

INTERVIEW OF JUDGE RICHARD WALKER BY JUDGE NANCY PARRISH DECEMBER 2, 2022
KANSAS ORAL HISTORY PROJECT INC.

Nancy Parrish: I'm Nancy Parrish. I'm a retired district court judge and former member of the Kansas Senate, and I'm here today with former legislator, Representative Dave Heinemann who's going to be our videographer. We are in the House Chambers and here to conduct an interview that's part of the Kansas Oral History Project series, examining the judicial branch of Kansas government in the last quarter of the 20th century and the first decades of the 21st century. In these interviews, we're going to be talking about the courts and their relationship to other branches of the government.

Today I am pleased to interview Judge Richard Walker who is also a retired district judge after thirty years on the bench and also prior to that was a legislator for the term 1973, through, I think, 1977.

Richard Walker: Correct.

NP: The Kansas Oral History Project is a not-for-profit corporation created to collect oral histories of Kansans who are involved in shaping and implementing public policy. There's been a number of volunteers. Also here today are Joan Wagnon and Ramon Powers who have been very involved in this project.

I do thank you, Judge Walker, for agreeing to contribute your perspective to anyone that might be listening to this later on.

RW: If anyone does!

NP: I think there will be. Give me a little bit of background information about you. I don't know how far back you want to go, but at least where you grew up and how you ended up in law school.

RW: Well, I never got very far away from home. Born and raised in Newton, Kansas, went to college at Bethel College in North Newton, Kansas. After I finished my college degree in history, I thought I'd go to history graduate school. But then I talked to my major professor, and he said, "You know, there just aren't many jobs for history professors out there these days."

My father who had always wanted to go to law school was financially never able to do it, said, "Well, why don't you give law school a try? Go a year and see how it works out, and you may like it. You may not. In which are, we'll figure something else out."

So I basically did it because of lack of thoughts about anything else that was going to be useful in future years. Not a high motivation process.

NP: And you ran for the legislature I believe while you were in law school. Is that correct?

RW: I did.

NP: Talk about that. I think that's particularly interesting and how you happened to decide to run for the legislature.

RW: My father had always been active indirectly in politics, did a lot of vote work. I can remember him taking me down to the courthouse on election nights and watching. Of course, that was when everything was hand counted, and things would take until 2 or 3:00 in the morning. So it was a real treat to be able to stay up until 2 and 3:00 in the morning and watch cliffhanger races. So it was kind of in my blood to begin with.

In 1970, between college and law school, my dad had happened to be good friends with Kent Frizzell who at that point was Attorney General, was running for Governor. So Joe Hoagland who was another law student and I worked full time during the summer of 1970 down in Wichita for Kent Frizzell for Governor.

Well, he lost to Governor Docking, but Joe and I had made the decision to go to law school. So we wound up there, and we independently from each other simply decided that in 1972, we were going to run legislative races. So we went to law school.

I had all my classes packed into Monday, Tuesday, and Wednesday until noon. Then I drove home and campaigned Wednesday, Thursday, Friday, and Saturday, and drove back to Lawrence on Sunday, and then started the cycle all over again. I spent about half my law school during that year going door to door down in Newton.

NP: Was this your freshman or sophomore year? First year, second year, or third year in law school?

RW: It was my second year of law school, 1972.

NP: And you were successful.

RW: I was. I ran against a twenty-year incumbent, and all my life, I'd been hearing people say, "You know, he really needs to be taken out, given opposition." Even though it's a heavily Republican district, he'd almost been beaten by a Democrat because he just didn't do anything campaigning. He just relied on his Mennonite name, Unruh, but he never really did anything to campaign, and a Democrat almost took him out in 1970. So I knew he was probably vulnerable.

So I actually went to him and said, "Okay, if you will commit to me that you will only run for one more term and announce it's your last term, I will not run in 1972. I'll wait until 1974." He said, "Oh, I think I'll just serve until somebody beats me." I said, "Okay." And I went out and I beat him in the primary.

Then he ran as a write-in in the general and got more votes than he did in the primary. Actually there were two of us. There was a Republican and a Democrat and two write-in candidates in the general election. It was very wild and crazy.

NP: Was it a close race?

RW: No. I got 51 percent of the vote of all four of us.

NP: Of the four. So talk about your experience in the legislature, and what the climate was like. You would have been one of the younger members at the legislature.

