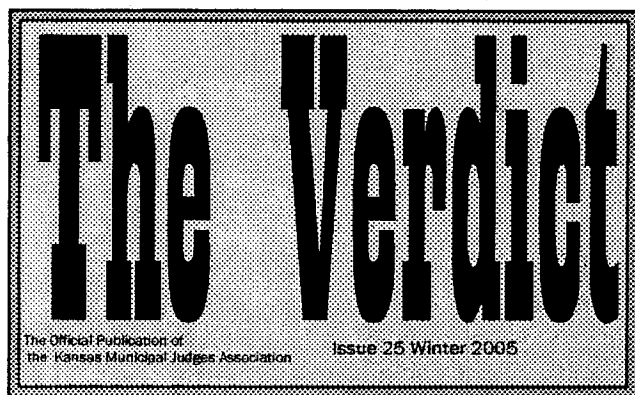


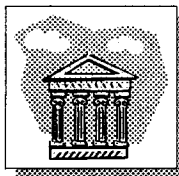


If you would like to submit an article or would like to see a topic addressed, please send it to Judge Arnold-Burger.

A STEP BACK IN TIME

Well the election is over and we have heard about lots of very close races around the country, counts and recounts, voter challenges, flip flopping of winners and losers, even some more hanging chads came into question. But we don't have to look back very far in history to find a Sheriff's race in Kansas that was decided by just one vote, or maybe two, and a lot of legal intrigue.

In 1985, incumbent Democratic candidate Thomas Lambeth ran against Republican challenger, Daniel Levens for sheriff of Hamilton County. Election Day results showed 759 votes for Lambeth and 756 votes for Levens. The incumbent holds on to his seat. But wait, not so fast. Levens called for a recount and this time the election board found a tie, 759 to 759. A coin was tossed and Levens was named the winner. The challenger declares victory. No, we're still not finished. Lambeth officially contested the election.



SEE YOU ALL
IN
TOPEKA
APRIL 25

A trial setting was given and a panel of three inspectors was appointed, pursuant to K.S.A. §25-1447, to recanvass the vote. This time the result was 758 for Lambeth and 756 for Levens and three votes which were found to be questionable. In addition, the inspectors, for the first time, identified and separated for the court's inspection 18 void and/or blank ballots.

At trial, the court heard testimony from registered voter, Mrs. Alta Lewis. She testified that she cast ab-

(Continued on page 18)

Kansas Supreme Court Leads the Way By Revising the Kansas District Judicial Nominating Commission Manual

In October 2004 the Kansas Supreme Court released a revised version of the *Kansas District Judicial Nominating Commission Manual* (hereinafter "the manual") and distributed it to the seventeen district judicial nominating commissions around the state. The new version incorporates several chapters of the 2nd Edition of the *Handbook for Judicial Nominating Commissioners* published by the American Judicature Society in early 2004 (hereinafter "AJS Handbook") and summarized in the Summer 2004 issue of *The Verdict*.

State law does not require the Supreme Court to prepare and distribute such a manual. Instead it specifically gives the commissions themselves the power to adopt reasonable and proper rules and regulations. However, state law does give the Supreme Court a role in the process by requiring that a member of the Su-

SPOTLIGHT ON: RANDY MCGRATH

Lawrence full-time judge Randy McGrath was born and raised in Topeka. His father was the Director of the Capper Foundation, an organization that provides rehabilitation for handicapped children. His mother was a homemaker. He is the youngest of three boys. One of his brothers is currently a physician in Indianapolis and his other brother is a retired lawyer and CEO of P & M Coal Co. in Denver.

