

Chief Justice Kay McFarland: A Personal Recollection

by Dr. Howard Schwartz, former Kansas Judicial Administrator

The most memorable person in my work life was the extraordinary Chief Justice Kay McFarland (1935-2015) who served the Kansas bench and bar during an illustrious career upon her graduation magna cum laude from Washburn law in 1964, culminating in her death at 80 in 2015. I say most memorable because from my perspective she was a woman for all seasons. Scholar, jurist, humorist, gardener, frequent international horse and dog show entrant, and safari trekker, to name just a few of her lifelong interests.

During the thirty-plus years I interacted with the Chief as the Kansas State Judicial Administrator, I learned more than I thought I ever would, seemingly something about everything. To name just a few that cover only the tip of an ice berg (which she visited several times in Alaska), were the eco-system of a well-managed lily pond, where to get the best deals at online shopping venues, how to train and tend to all manner of birds and animals, and, of course, all about the law and the court family, which she cherished.

Always the consummate storyteller, the Chief's travels, background, experiences, and knowledge provided her with much material, but it was her ability to find the humor in almost any situation and her keen observations regarding human nature that made her stories truly unique. Her childhood years spent in Coffeyville and visiting relatives in Caney, Kansas, were as frequently the subjects of her stories as were her travels to exotic locations throughout the world. Simply put, she enjoyed people and their situations wherever she found them.

The chief's story began upon her birth on July 20, 1935, in Coffeyville, where her father, Dr. Kenneth McFarland, served first as a school principal and later as Superintendent of Schools. With her arrival, her family had increased to four: Her mother, Margaret, her father, and James, her brother, who was five

years older than Kay. The family eventually moved to Topeka where Dr. McFarland accepted the position of Superintendent of Schools of Topeka's U.S.D. 501. Here, they built a home on the land that is the current site of the McFarland Farm development. Kay attributed her lifelong love of animals to the many horses and other pets she raised on that land.

Some of Kay's memories, she recounts on <https://my.lastinglegacyonline.com/story/kay-mcfarland/> involves her love of animals: "Neither my mother nor father were allowed to have pets in their home growing up, but as newlyweds they adopted a puppy. My parents loved their first dog and this was their beginning of a lifelong love affair with the animals they shared, and, a gift I inherited from them both."

Kay graduated from Topeka High School. She did not attend her high school graduation because she participated in a horse show. She also didn't attend her college graduation from Washburn University in Topeka either, because of a horse show. She did, however, attend her Law School Graduation from Washburn University.

Besides all the mind-expanding topics we visited about over the years, I constantly stood in awe at her grand sense of humor and ability to work with judges and attorneys across the state. Her presentations at statewide court meetings are legendary. I remember one occasion during her welcome address, a judge raised his hand to report criticism he had heard about some facet of a new wrinkle in court administration. Without missing a beat, the Chief thanked the judge for reporting the complaint, but then added: "Don't you know, we always hear from the disgruntled, but *never* from the *gruntled*."

Her honor's humor was not limited to speaking events. On one little known occasion, the Chief wrote one of the longest Supreme Court opinions in her storied career on the Court. While she was widely known for her precision and concise writing, this particular opinion required many more written pages than most. As she circulated a draft of the opinion, her colleagues got quite a chuckle from an unusual item taped on the cover page. It was a "No-Doze" pill!

As you can see, it was my honor and privilege continuing to serve as her Judicial Administrator while she was Chief Justice from 1995 to 2009, when she retired. She was one of seven chief justices that I worked with during my 34 years as the State Court Administrator, and she was the most beloved of all.

Throughout her judicial career, the Chief emphasized the importance of transparency in the courts beginning with becoming judge of the combined probate and juvenile courts. She opened the heretofore closed juvenile court proceedings in the most serious matters to the public (she also closed the revolving door which the then-juvenile detention facility had become). Her reform efforts led her to becoming the first woman elected as a Shawnee County District Judge just two years later, taking office in January 1973.

On September 19, 1977, she was appointed to the Kansas Supreme Court by Governor Robert Bennett, achieving yet another milestone in history as the first woman Justice on the Kansas Supreme Court. She became the Chief Justice on September 1, 1995, upon the retirement of Chief Justice Richard Holmes. Again, she was the first woman to hold the office of Kansas Supreme Court Chief Justice. Within that role, she promoted public understanding of the law, fervently supporting the then-new initiatives of permitting audio, video and print photography in the Kansas courtrooms, starting with the Supreme Court and Court of Appeals.

As Chief Justice, she never forgot her years in the District Court. She understood and greatly appreciated the difficult work of district court personnel throughout the state, and she enjoyed meeting and visiting with judges, court administrators, clerks of the district court, court services officers, and court reporters. She referred to all of us as her “court family”.

