

INTERVIEW OF TIM OWENS BY NANCY PARRISH, OCTOBER 14, 2022
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Nancy Parrish: I'm Nancy Parrish, a former state senator many, many years ago and currently a retired judge from Shawnee County, and I'm here today to interview former Senator Tim Owens to gather information about the years he spent in the Kansas state legislature and a lot about his perceptions on what happened in policy and in politics and in governance during those years and then what's happened since. We're particularly interested in hearing about Senator Owens's interactions with the judicial system, both as a lawyer and as a former Chair of the Senate Judiciary Committee. This interview is part of a new series exploring the Kansas courts and the rule of law and is funded in part by Humanities Kansas and is fueled by a lot of volunteers who have put their energies into this project.

Good afternoon. May I call you Senator Owens?

Tim Owens: You can call me whatever you'd like. Do you want me to call you Judge?

NP: I'd rather you'd call me Nancy. It would be better.

TO: All right. Well, you can call me Tim. That's fine.

NP: Tell us, Tim, a little bit about your background. You can go back to the beginning. Just give us a little bit of your background and your biography.

TO: I come from a long line or a family history of military. My father was a career military. He met my mother when she was in uniform as well during World War II. I was her discharge papers because you couldn't be pregnant and be in the military back then. So that was at what's now Fort Drum, New York.

So my father was in the service; she was in the service. And then the war wound down, World War II, and they got out for a while, and she was from Newton, Kansas. So she and Dad moved back here with me. During that time, my brother was born.

Then my dad decided that he really wanted to go back in the service. So he did that right about the time that the Korean War broke out. He was a World War II veteran, but also a veteran during the Korean conflict, although he was in Japan instead of in Korea during that time as a signal person.

My mother and my brother and I joined him in Japan. We lived in Japan for two years, '51 and '52. Then we came back, and we were stationed in a variety of places—Fort Leonard Wood, Missouri, and then Baltimore, Maryland, when he went to the intel school there. From there, we went to Germany and lived in Germany for three years. I was in junior high school in Germany. Then we came back, and we were assigned to Fort Riley, Kansas, and I was fortunate enough to be able to do all four years of my high school in one place, which is rare for a military brat, as we were known.

So, because of that, it was home. Kansas was home. My mother was from Kansas, and then though my dad was from Newburgh, New York, which is outside of West Point, he adopted Kansas pretty much. So we were here, and then my father got sent to Okinawa right before I was

to graduate. They decided, "Let's let him graduate here in Junction City High School," where I went to high school. Then she joined him with my brother. Because Kansas State University was right next to Fort Riley, I was able to go there, and I had all of the available facilities and that sort of thing that a military dependent would have. So I ended up there, and I spent my college career at Kansas State University. I kind of joking put it this way: I majored in political science, but I was really there for ROTC because I intended to be a career military person.

So then I graduated. I got my ROTC commission, and I was the first cadet in my ROTC graduating class to have orders for Vietnam. I had those before I left K State, and I remember Colonel Wright calling me in and telling me that. About that time, I had met this lovely young lady over at Smurthwaite Scholarship House. I said, "Well, we can wait." She said, "No, we can't. We're not going to wait. We're going to get married."

She joined me when I was down at Fort Benning, Georgia, the Infantry School. We called it Benning School for Boys back then. Then I went to intel school at Fort Holabird, Maryland, the same school my dad went to, but I was trained as a military intelligence officer.

From there, I went to Vietnam. I was with the 199th Light Infantry Brigade in Vietnam as their counterintelligence officer. While I was there, I got a call one day from the Red Cross, and they said, "Lieutenant, can you come over to our office?" It was just down the street from where our brigade headquarters was. "Sure."

So I went over, and they said, "Were you expecting something at home?" I said, "I don't think so." I was really involved in what we were doing with the intel and with the combat preparation and that sort of thing. Then all of a sudden, this light went off. "Oh, yeah." "Well, Mother and son are doing really well. Major Bows, the doctor up at K. I. Sawyer Air Force Base, where my father was at the time, and my wife was up there to have the baby. And so she had Craig on the military base. They were doing well, and I got a picture from him, and I went and proverbially—I think I bought a football at the Post Exchange or something so that I could send it home.

I'm really proud of that, but I might point out, he is now the City Manager in Lawrence, Kansas. So he kind of followed along in a lot of interest in government and has done really well in that.

NP: It sounds a bit like your interest in the military in that you followed your father's footsteps to a certain extent.

