

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Anthony John Powell

2. **Position:** State the position for which you have been nominated.

United States District Court for the District of Kansas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Office of the Kansas Attorney General
120 Southwest Tenth Avenue, Second Floor
Topeka, Kansas 66612

Residence: Wichita, Kansas

4. **Birthplace:** State year and place of birth.

1962; St. Paul, Minnesota

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1988 – 1991, Washburn University School of Law; J.D. (with honors), 1991

1981 – 1984, The George Washington University; B.A., 1985

1980 – 1981, University of North Dakota; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2023 – present

Office of the Kansas Attorney General
120 Southwest Tenth Avenue, Second Floor
Topeka, Kansas 66612
Solicitor General

2022
18th Judicial District
525 North Main Street
Wichita, Kansas 67203
Child Support Hearing Officer

2013 – 2022
Kansas Court of Appeals
301 Southwest Tenth Avenue
Topeka, Kansas 66612
Judge

2003 – 2013
Sedgwick County District Court, 18th Judicial District
525 North Main Street
Wichita, Kansas 67203
District Judge

1995 – 2003
Kansas House of Representatives
300 Southwest Tenth Avenue
Topeka, Kansas 66612
Member

1997 – 2003; 1991 – 1995
Martin and Churchill
500 North Market Street
Wichita, Kansas 67214
Of counsel (1997 – 2003)
Associate (1991 – 1995)

1995 – 1997
Patterson, Van Zandt, Powell, Woolley, and Harris, LC
(Now Patterson Legal Group)
245 North Waco Street, Suite 405
Wichita, Kansas 67202
Attorney

1990 – 1991 Shawnee County District Attorney
200 Southeast Seventh Street, Suite 214
Topeka, Kansas 66603

Intern

1990

Smith, Gill, Fisher, and Butts
1200 Main Street, Suite 3500
Kansas City, Missouri 64105
Summer Associate

1989

Shawnee County District Court
200 Southeast Seventh Street
Topeka, Kansas 66603
Judicial law clerk

1983 – 1988

U.S. Representative William S. Broomfield
House Small Business Committee Minority Staff
U.S. House of Representatives
Washington, D.C. 20515
Legislative Aide

Other Affiliations (uncompensated):

2011 – 2013

Kansas District Judges' Association
c/o Judge Brad Ambrosier, President
Morton County Courthouse
1025 Morton, Post Office Box 825
Elkhart, Kansas 67950
Board Member
Co-chair, Legislative Committee

2008 – 2011

Bill of Rights Institute
1310 North Courthouse Road, Suite 620
Arlington, Virginia 22201
Kansas Advisory Board Member

2005 – 2011

Hope Net, Inc.
2501 East Central Avenue
Wichita, Kansas 67214
Advisory Council (2008 – 2011)
Board (2005 – 2007)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including

dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Honorary Commander, 22nd Maintenance Group, McConnell Airforce Base (2010 – 2012)

Recognition Award, Kansas State University Student Governing Association (2001)

Legislator of the Year, American Legislative Exchange Council (2000)

Wichita Business Journal “40 under 40” Honoree (2000)

Leadership Wichita (1999)

Advocacy Appreciation Award, American Heart Association of Kansas (1998)

Public Affairs Award, American Heart Association of Kansas (1997)

Honors Graduate, Washburn University School of Law (1991)

Order of Barristers (1991)

Moot Court Board (1990 – 1991)

Associate Editor and Member, Washburn Law Journal (1989 – 1991)

Faculty Award for Best Comment (1990)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Kansas Bar Association (1991 – 2013; 2026)

Wichita Bar Association (1991 – 2013; 2026)

Legislative Committee (mid to late ‘90’s)

Impaired Lawyers Committee (2007 – 2009)

Criminal Practice Committee (served during times I served on criminal bench, 2005)

Civil Practice Committee (served during times I served on civil bench, mid to late 2000s)

The Federalist Society (intermittently since 2003)

Kansas District Judges’ Association (2003 – 2013)

Board Member (2011 – 2013)

Co-chair, Legislative Committee (2011 – 2013)

Kansas Judicial Council, End of Life Decisions Advisory Committee (2006 – 2008)

Kansas Supreme Court Committee on High Conflict Divorce (2006)

Wesley Brown Inn of Court (2013 – 2014)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Kansas, 1991
Missouri, 1992

I went inactive with the Missouri Bar in 2003 because I became a Kansas judge and never practiced there.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2023
United States Court of Appeals for the D.C. Circuit, 2023
United States Court of Appeals for the Fifth Circuit, 2023
United States Court of Appeals for the Sixth Circuit, 2023
United States Court of Appeals for the Eighth Circuit, 2024
United States Court of Appeals for the Ninth Circuit, 2024
United States Court of Appeals for the Tenth Circuit, 1991
United States Court of Appeals for the Eleventh Circuit, 2024
United States District Court for the District of Columbia, 2024
United States District Court for the District of Kansas, 1991
United States District Court for the Eastern District of Missouri, 2024
United States District Court for the Western District of Missouri, 1992 (inactive because never practiced there and then became Kansas judge)
United States District Court for the Northern District of New York, 2025 (pro hac vice)
Supreme Court of Kansas, 1991
Supreme Court of Missouri, 1992 (went inactive in 2003 when I became a Kansas judge)

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Washburn University School of Law Alumni Association (1991 – 2023)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate

whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, the above listed organization does not currently discriminate nor did it formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

With Attorney General Kobach, *Atty. Gen. Op. 2025-25, relating to preservation of ballots and election records*, December 16, 2025. Copy supplied.

With Attorney General Kobach, *Atty. Gen. Op. 2025-2, relating to governor's line-item veto power*, January 24, 2025. Copy supplied.

With Attorney General Kobach, *Atty. Gen. Op. 2023-5, relating to official newspapers for cities*, July 26, 2023. Copy supplied.

With Attorney General Kobach, *Atty. Gen. Op. 2023-2, relating to Women's Bill of Rights Act*, June 26, 2023. Copy supplied.

In July and August 2002, I ran a television commercial as part of my campaign to be elected as District Judge for the Sedgwick County District Court, 18th Judicial District. Copy supplied.

In July and August 2002, I ran an advertisement on local radio stations as part of my campaign to be elected as District Judge for the Sedgwick County District Court, 18th Judicial District. Copy supplied.

Rep. objects to editorials, Hutchison News, Mar. 13, 2000. Copy supplied.

Conservatives Controlled the Legislature's Agenda, not Democrats, Wichita Eagle, May 22, 1997. Copy supplied.

Let's Give Families Some Tax Relief Now, Wichita Eagle, Mar. 31, 1996. Copy supplied.

Exceptions to the Sixth Amendment Confrontation Clause: Kansas Clarifies the Child Victim Exception [State v. Chisholm, 245 Kan. 145, 777 P.2d 753 (1989)], 29 Washburn L.J. 652 (1990). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Report of the Judicial Council End of Life Decisions Advisory Committee, February 4, 2008. Copy supplied.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Copies of responsive items are included in Appendix 12c. With assistance, I have sought to locate all responsive items. Despite our efforts, there may be other materials that we have been unable to identify.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 15, 2025: Panelist, "Effective Editing of Appellate Briefs (Panel), with Noah Purcell, Washington SG, Kaliko Fernandes, Hawaii SG, and Donald Jeffrey, Virginia Senior Asst. AG," 2025 NAAG Solicitors General and Appellate Chiefs Conference, Seattle, Washington. Notes attached.

June 18, 2025: Speaker, "What's on the AG's Mind?," Remarks to Meet in the Middle Issues Summit, Federico/Duerst Consulting Group, Topeka, Kansas. Agenda attached.

February 21, 2025: Speaker, "Keynote Panel," 2025 Missouri Chapters Conference, Jefferson City, Missouri. Notes attached.

October 11, 2024: Presenter, "KBA Religion Law Section Lunch and Learn CLE," Kansas Bar Association. This CLE was offered as a webinar. I am not able to locate a copy of the recording. Power point presentation attached.

January 16, 2024: Speaker, "Appellate Update," Wichita Pachyderm Club, Wichita, Kansas. A full recording of the event is available at

<https://youtu.be/uiKwC76qP7Y?si=1vw1JPHesp7DSnAs>

June 27, 2024: Speaker, “Remarks to Topeka Pachyderm Club,” Topeka Pachyderm Club, Topeka, Kansas. Notes attached.

April 12, 2021: Speaker “Everything You Wanted to Know About the Court of Appeals But Were Afraid to Ask,” Presentation to Prof. Neal Allen’s Law and Political Power Class, Wichita State University, Wichita, Kansas. Outline attached.

