

INTERVIEW OF RON WURTZ BY NANCY PARRISH, APRIL 18, 2023
KANSAS ORAL HISTORY PROJECT, INC.

Nancy Parrish: Today is April 18, 2023. My name is Nancy Parrish, and I'm a retired judge from the Shawnee County District Court. Also with me today is former representative David Heinemann who is our videographer for this session and I think most sessions. Also here is Joan Wagon. Both Joan and David have done many, many hours of volunteering for the Kansas Oral History Project.

Today we are at Washburn University School of Law to conduct an interview that is part of the Kansas Oral History series examining the judicial branch of government in the last quarter of the 20th century and also the first couple of decades of the 21st century. In these interviews, we're learning about the courts and also their relationship with other branches of the government from the eyes of those who were directly involved.

Today I will be interviewing an individual who is very directly involved in the court system, and that individual is Ron Wurtz who has described himself as a career public defender. He's worked both in the state system as a public defender and also in the federal system.

The Kansas Oral History Project is a not-for-profit corporation, and it's organized for the purpose to collect oral histories from individuals who have both made and also modified and shaped public policy. The interviews and the transcripts of these interviews are available through the Kansas Historical Society, the State of Kansas Library, and also ksoralhistory.org. The project is funded through individual contributions and also a grant from Humanities Kansas.

So, Ron, I want to thank you very much for being willing to contribute to this perspective of the Oral History Project. We're going to start a bit with background. I did a little bit of research. What it says online is that you were born in Concordia, but you grew up in Greenleaf, Kansas. Why don't you tell us a little bit about early life in Greenleaf?

Ron Wurtz: Okay. I was born in Concordia. I'm told that my mom went to Concordia from Greenleaf to birth me in the middle of a snowstorm. It's about sixty miles west of Greenleaf.

I grew up kind of on the Main Street of Greenleaf. My folks owned the newspaper there, the Greenleaf Sentinel. I went to the grade school and high school there which was right in the middle of town. I was in the last class to graduate from Greenleaf before the consolidation happened, and then immediately the school burned down. So I always declined to say that I had anything to do with it, but that's what happened.

I had always wanted to be a lawyer. Well, once my eyes went bad, I wanted to be a lawyer. When I was a kid, I wanted to be an FBI agent, but my eyes went bad. Back then, you couldn't be an FBI agent any more than you could be a pilot. So I decided that I would be a lawyer. Ever since about the eighth grade, I decided that I wanted to be a lawyer.

NP: What made you decide, other than the FBI was out of your options?

RW: I don't know. It was a fascination with people and the courts, my folks being newspaper people, told a lot of stories, and I got to know through them a lot of the movers and shakers in Washington County, which was the lawyers and doctors and people around the commissioners. I

used to go with my mom to the courthouse where she would do the courthouse run and write the news from the courthouse. I knew the sheriff and the judges and all that as I grew up. I guess it just became something I wanted to do, something that sounded like fun. And surprisingly, it stuck.

NP: In eighth grade. And you went off to school at Washburn.

RW: Yes.

NP: Do you want to talk about undergraduate and into law school?

RW: I went to Washburn because they had a law school. Back living in Washington County, KU [University of Kansas] was a no-no. I mean K-State [Kansas State University] was the real college in Kansas. I grew up presuming K-State, but they didn't have a law school. So I was going to come to Washburn.

Very fortunately, Washburn was really good to me. They gave me a scholarship. I may not have attended Washburn without the financial aid they gave me. But I came down here, and I suppose my primary focus other than getting the degree and moving on to law school was ROTC.

I came to Washburn in 1966, and that's when the Vietnam War was ramping up significantly. My dad having served in World War II and my uncles and everybody, there wasn't any question that I would serve if I needed to, but I joined ROTC. They had an Air Force ROTC here. So I was selected eventually to the Professional Officer Corps in the senior group, and I got a commission in the Air Force from ROTC. I was also a member of Alpha Delta fraternity. They were great to me. They gave me a job as a house manager and a place to sleep and a law fellowship, too.

After my commission, the war was starting to shake, to run down in 1970, and I applied for an educational delay to go to law school, rather than going in immediately, to serve in one of their functions in the Air Force and luckily, I was granted that.

