

THE ADVOCATE

January
2013

Upcoming events:



Judge York with her husband Michael, son Brandon and daughter Abbey.

January

President's Gala

When: January 19th at
6:00 pm

Where: James P. Davis Hall
at Wyandotte
County Lake

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

February

Immigration Law CLE & Fat Tuesday Crawfish Boil

When: February 12th
CLE at 4:00 pm
Crawfish Boil at
6:00 pm

Where: The Corkhouse
509 Armstrong Ave.
Kansas City, KS

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

YORK SWORN IN AS DISTRICT COURT JUDGE

Delia M. York was sworn in as District Court Judge for the Twenty-Ninth Judicial District on January 4, 2013.

Delia was born in Kansas City on Cinco de Mayo to Mario F. and Delia Madruga, both natives of Cuba. She has one brother, Mario J. Madruga, M.D. who lives in Orlando, Florida.

She obtained a Bachelor of Arts degree from Benedectine College in Atchison, Kansas, in 1989, then attended Washburn Law School, graduating in 1992.

After graduation, Delia went to work for Nick Tomasic in the Wyandotte County District Attorney's office. In 1998, she transferred to the Unified Government Legal Department where she worked for Hal Walker as an Assistant City Attorney. Delia was promoted to Deputy Chief Counsel for the Unified Government in 2008 and held that position until her appointment to the bench.

Delia is a longtime member of the Wyandotte County Bar Association and served as President in 2009. She is currently on the Community Housing Investment Group Board of Directors and is a former member of the Wyandotte County Ethics and Grievance Committee.

Delia and her husband, Michael G. York, have been married since 1990. Michael is a Major with the Kansas City, Kansas Police Department. They have two children, Brandon and Abigail. Brandon is a sophomore at Kansas State University studying Criminology and Abbey is a senior at St. James Academy. The family attends St. Patrick's Catholic Church.

Delia has been assigned to Division 15 where she will primarily be handling juvenile offender cases. She is looking forward to this new chapter of her career. "It is an honor and a privilege to continue my career in public service from the bench" she said. "I hope to follow in the footsteps of the many great judges who came before me here in Wyandotte County."

JOIN US NEXT SATURDAY AT THE ANNUAL PRESIDENT'S GALA

Each January a new year lies before us like a blank canvas. Our members take time to reflect on the year gone by, hope that this one is even better than the last and then, of course, immediately start thinking about what deductions they might be able to use to limit their income tax liability for the year ahead.

Fortunately for you, the annual Wyandotte County Bar Association President's Gala offers everything from business-related entertainment expenses to charitable giving deductions. Come out for a night of networking with fellow attorneys and building valuable business relationships. And while you're at it, if you happen to have a couple of drinks, do a little dancing and maybe even get lucky enough to go home with Bill Hutton's famous travelling coat, so be it.

As always, there will be drinks, heavy hors d'oeuvres and live entertainment. The KC Allstars will be back again after their outstanding performance last year. Plan on bringing your checkbook because there will be some excellent gift baskets up for raffle and lots of great items available at the live auction, with proceeds going to the Wyandotte County bar Foundation.

This year's Gala will be on January 19, at 6:00 pm, at James P. Davis Hall at Wyandotte County Lake. Tickets are available at the door and cost \$50 per person or \$40 per person for those 35 and under.

(note: you should not rely solely on this article in claiming deductions on your Schedule C)



The ballroom at beautiful James P. Davis Hall.

RSVP now!
Just call or email
Brenda Eaton, Executive Secretary
 (913) 573-2899
beaton@wycokck.org

A reminder to take care of yourself, too

DID YOU KNOW?