September 18, 2020: Speaker, “Family Law 2020—A Traveling Roadshow; Appellate Practice Tips for Domestic Lawyers, An Appellate Judge’s Perspective,” Wichita Bar Association CLE, Wichita, Kansas. Notes attached.

September 17, 2019: Panelist, Constitution Day observance at Bethany College, Lindsborg, Kansas. After hearing oral arguments in several cases, the three-judge panel of the Kansas Court of Appeals took questions from the student audience. I have no notes, transcript, or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2014-News-Releases/September-2014/Court-of-Appeals-panel-to-hear-cases-on-Wichita-St>

August 29, 2019: Presenter, “Everything You Wanted to Know About the Court of Appeals but Were Afraid to Ask,” Presentation to Prof. Neal Allen’s Survey of Law and Public Policy Class, Wichita State University, Wichita, Kansas. Outline attached.

October 16, 2018: Speaker, “Thoughts on the Fourth Amendment,” Erie High School. I have no notes, recordings, or transcripts of the speech. I spoke to high school students about the impact of the Fourth Amendment in the courts and on their lives. The 31st Judicial District Court of Kansas sponsored the event. The 31st Judicial District Court is located at 1 N. Washington Avenue, Iola, Kansas 66749. Press coverage supplied.

September 20 and 21, 2018: Panelist, Constitution Day observance at Fort Hays State University, Hays, Kansas. After hearing oral arguments in several cases, the three-judge panel of the Kansas Court of Appeals took questions from the student audience. I have no notes, transcript or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2018-News-Releases/September-2018/Fort-Hays-State-University-to-host-Court-of-Appeal>

June 21, 2018: Speaker, “Appellate Judges’ Road Show 2018,” Wichita Bar Association CLE, Wichita, Kansas. Notes attached.

May 1, 2018: Speaker, “Presentation to Wichita Bar Association Civil Practice Committee,” The Wichita Bar Association, Wichita, Kansas. Notes attached.

October 17 and 18, 2017: Panelist, speaking about Kansas’ System of Fair and Impartial

Courts, at Hugoton Middle School and Keply Middle School, Ulyssis, Kansas. After hearing oral arguments in several cases, the three-judge panel of the Kansas Court of Appeals took questions from the student audience. I have no notes, transcript, or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2017-News-Releases/October-2017/Kansas-Court-of-Appeals-to-hear-oral-arguments-Oct>

June 16, 2017: Speaker, "Appellate Case Update," The Federalist Society-Wichita Chapter, Wichita, Kansas. Notes attached.

March 21, 2017: Panelist, speaking about Kansas' System of Fair and Impartial Courts," at the Dwight D. Eisenhower Presidential Library in Abilene, Kansas. After hearing oral arguments in several cases, the three-judge panel of the Kansas Court of Appeals took questions from the student audience. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. I have no notes, transcript or recording. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2017-News-Releases/March-2017/Kansas-Court-of-Appeals-to-hear-oral-arguments-Mar>

February 2, 2017: Presenter, "Everything You Wanted to Know About the Court of Appeals but Were Afraid to Ask," Presentation to Prof. Neal Allen's Survey of Law and Public Policy Class, Wichita State University, Wichita, Kansas. Outline attached.

November 15 and 16, 2016: Panelist, speaking about Kansas' System of Fair and Impartial Courts," at Barton County Courthouse, Great Bend, Kansas. After hearing oral arguments in several cases, the three-judge panel of the Kansas Court of Appeals took questions from the student audience. I have no notes, transcript, or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at [https://kscourts.gov/Newsroom/News-Releases/News/2016-News-Releases/November-2016/Kansas-Court-of-Appeals-to-hear-oral-arguments-\(1\)](https://kscourts.gov/Newsroom/News-Releases/News/2016-News-Releases/November-2016/Kansas-Court-of-Appeals-to-hear-oral-arguments-(1))

October 18 and 19, 2016: Panelist, speaking about Kansas' System of Fair and Impartial Courts," at the Chase County Courthouse, Cottonwood Falls, Kansas. I have no notes, transcript, or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2016-News-Releases/October-2016/Kansas-Court-of-Appeals-to-hear-oral-arguments-Oct>

February 29, 2016: Presenter, "Everything You Wanted to Know About the Court of Appeals but Were Afraid to Ask," Presentation to Prof. Neal Allen's Survey of Law and Public Policy Class, Wichita State University, Wichita, Kansas. Outline attached.

May 11, 2015: Speaker, "Appellate Judges' Road Show 2015," Wichita Bar Association CLE, Wichita, Kansas. Notes attached.

October 29, 2014: Presenter, "Everything You Wanted to Know About the Court of Appeals, But Were Afraid to Ask," Prof. Randall Hodginson's Criminal Appellate Class, Washburn Law School, Topeka, Kansas. Outline attached.

September 9, 2014: Panelist, speaking about Kansas' System of Fair and Impartial Courts," at Wichita State University, Wichita, Kansas. After hearing oral arguments, the panel of judges to questions from the audience about the state's system of fair and impartial courts. I have no notes, transcript, or recording. The Kansas Judicial Branch sponsored the event, located at 301 SW 10th Avenue, Topeka, Kansas 66612. Press coverage available at <https://kscourts.gov/Newsroom/News-Releases/News/2014-News-Releases/September-2014/Court-of-Appeals-panel-to-hear-cases-on-Wichita-St>

August 2, 2014: Introductory Remarks, "Opening Remarks to Supreme Court Nominating Commission for considering my nomination to the Kansas Supreme Court," Topeka, Kansas. Notes attached.

June 13, 2014: Speaker, "Kansas Appellate Cases Update," 2014 Kansas Judicial Conference, Kansas Supreme Court CLE, Topeka, Kansas. Notes attached.

March 17, 2014: Speaker, "Appellate Judges' Road Show 2014," Wichita Bar Association CLE, Wichita, Kansas. Notes attached.

February 8, 2013: Speaker, "Proceedings in Taking the Oath of Office, Hon. Anthony J. Powell," Kansas Court of Appeals, Topeka, Kansas. Notes attached.

Spring 2013: Speaker, "Remarks to Butler County Bar Association Meeting," Butler County Bar Association, El Dorado, Kansas. Notes attached.

November 12, 2012: Introductory Speaker, "Opening Remarks to Supreme Court Nominating Commission for considering my nomination to the Kansas Court of Appeals," Supreme Court Nominating Commission, Topeka, Kansas. Notes attached.

October 25, 2012: Panelist, "Panel of Judges, Practical Skills Sedgwick County 101," Wichita Bar Association CLE, Wichita, Kansas. I have no notes, transcript, or recording. The Wichita Bar Association is located at 225 North Market Street, Suite 200, Wichita, Kansas 67202.

June 15, 2012: Panelist, "Legislative Update Panel," Kansas Bar Association Annual Meeting CLE and Joint Judicial Conference, Topeka, Kansas. Notes attached.

April 19, 2012: Presenter, "Family Law: Shared Residency and Other Current Topics," Wichita Bar Association CLE, Wichita, Kansas. I have no notes, transcript, or recording. The Wichita Bar Association is located at 225 North Market Street, Suite 200, Wichita, Kansas 67202.

October 23, 2009: Panelist, "Guardian Ad Litems, Case Manager, and Special Masters," Johnson County Bar Association, Fall 2009 Family Law CLE, Overland Park, Kansas. Presentation attached.

June 13, 2009: Speech honoring Eric Yost as first recipient of Mike Farmer Award, Kansans for Life Prayer Breakfast, Wichita, Kansas. Remarks attached.

May 20, 2009: Presenter, "A Judicial Perspective: Do's and Don'ts in the Family Law Court," Wichita Bar Association CLE, Wichita, Kansas. Outline attached.

February 12, 2009: Presenter, "Family Law," Wichita Bar Association CLE, Wichita, Kansas. I have no notes, transcript, or recording. The Wichita Bar Association is located at 225 North Market Street, Suite 200, Wichita, Kansas 67202.

December 15, 2008: Panelist, "Panel of Former Legislators, Seminar for New Legislators," Kansas Leadership Center, Wichita, Kansas. Notes attached.

September 18, 2008: Speaker, "A Judicial Perspective: Do's and Don'ts in Family Law Court," Wichita Bar Association, Wichita, Kansas. Outline attached.

June 20 and 21, 2008: Panelist, "Family Law: A View from the Bench—Child Support Guidelines," Kansas Bar Association Annual Meeting CLE, Overland Park, Kansas. I have no notes, transcript, or recording. The Kansas Bar Association is located at 1200 Southwest Harrison Street, Topeka, Kansas 66612.

