Ernie will probably still make it home earlier than he used to leave the work. Of course, if anyone could take longer than Joe Vader and Judge George Groneman, our guest of honor may be up to the task.

As always, Ernie will be given the opportunity to respond to his roastmasters and he has required them to submit all comments no later than Friday so that he can fully research the issues over the weekend. Doing the honors this year will be Jerry Jesserich, John Duma and Hal Walker. We know that it can be difficult to tell the three of them apart so we have asked them to wear nametags for the festivities. And there's even been word that if Jesserich can remember which one of his ex-wives' attics to dig through he may drag out some vintage photos of he and Ernie.

The Honorable Dean Smith will also be honored as a Legend of the Wyandotte County Bar Association. Smith himself was roasted quite a few years ago and, having survived that, we think it is time to honor him properly. He is living proof that if you can stick it out long enough you may finally get some respect out of this group.

Last but not least, we have another great CLE lined up for the September meeting. Leo Logan will be presenting a civil law update and Mike Sexton will be discuss improving outcomes in auto collision cases.

The annual roast is always one of the most anticipated events on the Bar Association calendar and we hope you can be there!

## Elmer C. Jackson *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.*

In researching the history of the name Elmer C. Jackson, Jr., his name is associated with such other historic references such as Nicodemus, Kansas [a Western Kansas settlement of African Americans in the westward expansion and settlement of the Great Plains and is the only remaining Black settlement west of the Mississippi River], Thurgood Marshall, Brown vs. Topeka Board of Education, and the Civil Rights movement. Mr. Jackson was a true trail blazer in our historic Wyandotte County legal community.

Mr. Jackson was born on October 22, 1912. He was the son of Ophelia and Elmer Jackson, Sr. Mr. Jackson attended Douglass Elementary School and Northeast Junior High School. He graduated from Sumner High School, which is historic in its own right. Sumner High School was named for Charles Sumner, a Massachusetts senator who argued vigorously for political and civil rights for African Americans in the years immediately preceding and following the Civil War. Though other names were considered – including Lincoln, Douglass, and Washington (not after George, but Booker T.) – each was eliminated in favor of Sumner. “Because of the qualities of scholarship, broadmindedness, and courage, which he possessed, the name ‘Sumner’ was chosen for the new high school in the hope that every boy and girl who passed through its portals would learn to emulate these virtues of the great character whose name the school was to bear,” noted the authors of Sumner’s 1935 history.

Mr. Jackson earned his undergraduate degree from the University of Kansas School of Law in 1933. He began his law career after earning his law degree from the University of Kansas Law School in 1935.

By 1937, Mr. Jackson had won his first case before the Kansas Supreme Court which determined that racial discrimination practices by labor unions were unlawful. During those early years, he served as special assistant to the Attorney General of Kansas and as deputy city attorney for Kansas City, Kansas.

Being politically active, he served as an alternate to the 1944 Republican Convention.

For seventeen (17) years, Jackson operated his own law practice in Kansas City, Kansas, but in 1952 he joined the firm of Stevens, Jackson, Davis and Haley. From 1963 to 1968, he served as general counsel and project director of the Wyandotte County Legal Aid Society where he administered a legal service program for the indigent.

Jackson remained highly active with his alma mater, serving on the University of Kansas Alumni and Endowment Association boards and creating a scholarship at the KU Law School. For his service to the University, he received a Distinguished Alumni Citation from the School of Law, a Distinguished Service Citation in 1979, and the 1991 Fred Ellsworth Medallion. In 1984, he donated his legal papers to the University of Kansas where they can be found in the Spencer Research Library at KU.

In 1970, Governor Robert Docking appointed Jackson to the Kansas Board of Regents. He served as the Board's chairman from 1976-1978, becoming one of the first African American's to do so.

Jackson was a life member of the National Bar Association, an international organization of African-American lawyers, judges, legal scholars  
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and law students. It is the nation's oldest organization of color and now includes more than 20,000 members. Mr. Jackson served as the organization's President from 1959 to 1961 and as its membership secretary from 1966-1975. He initiated the establishment of the National Bar Foundation. He received the C. Frances Stratford Award for outstanding contributions to the National Bar Association. He was to eventually be bestowed the Wiley Branton Award posthumously for his leadership among African American attorneys.

He was also a member of numerous other legal organizations, including the Kansas Bar Association, the Wyandotte County Bar Association, and the American Bar Foundation.

Jackson was active in a number of other organizations, including the Urban League, Kansas City Kansas Chamber of Commerce, and Sigma Pi Phi Fraternity. He was also a 33<sup>rd</sup> Degree Mason.

In his hometown area, he served in leadership capacities for the Kansas City, Kansas branch of the NAACP; the Kansas City, Kansas Chamber of Commerce; the Zoning Appeal Board of Kansas City, Kansas; the Public Housing Authority of Kansas City, Kansas and the Wyandotte County Mental Health Association.

Wyandotte County Law Librarian, Brenda Eaton, described Mr. Jackson as a gentleman's gentleman. He had the admiration of everyone he met. He was always addressed as "Mr. Jackson"...even by most judges. Referring to him that way wasn't something he asked for...you just wanted to be respectful of him. He was a class act." She further reflected that "Judge O. Q. Claflin, also a legend, asked Mr. Jackson to sit in on a judicial screening committee...the one that gave us Chief Judge Lampson. Mr. Jackson made a notation on Judge Lampson's questionnaire that he "has a nice stature for a judge!!!"