TO: That was what we thought back in those days. You did what your parents did. I know a lot of the people I know that were from agriculture and farming communities and that sort of—that's what they thought they would do. They took over the family farm or whatever. Or people that were in business would go and do that. So, yes, I suppose that's right.

NP: How old was he when you first met him?

TO: He was less than a year. He was born while I was gone. So when I got home, there he was.

NP: At some point in time, you decided that you wanted to go to law school. How did you make that decision, and when did that happen in your career?

TO: Well, I came home from Vietnam and stayed with the Reserves for a while. I was actually on active duty and assigned to Kansas City to the downtown old federal Building, the 113th Military Intelligence Group. We did background investigations and that sort of thing. So that was where my assignment was after Vietnam, but I was still on active duty.

About that time, the war was winding down. There were a lot of things that were changing and being in a peacetime army as opposed to being in a wartime army, there are a lot of things that are just different to deal with, a lot of military politics and that sort of thing. I wasn't sure, "Do I really want to do this?"

I had an opportunity to go to law school. I took the LSATs, and I got a chance to go to law school. My wife and I talked about it. I said, "I'm going to get off active duty and go to law school. I can always come back to the military as a lawyer." So that's what I would do.

And I got accepted into law school, Washburn Law School here in Topeka, and "I'm going to do this." By the time I got through law school, the military had changed in such a way. I was a senior captain in the Reserves at that point, and it just didn't seem to be the right thing at that point to go back in the military as a Jag officer and not know exactly what they'd assign me to do.

I got a job in the civilian community, which was new for having been an Army brat and lived around the military my whole life. But we had been in Kansas City. We liked Kansas City. My wife really liked that. She comes from Sharon, Kansas, which is a little farming community in south-central Kansas. She kind of liked the city life. She had gotten her degree actually in clothing and retailing, but she ended up in the insurance industry. That was just a good place for us to be. So we both moved there.

NP: So you were with a firm in Kansas City?

TO: Actually I went to work for an insurance company. I was underwriting. Once I passed the bar, then I had a chance to go to work for the City of Overland Park as an Assistant City Attorney. That was kind of the beginning of a lot of the actual law experience that I had.

It wasn't too long after that—I'd been on the staff with the city for two years, and an opening came up on the [Overland Park] City Council. I thought, "You know, I kind of like this whole idea of running for office and that sort of thing. I'm going to run for this position."

Lo and behold I got elected. I had no idea that I would be on the City Council in Overland Park for twenty-four years, but I was. I had to do something because I wasn't going to be working for the City.

NP: To earn money.

TO: So I went into private practice, and that was when I really started the law practice. I did that, I can't remember the exact year that I ended up going. I got an offer to be the general counsel for the Kansas Department of Social and Rehabilitation Services under the Hayden administration. So I took that, and I left private practice. So I worked here in Topeka in that capacity for three years.

NP: That's great. What years were those, approximately? Were you still on the Council in Overland Park? Was this after that period of time?

TO: I was still on the Council. This was all blended together. I wore a lot of hats at one time because I was still in the Active Reserves with the military, and I was on the Council in Overland Park, and then I was General Counsel at SRS. I'm trying to think when that was. I was in that kind of capacity where you served at the pleasure of. So when Governor Finney took over, I wasn't the pleasure of her. We all got removed, and I went back into private practice.

NP: Why did you decide to run for the legislature? I assume that would have been maybe a year or so or a few years thereafter.

TO: I'm full of funny stories.

NP: Okay, let's hear them.

TO: I decided after I had been on the Council, I really liked doing that, and Wendell Lady was the representative. He then stepped down. I thought, "You know, I could do this. I could run for the legislature."

So I was going to do that, and the word got out that I was going to do that, and I got a phone call from a gentleman that I just really respect a lot. I call him Big Phil, Big Phil Kline who called me, and he said in this kind of gruff voice of his, "Tim, I've been wanting to do this for a long time, and I'd like to run, and I heard you were thinking about it. How about letting me do this this time, and when I'm done, then I'll support you to take my place?"

Well, I knew that somebody of his stature in our community, there was no way I was going to beat him in a race, and I respected him a lot. I'd seen him there in front of the City Council. I said, "Okay, but here's the deal on that. You've got to let me be your campaign manager." He said, "All right. You've got a job."

I didn't know that that job was going to be nineteen years long. That's how long he was in the legislature. But true to his word, when he decided to move, and he was going to not run again and he was in fact leaving in the middle of a term, he called me and said, "It's your turn. I'm going to support you to take my place with the committee that appoints."