February 7, 2008: Presenter, "Family Law: 'Breaking Up is Hard to Do,'" Wichita Bar Association CLE, Wichita, Kansas. Outline attached.

April 21, 2005: Speaker, "Introductory Remarks," The Federalist Society-Wichita Chapter, Wichita, Kansas. Notes attached.

May 18, 1996: Panelist, "Dialogue and Donuts," Sedgwick County Legislative Delegation, Wichita, Kansas. I have no notes, recordings, or transcripts of this event. I recall meeting constituents to hear their concerns along with other legislators. I do not recall the sponsor, but I believe it was the Sedgwick County Legislative Delegation. Press notice supplied. The Sedgwick County Legislative Delegation did not have a formal meeting place.

Feb. 13, 1996: Speaker, Sedgwick County Association for Legislative Action of Rural Mayors (ALARM), Wichita, Kansas. I have no notes, transcript, or recording. The ALARM organization no longer exists, and I am unable to recall if they had an address at the time of this informal gathering. Press notice supplied.

February 25, 1995: Panelist, "Dialogue and Donuts," Sedgwick County Legislative Delegation, Wichita, Kansas. I have no notes, recordings, or transcripts of this event. I recall meeting constituents to hear their concerns along with other legislators. I do not

recall the sponsor, but I believe it was the Sedgwick County Legislative Delegation. Press notice supplied. The Sedgwick County Legislative Delegation did not have a formal meeting place.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Copies of responsive items are included in Appendix 12e. With assistance, I have sought to locate all responsive items. Despite our efforts, there may be other materials that we have been unable to identify.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

July 2022 – January 2023
18th Judicial District
Hearing Officer
Appointed
Heard child support cases filed by the Court Trustee

February 2013 – June 2022
Kansas Court of Appeals
Judge
Appointed in 2013; retention elections in 2014 and 2018

January 2003 – February 2013
Sedgwick County District Court, 18th Judicial District
District Judge
Elected in 2002, 2006 and 2010

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over more than 500 family law, criminal, and civil cases.

i. Of these cases, approximately what percent were:

jury trials:	20%
bench trials:	80%

ii. Of these cases, approximately what percent were:

civil proceedings:	60% (includes family law)
criminal proceedings:	40%

b. Provide citations for all opinions you have written, including concurrences and dissents.

Copies of responsive items are included in Appendix 13b.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State v. Pottoroff*, 32 Kan. App. 2d 1161, 96 P.3d 280 (2004)

The Defendant was convicted of failure to register as a sex offender. This conviction was based upon his duty to register as a sex offender due to a prior conviction for indecent liberties with a child. Kansas sentencing law requires that any prior conviction used to satisfy one of the elements of the offense cannot be scored in a defendant's criminal history. I held that the Defendant's conviction for indecent liberties, because it was the conviction that created the duty to register, could not be included in the Defendant's criminal history for sentencing purposes. The State appealed, and the Court of Appeals affirmed.

Counsel for Plaintiff:

Kristi Barton
Newman University
3100 McCormick Street
Wichita, Kansas 67213
(316) 942-4291

Counsel for Defendant:

Cory Riddle
1290 Broadway, Suite 900
Denver, Colorado 80203
(303) 764-1400

2. *Coma Corporation v. Kansas Dept. of Labor*, SG-2005-CV-1150 (Sedgwick Co. Dist. Ct. 2005), *rev'd* 283 Kan. 625, 154 P.3d 1080 (2007)

This was a case of first impression and involved whether a known illegal alien could make a claim under the Kansas Wage Payment Act. Cesar Martinez Corral worked for Coma Corporation d/b/a Burrito Express for a period of six months in late 2003 and early 2004. Corral was orally promised to be paid \$6 per hour. Corral lived at a house next door and \$100 a month was withheld from his paycheck for this rent. Corral claimed he worked six or seven days per week and 50 to 60 hours per week. Corral made a wage claim for 24 weeks at 40 hours per week. Corral admitted he was an illegal alien. I held

that while Corral was entitled to his minimum wages for his work, he was not entitled to any contract wages over and above that because his employment contract was illegal, and the Kansas Wage Payment Act could not enforce illegal contracts. The Kansas Supreme Court reversed, holding that employee's contract was not illegal. Ruling attached.

Counsel for Plaintiff:

Diane F. Barger
Whereabouts unknown

Counsel for Defendant

Darren E. Root
Prairie Band Potawatomi Nation
16281 Q Road
Mayetta, Kansas 66509
(785) 966-3940

3. *State ex rel. SRS v. Bohrer*, SG-2005-RC-79, *rev'd* 286 Kan. 898, 189 P.3d 1157 (2008)

This was a bench trial in which the Kansas Department of SRS, the child welfare agency, sought payment of back child support from the father who had his parental rights awarded to a third person as a permanent guardian. I ruled that because under the statute the father no longer retained any rights to the care, upbringing, and control of the child on a permanent basis, his child support obligation effectively terminated. The Kansas Supreme Court reversed, holding that the awarding of a permanent guardianship to another did not relieve the father of a common law duty of support. Justice Johnson dissented, holding that the law on permanent guardianship in effect at the time transferred the child support duty to the permanent guardian. Ruling attached.

Counsel for Plaintiff:

Randy Barker
Retired, whereabouts unknown

Counsel for Defendant:

William R. Griffith
2624 North Dublin Circle
Wichita, Kansas 67226
(316) 522-8260

4. *In re Marriage of Ormiston*, SG-1992-DM-3384, *rev'd* 39 Kan. App. 2d 1076, 188 P.3d 32 (2008)

Father was an employee of Boeing and received a substantial one-time bonus. Mother filed a motion to increase father's child support obligation as a result. After a bench trial, I ruled that father's one-time bonus could not be considered as income for child support purposes, despite the language contained in the child support guidelines, because binding Kansas Supreme Court precedent held otherwise. A split panel of the Court of Appeals

reversed. Ruling attached.

Counsel for Plaintiff:

Ross Alexander
(deceased)

Counsel for Defendant:

Jeffrey L. Griffith
Griffith & Griffith
P.O. Box 184
Derby, Kansas 67037
(316) 708-0898

5. *Dia v. Oakley*, SG-2005-RC-38, *aff'd* 42 Kan. App. 2d 847, 217 P.3d 1010 (2009)

This was an interesting case involving the enforcement of a German child support order. Oakley had been stationed in Germany while a member of the United States Army in 1991. In 1999, a German court took a default judgment against Oakley, declaring him to be the father of Dia's minor child and ordering him to pay child support. Oakley denied everything. Oakley returned to the United States, was stationed in Kansas at Ft. Riley, and was discharged in 1994. The Court Trustee's office, which enforces foreign child support orders, sought enforcement of the German child support order. Oakley demanded genetic testing. However, Oakley failed to appear at subsequent hearings, and ultimately his challenge was rejected. The statute required that he raise his challenge to the order within 20 days of service. He failed to do that and could not challenge the order under a K.S.A. 60-260(b) motion. Also ruled that Germany was a foreign jurisdiction whose child support orders could be enforced. Affirmed on appeal. Ruling attached.

Counsel for Plaintiff:

Lisa Long Horton
525 North Main, Office 607
Wichita, Kansas 67203
(316) 660-5759

Counsel for Defendant:

Jeffrey N. Lowe
Penner Lowe Law Group LLC
245 North Waco, Suite 125
Wichita, Kansas 67202
(316) 847-8853

6. *Liberty Asset Management, LLC v. Kenneth R. Hand, et al.*, SG-2006-CV-1935

This was an interesting and unusual case involving a lien on an antique vehicle. Liberty had a significant judgment against Hand and had been attempting to collect on this judgment. A major asset owned by Hand was a 1911 Stanley Steamer automobile.

Liberty's efforts to sell the vehicle were being hampered by an allegation by Alice Reaume, apparently a girlfriend of Hand, that she had a lien on the automobile. This lien was evidenced by a promissory note whereby Hand agreed to repay the note in six equal installments. However, the due date for the promissory note had long passed as had the statute of limitations. However, Hand agreed to revive the note and reaffirm his duty to pay, thereby supposedly reinstating the note and the lien. Relying on old case law, I held that once the ability to enforce the note had passed, priority to collect the debt shifted to Liberty's judgment lien, thus the lien for the reaffirmed note became second in priority. Opinion attached. No appeal.