So they gave me three years to complete law school. I had a deadline. So I had an educational delay. That was my junior year. I met my wife.

NP: I was going to ask about that because we're going to get into the personal side a bit also. So you met Alice.

RW: I met Alice in '68. We were both in fed jobs here in Topeka and ran into each other. She was in college at Mount St. Scholastica in Atchison. So that wasn't too far with seventeen- and nineteen-cent gas. I could afford to travel to Atchison to court.

NP: I can remember nineteen-cent gas. Not too many people probably can anymore.

RW: We were married in my second year of law school, between the first and second year of law school.

NP: And then after law school—

RW: I had a four-year obligation with the Air Force. I think I got notice of passing the bar in October. I sent that to Headquarters Air Force. I was on active duty shortly after the first of November at Scott Air Force base in Illinois where I spent four years as a JAG. I started out in the regular office.

My senior year of law school, I was an intern with the Shawnee County prosecutor's office. Gene Olander, it turns out over my life, he's probably one of the mentors that I would mention who kind of made me what I am. Even though later on, he was an opponent when I took over the Public Defender's Office, he was always a model prosecutor to me. I was an intern with him senior year.

So when I went on active duty, I had many times more experience than most of the brand new JAGs. Quite quickly, they moved me into the military justice part, the criminal law part of the JAGs. By my second year in the Air Force, I was the chief prosecutor at the base.

NP: You said you always wanted to be a lawyer. What kind of lawyer back in eighth grade and as time went on and you went to law school and then part of the JAG? Were you always interested in the criminal justice part of the law? Or were you just thinking about being a lawyer?

RW: I always thought trial. That didn't limit necessarily to criminal or civil, but I always thought I wanted to be a trial lawyer. And then just the way things happened, I became a criminal lawyer. I did not decide, "I'm going to become a criminal lawyer." I went to the District Attorney's Office, and it was fun. Tom Haney, Randy Baird, and I were interns in that office together, and we just had a ball together and learned so much.

NP: And this was during law school?

RW: During law school, my senior year of law school. I interned the summer between second and third year, and then Olander hired us to help during that last year. So I didn't study much that year. I preferred to be down at the courthouse doing the real thing.

When I went to the Air Force, I went to the criminal side. So I tried a couple of court martials as a prosecutor. Then an opening came up in the Area Defense Counsel, which is the Air Force public defender. It had just kind of started up as a program. I decided I'd give that a try. That sounded like something I wanted to try, and I got the position. That's where I got my taste for defense work.

NP: As a JAG.

RW: As a JAG, yes. It was a great time.

NP: Then after you completed your obligation, you came back to Topeka.

RW: I went back to Mr. Olander. He hired me as an assistant district attorney, again with my old friends, Tom Haney and Randy Baird. He had gotten a grant to do what was called the Major Offender Bureau. I was assigned to that. Tom and I ran that program. We prosecuted those who had three prior violent felonies, and our policy was you plead as charged, or we go to trial. The only thing we would do as a plea bargain was give up what was then the Career Criminal Act. We wouldn't double their sentence, but they'd take the maximum sentence. So we tried quite a few cases as you could imagine in that circumstance.

NP: And you did that for a couple of years? Two years?

RW: I got out of the Air Force in '77. Then in 1979, the Public Defender Office had an opening. The chief public defender quit. Rhett Robinson was the public defender then. There was an opening, and harking back to how much I enjoyed having a real live client beside me, in the Air Force, as the Area Defense Counsel, I applied to be a public defender. That was back when the courts supervised—the supervisors of the aid to indigent defense. That was supervised by the Supreme Court, and Justice [Alex M.] Fromme I think was in charge of it at that time or was designated justice for that.

And Judge [Newton] Vickers was administrative judge here. He was kind of the Public Defender Office supervisor, if you will. He didn't do much to supervise, but he helped with budget matters and that sort of thing.

NP: Did the judges do the hiring of public defenders back then?

RW: Yes.

NP: What a different system than it is now.

RW: The judges hired. There were two of us that wanted the judge [to hire us.] I was in the prosecutor's office. One of the members of the public defender's office [had] also applied- Max Rowinsky. We kind of went head to head, not literally, but we were the two candidates that were considered. I was told that there was a tie among the vote.