Kay McFarland left a wonderful legacy to our state. Her impact on the Kansas legal community is immeasurable and her contributions to the state legal system left an enduring outcome of justice and fairness. Kay McFarland’s remarkable journey from a small-town upbringing to becoming the Chief

Justice of the Kansas Supreme Court is a testament to the power of determination, knowledge, and a profound commitment to the principles of justice.

Epitomizing her genuine care of people as individuals is an online comment from a Topeka newspaper article upon her passing. Said the writer, “When I was a young girl, I wrote Kay a letter asking about her horses. I got an answer that included a brochure about her horses and an invitation to her farm to see her horses, Midnight Secret and the Impala. My parents called and made an appointment and we went the next Saturday. Kay was the kindest, sweetest person in the world—not at all what I had been expecting since to me, she was more famous than the (USA) President. She took the time to show us all the horses at the farm and answered all my questions. I couldn’t have been happier until she actually let me pet Midnight Secret. For a horse crazy girl like me, that was the best day of my life. Not many famous people take the time to make a little girl’s dream come true. But, Kay did. She was a class act.”

Before her passing, her dream was to leave behind a legacy of beauty and contemplation, or serenity, as she called it, for the people of Kansas and for all who visit the Topeka Zoo, nearly across the street from where she grew up on McFarland Farm. The Kay McFarland Japanese Garden at the Topeka Zoo was dedicated in August 2020. It is a Japanese garden designed to be a serene setting for a person to find peace and contemplation. The Kay McFarland Trust, a permanent endowment fund, was established to pay for the costs of the garden. My wife, Elaine Schwartz, is the Trustee and oversees the Trust.

Part of this gift that Chief Justice McFarland left behind, benefits the Topeka Zoological Park and keeps her story alive, is the website, www.lastinglegacyonline.com. Lasting Legacy Online (LLO) is a platform which allows you to share your greatest asset; you. Your legacy isn’t solely your life story. It’s the lasting impressions you have on the world. It’s the impact you’ve made upon others. It’s the richness of your life. Where you have traveled. And, the important people in your life.

Thanks to the Kay McFarland Trust, you can share your life story with your family and friends, completely free of charge. A guided questionnaire spans eight chapters and walks you through your first impressions to present day. Chief Justice McFarland understood the importance of living life to its fullest and commitment to service. Thanks to her Living Trust you can share your story with the people you love. LLO is not a social networking website. It is safe, secure and can only be shared by you. It's your words and your account to share with whom you choose.

I would encourage you to visit the site and write your life story. The more stories it contains the more popular it becomes, leading people to read about the extraordinary life the Chief Justice lived.

As a final note, I'd like to encourage you to visit the Kansas Oral History Project links for my interview with Judge Richard Walker and to learn more about the history of Kansas Judicial System:

[https://ksoralhistory.org/interview/interview-of-dr-howard-schwartz-by-judge-richard-](https://ksoralhistory.org/interview/interview-of-dr-howard-schwartz-by-judge-richard-walker/?_sfm_interview_data_kohp_collection=2658)

[walker/?_sfm_interview_data_kohp_collection=2658](https://ksoralhistory.org/interview/interview-of-dr-howard-schwartz-by-judge-richard-walker/?_sfm_interview_data_kohp_collection=2658) and also visit Elaine's interview with Representative Joan

Wagnon on Chief Justice Kay McFarland: [https://ksoralhistory.org/interview/elaine-schwartz-on-justice-kay-](https://ksoralhistory.org/interview/elaine-schwartz-on-justice-kay-mcfarlands-legacy-to-topeka/?sf_data=all&_sfm_interview_data_kohp_collection=2658&_sft_interviewees=schwartz-elaine-wells)

[mcfarlands-legacy-to-topeka/?sf_data=all&_sfm_interview_data_kohp_collection=2658&_sft_interviewees=schwartz-elaine-wells](https://ksoralhistory.org/interview/elaine-schwartz-on-justice-kay-mcfarlands-legacy-to-topeka/?sf_data=all&_sfm_interview_data_kohp_collection=2658&_sft_interviewees=schwartz-elaine-wells)



Howard and Elaine Schwartz, are both retired and reside in Topeka, KS. As Kansas Judicial Administrator for 34 years, Howard retired in 2011, as the longest serving State Court Administrator in the United States. Elaine retired in 2018 after serving on the Topeka City Council. She also served 8 years in the Kansas House of Representatives. They have 4 children and 10 grandchildren, and 8 great-grandchildren. They continue to keep their life stories alive by writing and updating them on www.lastinglegacyonline.com. Their stories are featured and can be read by the public



Don't let your life story be untold!

Begin writing with our comprehensive 75 question guide to get your life story on the page. And let **Lasting Legacy Online** keep your story alive.

It's your words and your account to share with whom you choose. No one else makes those decisions on your behalf. Your information will always remain confidential and free of charge.



Thanks to the
Kay McFarland Living Trust,
you can share your life story,
completely free of charge.
Visit www.LastingLegacyOnline.com
to read Kay's story.



Scan for more information



www.LastingLegacyOnline.com