So I got appointed for the remainder of his term, and then I ran for three other terms, and I was in the Kansas House for seven years. And then I ran for the Senate, and I was elected to the Senate, and I was there for four years.

NP: While you were in the legislature, I'm going to ask this question at this point, did you continue to maintain a law practice while you were in the legislature? If so, tell about the trials and tribulations of then?

TO: The answer is yes. I did continue to practice while I was in the legislature. I was fortunate enough to be—we didn't have an official law firm, but we were practicing together. There were several lawyers that practiced together and shared office space and overhead. They backed me up when I needed backup. If I was gone for a period of time, they would support me. They'd take over cases for me and that sort of thing, but it worked out really well. They were glad to see me in the legislature, and there were things that we were obviously working with in the legislature that they were interested in as attorneys. So that was how that worked out.

NP: What kind of law practice did you have? What kind of cases were you taking and involved with?

TO: We probably would call it a general practice. There's a gap in here in our discussion. At that point, I had come back with being with the SRS. Because I had that experience, people knew that I had been General Counsel for SRS. So there were cases that got referred to me that were more related to social services and that sort of thing. But I also did a lot of juvenile work, a lot of family law and dealt with a lot of issues that related to where people would have poverty issues, poverty law, and that sort of thing. I did that. I did a little criminal law. I had some jury trials and all of that sort of thing. But I wasn't always real happy with my clients when I was doing criminal law. I was much more at ease doing family law and taking care of people's issues, some senior law. That's what my practice primarily circled around.

NP: While you were in the legislature, I assume things changed pretty dramatically during the times you were there. If my calculation is right, you experienced about four different governors. I believe that you were there some time while Bill Graves was there, while Kathleen Sebelius was there, while Mark Parkinson was there and while Brownback was there. Is that a pretty good—

TO: That's a pretty accurate assessment.

NP: Certainly during the years, a lot occurred during that time. What kind of changes did you see in both the makeup and the ideology of the legislature during that time?

TO: That's kind of hard to define real accurately. From a political standpoint, and our state has been pretty red politically for a long time and being in that kind of an environment and going into the legislature, into the House with a big majority of Republicans, I was a Republican. I'm still—actually I'm still a registered Republican although I'm not sure that the Republicans would lay claim to me at this point. The only reason is, to be real honest, the only reason I'm still a Republican today is so I can vote against people that I really don't want to have in office. And the only way you can do that is in the primary. That's pretty blunt, but that's where it is.

I'm probably as independent a person as you know. That's partly because of the things I learned in the legislature and that I saw what had happened. I just got to the point, I like our current governor's ad on TV where she talks about being in the middle of the road because that's where

I've been for a very long time. I worked across the aisle in both the House and the Senate a lot. I felt like that was the way we really needed to be.

It wasn't always that way, and it certainly wasn't that way toward the end of my experience in the legislature. It got more and more conservative in many ways, and certainly I was not one of the fair-haired people in the Republican party at that point. There were eight of us that got unelected at the same time there, but there were reasons why I think that came down, and it was because of the issues that were going on.

So I found that kind of a transition and that kind of a change --that changed me. There was a time when I might have told people, "I'm conservative." I'll tell you what, that definition doesn't fit anymore because I think the extremes have really taken over.

There was an article in the Kansas City paper just the other day. They had a full-page thing about "Where have all the moderates gone?" We're still here. We're still here. But we have to get more vocal and have to get more out there and really work across the aisle, work together, and that sort of thing. But unless we do, we're going to continue to be divided.

And that's what I saw happen from the time I started in the legislature where it seemed to be more collegial, more easy to work with people, regardless of where they were, where they were from. It was more geographic than it was political. But it gradually got to be more and more divisive politically. People would do things because of the R and D in their name, and not because of what the issue really was in my opinion.

NP: When do you think that changed? You had some time in the House of Representatives. Of course, the culture changes a bit also when you move from the House of Representatives to the Senate. Were there some differences you saw then maybe because of the differences in the bodies of the House versus the Senate? Or just that time as it changed and how, as you were describing it, the question about less and less moderates as time has gone on.

TO: I hadn't thought about it in that context before. I think really in thinking about it now just kind of off the top of my head, I think the changes that I really saw happened more about the time that I left the House and came to the Senate. I think I just saw more of that start to happen. But the people that I knew in the House and worked with on both sides of the aisle, we didn't always agree on issues. I still don't agree on issues with people in both parties. There are issues that we just differ on. But you differ on issues and still be friends and work together and understand those things, but I'm seeing that—we're getting further and further away from that. People aren't able to do that, and it's more "I'm going to run for office first and worry about the issues later." I think we need to get away from that and back to the issues. That's where we really need to be.