NP: Was this all of the judges voting?

RW: All of the judges.

NP: At that time, how many judges were there? Six or so?

RW: About six, I think.

NP: Many less than there are now. We have fifteen now.

RW: I think there were six. There would have been an odd number. There was probably seven. When Judge Hope came back for vacation, he kept his vote, and he voted legendarily or

historically or somebody said he voted for me, and I became Public Defender, and I joined the Public Defender's Office.

Max Rowinsky and I became best of best friends. He was my deputy. I was afraid there would be a problem, but there certainly wasn't. Max and I got along famously, and he was a great lawyer to have with me, too. I joined the Shawnee County Public Defender in 1979.

NP: Describe what it was like then and working in the state system and representing defendants. I assume you had some folks that committed some pretty serious crimes, and your office was representing them at that time. Any impressions of what it was like back then? We may talk a little bit later about how it is now and also compare it to the federal system.

RW: It was back before guidelines. You have to remember that.

NP: Sure.

RW: And it's back when a live sentence meant fifteen years for parole. There were no mandatory sentences. I guess with firearms, there were some mandatory requirements, but they were much more limited in terms of time than they are now. And there was parole.

So the penalties were quite severe obviously. You'd get a life sentence, and you're eligible for parole in fifteen years. Of course, that doesn't mean you'd make it. That was somewhat different, but we didn't know it because it was the worst crime you could have. Now we've got the death penalty.

So if you want to talk about changes, I think the two major changes in the criminal law system to do with sentencing are the increase in the length of sentences, which is guidelines and the death penalty. That's a difference, a big difference in what's happening in our criminal justice system.

NP: Back in those days, wasn't there something like—I can't even remember what it was called. We had the Kansas Reception and Diagnostics Center, and folks would get a sentence, but then they would go there to be evaluated, probably not for the serious crimes—

RW: They did for serious crimes. They went for everything. It was a 120-day evaluation. We called it a "call-back." They would go in and have an evaluation. We'd get the evaluation, and within that timeframe, you could file a motion to modify the sentence essentially.

NP: Did that happen much?

RW: It happened. It really happened. People would get either a sentence reduction or even back out to probation on the less serious crimes. The more serious crimes, the best you could hope for was maybe a reduction in the sentence possibly, but it was also indeterminate sentencing. You would have fifteen to life. Well, you're eligible for parole in half of that fifteen, and there was mandatory release, conditional release at half of the maximum or fifteen years of its life is the way I remember it.

So the structure of the sentence was significantly different. With the guidelines, there isn't that much flex. I'm told by some criminologists that the old way gave people a little more incentive to behave in prison because they got parole if they behaved. Now there's not so much. You get credit for good time, but it's significantly less than say 50 percent off of your minimum sentence. So that has changed a great deal.

NP: Certainly I think some of the reasons that I recall were given to change to sentencing guidelines was that there would be more consistent sentencing from one judge to another and maybe some truth in sentencing because it's kind of hard for the public to understand what a fifteen-to-life or whatever would be. What's your thought about that, whether it accomplished at least those goals that the legislature I believe at that time believed were important?

RW: At the time, I was a big supporter of guidelines. I went over to the legislature, and I testified. I talked to legislators. I was a big supporter of guidelines. The reason was the disparity. I could get a sentence from one judge and walk down the hall on the same crime and virtually the same background and get a different sentence. It didn't happen a lot, but it did happen. It struck me as extremely unfair. It happened enough that I thought guidelines would do just exactly what you said it did.

And the guidelines have done that. But the unintended consequence is the sentence, when the legislature, the policymakers started making sentences longer and increasing the numbers of crimes, it had an unintended effect. So I have come around to saying we need more discretion on the part of judges to tailor sentences to individuals. I think I was wrong back then. It was something I didn't foresee, and a lot of policymakers didn't foresee.

NP: I think one other difference back then, it was before the time that I was on the court, but it seemed like there was the pre-sentence investigation report that was done by court services really gave a lot more information about the defendant, their family, their job history. Now basically they're two pretty important parts --their criminal history and the severity of the crime and then you figure out where they are on the grid.