1. That in a survey of 105 occupations, lawyers ranked first in experiencing depression – at a rate four times more than the general population (and that was before the recent economic downturn).¹
2. That in a study of lawyers in Arizona and Washington, one-third showed symptoms of clinical depression or of substance abuse.²
3. That lawyers who suffer from depression are more likely to consider suicide, and if they do consider it, to carry out their intent.³
4. That the National Suicide Hotline is **1-800-273-TALK(8255)**.
5. Did you know that the number of practicing lawyers in the United States with alcohol or drug problems is twice the national average? ⁴
6. You probably do already know that substance abuse and/or depression exist in a significant number of disciplinary cases against lawyers.⁵
7. Did you know that you can screen yourself for depression at <http://counsellingresource.com/quizzes/depression-tests.html>

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A farewell message from our President

Thank you for your participation in making 2012 a great year for our Wyandotte County Bar Association. Our Board of Governors was thrilled with the support we received throughout the year from the membership as a whole. We started the year off with a great President's Gala at the James P. Davis Hall at Wyandotte County Lake. We encourage you to attend the 2013 President's Gala on January 19, 2013, which also promises to be a rip-roaring good time. The Gala Committee is looking to add new activities and twists to add to the fun, and we are also excited to have The Allstars Live providing the evening's musical entertainment.

2012 witnessed the retirement of two of our fantastic judges, The Honorable Thomas Boeding and The Honorable John McNally. We also

welcomed Michael Russell and Delia York to the bench. Throughout the year we celebrated the legal careers of the likes of The Honorable John Pettit, Bud Boddington, LaVone Daily, John Jurcyk, Michael Moroney and Nick Tomasic as Legends of the Wyandotte County Bar, we honored the career of Mayor Carol Marinovich as this year's Liberty Bell recipient, and who will soon forget the Jim Sheeley Roast?

Being a part of the Wyandotte County Bar Association has always been special to me and having the privilege to serve on the Board of Governors, then serving as the 2012 President has been an outstanding experience. I am excited to be able to continue my participation as our incoming President The Honorable Dan Duncan is launching a Past Presidents Committee to serve in an advisory role and to keep our 32 past presidents active for years to come.

This year the attendance at our meetings grew steadily, including over 66 attendees for our November meeting and over 80 attendees in September for Jim Sheeley's Roast. I cannot conclude without giving credit where credit is due in helping generate enthusiastic participation in our Bar Association. I would like to thank our Past President Ray Probst, who shifted momentum during his term in 2011, and J.D. Baker who kept us moving in the right financial direction as treasurer.

Additionally, I owe a debt of gratitude to the following: President Elect Dan Duncan and Board members Wes Griffin and Dan Cahill, who provided us with keen judicial insight and temperament; Secretary Jane Sieve Wilson, who made sure our meetings were memorialized for prosperity, not to mention that she puts on one fine Gala; Board members Rene Henry and Manu Rattan, who ensure new vibrant leadership remains in the wings; and last, but not least, our Committee Chairs, Naturalization Chair Dan Duncan, Social/Membership Chair Jenny Meyers, Golf Chair Zack Kolich, Advocate Editor Mike Nichols, CLE Co-Chairs Tim Alvarez and Lisa Garza, Grievance/Ethics Chair John Duma and Programs Chair Mike Sexton, who all devoted countless hours to ensure the Betterment of our Association. It was an honor serving with everyone; you made it an outstanding year.

**Donald T. Taylor,
President**

Blast from the past!



Caption from this 1988 photo:
Chuck Kugler, Luis Mata, and Rick Wallace, holding the trophies they won in the 5th Annual KCK YMCA Open Racquetball Tournament. Congratulations to these Wyandotte County Bar members for winning the top three spots in the tourney.

John J. Jurcyk, Jr. 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.

John J. Jurcyk, Jr. has practiced law in Kansas City, Kansas since 1957. His commitment to the community in his beloved hometown dates back much farther.

John was born in Kansas City, Kansas as a first generation son of a Polish immigrant. His father was working in the meat markets as a meat cutter and John's childhood was not easy. His mother died when he was young and his Aunt Julia Jurcyk stepped into the role of Mother. John attended St. Joseph's Grade School and De La Salle High School. He then attended Rockhurst College, graduating with a Bachelor of Arts Degree in History in 1952.

At that point, John entered the service and served in Korea. Upon his return from the service and with the benefit of the GI Bill, he attended the University of Kansas School of Law. In law school John was an outstanding student and an editor of the Kansas Law Review. He graduated in 1957 and was hired to be a law clerk for the late Arthur J. Mellott, Chief Judge of the United States District Court for the District of Kansas.