Counsel for Plaintiff:

Todd Shadid
Klenda Austerman, LLC
301 North Main Street, Suite 1600
Wichita, Kansas 67202
(316) 267-0331

Counsel for Defendant:

Nancy Ogle
Whereabouts Unknown

Jeffrey L. Willis
Law Offices of Jeffrey Willis, PA
3500 North Rock Road, Building 100
Wichita, Kansas 67226
(316) 253-4921

7. *State v. Jacobs*, 293 Kan. 465, 263 P.3d 790 (2011)

This was an early Jessica's Law case, which typically mandates a life sentence for certain sex crimes. Here, the parties had reached a plea agreement which provided for a substantial downward departure to the sentencing guidelines grid, which would lead to a sentence of 107 months in prison. While I reluctantly agreed to the departure, because the defendant had pled guilty to three offenses, I ordered that the sentences for the other two counts run consecutively. For a total sentence of 228 months. The Defendant appealed, claiming Jessica's Law was unconstitutional, and that I had erred by ordering consecutive sentences. The Kansas Supreme Court affirmed, refusing to take up the constitutional challenge for the first time on appeal, and holding that the imposition of consecutive sentences could not be reviewed as they were presumptive sentences.

Counsel for Government:

Boyd Isherwood
Assistant District Attorney
Sedgwick County District Attorney's Office
525 North Main Street, Suite 235
Wichita, Kansas 67203

(316) 660-3623

Counsel for Defendant:

Bryan Hitchcock
2639 North Keith Street
Wichita, Kansas 67205
(316) 461-7766

8. *Big C Enterprises, LLC, v. City of Wichita*, SG-2011-CV-2608 (Sedgwick Co. Dist. Ct 2011)

I heard this case on summary judgement. Big C Enterprises owned two drinking establishments, and on one, a bar patron was severely beaten in the parking lot. The Wichita Police claimed the owner obstructed them in their efforts to investigate the crime, and the owner was subsequently charged with aiding a felon, a felony, on the grounds that he had given false information to police. Later, the owner pled no contest to a misdemeanor charge of obstructing legal process. The City then sought to revoke both of the owner's licenses on the grounds that a crime of moral turpitude had been committed on the premises. After a truncated hearing before the City Council, it revoked both licenses. The bar owner sought judicial review, and I vacated the City Council's decision. I held that the license for the drinking establishment where the incident had not occurred could not be revoked as the crime had not occurred on its premises. As to the other, I held the City had violated the bar owner's due process rights. Moreover, I held the City had never proven dishonesty on the part of the bar owner. Conviction of obstruction didn't necessarily mean dishonesty, thus required facts to support such a finding, and findings by the City Council that the bar owner had been dishonest in his statements to the Wichita Police. The case received considerable media attention. Ruling attached. No appeal.

Counsel for Plaintiff:

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Malone, Dwire, and Thompson, LLC
Post Office Box 2082
Wichita, Kansas 67201-4248
(316) 265-4248

Counsel for Government:

Sharon L. Dickgrafe
Chief Deputy City Attorney
Department of Law, 13th Floor
455 North Main
Wichita, Kansas 67202

9. *Smith v. Kansas Orthopaedic Ctr., P.A.*, 49 Kan. App. 2d 812, 316 P.3d 790 (2013).

This was an employment contract case in which I granted the employer summary

judgment. Plaintiff claimed that her employer guaranteed a bonus on top of her salary as a physical therapist. Plaintiff at some point during her employment changed her work week to four ten hour days. Her employer warned her that this could reduce her bonuses because their productivity would likely go down. Plaintiff admitted this in her deposition but later tried to controvert or deny this fact with an affidavit. I rejected Plaintiff's claims, held that Plaintiff was merely an employee at will, and there was no implied contract to guarantee her a \$10,000 bonus every year. The Court of Appeals affirmed. Ruling attached.

Counsel for Plaintiff:

Jim Lawing
200 East First
Wichita, Kansas 67202
(deceased)

Counsel for Defendant:

Boyd A. Byers
Foulston Siefkin, LLP
1551 Waterfront, Suite 100
Wichita, Kansas 67206
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10. *State v. Edwards*, 299 Kan.1008, 327 P.3d 469 (2014).

I presided over the jury trial in this case in which the defendant was convicted of aggravated robbery. The incident involves the defendant entering the victim's apartment and asking to use her phone. The defendant used the victim's phone and then attacked her with a hammer. After the attack, the victim attempted to call 911 and the defendant took the phone from her. The defendant ultimately left with both the hammer and the phone. On appeal the defendant claimed the theft of the hammer and phone were merely incidental to the crime and insufficient to support the elements needed for aggravated robbery. The Kansas Supreme Court held that because robbery was defined as the taking of property from the person or presence of another by force or threat, it did not require a showing of an intent to permanently deprive. The court also held that the rules of civil procedure do not apply to criminal cases, including the rules relating to expert witnesses. The Court upheld my ruling limited the scope of his expert's testimony.

Counsel for Government:

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Attorney for State

Counsel for Defendant:

Carol Longnecker Schmidt
300 S.W. 8th Street, Suite 303
Topeka, Kansas 66603
(785) 296-6891

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *State v Jackson*, 49 Kan. App. 2d 116, 305 P.3d 685 (2014).

Counsel for State:

Barry Disney
U.S. Department of Justice
1331 F Street, Northwest
Washington, D.C. 20004
(202) 924-4861

Counsel for Appellant:

Randall Hodgkinson
Kansas Appellate Defender's Office
700 Jackson, Suite 900
Topeka, Kansas 66603
(785) 296-5484

2. *In re Estate of McLeish*, 49 Kan. App. 2d 246, 307 P.3d 221 (2013).

Counsel for Executor:

Robert E. Keeshan
(retired, whereabouts unknown)

Counsel for Appellees:

Melvin J. Sauer
Dreiling, Bieker and Hoffman, LLP
111 West 13th Street, P.O. Box 579
Hays, Kansas 67601
(785) 625-3537

3. *Clawson v. Kansas Dept. of Agriculture*, 49 Kan. App. 2d 789, 315 P.3d 896 (2013).

Counsel for Government:

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Griggs Land and Water, LLC
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Lawrence, Kansas 66044

(785) 979-3610

Counsel for Clawson Trust:

David M. Traster
Foulston Siefkin, LLP
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(316) 267-6371

4. *State v. Declerck*, 49 Kan. App. 2d 908, 317 P.3d 794 (2014).

Counsel for Government:

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(785) 251-4280

Counsel for Defendant:

Reid Nelson
Capital Appeals and Conflicts Office
1040 New Hampshire
Lawrence, Kansas 66044
(785) 856-0067

5. *Manzano v. Kansas Dept. of Revenue*, 50 Kan. App. 2d 263, 324 P.3d 321 (2014)
(Powell, J., dissenting).

Counsel for Appellant:

John D. Schultz
Legal Services Bureau, Kansas Department of Revenue
Eisenhower State Office Building
700 SW Harrison Street
Topeka, Kansas 66603

Counsel for Appellee:

Leslie A. Hess
Andrea K. Swisher
Kennedy, Berkley, Yarnevich & Williamson
119 West Iron Avenue
Salina, Kansas 67401

6. *In re Equalization Appeal of Kansas Star Casino*, 52 Kan. App. 2d 50, 362 P.3d 1109
(2015).

Counsel for Kansas Star Casino:

Lynn D. Preheim
Stinson LLP
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Counsel for Sumner County:

David R. Cooper
Fisher, Patterson, Sayler, and Smith, LLP
3550 Southwest Fifth Street
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(785) 232-7761

7. *Bluestem Telephone Company v. Kansas Corporation Commission*, 52 Kan. App. 2d 96, 363 P.3d 1115 (2015).

Counsel for Plaintiff

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Counsel for Defendant

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General Counsel
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Topeka, Kansas 66604
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Counsel for Intervenor

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Polsinelli PC
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Kansas City, Missouri 64112
(816) 374-0532

8. *State v. Green*, 55 Kan. App. 2d 595, 419 P.3d 83 (2018).

Attorney for Appellant:

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Attorney for the State:

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SJ Law, LLC
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Wichita, Kansas 67202
(316) 282-3497

9. *Pardo v. United Parcel Service*, 56 Kan. App. 2d 1, 422 P.3d 1185 (2018).

Counsel for Plaintiff

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Counsel for Defendant

Douglas M. Greenwald (retired)
Karl L. Wenger
Frederick J. Greenbaum
McAnany, Van Cleave and Phillips, PA
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Kansas City, Kansas 66103
(913) 573-3340

10. *In the Interest of J.L.*, 57 Kan. App. 2d 60, 449 P.3d 762 (2019)

Counsel for Father:

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Topeka, Kansas 66604-4005
(785) 339-6199

Counsel for the State:

Morgan L. Hall
Assistant District Attorney
Shawnee County District Attorney's Office
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e. Provide a list of all cases in which certiorari was requested or granted.

