Richard Walker: Welcome to this interview, which is part of the Kansas Oral History Project. That is a 501(c)3 organization. It is a project designed to bring interviews with notable Kansans who have made great contributions to the success of the state of Kansas. Funding for this series of projects is provided by Humanities Kansas, which is also a 501(c)3 organization.

I’m very pleased today to interview Dr. Howard Schwartz who is a long-term employee of the State of Kansas, most notably a thirty-two-year judicial administrator for the Kansas Supreme Court, which is quite something to do anything for thirty-two years, but especially a high-profile, very stressful position. So we’re very lucky to have Howard here today, and we’re going to be interviewing about his life, his experiences, particularly with an emphasis on modernization and all the things that happened in the Kansas court system during his tenure that made it a much more efficient and well-run system.

So, Howard, welcome.

Howard Schwartz: Thank you.

RW: So good of you to be subject to an interview today. We’ll try to keep this pain-free as much as possible, but we do want to get into your background, particularly your origins on the East Coast, your migration to Kansas, and then your long tenure as judicial administrator here in Kansas. So why don’t we start by you talking about growing up on the East Coast? What was it like in Philadelphia where you grew up? Talk about growing up in Philadelphia, your family, and a bit about your school experiences. Then we’ll begin with the migration to Kansas.

HS: I grew up in Philadelphia. My parents owned a delicatessen, and I worked in the delicatessen starting at around eight, nine years of age, and I feel that that really helped me during my whole life span. One of the things I learned from the delicatessen was the customer is always right. If they came in and argued, my mom would always say, “Don’t argue with the customer. The customer is always right.” And that has served me well, working in the judicial system because I knew the judges were always right.

I went to public school. I went to John Bartram and Overbrook High. At Overbrook, I met Wilt Chamberlain. I used to play basketball. I was tall for my age then, and when Wilt came to Kansas, it struck up an interest in Kansas. It was a place that I wanted to go.

Then as a senior in high school, I had a choice. I could go to college and work in the delicatessen, or I could leave the state and be free of the responsibilities of the delicatessen.

RW: Most young boys would think it was a real treat to work in a deli where you could have access to all kinds of goodies. Did you have free reign of what was on offer?

HS: My brother and I—I have a younger brother—what we would always say, “Slice a half. Eat a quarter.” So if people would come in for a half pound of ham, we’d slice that half pound of ham, and we’d eat a quarter pound of the ham.

RW: You worked a lot when you were going to school. You had other jobs. Didn’t you work for the [Eagles](https://www.philadelphiaeagles.com/team/players/)?

HS: I sold programs for the Eagles. That was a great job. I made five cents for every program I sold. I would make five dollars, but I got to see the football games. It was the year that the Eagles won the National—it wasn’t the Super Bowl then, but it was the World Championship, and I got to see them.

RW: But it was kind of expected you’d work in the deli a lot, too.

HS: I had to work in the deli. my dad died when I was sixteen, and I was expected to contribute to the family business. My mom said that it would probably be best if I left Philadelphia after high school graduation. She said, “You could go to Kansas with Wilt.” She knew I was a real big Wilt fan. “Or you can go to South Dakota.”

It was Yankton, South Dakota. I looked it up in an encyclopedia, and there was a picture of snow, a lot of snow. I said, “No, I don’t think I want to go to South Dakota. I want to go to Kansas [University] where Wilt is.” I knew Wilt.

I couldn’t get into KU because during that time they had a restriction that you had to start off at a state school, and then after a year at a state school, you could transfer to KU. But I liked Emporia[[1]](#footnote-1) so well that I decided to pursue a degree from Emporia State. My brother decided to follow me to Kansas, and he enrolled in to Emporia State as well. My brother and I stayed together all those years until I retired. We always lived in the same place, first Emporia and then Topeka. We have always been very close.

RW: As I read through some of the materials about you, it appeared to me that two things were very important to you, one being basketball, and the other being religious activities. You were actively involved in both of those. Do you want to talk a little bit about that?

HS: I was raised Jewish. It’s a faith that I believed in. I was more culturally aligned maybe than religiously, but I was born on May 15th, the same day that Israel became a country. There was just a natural affinity. It was something I was always interested in. My parents were very religious people, and they contributed so much to Israel. It was very natural.