Shortly after his hire, Judge Mellott passed away and at that point John joined the firm of McAnany, Van Cleave & Phillips, P.A. where he worked for nearly 50 years.

John resigned from the McAnany firm on July 13, 2005 to begin work as a Senior Policy Advisor in the Mayor's office which is a position he still holds and enjoys.

For the last 55 years, John Jurcyk has been a dedicated member of the Wyandotte County Bar Association. His dedication and his life have centered around several things. He has been a husband, father and mentor for his family. He has been dedicated to his Catholic faith. He has been

dedicated to the practice of law and the betterment of the profession and he has been a strong advocate for his community.

Anyone who has called John Jurcyk since the invention of voicemail has been greeted with a familiar message. "You have reached John Jurcyk in beautiful, historic and sunny downtown Kansas City, Kansas." These words reflect how John views his hometown. He finds everything about our community beautiful, historic and sunny.

As a trial lawyer John Jurcyk has done it all. He has tried commercial, employment, railroad,

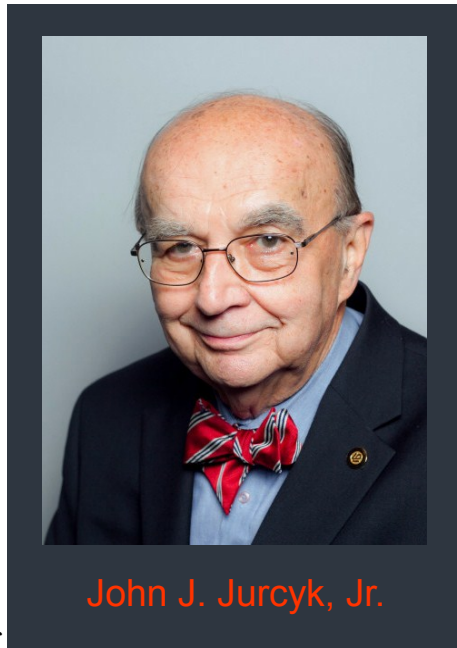
negligence and product liability cases. He has been the attorney for the Chamber of Commerce and the attorney for multiple Archbishops. Political, religious and civic leaders have sought his advice and counsel.

John's professional accomplishments are unparalleled in the Wyandotte County Bar. John was inducted as a Fellow to the American College of Trial Lawyers and is a Fellow of the American Bar Foundation. He served as President of the Kansas Bar Foundation from 1995 to 1996 and was a trustee of that organization for eight years.

John served as President of the Wyandotte County Bar Association

and was also President of the Kansas Association of Defense Counsel. He has been a member of the National Diocesan Attorneys Association and is a Member of the American Arbitration Association.

John has been active in the State Bar serving as a member of its Executive Counsel for six years, from 1980 to 1986, and served on its Bench Bar Committee, Public Relations Committee, By-Laws Committee and Judiciary Committee, as well as the CLE Committee.



John J. Jurcyk, Jr.

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Member News:

Michael Duma and Sara Schrantz were married on September 15, 2012, in Kansas City, Missouri. Michael works for the Wyandotte County District Attorney's office and Sara works for Capitol Federal Bank. The couple lives in Kansas City, Kansas.

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.

Jury Verdicts:

Civil

Division 3

9/24/12

Case No. 11 CV 1656

Martin Underground vs. Trinity Excavating

Plaintiff: Michael Crowley

Defense: Owen Griffin

Cause of action: Breach of Contract

Verdict: For the plaintiff in the amount of \$24,787.90.

Division 6

11/5/12

Case No. 10 CV 382

Angelia Ewing vs. Charles Johnson

Plaintiff: D. Richard White

Defense:

Cause of action: Automobile Accident

Verdict: For the plaintiff in the amount of \$7,943.85

Criminal

Division 4

9/10/12

Case No. 10 CR 1162

State of Kansas vs. James Llamas

Prosecution: Jennifer Myers & Susan Alig

Defense: KiAnn McBratney

Charges: Count I—Aggravated Battery

Verdict: Mistrial

11/26/12

Case No. 12 CR 304

State of Kansas vs. Vincent Lowe.