NP: You were certainly in the leadership, chairing the Judiciary Committee when you were in the Senate. Talk about that experience and some of the issues that came before your committee, some dealing with the courts and certainly a lot of the issues that the Judiciary Committee deals with that very much impacts the court. So you talk about some of those issues, including

selection of judges because certainly my colleagues and I, that's when it is of interest to us from time to time.

TO: Probably one of the biggest jaw-dropping experiences I had was when I walked into the Senate my first meeting with President Steve Morris, I walked in and he said, "Welcome to the Senate. We're glad you're here. Here's your committee assignments." "Okay." I looked at it. I said, "Steve, I think you made a mistake. It says here that I'm chairing Judiciary. I just got here. He said, "We know." [laughs] He said, "Yes, you're going to chair Judiciary."

&They didn't have that many lawyers in the legislature at the time. I had come from seven years of experience in the House. I'd practiced law for quite a while. He and John Vratil had apparently discussed this somewhat, and John had been the Chair of that committee, and he was now going to be the Vice President. So I think they just felt like I had enough experience and enough background and being one of the lawyers in the legislature, that I could do that.

&And I was very proud of that. I was very proud to do the job. I approached it with the idea that we're going to make this work, and I'm going to learn what I need to learn from the people that have been here. I had an attitude about bills. Every bill is important to somebody. So we are going to address every bill that we possibly can, and I'm not going to backpedal on bills unless there's an absolutely really good reason to do it.

&So how do you do that when you have one hour a day for your committee meetings?

NP: And lots of bills.

TO: I found out that the Judiciary Committee actually had more bills than any other single committee in the legislature. I didn't know that until I got here. But I did at least three bills a day in that hour. Contrary to some of my colleagues who did not, they might not do Monday mornings, or they might not do Friday afternoons. They could go back. I met every day, five days a week, and we covered as many bills as we possibly could.

Now did that mean that I agreed with all the bills? No. But there were some pretty significant things that came through the Judiciary and because being a lawyer, being interested in the whole judicial branch of government, I wanted to make sure that we did it right.

So there were some really important things that came before that committee. One was, like you said, judicial selection was probably one of the most difficult ones for me because as a lawyer, I wanted to make sure that we were doing it right. Judicial selection by merit selection was a good way, as far as I was concerned, even though, to be honest with you, I applied to be a judge several times, and I never got selected. I thought, "Well, it's just not meant to be."

NP: You didn't have sour grapes about that method of selection then.

TO: I did not. I did not because I saw who got selected, and I was very, very proud of the fact that we select really good judges in this state. I knew judges from all over the different places, and I got to know them more as a Judiciary Chair.

So, no, I didn't resent that. I just figured, "These are really good people. You've got to make a choice." So I didn't want to change that.

NP: What was the pressure to change that? Would you speak about that?

TO: I'll be glad to talk about that. It was an extreme kind of pressure that I felt was unwarranted. I got a bill that was to change the way we select judges to make it so that judges were elected. I thought, "No, I don't think we want that." People might elect based solely on whether they're an R or a D, without knowing anything about the person, and that's not—that third branch of government is supposed to be a check and balance for the others, and you don't do that by electing people that way, I didn't believe.

So we had hearings on the bill. We ran it through, and it did not pass out of the committee, and I was okay with that. I may have even been the deciding vote. We didn't do that.

Then there was the discussion that came up, "Why don't we do it the way we do it at the federal level?" I thought, "Well, why would we do that?" In this state, we don't have lifetime appointments, and we don't have the governor appointing without having a committee that helps select who should be presented on a merit basis. If it ain't broke, don't fix it. Why are we wanting to change that?

So this was another bill that was there. I can't remember all the bill numbers. It's been too long. So about that time, I got a call from the governor's office. I went down, and the Governor [Sam Brownback] said, "We'd like for you to reconsider this and get this bill passed out through your committee." I said, "I don't think I can do that." And he said, "Well, why not? You can do this. You can push this through. You're a good Republican. You're a good this; you're a good"—I said, "I'm not sure I can do that." It ended with that first meeting.