When I arrived in Kansas, I attended the temple in Topeka. The Jewish community drew me to Topeka. It was the only synagogue around, so my brother and me would come up to temple to celebrate the Jewish holidays. That’s when my journey with Temple Beth Shalom began, even before moving to Topeka.

RW: In Emporia, Kansas, where you spent a good deal of your time, both I think as an undergraduate and then you took some graduate studies there, too.

HS: -I received my master’s degree from Emporia State as well.

RW: Talk a little bit about the culture shock, particularly as it comes to food. I think there’s a funny anecdote about you looking for some typical deli food and not being able to find it in Emporia, Kansas.

HS: It’s true. All my life, we had lox and bagel on Sunday morning for breakfast. When I first got to Emporia, it was on a Saturday. So I slept in the dorm that Saturday night. Sunday morning, I got up, and I decided to walk down Commercial Street, looking for lox and bagel. People had no idea what I was talking about.

RW: Was there anything open in Emporia?

HS: There were places open, but no one had ever heard of bagels, let alone lox. I always remember, this one girl said to me, “What planet are you from?” I guess I had that really strong Eastern accent, which I still do.

Another story is one time with the judges, we had a judges’ conference. This was early on in my administration with the court, and I ordered bagels, and nobody knew what they were.

RW: They said, “Where’s the Wonder Bread probably?”

So you found, if I recall correctly, some satisfaction in living with people at Emporia. Talk about your experiences there. I think you joined a fraternity with some people who’d come from the East Coast like you. Talk about your college experiences.

HS: I loved Emporia. It was a humanistic school. They cared about you. I worked when I was at Emporia. I worked first in their cafeteria, cleaning dishes. Then I joined a fraternity. It was Tau Kappa Epsilon. When I was there, I made a connection with the country club in Emporia. At that time—I always say it was one of the best-paying jobs I ever had. It was $25 a month, whether you spent your $25 there or didn’t spend $25 there. So people would come in and have dinner. At the end of the month, they’d have $15, $20 left that they’d have to spend. The customers would always tip you whatever was left.

The other thing about my job at the country club is they always fed us steak. We would go in at 4:00. They’d give us a steak dinner. I said to people, “You would never think that you’d get tired of eating steak. But there was a long time in my life where I couldn’t eat steak or hamburger because I just had so much of it working there.” But it was a great job.

RW: As I recall, you had a pretty big extended family back in Philadelphia.

HS: Yes.

RW: How did they react to you abandoning civilization and coming out to the middle of nowhere, I’m sure is how they perceived it?

HS: I was going to tell you the story, when I came here, my mother said to me, “Are you going to drive your car to Kansas?” I said, “Mom, they don’t have roads out there. It’s all horses. I’ve got to get a horse when I get out there. There’s no need for me to take my car.”

So I left my car in Philadelphia, which ultimately my brother wrecked. A similar story is my oldest daughter joined the Peace Corps in the late 90s after she graduated from KU. When she had her first Peace Corps meeting, people still had the same conception of Kansans. Not the horse and buggy, but that there was very few roads out here. They were all from DC, Baltimore or New York. People’s conception of Kansas is still like the Yellow Brick Road.

RW: Now we’re flyover country.

HS: That was true at one time also.

RW: So you finished your degree in Emporia, and then you wind up in Texas for a while. Talk about that.

HS: I wasn’t sure what I wanted to do with my life. I had a high draft number, and I didn’t get drafted. I said I would stay in school or go into the military, whichever happened on my draft. My draft number was very, very high. I said, “I’ll just go on to school,” and I got a scholarship down at East Texas State University, subsequently becoming Texas A and M University at Commerce.

I went to school there. I ran a dorm, and I taught psychology classes. I got my PhD from East Texas State. I really liked the town and the school. There was a strong connection between Emporia and Texas. Friends and colleagues in Emporia helped me get to Texas.