RW: I was, but there were a number of us like Joe Hoagland, like Sandy Duncan, like Dave, the videographer, who were young legislators. Bob Miller or R. H. because there was another Bob Miller in the legislature, so R. H. So a number of us, Ron Hein locally was also running at that time.

It was just something about the climate of frustration with the way things were. A number of us who just happened coincidentally to be running at the same time and worked hard. We just didn't put our names on the ballot. Most of us committed to going door to door and running very aggressive campaigns.

I could buy radio announcements for 72 cents a piece back then. How times have changed.

NP: Right. And what were you frustrated about? Can you share some of your frustration that you had at that time?

RW: Well, part of the frustration was with our local representative who had been in the legislature twenty years and really hadn't had any leadership position whatsoever and had no particular notoriety in terms of actions.

Having worked in 1970 in politics and actually 1968, I'd been a Congressional intern back in Washington, I just felt that politics should be more hands on. There should be more communication with constituents, and I just felt there were a lot of issues concerning voting, concerning consumer issues that weren't being addressed. And I felt compelled get involved with some of those kinds of things. I think that was a very common aspect of a number of us who were elected at the same time as younger members of the legislature.

NP: I understand there was a group called YELLOW.

RW: There was. There was.

NP: I think I wrote down someplace, YELLOW stood for, I believe, Young Energetic Legislative Leaders Out To Win.

RW: Exactly. You got it. Your sources are good.

NP: So tell me a little bit how that was developed and what some of the purposes were behind YELLOW.

RW: Well, a number of us represented the younger generation, and there were a lot of old-timers in the legislature at that point who kind of were engaged with Pete McGill, who was the Speaker

of the House at the time. In fact, he had the votes locked up before I even got to the legislature. He never even called me to see if I would support him or anything because he didn't need to. He didn't need my vote.

So he was selected for the '73-'74 session, again for the '75-'76 session, and then there was talk that he was going to run for a third term, which was unprecedented as far as the Speaker was concerned. And we just felt that a lot of the issues that we were concerned about weren't getting priority. And so we just basically came together as a group of young bucks.

The funny story behind YELLOW is that there was a young legislator who's our peer called Sandy Duncan in Wichita who had a personality, kind of a combination of George Carlin and Bill Maher, I would say, which a lot of people didn't like. I think he came up with the term YELLOW, and he said, "Because if anybody asks you if it exists, you could say, 'Oh, no, we know nothing about it. We're YELLOW.'" It was just kind of a funny aspect on things.

But it was dead serious in terms of kind of organizing around the principle of it's time for a change and legislative outlook. Younger members need to have their concerns addressed, and the old boy system needs to be modified, and we coalesced around Wendell Lady as a leader because he was older but very professional, very educated, and just had a great personality, and was a clear choice for a leader.

NP: Talk about how you convinced others to support Wendell Lady at that time. My understanding is that Pete ended up not running, but it must have been because he didn't have the votes? Did you somehow convince him he wouldn't be re-elected?

RW: Well, of course, we lost the majority in 1976. That was the big thing. You can't be Speaker if you're not in the majority. So in 1976, which was an immediate aftermath or two years after the pardon of Nixon by President Ford, Governor Bennett had been elected in 1974 and had some popularity issues. He was elected, but he—there was some resentment against him. He was not the most popular Governor, even though he's probably the smartest person I ever met. He was so obviously intelligent that some people just felt uncomfortable because of his level of intelligence.

In any event, we lost the majority in 1976 for the first time since 1912. So Wendell became the Minority Leader at that point. After Governor Carlin, then Speaker Carlin, who became Speaker at that point, served his term and then went on to the Governorship, then Wendell did win the Majority. I think it was just maybe for two years or four years that Democrats controlled the House of Representatives, and when it switched back, Wendell was the heir apparent since he had been Minority Leader.

NP: How was Wendell Lady as leader? What do you think you got accomplished during that time because of this young group of bucks, as you called them, or Wendell's leadership?

RW: Well, my knowledge only extends through 1977. So I can only talk about the period of time when I was closely associated with him. Nancy, having served in the legislature, you know

I think that there are really two kinds of leaders—those who are selected because they accumulate power and really there's a tendency to fear the consequences of defying them. Leadership by, not just by example but by presence and emanation of power.

There are other people who are just natural leaders because they obviously have leadership skills. People gravitate towards them because they are friendly and outgoing and knowledgeable at the same time and just have all the hallmarks of people that you like and trust.