Judge McGrath graduated from Topeka High School

and attended Kansas State University on a full-ride tennis scholarship. His playing days took him to many places. One summer during college he was teaching tennis at the Southern Hills Country Club in Tulsa. He was invited to dinner at the home of one of its members, a wealthy oil tycoon. For desert, they were joined by Oral Roberts and his wife. He also had an opportunity to play doubles tennis in Topeka against Olympic gold medalist Bruce Jenner and he also played in an exhibition match as the doubles partner of 1975 Wimbledon

(Continued on page 2)

Spotlight on: Randy McGrath

(Continued from page 1)

Men's Doubles champ, Vitas Gerulaitis. He received an undergraduate degree in business.

Randy graduated from Washburn Law School in 1975. Following law school, he maintained a private practice and worked for the Kansas Corporation Commission before going back to school and receiving an MBA degree from KU. In 1980, he opened a private law practice in Lawrence. Although he served as part-time Lawrence Municipal Judge beginning in 1998, he continued his law practice until his full-time judicial position was created in 2002.

He and his wife, a Master Gardner, have been married for 5½ years. Her rose garden has been featured several times on the local Sunflower Cable channel. Since his tennis days are over due to various athletic injuries, he devotes a lot of time to his work with the Douglas County Hugh Means Inns of Court, where he is joined as a Master by Federal District Judge, John Lungstrum; retired Supreme Court judge Fred Six; 10th Circuit Court of Appeals Justice Deanell Tacha; Supreme Court Justice Robert Gernon; and Court of Appeals Justice Jerry Elliott among others.

Lawrence Municipal Court is in session daily from 8-5. Since the KU Law School is also in Lawrence, the Court has a contract with the law school to provide indigent defense services. He thoroughly enjoys being a judge. He enjoys working with the neophyte attorneys and, he added, *"I get great pleasure out of the fact that a person can come into the Court and have a fair hearing or trial. It makes me feel good about the system. We have a lot of pro se litigants, so the impression we are able to leave them with regarding the operation of the courts is something they will carry with them for a long time. I appreciate that responsibility."*

When asked about the importance of the KMJA, Judge McGrath did not hesitate. *"The organization is very helpful. I always pick up something new at the annual conferences. Probably the most helpful thing is talking to other judges and sharing ideas about how to improve the operation of our courts."*

Be sure and say hello to Judge McGrath at the April Conference. Maybe he can give you a few pointers about that back hand!



Updates from O.J.A.

ANNOUNCING NEW JUDGES!!

Since our Fall 2004 issue, the following new municipal judges have been appointed or elected:

-Larry Barnett	Cedar Vale
-Peter Ramariz	Garden City
-Jack Peggs	Udall
-William Kehr	Derby
-Jolene Dodd	St. Francis
-Kay Lynn Gill	Hugoton
-Larry Bolton	S. Hutchinson

2005-2006 CONFERENCE REMINDERS

**Municipal Court Clerks'
Spring Conference**
March 31-April 1, 2005
Holiday Inn
Topeka, KS

**Municipal Judges'
Conference**
April 25-26, 2005
Holiday Inn
Topeka, KS

**District Judges'
Spring Conference**
June 6-7, 2005
Wichita, KS

**Municipal Court Clerks'
Fall Conference**
September 22-23, 2005
Hutchinson, KS

**District Judges'
Fall Conference**
October 17-18, 2005
Overland Park, KS

▲▲▲▲ 2005 CONFERENCE UPDATE

The 2005 Municipal Judges' Conference will be held at iApril 25-26, at the Topeka Holiday Inn. Topics included on the agenda: Profiling issues, Immigration Issues in Municipal Court, Update from DMV, Nuts and Bolts Program, Municipal Court Appeals, Juvenile Law, Interpreters in the Courtroom, and Judicial Ethics.

The conference has been approved for 13 hours of CLE credit, including 2 hours of professional responsibility credit.

▲▲▲▲ ADSAP Forms

The annual ADSAP forms were mailed to your municipal court last week. They are due in our office on January 20, 2005.

▲▲▲▲ New Court of Appeals Judge Sworn In

Michael B. Buser will be sworn in as the newest Court of Appeals judge on Friday, January 28, 2005.