RW:&It's mathematics and geometry in a lot of ways, and it's technical, too. Back then, I could show the good in a person, and it would make a difference. It's almost—not completely, there's still departures, as you know.

NP: Yes, I do.

RW: It can happen, but back then you could show the good in a person, and it would make a difference in their sentence. It's much harder to do now. I don't like that. I've come not to like it.

NP: Sure. At one point after quite a few years with the State Public Defenders Office, you moved to the State Death Penalty Unit.

RW: Yes.

NP: Do you want to talk about that and your experiences there? I don't know how many trials you had.

RW: I had two.

NP: This was not just within this local district here in Shawnee County, but you represented defendants around the state.

RW: Across the state, right. Kansas passed the death penalty in 1994. I was starting to get grey hair and had been around long enough, so they asked me to start the Death Penalty Defense Unit. When they passed the death penalty, a couple of votes were bought. Maybe I shouldn't say that, but they were by people saying, "Only if it's funded right." And they did. They funded it very well to start with. I had a good budget to try a case the way it ought to be tried, and that's unfortunately eroded significantly since then, but that's another subject.

I was with the Death Penalty Unit from '94 until I think '97. That's the approximate timeframe about three to four years. Maybe it was '98 when I left.

NP: I had '97 in my notes.

RW: I think it's '97. It's when I moved to the Federal Defender. I've got to say it was the most difficult time of my career. It was hard. I didn't like it. It was scary, and it was so full of pressure, and it was mean. I have to say that I met more mean prosecutors trying to kill my client than I met in the whole rest of my career. That's not to say all of them who—there were some very good, fair, good prosecutors that I came across in the death penalty, but I came across more people that I thought were cheating and played dirty in death penalty prosecution than I saw in the whole time I was in the rest of the criminal justice system. I don't know why. I can speculate, but I don't know why.

I found myself to defend a person's life having more temptation to become mean also, mean back. If they are going to cheat to kill my client, then I'm going to meet fire with fire, and I don't like that. I can't be that. I think that's bad for the criminal justice system. It's bad for our government, and I think the death penalty does that to people in the system. It eats them up, chews them up and spits them out. Not just the victims, the defendants and their families, but the people that have to administer it. So that's one of the things I carry into my retirement here is I'm still going over to the legislature. I'm still talking to people about the death penalty. I believe deeply that it's bad morally and even worse public policy. But that's maybe another subject.

NP: I think we need to talk about that. As a judge, one of the things we received training on was death penalty cases. I don't know that I remember all of the particulars, but one was that one speaker said, "Death is different, as far as a different type of trial, different proceedings." I don't know if there's other things you'd want to say. You had two trials.

RW: I tried two cases. Both of them were reversed on appeal, and both when they went back to Wichita, they pled to life sentences. I started another one in the federal system. It mistried and then went back—this was during a time when the [Kansas v. Marsh](#) case was pending in the US

Supreme Court. Before they affirmed the conviction, they filed it in federal court. I was a federal defender at the time. I took that on as a defense, and it was mistried.

So they sent it back to the state. It was tried in the state. It's the Cheever case. [Scott Cheever](#) killed Sheriff Samuels down in central Kansas.

NP: Was that in El Dorado?

RW: It was in Madison County.

NP: So in dealing with the legislature—we'll just take a little diversion from your career as a defense attorney, but just talking about—I think this would be in more recent years that you have advocated for the repeal of the death penalty. How many years have you gone over to the legislature on death penalty issues?

RW: From the very start.

NP: I did not know that.

RW: I would go to lobby against the death penalty or testify against the death penalty from the time I became a public defender. If there was a bill in, I frequently would go over and testify on my own. I don't remember if they made me take leave when I did that or not. At any rate, I did. So in the times when it was defeated, I was there, and when it finally passed and Governor [Joan] Finney let it become law without her signature, I was over there talking to people. I can talk about several conversations with politicians and leaders in the legislature that I had.

NP: It can be an emotional issue definitely.

RW: It was. I can argue it, of course, on every level from the emotional to the religious to the public policy. I still go over there. I did this session. We've got a bill pending. It didn't go anywhere, but we keep trying.