When I graduated from Texas, John Webb, who was the dean of students at Emporia, said, “We’ve got a job for you. Will you come back to Emporia?” which I did. I stayed there untilmy first job for the state of Kansas with the Highway Patrol ([which] was being sued for discriminating against women). Back then you had to take a physical test to get the job. The old Highway Patrol test consisted of sit-ups and push-ups. It was all physical endurance tests, and that disqualified women at the time. The Highway Patrol needed somebody to devise a test, which I had a background in. At Emporia, I ran the Every Pupil Testing Program; all high school students took these tests.

I came back to Emporia and I made the Highway Patrol test. I worked for Colonel Alan Rush. I did the sergeant test, the lieutenant test, and the captain test. The state still use my tests. I always was sorry I didn’t get a copyright on those tests so the State could have reimbursed me for administering them all these years.

One day Jim James called me and said, “We’re unifying[[2]](#footnote-2) the court, and there’s no personnel director here. We have to assume 1,500, 2,000 employees, put them under one system. Would you be interested in helping us do that?

I said I would; and I came to the court system and I began to put together the plan to assume 110 courts in 105 counties. That was a very interesting job. I traveled all around. We audited jobs. It was me and two other people who completed all of the work.

RW: That was a major sea change because prior to that time, each of the counties and these judicial districts were like a little island, a self-governing island.

HS: Yes.

RW: You became the successor to Jim James. Talk about how that happened.

HS: I’m going to go back to what you were going to ask me about some of the problems we encountered. Wichita, Johnson County, and to a degree, Shawnee County paid their employees a lot more than rural counties. There was a big discrepancy for people who did the same job being paid at differential rates.

We compiled all of that information together. There was a lot of controversy surrounding the initiative. The legislature had the post auditor look at what we had done, and the post auditor said that out of the 2,000 employees we had assumed, there were 35 employees that we snuck in the system somehow, which did not turn out to be true. Some of them were temporary employees. There was an understanding, but it did cause a sea change because I don’t think the legislature realized how much this was going to cost. When it was first presented to the legislature, it was vastly understated, the cost of assuming all the judges in the state and all the nonjudicial employees as well.

We got that done, and when I was here—I’ve got to tell this story right—the chief had asked me to take a look at the budget because I had budgeting experience. I looked at the budget, and I said, “Chief, if you go over to the legislature with this budget, you’re going to have nothing but problems. It’s not correct.”

He got a little upset with me for saying that. I said, “When you get in front of Ways and Means, they’re going to have a difficult time with that budget.” And that’s exactly what happened.

After a few years Jim was offered a better position with the National Center for State Courts So I was the most natural fit for his position as the Judicial Administrator.

RW: And you’d been doing it how long?

HS: I worked under his tutelage almost two years. I was the most experienced person besides Jim to do the job. At the time, Chief [Justice] Alfred Schroeder approached me and said, “Howard, you have to be a lawyer to hold this job. If you can get the legislature to change the requirement that a PhD would be equivalent to a law degree, we want you to be our administrator.” So we did. I got the law changed, and then they hired me. I was acting for about a year, a year and a half, and then we got that law changed in the legislature.

I then worked for seven chief justices, any of which could fire me at any time without cause. But thankfully I had a good relationship with each of them.

RW: Let’s get back to that issue about court unification. Were there a lot of judges out in the hinterlands who objected to this, who were very difficult to deal with?

HS: Yes.

RW: I don’t need names but talk about the difficulties of implementing unification.

HS: It was a change and in my experience, judges are fairly conservative and don’t appreciate change. This was a sea change. Think about the judges who hired the clerks in their offices. Now, they assumed that Topeka was going to take all that power away from them and tell them who they had to hire. It was unsettling except in your more urban courts where they weren’t involved in it anyway. They had court administrators who did all the administrative work. But in ninety-five counties, it was the judge that was the king. And some of that power is being taken away from the judge.

The big problem was when the Supreme Court assumed authority for the district court.

RW: Wasn’t that a constitutional amendment that did that?

HS: It was a constitutional amendment. It just created big changes in the system because the Supreme Court said, “Now we’re responsible. If things happen that are adverse, it’s not the judge that will be held responsible. It will be us that are held responsible.”

So there was an attitude change among the Supreme Court. They took this very seriously, that they were now in charge, and they wanted things done right, which if I could get into a little bit about the biggest change that we made right away, which I think kind of upset people the most but settled things down the most.