And Wendell falls in that latter category. His personality, he was a civil engineer. He was highly educated, highly knowledgeable. He got along with people extremely well. He was just a natural leader, and he encouraged discussion and wanted to know what your thoughts were as opposed to most people where it's kind of a top/down situation of leadership, and to get along, you go along because you are worried about the consequences. That projection of power encourages you to go along because you don't want to know what the consequences of defiance will be.

Wendell was never like, never in my experience, and that's why because we were essentially a younger group, and he had a decade on us, but he still related to us in a very, very meaningful kind of a way and a very open way and had such natural leadership qualities, he was an obvious choice to be in that kind of a situation.

And then once our group clearly allied with him and kind of put him forward, he had such other obvious leadership qualities and appeal to other members who weren't as young as we are that he was such a natural choice for leadership in the Republican Party in the House of Representatives.

NP: Can you recall some high points of things that you personally were involved in, legislation that was passed that you really cared about and was involved in at that time?

RW: Well, there were a lot of things that were going on in terms of restructuring, ironically, later on, restructuring the Judiciary which would include building the Judicial Center, including the option for either partisan or nonpartisan selection of judges, the creation of the Court of Appeals, which I have a funny memory. It passed the House, as I recall, in a 63-62 vote. So when I worked with Court of Appeal Judges, I said, "But for my vote, you wouldn't exist at all right now," which is pretty funny.

But the one thing I very clearly remember is Speaker McGill, and this is in 1976, when I believe it passed, Speaker McGill normally would not come down and take personal issues on things, but he came down and he railed against creating a Court of Appeals and pounded the podium and just—the same thing with nonpartisan selection of judges. In my recollection, he was just absolutely opposed to anything that had to—was going to increase, in his perception, the expenses and the power of the judiciary.

So it was a close vote. A lot of the more senior members, particularly if they were not fond of lawyers, and at that point, I think there were only, I don't know, maybe ten or twelve lawyers in the legislature. So it was easy to foment opinion against lawyers, and it just passed on a very narrow vote.

NP: Very narrow.

RW: And the funny thing was, too, the other thing, we built a new KU Law School. I was enrolled in KU Law School, and the Dean at that point was Martin Dickinson, and I was in his tax class at the time that the bill was before the legislature to create a new law school. So I'm convinced that my C in tax class was a reward for my vote on the law school. You would never admit it. I probably shouldn't have mentioned it either.

Tax was not my thing at all. It was pretty funny. On the one hand, he was lobbying me. On the other hand, he had to give me a grade.

NP: So you left the legislature in '77, '78.

RW: '77, '78.

NP: And went to work for a Senator, James Pearson.

RW: That's right.

NP: Talk a little bit about that experience.

RW: In 1977, obviously we had lost the majority. So I went from being, the 1976 election, I went from being a committee chairman in 1975, '76 to sitting back in the back row and wondering what was going to happen because we had no control over anything and it was a depressing experience.

I was in a law firm where I did not particularly enjoy practicing law on a day-to-day basis, and I was gone so much. It was hard to keep good contact with clients. And, frankly, I was in a general state of depression at that point about the whole thing. When Pearson's representative called me up and asked me if I'd be interested. He was scheduled to be up for re-election in 1978. So they said, "What we'd like you to do is come back to Washington and spend some time here and then come back and help run our '78 re-election.

So I left my law practice. I resigned from the legislature. I sold my house. I got engaged to be married and moved to Washington DC all within a few months.

NP: You made a ton of changes all at once.

RW: And I got back there and found out that he had changed his mind and was not going to run for re-election.

NP: So it was short-lived.

RW: Well, he was obviously going to be in office for another year and a half. So I stayed through most of that although I came back in 1978 because the cost of living in Washington was really a serious issue, and I just didn't enjoy life in Washington. We missed Kansas.

NP: Were you married by that time?

RW: Yes. I married in actually November of 1977. We originally lived in Washington DC and then moved out to a suburb of Maryland. But everything was just so incredibly expensive. You couldn't get good meat. [laughs] We missed Kansas beef.

And my old law firm said, "Well, if you want to come back," plus at that point, I'd been talking—that was in 1978, and I'd been talking with Governor Bennett whose term was up in '78 about being appointed to the newly created Kansas Adult Authority, which was the Parole Board, and there were full-time positions available, and I asked him if he'd consider appointing me, and he said, "Sure."