The next meeting I had was on what I called the governor's veranda. It was outside the governor's office on the south steps, and he had tea and cookies and different kinds of stuff. His staff was out there handing out to legislators that were out there. I was the last one to show up at the meeting, and I looked around. Not everybody was necessarily of a different ilk, but they all were pretty much—I could tell who was there, and why I was there.

Then the Governor started talking to me again. He said, "Now, you know, we really want you to change the way we select judges because we need to get some good judges, and we don't have good judges." I said, "Well, Governor, I'm sorry, but I cannot go along with that. I'm not going to change the way I approach this bill."

I had some good responses from some of our folks. As I recall, Senator Schmidt was really impressed with how I responded to that—not Derek Schmidt but the other Schmidt.

NP: Vicki Schmidt.

TO: Vicki Schmidt, and her office was right next to mine. Anyway, I thought, “Okay, I’ve got some support.” I drank my tea and left.

The next meeting I had was a meeting with a room full of people, no women, just men. The Governor had called this meeting of people, including myself, and Senator [Jeff] King who was then my Vice Chair because Derek [Schmidt] had moved on. He said, “Well, we want to talk about judicial selection, and we want to talk about this bill we want to get through.” The Governor pointed his finger at me. He said, “Tim, I do not know why you won’t go along with this and change the way we select judges so we can get judges”—and this is a quote—“who will vote the way we want them to.”

And I said, “Governor, the answer is in your question. You’re a lawyer, and you’re saying you want us to have judges who vote the way we want them to?” I said, “That’s not how I perceive the judicial branch, and I’m not going to go along with that.” I said, “You can call me down here as often as you want, but I’m not going to change that.”

There was a future Supreme Court Justice who was actually sitting in the room at the time. I’m not going to name names. Then my Vice Chair who was sitting right next to me on the couch and this group of supporters of the Governor who were there, and that was the last time I was really called into the governor’s office on that issue, but it became known to me as we went along, the Governor was not happy at all, and he was going to make sure that we got that changed in some way or another. If I wasn’t going to do it, somebody would.

NP: He wanted someone to vote the way that he wanted to on that issue.

TO: Exactly. I felt that was undue pressure that was brought by the Governor on somebody who was really—a fellow attorney who was really trying to do the right thing with regard to judicial selection and the maintaining of the independence of the judiciary and the rule of law. I felt very strongly about that as a lawyer having graduated from a law school that dealt with the rule of law. I felt that was critical. So that was one place where I just backed off, and I would not change.

Some other major issues that we had while I was Judiciary Chair, obviously we continued to have the issue of financing education across the state and how that could be dealt with. We dealt with *Montoy*¹. It started when I was in the House. The whole Montoy discussions and debate that went on with that and then, of course, *Gannon*² came along.

NP: Afterwards.

¹ The *Montoy* case was tried by Alan Rupe and John Robb in 2003 and resulted in the reform of Kansas school finance laws and the injection of over \$756,000,000 per year into Kansas public education. Montoy made five trips to the Kansas Supreme Court.

² In the related *Gannon* decisions, the Kansas Supreme Court held that legislative changes to K-12 school funding, which reduced state-aid payments augmenting funds generated through property taxation in school districts with lower property values, violated the Kansas constitution.

TO: But it was more after I left as far as the debate on Gannon. All of that was being debated, and the bills that were dealt with that were not sent to Education, they were sent to Judiciary because they were dealing with cases, the Montoy case, the Gannon case, and that sort of thing. We got those bills.

I took a pretty firm stand that we needed to be able to fund education, but we had to do it right. We couldn't just willy nilly pay for anything and everything. We had to know what we were doing.

NP: And certainly I think that did cause friction between some members certainly of the legislature and the courts based on what the courts had done.

TO: It did.

NP: I think during the time you were in the Senate, I think Chief Justice Nuss had to close the courts for a period of time—four days I think in 2010 and then another day in 2012.

TO: I was still there in 2010, and he did close the courts. We had to have that discussion in the committee, and we did. But what was he to do? It was kind of an interesting debate going on between myself and then Speaker O'Neal because O'Neal wanted to—he said, "You're usurping the privilege of the legislature to deal with the funding, and the courts can't do that. You're violating that separation of powers here a little bit."

And I said, "Well, I don't know. If it's not constitutional, that's in the purview of the Court, and they have a right to look at it from that perspective, and just because they decide it's not constitutional doesn't mean they're usurping our right in the legislature to determine what is appropriate financing. If you want to change that, you have to change the constitution."