Prosecution: Shawn Boyd

Defense: Bill Dunn

Charges: Count I—Traffic in contraband in
a correctional facility

Verdict: Guilty

12/3/12

Case No. 12 JV 365

In the matter of D.J.

Prosecution: Logan McRae

Defense: J. Shane Rockey

Charges: Count I—Burglary

Count II—Theft

Verdict: Hung jury

12/17/12

Case No. 12 CR 688

State of Kansas vs. Antwain Fulson

Prosecution: Shawn Boyd

Defense: Richard Carney

Charges: Count I—Aggravated Robbery

Count II—Aggravated Battery

Verdict: Not guilty on count I, guilty on
count II.

Jury Verdicts *continued*:

Division 5

9/4/12

Case No. 12 CR 531

State of Kansas vs. Donald Gilkes

Prosecution: Michael Duma

Defense: Mark Birmingham

Charges: Count I—Aggravated Battery
Count II—Aggravated Battery

Verdict: Guilty on count I, not guilty on count II.

9/17/12

Case No. 11 CR 850

State of Kansas vs. Allen Mitchell

Prosecution: Sheryl Lidtke

Defense: Gary Stone

Charges: Count I—First Degree Murder
Count II—Aggravated Robbery
Count III—Attempted First Degree Murder
Count IV—Possession of Cocaine
Count V—Felon in Possession of a firearm

Verdict: Not guilty on all counts.

11/12/12

Case No. 12 CR 351

State of Kansas vs. Randall Ward

Prosecution: Shawn Boyd

Defense: Atif Abdel-Khaliq

Charges: Count I—Aggravated Assault of a Law Enforcement Officer

Verdict: Guilty

12/3/12

Case No. 12 CR 856

State of Kansas vs. Quinton Brown

Prosecution: Ryan Walkiewicz

Defense: David Grummon

Charges: Count I—Aggravated Battery
Count II—Domestic Battery

Verdict: Not guilty on count I, guilty on count II.

12/17/12

Case No. 12 CR 952

State of Kansas vs. Robert Bradley

Prosecution: Jenny Myers

Defense: Patrick D'Arcy

Charges: Count I—Aggravated Criminal Sodomy

Verdict: Not guilty.

Division 8

9/10/12

Case No. 12 CR 703

State of Kansas vs. Miguel Carrasco-Ono

Prosecution: Mark Menefee

Defense: Daniel Parker

Charges: Count I—Patronizing a prostitute

Verdict: Guilty. **(Defendant's motion for judgment notwithstanding the verdict granted).**

10/15/12

Case No. 11 CR 1154

State of Kansas vs. Jesse Enriquez

Prosecution: Michael Duma

Defense: Steve Sakoulas

Charges: Count I—DUI, 4th or Subsequent
Count II—Refusal of a Preliminary Breath Test

Count III—Bribery
Verdict: Guilty on all counts.

10/29/12

Case No. 11 CR 1391

State of Kansas vs. Anthony Rucker

Prosecution: Edmond Brancart

Defense: D. Charles Ball

Charges: Count I—Criminal Threat
Count II—Criminal Discharge of a Firearm at an Occupied Dwelling
Count III—Aggravated Assault

Verdict: Guilty on all counts.

Jury Verdicts *continued*:

Division 9

9/10/12

Case No. 12 CR 562

State of Kansas vs. Steven Stevens

Prosecution: Mollie Hill

Defense: Rebecca Hamilton

Charges: Count I—Indecent Liberties with
a Child

Verdict: Hung jury.

10/9/12

Case No. 12 CR 220

State of Kansas vs. Vincent Ramirez

Prosecution: Christopher Mann

Defense: Patrick D'Arcy

Charges: Count I—Aggravated Robbery
Count II—Conspiracy to Commit
Aggravated Robbery
Count III—Criminal Possession of
a Firearm

Count IV—Aggravated Assault
Verdict: Mistrial. **(Defendant was found
guilty on all counts at a new trial
on December 3, 2012).**

10/29/12

Case No. 11 CR 1325

State of Kansas vs. Joshua Whitmore

Prosecution: Shawn Boyd

Defense: James Daniels

Charges: Count I—Arson

Verdict: Guilty.