We had judges now sending case filings to Topeka so we could track cases in the district court. And we noticed, reviewing this, that most cases took a long time to go through our courts. Now a lot of courts at that time when I came over, they weren’t air conditioned. There was no summer court. They would recess for the summer and wait until the fall. Cases would kind of stack up, and it just seemed to us that it took a long time.

One day we were sitting around looking at cases, and there was a civil case. It was going on for four or five years. Someone made the comment to me, “It shouldn’t take longer for a case to go through our court system than it did for the United States to enter, fight, and win World War II.” We ought to have some kind of standard that says, “Long enough is long enough.” Why should it take this long?

Because of that conversation we did a survey and we asked attorneys, “How long should a domestic case take?” They said, “It should only take about six months, but it takes a year. It will take us a year.”

Then we did a survey. “How long does it take a domestic case to go through the Kansas court?” Invariably, it would come back a year. And we’d say, “How long should it take?” They would say, “Six months.”

What we realized was that the attorneys controlled the docket. The attorneys, since they controlled the docket, the judges would pace themselves according to the speed that the attorneys worked at. So a litigant would come in who was seeking a divorce, let’s say, and the attorney would say, “This is going to take a year.” They would pace themselves for a year, but they would know they could get this done in six months.

The big change we took that both unsettled the system but settled the system is we told judges that they had to be in charge of the dockets, not the attorneys. That was a sea change of philosophy, but not only in Kansas. Kansas was the first to do this, and other states followed our lead. We got several awards for implementing this system from around the nation. Ultimately, it was a lot of judges who didn’t want to take control of the docket. That’s not the way the system had ever worked before. These were monumental changes, and the court took this very seriously. The courts said the judges were going to be in charge of the cases moving forward.

It took a long time to implement these changes. How we implemented this change is we waited for judges who came on the bench after their kids were out of college and they took the position as kind of a retirement job. We said to them, “You’re going to have to work full time, and you’re going to have to meet these standards that we’ve established, and we’re going to watch, and if you don’t meet these standards, we’re going to ask you why. You’re going to have to write a report to us, telling us why it’s taking this long for a case to go through your court.” That was really a tremendous change.

RW: Rumor was you had a hit list of the oldest cases.

HS: Yes, we published it.

RW: And no judge wanted to be on that hit list.

HS: We published it. We sent it out to everybody, the ten oldest cases in the State of Kansas. I forgot about that.

RW: Wasn’t it, if you were on that list, you could expect a call from the Department of Justice, saying, “Please explain this case to me.”

HS: Yes. And I always said, if there was a case on there from a certain judge, it was only on there once. Now there may be other cases a judge had shown up, but he would take care of that particular case.

RW: Did you get a lot of pushback from judges?

HS: Yes. It was the pushback from the attorneys that was the most difficult part. They pushed the judges. They didn’t want the judges to be in charge. They wanted to be in charge of the pace of litigation in the courts. They didn’t think the judges should be in charge of the pace of litigation. So most of the negative feedback came from the Bar.

But then over time, we forged a closer working relationship with the Bar, which we hadn’t had up to that point.

RW: So unification was a struggle that you go your way through. Case management was a struggle. You had some other major changes, like the whole child support system was essentially restructured. Talk about that.

HS: All of this to me is evolutionary based upon the courts working under the Supreme Court. These were not isolated events which occurred. These were situations that evolved over a period of time. The next big change was child support. I give myself a lot of credit for child support regulations. I had raised two girls by myself. It always amazed me how much it cost to raise the girls. When I would go out to buy shoes for them or clothing for them or pay for school, I just didn’t realize how much it cost to raise a child. Women knew, but men didn’t.

It seemed to us that the amount of awards that judges gave in terms of child support was widely different from judge to judge, county to county, district to district. There was no uniformity in how much similar circumstances for a divorcing parent could receive. It would depend really on who the judge was and where you lived. We wanted to put an end to that. We wanted to have a standard that no matter where you lived in Kansas, given the circumstances of a divorce, this is how much each child would be paid on a monthly basis.