I've testified in the legislature on a lot of bills, not death penalty only. When I was a public defender, as I gained experience, I would be asked on numerous occasions to go over on various policy issues. I got to know the judiciary chairs and the folk that handle legislative policy, too. And I was over there a lot when the headlines went through. I was pitching for them.

NP: Which is so helpful to have someone that is in the trenches and knows what's going on. Let's maybe move to the Federal Public Defenders Office and just any impressions you have or any comparisons you could make between the federal system and the state system.

RW: The federal system has public defenders funded in a way that every public defender officer should be funded. You can try a case the way it's supposed to be tried. You have the investigators. You have the paralegals. You have the money for experts. You can do it the right way. You can try the case the way it should be tried.

On the other hand, the penalties are so huge that it discourages trials. In the state, you can throw elbows and knees and kick and go to trial and have some success. In the federal system, I've found that people became scared of trials faster. That was bad, but in order to investigate the case, to file the motions, to try to get the deal which is likely to come at about a 95 percent plea rate in federal court, it was a different place to try, but it was a good place to try, too because—

I hated the federal guidelines worse than I hated the Kansas guidelines, but you learned to negotiate, and that's where I learned even more that when you have guidelines and mandatory sentencing, the discretion leaves the judge, which we think should be exercising that discretion and goes down to the prosecutor and even sometimes as to what cases are sent to the prosecutor. It becomes the investigative agency, the police who decide who gets charged. That's not right either. We need some work on that. I think we should have the decision on crime made by the people we think make the decisions, and that's the judges. You should fund the investigators. You should fund the defense and the prosecutors fully so that they can get the right information to the judges to make the right decisions. It's a little broken right now.

NP: What would you do to fix it? It would have to be a change in laws and maybe in just procedures and policies.

RW: I think things are changing to some degree. They're making some changes to the federal system right now. The unadjudicated conduct, you can be acquitted of a crime—say you're in charge of ten drug offenses. You win on all but one, but they consider the weight of all of them in order to decide what your sentence is. That just rubs me wrong. It always has.

They're doing something about that now. They're moving to try to fix some of that. Guidelines can be made fair, and I think there are people in our system that really care, and they're trying to make it better. But you need to have smart and dedicated people in the Prosecutor's Office and in the Defense Office, too, so that we say it's an adversary system. Let's make it truly adversary where both sides have the resources necessary to really find the facts and present the information to an impartial authority.

NP: On that point, I saw in some of the information I read about you that you had been a member of the board of the Indigent Defense [Kansas State Board of Indigents' Defense] for I don't know how many years you were on it, whether you're still a board member, but it seemed to me certainly that is for the state side, the Public Defender's Office, that board is really important to get the message to the legislature about the funding. Do you want to speak about how many years you were on the board and what all the board did in order to try to get more funding for public defenders across the state of Kansas?

RW: I served the maximum you can serve on the board. I served eight years, two terms. When I was replaced, having served the maximum time that I could serve, I was the chair of the board.

When I started, the board was—a little history. I was on the aid panel way back when. When bids started, I was there. I was there for the transition when it changed from court supervision to executive supervision, a good change.

I left to go to the federal system. When I came back, it seemed like the public defenders, the lawyers who are doing the work, were not participating in the policy the way they did back when I was there. We used to show up at meetings and get asked to leave sometimes.

This was a change that I wanted to see happen was public defenders, the board listening to the problems in Shawnee County, Sedgwick County, Junction City, where they're trying cases, and I didn't think the information was clear enough and being passed on to the real policy makers over at the legislature.

I wanted to try to change that, and I think by the time I left, it was changing. From what I see now, it is really working well. The new executive director there, she's a ball of fire. I'm very proud of her. I'm proud that I was there when she was hired.

That's the difference. When I got there, it had become kind of bureaucratic, and there didn't seem to be people with passion in the policy positions. I think that's changed now where people really care about it, and it's showing up in the legislative decisions in both funding and staffing, which is needed.

NP: I'd remiss if I didn't ask you about memorable cases that you tried. If you have any that you'd like to share, it's always kind of interesting. I think there are certain cases that just take your time, your heart, and you really live with those cases for a long time.