11/5/12

Case No. 12 CR 181

State of Kansas vs. Keith Jefferson

Prosecution: Jenny Myers

Defense: Steven Alexander

Charges: Count I—Rape

Verdict: Not guilty.

11/13/12

Case No. 11 CR 1294

State of Kansas vs. Marc Williams

Prosecution: Mollie Hill

Defense: Bill Dunn

Charges: Count I—Rape

Verdict: Not guilty.

12/10/12

Case No. 12 CR 817

State of Kansas vs. Tony Magerl

Prosecution: Ryan Walkiewicz

Defense: Mark Birmingham

Charges: Count I—Aggravated Battery

Verdict: Guilty.

Division 16

10/15/12

Case No. 12 JV 205

In the matter of K.M.

Prosecution: Alan Fogleman

Defense: Bruce Beye

Charges: Count I—Kidnapping
Count II—Aggravated Kidnapping
Count IV—Burglary
Count V—Theft

Verdict: Not guilty on all counts.

11/27/12

Case No. 12 CR 918

State of Kansas vs. Jeffrey Cox

Prosecution: Christopher Mann

Defense: Richard Klein

Charges: Count I—Aggravated Burglary

Count II—Aggravated Battery

Verdict: Guilty on all counts.

12/3/12

Case No. 12 CR 626

State of Kansas vs. Tommy Molden

Prosecution: Elizabeth Evers

Defense: Anthony Russo

Charges: Count I—Battery on a Law
Enforcement Officer

Verdict: Not guilty.

A reminder to take care of yourself, too (continued from page 2)

8. Did you know that you can do a confidential personal screen for alcohol problems at any one of the following sites:
<http://www.aa.org/lang/en/subpage.cfm?page=71>
 or
<http://counsellingresource.com/quizzes/alcohol-care/index.html>
 or
<http://counsellingresource.com/quizzes/alcohol-mast/index.html>
9. You do know that we are in the midst of a severe economic situation. But did you know that based on a review of the scientific literature published in the last 20 years, for many people economic hardship contributes to increased risk for a variety of conditions including:
 - Depression
 - Anxiety
 - Compulsive Behaviors (over-eating, excessive gambling, spending, etc.)
 - Substance abuse
10. That the National Organization of Bar Counsel and the Association of Professional Responsibility appointed a joint commission which conducted a thorough investigation of issues with aging lawyers? It was completed in May 2007 and part of the report said that the number of adults over the age of 65 in the United States will double in the next twenty-five years; the proportion of older adults will increase from about 13% to about 20% of the total population.
11. That about ten percent of the population over age 65 experiences problems with physical or cognitive functioning?

12. That the idea of the need for the designation of a "Successor Attorney" is gaining ground and some states are now requiring that one be listed on the attorney's registration? (Delaware, for one). A successor attorney would be one who could take over, or at least supervise, an attorney's practice upon immediate need. In other words, if Attorney "Jane Doe" had to have emergency gall bladder surgery her successor attorney would know how to enter her law office, access her calendar and cover any court appearances for her.

13. That while Kansas does not yet require such a designation, it does have a procedure for protecting clients of lawyers who are incapacitated.⁶

13. That the American Bar Association has an entire section devoted to Lawyer Assistance programs?⁷

14. Did you know that all fifty states have some type of lawyer assistance program to help lawyers – and sometimes judges and law students, and family and colleagues – deal with problems like the ones mentioned in this article? In Kansas, you can call 1- 888-342-9080 or 785-368-8275 or email kalap@kscourts.org.⁸

¹ See: *The Lawyer's Guide to Balancing Life and Work*, Geo. Kaufman, ABA Law Practice Management Section, pg. 126

² See: *Ibid*, pg. 126

³ See: *Ibid*, pg. 127

⁴ See: *Ibid*, pg. 127

⁵ See: *Ibid*, pg. 127

⁶ See: S.C. Rules 220 and 221.