We established through a committee of judges and attorneys these new regulations. It took us a year to finalize the document. Judge [Herbert W.] Walton from Johnson County was the child expert in Kansas, and he chaired that committee. I’m proud to say to this day, this same committee meets on a regular basis to update the guidelines. We were also one of the first states to have guidelines that a judge could go to and say, “Okay, under the circumstances of the case, this is what is recommended for you to pay in child support.”

RW: Am I not correct, it was based on some scientific evidence of what it actually cost to raise a child? Not, “Oh, let’s set the figure to this.” It was cost based after some economic studies.

L:&It’s true. It was cost based, whereas the time standards were more “feelies”. When we administered the child support initiative we had two economists—one from K State and one from KU which were committee members. I’m proud to say it was a very diverse committee.

RW: I imagine there was some pushback on that, too, when it first started. Judges were used to just having a schedule and looking back. Now they actually had to get out a calculator and do some figuring. Was there some pushback on that?

L:&A There was a lot of pushback, but these things are evolutionary. Now it’s a matter of routines, right? The judges now know this is the way it works.

J:&There’s a computer program that will do it for you, too. That helps.

L:&Yes.

J:&Now you worked under seven different chief justices. Were some of them much more hands on as far as their desire to know detail and deal with the legislature and some more hands off, saying, “Howard, you take care of it.”

L:&They were all hands off. They became judges because they liked to hear cases and write opinions. I would meet with the justices on at least a monthly basis, and I’d bring all the administrative questions we had or things that I needed for them to vote on, and they would actually get hostile. “I didn’t get this job to be the administrator. That’s what we have you for.” Not until really Justice [Lawton] Nuss. He’s the first justice that was really interested, and I always thought his court was more interesting. They were younger judges at the time. They were the last of the change. I think we got four new justices at that time. They were more interested in the administration of the court than previous judges. The other justices primary interest was writing opinions and hearing cases. That was their main focus.

RW: The upshot was, you got to be the lightning rod on a lot of things with the legislature and the district courts. You had to take a lot of that on your back that maybe other places didn’t have to. As you talked to your peers around the country, was your role fairly unique?

HS: I was the longest-serving administrator in the country.

RW: But as far as how much rope the justices would normally give you, did you feel like you had more independence in your role than maybe some others did?

HS: I thought that our system in Kansas was a good model; the way we nominated judges and how judges go to the Court of Appeals and to the Supreme Court. In many states, justices were elected, and they just brought over their election staff.

One time the Supreme Court chief justice in Texas had approached me about going to work in Texas. They knew I went to school there. He said to me, “Here’s how it will work. Every day, I spend the first three hours in my chambers making telephone calls to solicit donations for my campaign. And then I administer the court system.” I said, “I don’t want to work under a system like that.” But that’s how, where they elected judges, which was in half the states still, and the Supreme Court, they spent most of their time—when the staff changed, the administrators changed when the chief changed. They would always bring their own staff on board.

RW: You served with seven chief justices, but I think you had kind of a special relationship with [Chief Justice [Kay] McFarland](https://www.cjonline.com/story/news/local/2015/08/18/kay-mcfarland-former-kansas-supreme-court-chief-justice-dies-80/16620). Why don’t you talk about your work with her and how that led into some other things with her off the bench?

HS: When she became the chief, I was worried that it could be a difficult relationship. She really broke so many glass ceilings in this state. You had to know her as long as I did. When she first came on the Supreme Court, she was shunned by the other justices. They would go out and have lunch together. She was never invited. They would play cards or dominos. She wasn’t invited. I think that the men at that time, my first being on the court, although Chief Justice Schroeder was different, and he did like her, and he did support her. The other justices who will remain unnamed, they just weren’t used to having a woman, and they didn’t think a woman’s role was to be a judge.

She was the first female district court judge. When she was called by Governor [Robert] Bennett to become a Supreme Court justice, she thought it was a hoax. She didn’t believe it. She showed up in Governor Bennett’s office the first thing in the morning to find out if it was true. It was true.

Having her on the court, we all knew things were going to change. When she became the chief, she really exerted herself. The other chiefs were mostly interested in the judging aspect of the job and not the other judges. We always wanted more judges. We always wanted higher salaries for judges. We felt that they were underpaid compared to attorneys, and we wanted the highest quality of attorneys to be on the bench, she came in, and she was for nonjudicial employees. She always referred to it as the court’s family. It struck me that none of the other chiefs that I worked for had ever really used that term, “court family,” but she saw this as a family. That was such a different orientation for the whole system. She was a wonderful storyteller, by the way.