In re Care and Treatment of Harris, 2013 WL 6726141 (Kan. App.) (unpublished), *cert. denied*, 573 U.S. 953 (2014).

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

District Judge Rulings Reversed

In re Marriage of Harbutz, 279 Kan. 359, 109 P.3d 1191 (2005). Former husband filed a motion to modify spousal maintenance, and a different district judge granted the motion. Subsequently, wife filed a motion to reinstate maintenance and I denied the motion. The Supreme Court reversed, holding that the first district judge lacked jurisdiction to terminate spousal maintenance in the first place.

Hammer v. Thompson, 35 Kan. App. 2d 165, 129 P.3d 609 (2006). Owners brought conversion action against buyer and subsequent buyers who allegedly sold the cattle without permission. After default judgment was entered against the order buyer, I granted the remaining defendants summary judgment and denied owners' motion for partial summary judgment. The Court of Appeals reversed, holding that a genuine issue of material fact precluded summary judgment.

State v. Black, 2006 WL 2043027 (Kan. App. 2006) (unpublished). Sentence was affirmed but reversed on the issue of attorney fees for determination of defendant's ability to pay.

State v. Trice, 2007 WL 570185 (Kan. App. 2007) (unpublished). The court affirmed the convictions but reversed on the issue of attorney fees and the defendant's ability to pay.

Coma Corporation v. Kansas Dept. of Labor, 283 Kan. 625, 154 P.3d 1080 (2007). This was a case of first impression and involved whether a known illegal alien could make a claim under the Kansas Wage Payment Act. Cesar Martinez Corral worked for Coma Corporation d/b/a Burrito Express for a period of six months in late 2003 and early 2004. Corral was orally promised to be paid \$6 per hour. Corral lived at a house next door and \$100 a month was withheld from his paycheck for this rent. Corral claimed he worked six or seven days per week and 50 to 60 hours per week. Corral made a wage claim for 24 weeks at 40 hours per week. Corral admitted he was an illegal alien. I held that while Corral was entitled to his minimum wages for his work, he was not entitled to any contract wages over and above that because his employment contract was illegal, and the Kansas Wage Payment Act could not enforce illegal contracts. The Kansas Supreme Court reversed, holding that employee's contract was not illegal.

State v. Brown, 38 Kan. App. 2d 490, 167 P.3d 367 (2007). Following my revocation of the defendant's probation, he appealed my refusal to give him jail credit for time he served in a halfway house while on probation. The Court of Appeals reversed, holding that because he was required to live at the house where his liberty was restricted, he was entitled to jail credit for his time there.

State v. Chetwood, 38 Kan. App. 2d 620, 170 P.3d 436 (2007). At a hearing scheduled to address the defendant's sentence and probation revocation, I imposed a 19-month sentence on the new crime and revoked probation in the first case, resulting in a ten-month sentence. The plea deal provided that the State would recommend a return to probation in the first case and probation in the second case. However, when I asked the probation officer for her recommendation, she recommended prison. The defendant didn't claim at the time that the probation officer's comments violated the plea agreement. However, on appeal, the defendant claimed that the probation officer's comments recommending prison violated the plea agreement which called for the State to recommend probation. The Court of Appeals agreed and reversed.

State v. Hooks, 2007 WL 1239434 (Kan. App. 2007) (unpublished). Sentence was affirmed but reversed on the issue of attorney fees for determination of defendant's ability to pay.

State v. Wise, 2007 WL 2580571 (Kan. App. 2007) (unpublished). The court affirmed the convictions and my jury instructions but reversed on the issue of attorney fees and defendant's ability to pay.

State v. Makupa, 2007 WL 4571098 (Kan. App. 2007) (unpublished). The court affirmed the convictions and my evidentiary rulings but reversed on the issue of attorney fees and ability of defendant to pay.

State ex rel. SRS v. Bohrer, 286 Kan. 898, 189 P.3d 1157 (2008). This was a bench trial in which the Kansas Department of SRS, the child welfare agency, sought payment of back child support from the father who had his parental rights awarded to a third person as a permanent guardian. I ruled that because under the statute the father no longer retained any rights to the care, upbringing, and control of the child on a permanent basis, his child support obligation effectively terminated. The Kansas Supreme Court reversed, holding that the awarding of a permanent guardianship to another did not relieve the father of a common law duty of support. Justice Johnson dissented, holding that the law on permanent guardianship in effect at the time transferred the child support duty to the permanent guardian.

Wilkinson v. State, 40 Kan. App. 2d 741, 195 P.3d 278 (2008). Defendant, who had pled guilty to a second charge of possession of cocaine as part of a plea deal, filed a motion attacking his sentence. He claimed his counsel had not properly informed him of the necessity for showing manifest injustice in order to allow for concurrent sentences. The Court of Appeals reversed my dismissal of his claim on the grounds he was entitled to an evidentiary hearing on the issue.

State v. Herrera, 41 Kan. App. 2d 215, 202 P.3d 68 (2009). Defendant was convicted after a jury trial of aggravated indecent liberties with a child, sexual battery, and aggravated criminal sodomy. On appeal, the Court of Appeals held that there was insufficient evidence to establish the defendant solicited the child to engage in lewd fondling or touching of another. It also found prosecutorial misconduct and ordered a new trial. The allegations of prosecutorial misconduct were not raised at trial.

Holmes v. State, 292 Kan. 271, 252 P.3d 573 (2011). After a jury trial, the defendant was convicted of first-degree murder and criminal possession of a firearm. He filed a motion for postconviction relief, claiming ineffective assistance of counsel. The Court of Appeals affirmed, but the Supreme Court reversed in part, finding the defendant was entitled to an evidentiary hearing as to whether counsel was ineffective for failing to include a videotape of the defendant's statement to police and transcript in the record on appeal.

State v. Coleman, 47 Kan. App. 2d 658, 277 P.3d 435 (2012). The defendant was convicted after a jury trial of two counts of forgery. The Supreme Court affirmed in part and reversed in part, holding that the two forgery convictions were multiplicitous, and vacated one of the convictions and sentences.

In re Marriage of Brown, 295 Kan. 966, 291 P.3d 55 (2012). As part of a divorce decree I entered after a trial, I vacated the temporary child support orders which had created child support arrearages. The Supreme Court reversed, holding that recent changes in the law only allow orders to go retroactively up to a month after the filing of the order.

State v. Dinh Loc Ta, 296 Kan. 230, 290 P.3d 652 (2012). After a jury trial at which I presided, the defendant was convicted of two counts of aggravated indecent liberties with a child. The evidence was that the defendant was caught caressing the faces, hair, arms, and legs of a two-year old girl and a three-year old girl. Defendant sought a directed verdict on the grounds that this caressing wasn't enough evidence to show a "lewd fondling or touching" of the victims. I denied the motion. On appeal, the Supreme Court reversed, agreeing with the defendant that the caressing of the girls was not lewd.

Baker v. State, 297 Kan. 486, 303 P.3d 675 (2013). Defendant was convicted of first-degree murder. After remand and resentencing, the defendant sought to vacate his sentence on the grounds of ineffective assistance of counsel. I dismissed the motion as untimely, and the Supreme Court reversed, holding the one-year time period did not begin to run until the time for appealing his resentencing had expired.

State v. Weber, 297 Kan. 805, 304 P.3d 1262 (2013). Defendant was convicted, among other things, of rape and attempted rape. I conducted the jury trial and sentenced the defendant. He appealed, claiming his convictions for rape and attempted rape were multiplicitous. The Supreme Court agreed and reversed on that point.

Taylor v. Kansas Dept. of Health and Environment, 49 Kan. App. 2d 233, 305 P.3d 729 (2013). A disabled participant of the Work Opportunities Reward Kansas (WORK) program brought an action against KDHE and others following the agency's refusal to release him from a policy whereby it no longer approved overtime wages for participants' caregivers, alleging a violation of his due process rights. After a trial, I agreed that his rights were violated principally because the agency didn't follow the Rules and Regulations Filing Act. The Court of Appeals disagreed, holding that the failure to follow the statute didn't amount to a due process violation.

State v. Brown, 300 Kan. 565, 331 P.3d 797 (2014). Defendant was convicted of felony murder and other serious crimes. I presided over his trial, and he was represented by very experienced and able trial counsel. At sentencing, during his allocution, he tried to claim he received ineffective assistance of counsel at his trial. I strongly disagreed as I had watched counsel's performance during the entire trial. I informed the defendant he could file a proper motion at the proper time. The Supreme Court reversed my decision on the defendant's claim of ineffective assistance of counsel, holding that I should have inquired as to the nature of the defendant's complaints. His ineffective assistance of counsel claims were later rejected. *See* 305 Kan. 413, 382 P.3d 852 (2016).