RW: One was a court martial. I represented essentially a war hero who got charged with bigamy. He got crosswise with some people in power, and they found something to charge him with. We had a court martial, and Chief Master Sergeant Fowler who is an air commando. He dropped in north of Hanoi and planted the guidance devices back in the Vietnam War. He's an amazing man, and I got to know him and represent him in a court martial. That was a very memorable case. I thought he was going to kill the prosecutor with his commando skills. We had to have a talk about that. I'm teasing a little.

The first murder case I tried as a defense lawyer was the *State v. Adrian Washington*. It was an expert witness case. It's where I learned that so-called expert testimony isn't so darned expert. There have been studies since then that have heavily supported that some of what we call expert or what is presented as expert really is not supported in the science the way it's been presented.

In Washington, they had a blood test system. They called it the multisystem. They tested the enzymes. It was back before DNA. We had the inventor of the system on our side telling the court it was a bum system, and they had their own government experts saying that it was perfectly good. It didn't last long. Nobody ever said it was bad, but they quit using it very shortly after—well, DNA started coming on, which is a reliable system if it's used right. So that's one of the memorable cases.

NP: Was that helpful, your expert help to the jury in your case?

RW: We lost, and it was a key part of it. If they hadn't had the blood, they probably couldn't have won the case. It just was—the Supreme Court reviewed it, the whole thing. There was other

evidence than that. So I'm not going to throw stones at the final decision necessarily, but it taught the lesson that experts need to be challenged or at least investigated and checked out and decided whether to challenge. You just don't accept them. I've run into that many times in my career since then where it taught me and hopefully it teaches other defense lawyers to do that, too.

The [Joe Jones](#) case, it was publicized, was another one. I represented a man in Topeka on a rape case. I never believed he was guilty. He couldn't have been guilty. It was an eye witness case, and I lost it. He went to prison, did seven years, and then DNA came.

NP: He was exonerated.

RW: He did not do the rape, and we got him out. That's another memorable case. It hurt me a lot to have a client that actually spent that time in prison.

NP: In talking to public defenders, and you've been there, and you've been in the trenches, I've had a public defender tell me that you really—they had a name for it, and I can't remember what the name was. You celebrate those small victories sometimes because there's not a lot of the large victory, the Perry Mason ones where someone comes forward, and they're found not guilty in the end, or the case is dismissed.

Do you want to talk about that at all? Emotionally, it would be difficult. The prosecutors have a lot of resources many times that the public defender doesn't have.

RW: Yes. It is hard with that. It has to be, where you believe your client is innocent, and you lose. It's happened. It happens if you're doing criminal defense. I've said and I tell people when I'm interviewing them to hire them my office or something, not everybody can be a defense lawyer. And there is that aspect of the case, of the business that you have to consider, and I have hired people who decided very quickly after they worked for a while in the business, this is not for them. They did quit.

It's easier for me to represent a person that I know is guilty as sin. It is honestly easier because I can give them a full defense, make the government prove its case, file the motions to challenge the evidence, and go home and sleep at night without any problem. Where I have someone who is innocent, I hope every defense lawyer takes on that extra responsibility of doing a little extra. You do everything in every case. Don't get me wrong because if you lose and your person is innocent, they suffer, but you suffer, too, and so does your family.

NP: You've been involved, I don't know how many years, but part of the criminal law committee, I know the TBA [Topeka Bar Association] one, and I think you have been in higher levels as well. One of the projects that I know you've been involved in is the Expungement Project in recent years. Would you talk about that?

RW: That's one of the fun things. You've helped, too, so you know. You've come and helped us with the [Expungement Project](#). People come in and get their record wiped off because they've served their time. They've done their duty. They're now good citizens. They're trying to be good

citizens, and you can get something positive done for them. They don't have to disclose an old conviction when they're trying to get housing or a job or whatever.

It is a great law that needs some improvement. I think it could reach a little further. Gun rights. Kansas expungement doesn't help you possess a new gun, a gun at all. Now I'm not a gun nut, but that is a civil right. The law says so. Kansas expungement doesn't help you do that. The federal law still prohibits it. It could be fixed. That's something I've run into recently. That's why I raised it.

NP: Another thing I think is that—and this could be forgiven—but the court costs and fines and fees are difficult and keeps some folks from for sure getting their driver's license or getting their case expunged.