Justice Alfred Schroeder put this system together. In turbulent times, he stuck up for the court system. He went to fight with the legislature. He was after Judge Foster who was responsible for this building being built, getting this money. He was a former legislator, Foster. So he took the brunt of putting the system together.

When Justice [Richard W.] Holmes came on board, he was a worker, and he expected judges to work. There were no ifs, ands, or buts about it. He’d work on a Saturday. He’d work on a Sunday. He expected everybody to work as hard as he did, and he made no bones about it. When he talked to the judges at the judge conference, that was always one of his messages. You need to put the time in. You need to do the work. You need to be good stewards of the system. So that’s what he was known for.

Justice [David] Prager was a really good writer. He was very well liked. He brought unity to the court. He went around—he was the first justice that really traveled from Point A to Point B. The justices early on wouldn’t even go to their judicial departments. But as new justices came on, and every time, I felt we had a change of justice, they would accept more responsibility for managing the system at least managing their departments. They’d want to manage their departments, and that evolved over time also.

I think everybody liked Justice McFarland once they got to know her. I think she did a good job with the legislature. The legislature was hard times. Budgets were being reduced all over yet she got along well with everybody.

RW: I think this is correct, when she passed, there really was no family available, and you helped settled her affairs, as I understand it.

HS: Yes. I would go over to her house in the summertime. She kept everything. I would just toss everything. So when it came time to handling her affairs, she went to my wife Elaine, and she said, “You value what I have. Your husband doesn’t value—he tosses what I have. He throws it away. Would you handle my estate for me?” She said, “I want my estate to go to the zoo in Topeka, and to the people in Topeka and the state of Kansas.”

HS: So one of the the legacy’s we built was Kay’s Garden. I would encourage anybody who comes to Topeka to go to the Topeka Zoo and see and view [Kay’s Garden](https://topekazoo.org/kay-mcfarland-japanese-garden/). It’s magnificent. It’s going to be named one of the ten best gardens in the United States. It’s fabulous. The zoo has done so good.

One of the other things that Justice McFarland wanted to do was give something back to people, a legacy. She didn’t have a family when she passed. All her family had all passed. Elaine wanted to leave her legacy. You can read about Justice McFarland on LastingLegacyonline.org. Her story is there. She’s been an inspiration to so many women, so many girls. When she passed, I can’t tell you the number of girls or women that came up and said, “When I was a little girl, I loved horses. Kay McFarland would invite me out to her farm so we could see her horses. She would let me ride her horses. She told me I could do whatever I wanted to do. Nobody else ever said that to me.” I get choked up just thinking about that. She was such an inspiration to women.

I wish people would go and read [her story](https://my.lastinglegacyonline.com/story/kay-mcfarland/) on [LastingLegacyOnline.com](https://lastinglegacyonline.com/) and read. It’s free. It’s inspirational.

RW: Your story’s on there, too.

HS: [My story’s](https://my.lastinglegacyonline.com/howard-schwartz-1/) on there, too.

RW: It’s a good read.

HS: Thank you.

RW: Two or three things—we need to wrap up here before too long—that I’d like you to comment on. One of them is the evolving relationship that you’ve seen between the three branches of government really but particularly from those early rocky days with the legislature and court unification and wanting the Supreme Court to take leadership but then kind of grinching and moaning when they actually did that. But you saw it for thirty-two years. How would you describe the relationship of the judicial branch with the other branches of government?

HS: To me, it’s always a struggle of power—the court, and the legislature, and the executive branch. I’ll start with the executive branch and the court. The executive branch thought they should be responsible in every way for child support, but it’s the judges that decide divorces and how much alimony a person will receive. It was a shared relationship. And the legislature, the same thing. Someone once said, “There’s always a balance of power between the three branches of government.” It’s never stable. Sometimes the legislature holds the power. Sometimes the judicial branch holds the power, particularly through its decision-making, for example, school finance. Sometimes the executive branch holds the power. They did in the beginning through budget. Our budget had to go through the executive branch, and they wouldn’t pass our budget through.