⁷ See: http://www.americanbar.org/groups/lawyer_assistance.html

⁸ See: <http://www.kalap.com/>



Ann McDonald graduated from the University of Kansas School of Law in 1982 and spent most of her legal career as Wyandotte County District Court Trustee before retiring in 2006. She is the Executive Director of the Kansas Lawyers Assistance Program (KALAP).

*John J. Jurcyk, Jr. Legend of the Bar
(continued from page 4)*

John was Editor-in-Chief of The Advocate from 1968 to 1974 and has been President of the KU Law Society.

John has always sought to better his profession. He was involved in the foundation of and served as a member of the Kansas Client Protection Fund Commission from 1993 to 2001. He served as a member of the Wyandotte County District Nominating Commission and also the United States District Court Merit Selection Panel. He also served as a member of the Bench Bar Rules Committee in the Federal Court which were all efforts to advance his profession.

John Jurcyk's accomplishments have been recognized far beyond Wyandotte County. He has been a speaker at Kansas Bar Association legal seminars on trade secrets and interrogatory practice. He has also received the Professionalism Award from the American Inns of Court for the 10th Circuit and at the time was the only recipient who was not a member of the Judiciary. John has also been awarded the Professionalism Award from the Kansas Bar Association. He received an Exceptional Performance Citation from the Defense Research and an Outstanding Service Award by the Kansas Bar Association. John has been recognized and listed as a Best Lawyer in America since the inception of the publication.

As I mentioned, my father has several loves and the law is just one of them. He honestly believed in his community and has been deeply involved in civic endeavors in Kansas City, Kansas and Wyandotte County. John has been a member of the Board of Directors of Providence Medical Center and Villa St. Francis. He has been dedicated to his community with service on the Bishop Ward High School Board of Education and he was President of the Wyandotte County Mental Health and Guidance Center Board.

His civic involvement also included membership on the Board of the YMCA and Treasurer of the Kansas City, Kansas Development Corporation. He is a past President of the Wyandotte County Young Democrats.

Dedication to the community was also exemplified when he agreed to serve as Chair of the

United Way of Wyandotte County, Inc. and his efforts led to him be recognized with the Spirit of Caring Award by that organization.

He is currently serving as a Director of the Wyandotte Health Foundation and a past president of Quivira, Inc.

Having listed these accomplishments, they do not say enough about John's dedication to his profession and his law firm.

When John Jurcyk joined McAnany, Van Cleave & Phillips, P.A., the firm consisted of five lawyers. During his tenure which included stints as firm President, the firm saw unparalleled growth both in terms of geography and numbers. John's trial practice changed to meet the needs of his law firm. As a young practitioner John did a lot of jury trial work which included a great deal of personal injury litigation and automobile defense cases. He was also very active defending product liability cases and active as a railroad defense lawyer. As John's reputation as a trial lawyer grew, he was involved in nationally significant litigation matters. John worked as a member of the General Motors Post-Collision Fuel Fed Fire Team and tried matters concerning post-collision fires. One of the trials in Topeka involved six fatalities lasted nearly a month. It resulted in a defense verdict for General Motors.

Perhaps John's biggest case, and definitely his largest client, was the *Perfection* matter. *Perfection* was an American Polled Herford that had literally countless progeny. The Association wanted to decertify *Perfection* and his progeny as a Purebreed and the decertification of Perfection and the progeny would have resulted in multiple high dollar claims. Compromise was reached. This is an example of one of my Dad's greatest strengths. His ability to forge compromise at times of tension and among countless parties has always served him well. At the later years in his career John has served as a mediator and Arbitrator with much success.

John has been married to his wife Rita (Menghini) since 1957 and they have five children, Jeff, John, Amy, Allison, and Ann.

(This presentation was originally made at our September meeting by John's son, John Jurcyk, also a longtime member of the Wyandotte County Bar Association).

THE ADVOCATE

WYANDOTTE COUNTY BAR ASSOCIATION

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