Well, Speaker O'Neal didn't agree with me on that, didn't like that, and he wanted us to be able to push it through. He thought that usurpation by the Court was a big issue with him, and, of course, that goes to judicial selection and all of those other issues. That was a major issue for me to deal with as Judiciary Chair.

NP: During that time, I don't know if you recall the number of attorneys, particularly practicing attorneys that were in the legislature, let's say on the Senate side in the Judiciary Committee. I know at some point the numbers dwindled almost to the extent they didn't have an attorney to chair Judiciary, at least not a one that was practicing as an attorney.

TO: We had very few. I think besides John Vratil and myself and Derek Schmidt and David Haley, they might have been the only four attorneys on the Judiciary Committee at the time as I recall. I'm trying to picture the row of people on the committee. But I think that we were the only four attorneys at the time. I don't think David was practicing, but he was an attorney.

That is an issue because people don't always look at it in the same perspective that an attorney might. But I don't know other than that where to go with that part of it.

NP: You, a member of the legislature and chairing Judiciary, when a lot of other really difficult issues came up, certainly we did have the death penalty at that time, but there were other issues that came up regarding that issue.

TO: I remember the death penalty issue. We debated that in the committee, and the committee passed it out, passed the bill out to do away with the death penalty because at that time, Kansas had a death penalty, still does. That was an issue that came up on a bill to try to do away with it.

So we had a lot of discussion on that, a lot of presentation in the committee, and it passed out of the committee. As Chair of the committee then, I was going to carry that bill here in the Senate. So we presented the bill.

Well, the Majority Leader in the Senate at the time was also the Vice Chair of the Judiciary Committee. It happened to be Derek Schmidt. He voted against the vote out of the committee. He was opposed to changing that, and I respected that.

But anyway as the Majority Leader then, I talked to him about it. "This needs to come up. We need to have this debate. We can't just bury it in the Senate." And he agreed.

So we had that on the agenda, and for three-and-a-half hours, as I recall, here on the floor of the Senate, Derek Schmidt and I debated the death penalty and whether or not to do away with the death penalty in Kansas, me as carrying the bill and him as opposing to changing the way we did that.

It was the quietest I think I've ever heard this Chamber during that entire time, and it was impressive because the people that were listening—when you don't have people chattering or talking in the background, that means something. Something else that I thought was significant was we had a visitor in the Chamber that day, and it was Sister Prejean who was the principal of the Dead Man Walking film. She sat right over there in the chair, listening through that whole time.

Was that significant? I thought it was in Kansas to have her presence but also to have that debate going on, and then to have the Majority Leader and the Chair Judiciary debating against each other on that issue. When we ended that day of debate, we actually had the vote. Normally, we wouldn't necessarily have a vote that day, but we did. The vote was 20-20 of the forty members of the Senate to change it. One more vote, and it would have gone to the House with a recommendation out of the Senate to change it.

The reality back then? If it had gone to the House, I don't think it would have passed the House. So it probably was just where it was, but I thought that was so significant that that debate ended that way and shows that much division in the state.

NP: It can't be any closer vote than 20-20 in the Senate.

TO: It was really significant. So between the education bill, the judicial selection, the death penalty bill, the were three pretty significant things that we had. I meant to point out, too, that

while I was discussing this whole judicial selection, I've used this example before. It might be a little bit ostentatious on my part, I suppose. I felt when I was going across the street between the Chief Justice and us and the governor's office with this message carrying back and forth, debating on what we were going to do, how we were going to deal with that, and how we were going to deal with some of the issues that related to that, I felt kind of like Henry Kissinger going back and forth on that sidewalk between these two buildings. There were days when I walked across there and I looked around. I didn't see another person. I just felt very alone, walking across there, back and forth, and two very significant people, the Chief Justice and the Governor, on the ends of that walk.

NP: It was very significant.

TO: It was an interesting personal feeling, how you feel when you're in that kind of a mode. How does that impact you? But I thought, "This must be really important."

NP: Shifting gears a little bit, as Chair of the Judiciary, you were also a member of the Judicial Council. Many times, the Judicial Council gets some recommendations to look at certain areas of the law, and some of those recommendations sometimes come from the legislature. And then I think the Judicial Council—it's my understanding. I've not ever been a member.—then decide what to study. Any thoughts or memories that you have of being on the Judicial Council and any of the issues that were ones that were referred for study?

TO: You know, I'm kind of drawing a blank actually. I remember Justice [Marla] Luckert, I think she chaired that when I was there.

NP: I'm sure she—I think she still does actually.