So it was a constant struggle of trying to maintain an equity of balance. I think that has changed to a degree. The power struggles are still there, but we know we have to work much more closely with the legislature, and we know we have to work more closely with the executive branch. We can’t be at war with them, as we were in the early days. And we were. We were constantly at war with the legislature.

I think that we’re more sensitive now to the financial status of the state. We just can’t expect money to be given to us unless we can really demonstrate a need for that money or a need for new personnel. I think once we learn that lesson, the legislature has been more generous to us. But it’s always going to be a balance of power.

RW: Let’s focus in now on just the judicial branch itself because you’ve been on the frontline of a lot of them, the most important changes that have occurred in the last century in Kansas judiciary. One of the things that I’ve observed is the judiciary being called on to deal with more of the hot-button issues that society doesn’t know how else to resolve. The legislature can’t resolve things. So somebody sues somebody else. The court system seems to me is having to deal with a lot of societal issues that it’s not really designed to. Do you have any thoughts on that?

HS: Life is complex. Sometimes the court is the court of last resort. People will say, “If you can’t figure it out, let the court decide.”

RW: Issues that courts aren’t really designed to—courts have a lot of trouble adjudicating feelings.

HS: Exactly.

RW: You can decide yes or no, overruled or not, guilty or not guilty, but telling somebody how you should feel about something, but that seems to be they’re increasingly being called on to do that.

HS: But, again, isn’t that just the evolution of our society? The legislature has certainly evolved over time. The executive has certainly evolved. It’s just where we are as a society, and what society expects from their institutions.

RW: Is it going to continue on down that path?

HS: Absolutely.

RW: What does your crystal ball tell you?

HS: It’s absolutely going to continue on down that path. And it’s a good thing we have a court system to resolve disputes. We don’t have to take to guns or fighting. We can go to a court and have our disputes resolved peacefully.

RW: Except then they attack the judges.

HS: It goes with the job, right?

RW: That’s true. You’ve been retired for a while now. You’ve gotten to see the world through a different lens. What kinds of things are important in Howard Schwartz’s life right now?

HS: When I retired, Kay McFarland said to me, “You know that alarm clock you’ve got in your house? Kick it out the window and don’t pay attention to it anymore.” I like being retired. My wife keeps me busy.

RW: Have you had grandkids and great grandkids?

HS: I have great grandkids and grandkids. Life is good. I still have all my friends from the court system. I still see them. I have lunch with them. We get together. Life is good.

RW: There’s a question I always like to ask. I read somewhere you try to read a book a week.

HS: Yes.

RW: What’s on your nightstand?

HS: I’m going back through *The Gray Man* series. I just like to read. I’ve always liked to read. When I was working in the delicatessen and when it wasn’t busy, I read books. I’ve always been a reader. I do have advice for people; what made me successful. I would like to tell you what made me successful.

RW: All right. We’d like to know.

HS: I always hired people who were smarter than I was.

RW: That’s hard to believe, Howard.

HS: If you would follow that rule, you’ll be successful. Just try to find people who are smarter than you and let them do their jobs.

RW: Does that go with marriage, too?

HS: Yes. I’ve got a good wife, yes.

RW: Howard, it’s been a pleasure talking with you.

HS: Thank you so much, Judge.

RW: Having been a judge I think through almost your entire career, you have kept the ship of the judiciary steady at time when it would have been very easy for it to founder.

HS: I was lucky that I dealt with judges like yourself. You were a good job to deal with.

RW: I appreciate that. Well, the Mutual Admiration Society will adjourn now. Thank you so much. This has been great. I appreciate it. I know we’ve shared some things that people might know about, and I appreciate your time.

HS: I hope so. Thank you.

[End of File 1]

1. Formerly Kansas State Teachers College, then Emporia Kansas State College, now Emporia State University. [↑](#footnote-ref-1)
2. Kansas courts are unified in the judicial branch. In 1972, voters added to the Kansas Constitution an amendment that vests judicial power in a single court system, giving the Supreme Court general administrative authority over all courts in Kansas. [↑](#footnote-ref-2)