Court of Appeals Opinions Reversed

State v. Talkington, 299 P.3d 798, 2013 WL 1859215 (Kan. App. 2013) (unpublished), *rev'd* 301 Kan. 453, 345 P.3d 258 (2015). The police searched the backyard of a residence the defendant was visiting, and drugs were found near the back door. The defendant was arrested with drugs on his person and was charged with several drug offenses. The defendant moved to suppress, and the Court of Appeals panel found that the defendant's backyard area was not curtilage justifying an expectation of privacy because the boundary marker was very low and could easily be seen over. The Kansas Supreme Court reversed, holding that this area was a curtilage subject to a reasonable expectation of privacy.

Matson v. Kansas Dept. of Corrections, 2013 WL 6062910 (Kan. App. 2013) (unpublished), *rev'd* 301 Kan. 654, 346 P.3d 327 (2015). Matson brought a claim against the Dept. of Corrections arising out of fees he was charged against his inmate account. The department motion to transfer was granted without a hearing or a response from Matson. The district court denied transfer back to the original county and awarded summary judgment to the department. The Court of Appeals, relying on the comment from the Uniform Trust Code, held that normal venue rules could apply, meaning transfer of venue was not improper. The Kansas Supreme Court reversed, holding that the venue provisions of the Uniform Trust Code did apply.

Steckline Communications, Inc. v. Journal Broadcast Group of Kansas, Inc., 2015 WL 4366489 (Kan. App. 2015) (unpublished), *rev'd* 301 Kan. 761, 388 P.3d 84 (2017). Steckline brought a breach of contract suit against Journal Broadcast, which the district court dismissed on the grounds that Steckline lacked standing. The Court of Appeals held that Steckline lacked standing based upon the record before it. The Supreme Court

reversed, holding that Steckline had pled sufficient facts to support standing based upon equitable estoppel, and remanded for further proceedings.

State v. Chapman, 2015 WL 4758607 (Kan. App. 2015) (unpublished), *rev'd* 305 Kan. 365, 381 P.3d 458 (2016). Wichita police officers responded to a suspicious character call at a Wichita residence at 2:37 am. As they responded, they drove past a black Acura, the only car out and about. The officer pulled the car over, noticed it was dark green and had two occupants. It had a 60-day tag. The ID presented by the driver showed the name of Jeremy Brown but would later be identified as Chapman. The ID had been stolen from Brown a few years before. The Acura was also stolen. The State charged Brown with identity theft and numerous counts of theft. Chapman sought to dismiss the case due to an illegal stop. The Court of Appeals held the stop was reasonable under all the circumstances. The dissent disagreed. Upon review by the Supreme Court, it held that there was no reasonable suspicion of criminal activity.

State v. Buell, 52 Kan. App. 2d 818, 377 P.3d 1174 (2016), *rev'd* 307 Kan. 604, 412 P.3d 1004 (2018). The defendant challenged the scoring of a prior Florida juvenile adjudication for burglary as a person felony. The Court of Appeals, based in part on prior statements from the Supreme Court that that a Florida burglary was a person crime, held that under the sentencing guidelines the adjudication was properly classified as a person felony. The Supreme Court reversed, holding that the elements of a Florida burglary were broader than the elements in Kansas, meaning the prior adjudication had to be classified as a non-person felony.

State v. Roth, 2016 WL 3659800 (Kan. App. 2016), *rev'd* 308 Kan. 970, 424 P.3d 529 (2018). The State moved to correct and illegal sentence after the defendant's probation was revoked, seeking lifetime postrelease supervision rather than for 24 months. The district court agreed, and the Court of Appeals affirmed, holding that the defendant's crime mandated lifetime postrelease. The Supreme Court reversed, holding that because the district court in effect sentenced the defendant anew when it altered his sentence after revoking probation, any illegality in the original sentence was not subject to correction because the statute allows the court to sentence a defendant after probation is revoked to any lesser sentence.

Casper v. Kansas Dept. of Revenue, 2016 WL 6024622 (Kan. App. 2016) (unpublished), *rev'd* 309 Kan. 1211, 442 P.3d 1038 (2019). Casper's driver's license was suspended for refusing to take a breath test. She challenged her suspension, arguing law enforcement lacked probable cause to arrest her for DUI. The Court of Appeals reversed. The Supreme Court then reversed the Court of Appeals, agreeing with the district court.

State v. Christian, 2017 WL 3947406 (Kan. App. 2017), *rev'd* 310 Kan. 229, 445 P.3d 183 (2019). Christian appealed his drug convictions claiming the district court failed to properly advise him of his jury trial right before accepting his waiver, by failing to grant his motion to suppress, and including a 1969 Colorado robbery conviction in his criminal history. The Court of Appeals affirmed the district court's denial of Christian's motion to suppress but found that his jury trial waiver was invalid due to the district court's failure

to properly advise Christian of his rights. The Supreme Court reversed on the suppression issue, finding that the district court should have suppressed the evidence because the arrest was unlawful.

State v. Scheuerman, 60 Kan. App. 2d 48, 486 P.3d 676 (2012), *aff'd in part, rev'd in part*, 314 Kan. 583, 502 P.3d 502 (2022). Following a bench trial, the defendant was convicted of possession of methamphetamine with intent to distribute. He appealed, and the Court of Appeals held that possession of at least 3.5 grams of methamphetamine cannot support a conviction for possession of methamphetamine of less than 3.5 grams according to the language in the statute. The Supreme Court reversed in part, holding that possession of lesser amounts was wholly included within the quantitative ranges of greater offenses.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I authored approximately 700 opinions, 250 of which have my name on them. Of those cases with my name on them, 58 were published. All Court of Appeals opinions, published or unpublished, are available on Westlaw and the Court's website, www.kscourts.gov.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Strong, 61 Kan. App. 2d 31, 499 P.3d 481 (2022), *aff'd in part, vac in part*, 317 Kan. 197, 527 P.3d 548 (2023).

State v. Stevenson, 59 Kan. App. 2d 49, 478 P.3d 781 (2021).

Nash v. Blatchford, 56 Kan. App. 2d 592, 435 P.3d 562 (2019).

Hodes and Nauser, MDs, P.A. v. Schmidt, 52 Kan. App. 2d 274, 368 P.3d 667 (2016), *aff'd* 309 Kan. 610, 440 P.3d 461 (2019) (en banc).

Pardo v. United Parcel Service, 56 Kan. App. 2d 1, 422 P.3d 1185 (2018).

Stockwell v. State, 54 Kan. App. 2d 325, 399 P.3d 873 (2017) (Powell, J., dissenting).

Bluestem Telephone Company v. Kansas Corporation Commission, 52 Kan. App. 2d 96, 363 P.3d 1115 (2015).

State v. Reed, 51 Kan. App. 2d 107, 341 P.3d 616 (2015).

State v. Huff, 50 Kan. App. 2d 1094, 336 P.3d 897 (2014).

State v. DeClerck, 49 Kan. App. 2d 908, 317 P.3d 794 (2014).

State v. Tims, 49 Kan. App. 2d 845, 317 P.3d 115, *aff'd in part, vac. in part*, 302 Kan. 536, 355 P.3d 660 (2015).

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

During my service as a district judge and on the Kansas Court of Appeals, I provided the clerk with a list of entities and people that I wished to be recused from their cases. That list included a small number of lawyers with whom I had close personal friendships for many years. I also recused myself automatically from hearing cases brought by Martin and Churchill and the Patterson Legal Group because I practiced at both of those law firms before becoming a judge.

State v. Blevins, 2021 WL 5856680 (Kan. App. 2021) (unpublished). This was a criminal case and one of the serious issues involved an alleged conflict of interest by defense counsel, who allegedly had previously represented the victim in another matter. I knew defense counsel and his wife, who is a Sedgwick County District Judge, and felt that because I knew him personally, I should not sit in judgment of his professional ethics. Thus, I informed the Chief Judge that I would not sit on the panel for that case. I was not asked to recuse.

State v. George Tiller, SG-2007-CR-2112 (Sedgwick Co. Dist. Ct.). This was a prominent case reported in the news. It involved the prosecution of Dr. George Tiller, a doctor who performed abortions in Wichita, for several criminal violations of the abortion statute. Shortly after I was assigned the case, the news reported that I had made derogatory remarks about Dr. Tiller during a press conference in front of Dr. Tiller's clinic years before when I had been a legislator. I did not recall those events, and even reading the article did not refresh my recollection of them. In light of the news story, Dr. Tiller's counsel moved for my recusal, and I subsequently recused myself. I recused not because of my previously stated prolife views, but because my comments could have

been perceived by a reasonable person that I was not unbiased towards Dr. Tiller. My bench ruling and court orders are attached.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

1993 – 1995

Citizen's Participation Organization, District 1, elected to a four-year term. Resigned due to election to the Kansas House of Representatives.