TO: I just remember, there were a lot of times I was a little bit in awe with the people that I was actually serving with and listening to them. So sometimes it was better to keep quiet and not say a whole lot. I don't remember a lot of what we did. We didn't meet that often. I was just honored to be able to be in those.

Another area by being Chair of the Judiciary that I was able to be was on the Uniform Laws Commission. As a representative from Kansas to go to the Uniform Laws Commission and be on that committee nationally and looking at the different issues that they were trying to pull together, the different states to get uniform application for a variety of things, and I got to serve on a couple of those committees. People might think, "My gosh. This must be really boring," but we had this huge auditorium full of Justices of various Supreme Courts, Chairs of major committees, Governors, Lieutenant Governors, and various people who were appointed to that, and law professors that were there. Just to be in that environment as a lawyer, I was just somewhat overwhelmed sometimes with the awe of that.

NP: And sometimes legislature did get some uniform law to some bills that would have come from the Uniform Law Commission.

TO: And they did. And we passed them. I think we passed every one that came to the—and I don't remember what they all were. I've got a packet of things that we did.

NP: I served on the Pattern [Jury] Instruction for Kansas Committee. And former Dean Jim Concannon who had been on the Uniform Law Commission.

TO: He was on our Uniform Law Commission.

NP: He's part of our committee. Some of it's pretty mundane. We talk about Oxford commas, and legislature doesn't always use the Oxford comma.

TO: Exactly.

NP: To have clear laws written and ones that can be interpreted by the Court and certainly agencies that have to use the statutes. So it's important.

TO: They have the committee that's assigned. Each one of those uniform laws is assigned a committee. Members of the whole body, they get appointed to that. They sit up there on the dais, and then they open it up to discussion with this entire audience of judges and professors, and they have microphones in the aisle.

These folks would sometimes—now I'm this age so I can say this—they kind of totter down to the microphone, and they'd get up, and they'd say, "Have you looked at Page 36 of this draft to see whether or not, the 14th line down, the 5th word over, is that the word you want to use there?"

I know people would say, "Why would anybody want to do that?" but it was that significant. If you had these people with that kind of intellect and that kind of an environment dealing with those uniform laws. I was very proud to be a part of that, to bring it home, to bring it to the legislature to present that through the committee that I had.

NP: Talk about during your time in the legislature, what would you look back and say you're most proud of, the service that you've had? You've talked about a lot of things that you could very well be extremely proud of, but anything else that you might want to add?

SO: I guess just for me personally, it's what my father would call "sticking to your guns." I stood my ground on some things. One thing we haven't talked about was the whole issue—I chaired the Redistricting Committee ten years ago. That was not an easy process at all, especially with the division between the House and the Senate, but also the different people that were involved in that and how we were going to divide up the districts.

I stuck pretty much to my guns on that, and I think to be honest with you, that probably was a significant part of my getting unelected that year in 2012 was because where we decided to divide things as a committee and pass it out, it wasn't uniform. Not everybody on that committee agreed. With Mike O'Neal being, he refused to allow the Senate to have the chairmanship of that committee that year even though it's supposed to switch back and forth.

So in order to accommodate that and not have that be the issue, he and I co-chaired the committee, but there wasn't a lot of agreement on some of the ways to divide up the districts, and there was a lot of emphasis on who should be paired against who and that sort of thing. That was probably one of the most interesting but difficult kinds of things. As I recall, by the time we finished, everybody submitting their suggested—we had forty-six different versions. And it ended up going to the Federal District Court on a three-judge panel there. [Senator Vratil's](#) former wife, Katherine Vratil was one of them.

I was on the stand I forget how long as a witness being called because I was chair of the committee. I spent most of a day on the stand. We had thirty-six different lawyers representing their interests in the court. That was heavy lifting, but it was significant. That's just another area I got to do.

How many people could do all the different things that I was able to do because somebody else appointed me to do it?

NP: And at some point, got an end to your service in the legislature. Talk a little bit about life after and what you've been doing since you left the legislature.

TO: Following what's going on from the shadows. My family wasn't particularly interested in me running again for office. I've been doing a number of things. I wondered, what was I going to do? I didn't want to go back in the private practice and open up a law office and do the business of practicing law. Law isn't just practicing law and doing your thing. It's also a business, a small business, and I didn't particularly want to do that.

Things have gone well for us as a family. My two sons are doing very well. One here, I mentioned he's the City Manager in Lawrence now. My other son works for Audi Corporation in Austin, Texas, and does very well. I have six grandchildren. It's great to be a grandfather. We've done a little bit of traveling, not a lot. The pandemic, of course, two or three years there that really shut things down.