RW: Two years ago, the legislature passed a law that allows abatement of fines and costs in order to allow them to do that. But the interesting thing is, the City of Topeka has decided that it's not retroactive. They won't do it to any of the old cases. We've got a case in the clinic where I'm working now that could go up on appeal on that question. I was surprised that they took that position.

NP: I don't know how many years you've done this, but you are working at [Washburn Law School](#) on the criminal side of the law clinic. Just talk about your experiences there.

RW: Four years ago, when John Francis moved to the doctrinal side, he'd been the chief—he'd run the clinic, the criminal aspect for I don't know how many years. They thought they were going to hire somebody quickly. They asked me to come be a bridge. So I did it for a year.

Then COVID hit, and they decided not to go any further. Then this year I did it again to get the criminal division set up. Some people come to Washburn understanding that they can get this. Dean Jackson and I decided that it should be here because it's a draw. People want to come and get that kind of experience.

And I've done it those two years. Frankly, it's a hoot. I love working with the students. I've said several times I think the students today are smarter than I was, all of them. Maybe, maybe not, but they're good kids. I think our profession is in good hands, the ones I've met.

Yesterday, two students, we went over and tried a jury trial in your old courtroom. It was a wonderful experience, especially with the not guilty.

NP: That's a way for them to have a great experience.

RW: The law school needs, I believe, to have a practical aspect, and Washburn has always been pretty good at that. So it's not only been fun to me. It's felt like in my retirement, I retired from the Federal Defenders Office in 2013, sort of retired. This has been great. I felt like I could still be useful in my dotage.

NP: I don't think it's dotage. You've also been pro teming for the court. Do you want to mention that experience and what kind of cases you were hearing then?

RW: They were mostly misdemeanors. When Judge [James] Macnish quit, the senior judge, he was handling most of the misdemeanors, I think. When he quit, I was approached to see if I could help out. I got a different perspective. You know that. You were a practicing lawyer, and then you went to the bench. It's a different look, a different view. I enjoyed it a lot.

I tried a couple of felony jury trials, too, but mostly misdemeanors. I would like to see the misdemeanors treated like felonies, that they have a full—I wish they had the same rights. Some of them, if they're not going to penalize them, they don't necessarily have the right to a lawyer. I think they ought to have a right to a lawyer every time because it does have consequences down the line. I would like to see that happen. I realize that's a tremendous expense, both for the city and the county to fund a Public Defender Office for all the misdemeanors and traffic offenses and stuff that are filed. I'd like to see that from an ideal standpoint.

NP: They do have court-appointed attorneys.

RW: They do.

NP: They have high caseloads.

RW: They have extremely high caseloads. I took an interest in that and actually went out and talked to them and looked at their caseloads. I was curious. They work awfully hard, and they do a good service, but they don't try enough cases.

NP: No. We haven't talked very much about your personal life other than you married the second year of law school. Kind of as a closing, do you want to talk a little about family life and your life as a public defender, how that affected family life, or did it?

RW: Oh, sure, it affected family life. I married in 1971. Alice has been four square supportive of me. She was a teacher. She taught at Topeka High as a math teacher. She worked, too. We have two kids. One works for Bristol Meyers Squibb. He's a research chemist and a daughter who's in development. She works for a private school in California. So we've got kids and grandkids on both coasts, New Jersey and California.

A public defender at times, as any law practice can be, a public defender I don't think is necessarily any different than any law practice, becomes all-consuming. There were times when I know the public defender, my job, got in the way of being a dad and a husband. It came first for periods of time, not overall. I tried hard to say that the family is more important than my job, but there were times that it did take precedence from the work that was coming at me.

My family knew that.

NP: They understood.

RW: They understood.

NP: The crunch of time.

RW: They understood. If I had to miss a swim meet or an event of some sort, there was disappointment, I'm sure, but in the years, the past, as they grew up and had their own kids, we've talked about it, and they get it, and I'm proud of that. That's probably because of the way Alice treated everything.

NP: She was supportive.

RW: She's the one that gets the credit for me being able to focus, super focus sometimes.

NP: I've asked you a lot of questions, but I'm sure I've missed something. Is there anything that we should talk about that I've missed asking you questions about?

RW: I think you've done a fine job.

NP: Thank you.

[End of File]