1995 – 2003

Kansas House of Representatives, elected and reelected to four two-year terms.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

1996 – 2002

Republican Precinct Committeeman, elected and reelected to three two-year terms.

2000 – 2002

Republican State Committee, elected to a two-year term.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I never served as a law clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1991 – 1995; 1997 – 2003
Martin and Churchill, Chartered
500 North Market Street
Wichita, Kansas 67214
Associate (1991 – 1995)
Of counsel (1997 – 2003)

1995 – 1997
Patterson, Van Zandt, Powell, Woolley, and Harris, LC
(Now Patterson Legal Group)
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Wichita, Kansas 67202
Attorney

1995 – 2003
Kansas House of Representatives
State Capitol Building
Topeka, Kansas 66612
Member

2003 – 2013
Sedgwick County District Court
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Wichita, Kansas 67203
District Judge

2013 – 2022
Kansas Court of Appeals
301 Southwest Tenth Avenue
Topeka, Kansas 66612
Judge

2022
18th Judicial District
525 North Main Street
Wichita, Kansas 67203
Child Support Hearing Officer

2023 – present
Office of the Kansas Attorney General
120 Southwest Tenth Avenue, Second Floor
Topeka, Kansas 66612-1597
Solicitor General

iv. whether you served as a mediator or arbitrator in alternative dispute

resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I did a limited number of mediations in family law cases while a Sedgwick County District Judge. All were routine divorce cases.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

My practice at Martin and Churchill from 1991 to 1995 and 1997 to 2003, principally involved representing employers in all facets of employment law including advising clients concerning unionization efforts, representing employers before the National Labor Relations Board and the Kansas Public Employee Relations Board, representing employers before the Kansas Human Rights Commission and the Equal Employment Opportunity Commission, and representing employers before the U.S. Court of Appeals for the Tenth Circuit, the U.S. District Court for the District of Kansas, and various state courts. I also provide legal advice to employers concerning human resource issues. Additionally, I handled some business matters for clients and did limited work for adult care homes on matters they had before the Kansas Department of Health and Environment.

My practice at the Patterson law firm from 1995 to 1997 principally involved personal injury matters along with a limited number of employment law matters.

I was elected to four terms in the Kansas House between 1995 and 2003. I served as Majority Whip and served as chairman and vice-chairman of several committees during my tenure, including Federal and State Affairs, Ethics and Elections, Joint Committee on State-Tribal Relations, and as vice-chair of the Taxation Committee.

I served as a Sedgwick County District Court judge from 2003 to 2013. During my time on the court, I served nearly four years in the family law department, two and a half of those years as the presiding judge of the department. I also served three years in the criminal department and three years in the civil department. I presided over hundreds of bench and jury trials, from simple landlord/tenant disputes to complex medical malpractice and murder cases.

As a judge on the Kansas Court of Appeals from 2013 to 2022, I presided over more than 2,000 cases and wrote roughly 700 opinions. As the state's intermediate appellate court, the court heard a wide variety of cases, including criminal cases, both routine and complex, various civil cases, administrative appeals of tax cases, workers' compensation cases, unemployment cases, water cases, and oil and gas cases. The court also handled many habeas corpus cases.

After my retirement from the Court of Appeals, I served as a hearing officer handling child support cases brought by the Court Trustee's office. I held this position for six months in 2022.

As Solicitor General, from 2023 to the present, my principal job has been to supervise the State of Kansas' appellate litigation, including cases in the state appellate courts and in federal appellate courts. I also supervise the issuing of Attorney General Opinions. My office handles all types of civil matters, including constitutional disputes and various tort defense cases, and criminal appeals.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my years at Martin and Churchill, the principal focus of my practice was employment law. Our firm had a varied client base which included a number of businesses both large and small.

During my time at the Patterson law firm, I practiced personal injury law and handled a limited number of employment law matters. I represented individuals.

I had no clients during my many years on the bench. As the Solicitor General, my clients are state agencies, the Attorney General, and the people of the state of Kansas.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

While I was in private practice, I appeared in court on a limited basis. After I joined the bench, I was in state court on a daily basis for nearly 20 years. As Solicitor General, I appear in both state and federal courts, primarily at the appellate level.

- i. Indicate the percentage of your practice in:

1.	federal courts:	25%
2.	state courts of record:	70%
3.	other courts:	0%
4.	administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

1.	civil proceedings:	40%
2.	criminal proceedings:	60%

- d. State the number of cases in courts of record, including cases before

administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried four cases to verdict when I was in private practice, two as lead counsel and two as associate counsel.

- i. What percentage of these trials were:
 1. jury: 0%
 2. non-jury: 100%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I participated in drafting the following cert petitions or briefs in opposition to cert as part of my practice as Solicitor General of Kansas:

Flack v. Kansas, No. 24-5637 (2024) (Respondent's brief in opposition to petition for writ of certiorari). Copy supplied.

Kansas v. Mayorkas, No. __ (June 26, 2024) (Petition for writ of certiorari). Copy supplied.

Kansas v. Mayorkas, No. 23-1353 (2024) (Reply brief for petitioners on petition for writ of certiorari). Copy supplied.

Conkling v. Kansas, No. 23-7783 (2023) (Respondent's brief in opposition on petition for writ of certiorari). Copy supplied.

Kansas v. Cline, No. __ (2023) (Petition for writ of certiorari). Copy supplied.

Kansas v. Cline, No. 23-335 (2023) (Reply brief for petitioner on petition for writ of certiorari). Copy supplied.

For the following matters, in my capacity as Solicitor General of Kansas, I worked on *amicus curiae* briefs on behalf of Kansas or other states:

Washington Alliance of Technology Workers v. U.S. Dept. of Homeland Security, No. 22-1071. Copy supplied.

Trump v. Anderson, No. 23-719. Copy supplied.

Alaska v. Alaska State Employees Association/American Federation of State, County and Municipal Employees Local 52, AFL-CIO, No. 23-179. Copy supplied.

Republican National Comm., et al., v. Mi Familia Vota, et al., No. 24-A164 (August 15, 2024). Copy supplied.

Medina v. Planned Parenthood South Atlantic, et al., No. 23-1275 (February 10, 2025)

Stitt v. Fowler, No. 24-801 (February 27, 2025). Copy supplied.

Higher Education Loan Authority of Missouri v. Good and U.S. Dept. of Education, No. 24-992 (April 17, 2025). Copy supplied.

Kerr v. Planned Parenthood South Atlantic, et. al, No. 23-1275 (July 5, 2024)

Roybal v. Griffith, No. 25-442 (November 10, 2025). Copy supplied.

E.D., a Minor, by Her Parent and Next Friend, Lisa Duell, et. al. v. Noblesville School District, No. 25-906 (March 4, 2026). Copy supplied.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Governor Laura Kelly v. Attorney General Kris Kobach*, No. 129,788 (Kan.2026) (Chief Justice Rosen and Justices Biles, Stegall, Wall, Standridge, Walsh) (Representation: 2025 – 2026)

Original action in quo warranto filed in the Kansas Supreme Court. Governor Kelly sued to determine the extent of her executive power versus the Attorney General in representing Kansas' interests in litigation, specifically federal litigation. The Governor has purported to represent the state in a multistate federal case against the Trump Administration involving federal grants. The Attorney General filed an amicus brief in the case explaining to the court that only the Attorney General may represent the state in federal court. I supervised the writing of the brief, and the case was argued before the Kansas Supreme Court on January 16, 2026, by Attorney General Kobach. The Court has not yet issued a decision.

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2. *Hodes and Nauser, M.D.'s, PA v. Kobach*, JO-2023-CV-3140 (Johnson Co. Dist. Ct.)
(Judge Christopher Jayaram) (Representation: 2023 – present)

Plaintiffs challenged the constitutionality of the State's regulations concerning dispensing of the abortion pill, mifepristone. I supervised and assisted outside trial counsel in briefing and strategy for the case from dispositive motions through trial. Attended and assisted with the trial. The trial lasted seven days and was tried during the months of September and October 2025. The court has not yet issued a ruling.