Ms. Eaton recalled visiting with Mr. Jackson as he reflected about his days in law school and the struggles that he and his family had to endure in order for him to attend college, then on to law

school. Often, before he found a place to stay... he would stay in his car...maybe bleachers on an outdoor track. Most of that ended after he got a job in the kitchen in the law school. He reflected about the segregation that was still going on. He noted having to wear a "serving coat" and would "serve" his fellow classmates their food and wasn't allowed to talk to them in the dining room/hall. He, of course, would not be able to join them because he had to eat in the kitchen with the other kitchen staff. Mr. Jackson never harbored any resentment...he said it was what it was for that time.

In addition to his other awards, Mr. Jackson has the distinction of receiving the first Clymer Award. The award was established by the Kansas City Metropolitan Bar Association to recognize a minority attorney for his or her service to the community and their promotion of the integrity of the legal profession. The inaugural Award was given posthumously to Elmer C. Jackson, Jr. noting that he practiced law in Kansas City, Kansas for more than 60 years, until just shortly before his death in 1999 at the age of 86. Other distinguished recipients of the Clymer Award include Taylor Fields, Basil North, James Tippin, Pearl Fain, Jon Gray, Mischa Buford Epps, and Debbie Brooks.

Mr. Jackson was also the recipient of the 1986 Kansas Governor's Medal of Merit for outstanding contributions to his city, state and nation. Elmer C. Jackson was a prominent activist and volunteer for legal and civic organizations in Kansas City, Kansas.

Mr. Jackson was also an active leader of the African Methodist Episcopal Church, the Alpha Phi Alpha, and the Sigma Pi Phi fraternities. Mr. Elmer C. Jackson Jr. set himself apart a trail blazer, a legal scholar, a leader in our community and a genuine true gentleman. Mr. Jackson is truly a Legend of our Wyandotte County Bar.

Submitted by Donald T. Taylor

## Jury Verdicts:

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### Criminal

#### Division 1—Hon. R. Wayne Lampson

**8/12/13**

Case No. 13 TR 985

State of Kansas vs. James A. Harris

Prosecution: Brett Richman

Defense: Kyle Sciolaro

Charges: Count I—DUI  
Count II—Impeding normal traffic  
by slow speed

Verdict: Not guilty on Count I. Guilty on  
Count II.

#### Division 4—Hon. Michael A. Russell

**7/29/13**

Case No. 12 CR 1316

State of Kansas vs. Daniel Barlett

Prosecution: Sheryl Lidtke

Defense: Vernon Lewis

Charges: Count I—First Degree Murder  
Count II—Criminal Discharge of a  
Firearm

Verdict: Mistrial.

**8/12/13**

Case No. 13 CR 240

State of Kansas vs. Robert Horton

Prosecution: Brett Richman

Defense: Jessica Gregory

Charges: Count I—Burglary

Verdict: Not Guilty.

**8/19/13**

Case No. 12 CR 1345

State of Kansas vs. Lamario Stayton

Prosecution: Jennifer Tatum

Defense: Paul Dent

Charges: Count I—Second Degree Murder  
Count II—Second Degree Murder  
Count III—Aggravated Battery  
Count IV—Aggravated Battery  
Count V—Criminal Possession of  
a Firearm

Verdict: Guilty on Count V. Hung on all  
other counts.

#### Division 5—Hon. Michael Grosko

**7/15/13**

Case No. 13 CR 101

State of Kansas vs. Eugene Young

Prosecution: Ryan Walkiewicz

Defense: Richard Carney

Charges: Count I—Eluding a Law  
Enforcement Officer  
Count II—Aggravated Assault on a  
Law Enforcement Officer

Verdict: Guilty on all counts.

#### Division 8—Hon. Robert P. Burns

**7/8/13**

Case No. 12 CR 1492

State of Kansas vs. Calvin Jones

Prosecution: Sean Boyd

Defense: Richard Klein

Charges: Count I—Criminal Possession of a  
Firearm

Count II—Possession of Marijuana  
County III—Possession of  
Phencyclidine

Verdict: Not guilty on all counts.

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.



## Jury Verdicts (continued):

**8/5/13**

Case No. 11 CR 1603

State of Kansas vs. Cameron Tolsdorf

Prosecution: Mark Menefee

Defense: John Ivan

Charges: Count I—Possession of Cocaine  
Count II—Possession of a  
Controlled Substance without a  
Tax Stamp

Verdict: Not guilty on all counts.

### Division 9—Hon. J. Dexter Burdette

**8/12/13**

Case No. 12 CR 251(retrial from 6/10/13)

State of Kansas vs. Ray Howard

Prosecution: Shawn Boyd

Defense: Cline Boone

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

Verdict: Guilty on all counts.



*Ray Probst (middle) continues his streak of appearing in each issue of The Advocate this year. He's pictured here with Hon. Dan Cahill (left) and Wyandotte County Bar Association webmaster Mike Putzier (right) at the President's Retreat on August 13.*

## Announcements:

Bill Klapper has been appointed to the Wyandotte County District Court by Governor Sam Brownback. He fills the vacancy created by the retirement of Hon. Jan A. Way. More to come in the next issue of *The Advocate*.

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.

## Help us make the Bar Association work for you

We are always looking for ways to improve the membership experience for all members of the Wyandotte County Bar Association. If you have any comments or suggestions about programs, activities, events or anything else we can do to make being a member more beneficial or enjoyable for you, please let us know. Feel free to contact any of our Board Members or Committee Chairs, or contact Executive Secretary Brenda Eaton at (913) 573-2899.

*Thank you for your continued support!*

# THE ADVOCATE

## WYANDOTTE COUNTY BAR ASSOCIATION

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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](http://WWW.WYCOBAR.COM)