But one of the things I decided, I didn't have to do anything, but I had to do something. So what I ended up doing was the Supreme Court passed some kind of appropriation—they said you can do this attorney emeritus program. I was the first one to sign up for it. And what I think it is, I think attorney emeritus is probably Latin for “old lawyer working for free.” But I started doing that under the umbrella—you had to be under the umbrella of somebody who could kind of take care of your issues like malpractice or anything like that.

So under the umbrella of the Kansas Legal Services, I started doing that, and I worked at the help center at the Johnson County District Court. That is a group of retired judges, retired attorneys, just a group of us, five or six of us. We'd go in on designated, a number of times a week, we'd go in, and we would be there to listen to people's issues. They couldn't afford an attorney. They didn't know what to do. Judges upstairs would send people down and say, “This person doesn't know what they're doing in my courtroom. Can you give them some guidance on helping them on what to do?”

So we did that. A lot of people would come in. We just basically guided people through the system. I did that for three years. I still have the hat, but I'm just to doing it right now.

NP: I thought I saw somewhere in something I was reading about you that you also had taught at Johnson County?

TO: That's another hat.

NP: Are you still doing that?

TO: I'm still on the faculty, but the pandemic shut a lot of things down. I didn't teach after that as far as having an actual classroom. I've had some really tremendous people come and speak in my classes. I thought, "You know, I can talk, just be a talking head and bore these students to death, or I can bring in some really good people."

And I did that. One significant person that came in as a volunteer—I was sitting in my office in the legislature one day, and I get this call. It said, "Tim, I understand you're teaching over there at Johnson County Community College in government." "I am." "Would you like me to come in and talk to your class?"

It was Chief Justice Davis. What a great guy. He volunteered. He was driving home one night. My class is at night. He came to the class and talked to the class. Derek Schmidt has been to my class and talked as the Attorney General. I've had judges who have been there and talked to the class to give them a real personal experience about "What is this government all about?"

So that's how I've approached it, but it's been a great experience. I've taught for fifteen years.

NP: You have given so much as far as public service in the State of Kansas. Any last thoughts of anything that you'd like to highlight that we haven't covered that we've missed?

TO: I really don't know. I've talked about a few little things that we did. I'm very proud of my wife. When I left the City Council after twenty-four years, she—

NP: Did she throw a party?

TO: She'll love this story. She actually doesn't like me telling this story, but I'm going to tell it anyway. I was elected to the City Council for the last term at the same time that Phil Kline stepped down, and I was appointed to take his place. So I did both of those things for three years. I was on the City Council, and I was in the legislature for those three years.

Then I told her, I said, "You know, I really like the legislature. I think I'm not going to run for City Council anymore. I'm going to step down." She said, "What does that mean?" I said, "Well, it means I'll be home every night." She said, "Oh, no."

So she turned around and ran for my seat in City Council and got elected for eight years and did a great job as a City Councilwoman.

NP: That's wonderful. You have a lot to share from those experiences.

TO: Now with a son who is City Manager, he's got his master's at Public Administration in KU, which is a phenomenal program. You're talking to an old K Stater, but I'll tell you what. You can't find a better program than KU has for that whole program in public administration. It's just outstanding.

NP: I think your students probably got an awful lot from your classes as well. Well, Senator Owens, we really thank you for participating. I certainly learned a lot, and I really enjoyed talking to you and interviewing you today.

TO: Thank you for doing this and taking your time. Joan Wagnon, I appreciate your time and everything. We've been friends for a long time. Participation in government has just been extraordinary as far as I'm concerned. I will end it with this: I have been privileged in my life to do everything that I was educated to do. I went to Command and General Staff college level in the military, and I retired as a full colonel. I got my law degree, practiced law, but I also got to be in the legislature and help make law. I've been on the bench as a pro tem, but also a year as the municipal judge in Lenexa. I've gotten to experience that particular side of it.

But everything I went to an education or school to do, I've been privileged to do, and a lot of the reason for that is because there's been so many good people around who are willing to let me do that. So thanks for what you all do, and thanks to Dave Heinemann, too, to what he's done with this project. I think this is a great project. I saw the people that are on this list. I didn't know whether I felt like ET in the closet or I felt like "How did I get in this august group?" and I really appreciate and respect the people that are on there. I do know a good many of them. I really respect them all.

NP: Thank you very much for taking your time this afternoon.

TO: Thank you.

[End of File]