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3. *State ex. rel. Kobach v. Harper*, 65 Kan. App. 2d 680, 571 P.3d 6 (2025) (J. Thomas Luedke) (Representation: 2023 – 2026)

The Attorney General brought this action against the Kansas Department of Revenue and its officers (“Department”) who administer driver’s licenses. The Kansas legislature passed a new law in 2023 that defined sex as biological sex at birth. Prior to the passage of this new law, the Department had for many years allowed licensees to change the sex marker on their driver’s license upon a proper showing of gender dysphoria. With the passage of this new law, it was the opinion of the Attorney General that allowing such sex marker changes was no longer lawful. Nevertheless, the Department refused to change its practice. Accordingly, we brought suit and asked the court to require each driver’s license to display the holder’s biological sex at birth. The district court, presided over by Judge Theresa Watson, granted a temporary injunction. The Department and intervenors, several transgender individuals, appealed. A Court of Appeals panel of

Judges Warner, Hill, and Arnold-Burger, reversed and vacated the temporary injunction. The case returned to the district court in front of a different district judge, Judge Thomas Luedke. In early 2026, the legislature passed a new law clarifying the issue, thus mooted the case. The case was dismissed. I participated in the temporary injunction hearing before Judge Watson, supervised and participated in the drafting of the briefing before the Court of Appeals, and argued the case in the Court of Appeals.

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4. *Lily Loe v. Kobach*, DG-2025-CV-241 (Douglas Co. Dist. Ct.) (Judge Carl Folsom)
(Representation: 2025 – present)

Plaintiff brought a constitutional challenge to the state's ban on transgender treatments for minors. A temporary injunction hearing was held in November 2025 before Judge Folsom of the Douglas County District Court. I supervised and assisted with drafting the briefs and in case strategy. I attended the temporary injunction hearing.

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5. *In re Wrongful Conviction of Mashaney*, 319 Kan. 673, 557 P.3d 1231 (2024) (Chief Justice Luckert, and Justices Rosen, Biles, Stegall, Wahl, Wilson, and Standridge)

(Representation: 2024)

After his convictions for aggravated criminal sodomy and aggravated indecent liberties had been overturned due to ineffective assistance of counsel, Mashaney entered into an *Alford* plea to lesser charges of two counts of attempted aggravated battery and one count of aggravated endangerment of a child which allowed him to serve no more jail time. Mashaney then brought a civil action against the state seeking damages for wrongful conviction and imprisonment. Sedgwick County District Court Judge Eric Commer, ruled in favor of Mashaney and awarded significant monetary damages. The state appealed and argued that because Mashaney had not proven his innocence, he could not obtain damages. The Kansas Supreme Court agreed and reversed. Trial counsel for the Attorney General's office tried the case before the district court. I supervised and assisted in the briefing on appeal and argued the case before the Kansas Supreme Court.

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6. *Hodes and Nausser, M.D.s, P.A. v. Stanek*, 318 Kan. 995, 551 P.3d 62 (2024) (Chief Justice Luckert, Justices Rosen, Biles, Stegall, Wahl, Wilson, and Standridge) (Representation: 2023 – 2024)

This case involved the state's licensing regulation of abortion clinics. An abortion care facility and its doctors challenged the constitutionality of the laws relating to licensure of the clinics. I argued the case before the Kansas Supreme Court early in my tenure as Solicitor General. The case was briefed by the prior administration. The Kansas Supreme Court struck down the statute, holding that it violated a women's right to personal autonomy.

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7. *Hodes and Nauser, M.D.s, P.A. v. Kobach*, 318 Kan. 940, 551 P.3d 37 (2024) (Chief Justice Luckert, Justices Rosen, Biles, Stegall, Wahl, Wilson, and Standridge) (Representation: 2023 – 2024)

This was a significant abortion case involving the state’s ban on dismemberment abortion. I argued in front of the Kansas Supreme Court early in my tenure as Solicitor General. The case had already been briefed by the prior administration, so my sole role was to argue the case. The Supreme Court struck down the statute, holding it violated a women’s right to personal autonomy.

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8. *N.L.R.B. v. F & A Food Sales, Inc.*, 202 F.3d 1258 (10th Cir. 2000) (Judges Tacha, Kelly, Lucero); *F & A Food Sales, Inc.*, 325 NLRB No. 74, 325 NLRB 513, 1998 WL 151044 (1998) (Representation: 1996 – 2000)

I was labor counsel for F & A Food Sales and was their lead negotiator for collective bargaining with the union representing the company's truck drivers. Shortly after the first collective bargaining agreement was approved, the company outsourced the truck driving operations to Ryder Corporation. Ryder hired the company's truck drivers to do the driving, but the union disclaimed any interest in representing them. During the term of the three-year contract, the company brought the drivers back in-house, and the union once again claimed to represent the drivers and demanded that the company apply the existing collective bargaining agreement to them. The company refused, insisting that the union had disclaimed interest. The National Labor Relations Board filed an unfair labor practice charge against the company, and I represented the company at that hearing. The NLRB found against the company and issued a bargaining order. The company continued to refuse to bargain, and the NLRB sought enforcement of its order before the U.S. Court of Appeals for the Tenth Circuit. I litigated the entire case, including writing the brief and conducting the oral argument before the Tenth Circuit. The ALJ was Lawrence W. Cullen. The NLRB members who heard the case were Fox, Hurtgen, and Brame. The Tenth Circuit ruled in favor of the NLRB.

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9. *City of Wichita v. Public Employees Relations Board*, 259 Kan. 628, 913 P.2d 137 (1996) (Chief Justice McFarland) (Representation: 1995 – 1996)

I second-chaired this case with Robert Overman at Martin and Churchill, assisted him with the trial before the Public Employees Relations Board, and wrote the briefs for proceedings before the district court and Kansas Supreme Court. The Teamsters Union first sought to represent the safety workers at the Wichita Airport. Our firm represented the City of Wichita. The City argued that the Wichita Airport Authority was a separate entity which had not elected to come under the Public Employees Relations Act, and therefore the union had no right to seek collective bargaining rights for the airport safety workers. I do not remember the hearing officer at PERB, and Judge Robert Bell was the district judge in the case. This was a case of first impression and the Kansas Supreme

Court ruled that the Wichita Airport Authority was subject to the jurisdiction of PERB.

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Donald Doeskin
(whereabouts unknown)

10. *Excel Corporation v. Kansas Human Rights Commission*, 19 Kan. App. 2d 6, 864 P.2d 220 (1993) (Judges Gernon, Pierron, and Miller) (Representation: 1992 – 1993)

I assisted Robert Overman of Martin and Churchill with the investigation and proceedings before the Kansas Human Rights Commission and wrote the brief and conducted the oral argument on appeal before the Kansas Court of Appeals. The KHRC found Excel had discriminated against the employee by terminating him because of his age and awarded him backpay and pain and suffering. Judge Robert Bell of the district court dismissed the amount awarded for pain and suffering but otherwise affirmed. Excel appealed and the Court of Appeals affirmed the KHRC's decision and reversed the district court's vacating of the award for pain and suffering.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to my litigation experience, I was involved in a number of collective bargaining matters during my time in private practice. I was lead negotiator for several corporations. I was also lead negotiator for Sedgwick County in its collective bargaining negotiations with the Firefighters' Union. These matters honed my negotiation and mediation skills. While I was in private practice at Martin and Churchill, I was involved in a number of union elections at several companies. Our firm advised the companies on appropriate interaction with employees during such campaigns.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have not taught any classes.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Since my retirement from the judiciary, I have received a monthly pension payment from the state of Kansas.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the

Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Cases most likely to implicate conflict questions would be those related to my current service as an attorney within the Office of the Kansas Attorney General. To determine whether I would need to recuse for matters in which the State of Kansas or a state officers, agency, or employee is a party, I would consult 28 U.S.C. § 455(a) & (b)(3), Canon 3C of the rules of the Code of Conduct for US Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate actions with the advice of parties and their counsel including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I volunteered for a number of non-profits such as Hope Net and my church. I also spent most of my career in public service in the legislature and as a judge for 20 years.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from

beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In late 2024, I contacted my senators' offices to express my interest in being nominated to the federal bench and sent my resume and letters of support to both senators' offices. I met with staff from both senators' offices in early 2025. In August 2025, the White House Counsel's Office contacted me and invited me to interview. I interviewed at the White House on August 26, 2025. On February 12, 2026, Senator Moran's office contacted me regarding meeting with the Senator. I met Senator Moran on February 14, 2026. On February 17, 2026, the President called and told me he would be nominating me. Since my nomination, I have been in contact with attorneys and staff from the Department of Justice's Office of Legal Policy.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Anthony J. Powell, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

(DATE)

Anthony J. Powell

(NAME)

Tiffany R. Stephenson

(NOTARY)