He appointed me after he had lost the election to Governor Carlin. But Governor Carlin and I had a good working relationship when he was Speaker of the House and when he was a member of the legislature. We'd worked on a number of things. We ironically both worked to oppose the death penalty although later running for Governor, he announced he was in favor of the death penalty, wound up vetoing it though as a matter of conscience when it hit his desk.

I teach political science classes, and I use that as an example of true political courage—saying something—because Governor Carlin realized and it was put to him, realized when you sign this bill, people will die because of it, and he hadn't really thought about it that way. I've talked with him several times about that.

So he and I worked on a lot of things together across the aisle. He and I had a great deal of respect for one another despite obviously belonging to different political parties.

NP: So he was supportive of your appointment to the Kansas Adult Authority.

RW: Absolutely. There were three appointments, all Republicans. He did not oppose me, but he opposed the other two, and they were non confirmed by the Senate.

NP: So how long did you serve on the Adult Authority?

RW: I served three-and-a-half years, three years, eight months, something like that. Then at that time, there were bad things happening. The practices of the board had changed dramatically so that instead of everybody reviewing all the files and everybody up for parole, one person would interview them, and then they passed the file around. Once they got three to five signatures, they just cut a parole certificate, and the other two members might not even know about it.

And I caught one. I just happened to be in the office, a clerk when he was issuing a parole certificate, and I said, "I don't remember seeing this," and he said, "Well, I got two other

signatures,” and I said, “This isn’t right.” But they kept on doing it because that’s how the Chair wanted to do it, and I could see disaster coming, particularly with one particular inmate who we continued, but when I left, they paroled him, and he went out and murdered again.

So I knew that was going to come. I could see disaster, and I got out before the Titanic hit the iceberg.

NP: There was obviously really some serious decisions there.

RW: It was terrible.

NP: And then you went from that, I don’t know how many years later, but you applied for a judgeship.

RW: Actually twice. The first time, there was—and this was 1984, there was a vacancy. I applied for that, but there was a very well-connected Democrat, and Carlin had no real choice but to appoint him. So I knew that. But he did not like the job. He resigned a couple of years later. So in 1984, I applied, and he appointed me over another Republican.

NP: And you had that working relationship with him from before.

RW: In fact, I was real concerned about it. But I walked into Governor Carlin’s office. He said, “Well, you’ve got the appointment. I’m going to appoint you. But tell me how things are going down in Newton?” It was a real stress reliever.

NP: So you were on the bench for—

RW: Almost thirty-one years.

NP: Thirty-plus years. Talk about that. You are one of a very few people that have really been in all three branches of the government—the legislative, the executive as a member of the Kansas Adult Authority, and then as a judge, and different responsibilities for different branches of the government.

RW: Absolutely.

NP: Talk about being a judge, and you can comment on the differences that you felt in those different positions.

RW: Sure. One of the differences, one of the reasons that I wanted to be a judge, really two reasons, is when you are in private practice as long as I was for a while, sometimes you have to represent people that you really find disagreeable, but if they pay cash, I mean, you need to take things on because you need the money to function.

And I was never really good about billable hours. Sometimes I'd work all day, hard. I'd maybe spend eight or ten hours. I could only figure out two or three billable hours because I was a terrible timekeeper. And I always did not like the fact that my ability to help somebody was dependent upon their ability to pay.

One of the things I decided early on was, first of all, I was never going to make a lot of money, but when I was in law practice, there were some months when the firm didn't even bring in—it was feast or famine. Some months we didn't even bring in enough money for me to make my mortgage payment. Other months were better.

I liked being a judge because I didn't have to worry about #1, billing hours and keeping track of my time, #2, I didn't have to think about, "Now can I afford to charge this person?" or "Can this person afford to pay me?" In a small-town practice where it's essentially retail law, and you don't represent a lot of big clients, billing is your life. You don't have a lot of big retainers. If you're not keeping track of your time and aggressively billing, you're not going to do well. And I didn't do well practicing well.

But I just enjoyed the idea that I had an opportunity, particularly because we tried a lot of jury trials. We had a prosecutor who wouldn't negotiate. So I tried a lot of jury trials to showcase the legal system to the public and demonstrate to them that it's not our system of judges and lawyers. It's their system, and they're the ones when they get down to the most important decisions, they're the ones that have to make it work.

So the good will you can bring about because most people feared jury duty, had bad experiences, have heard about people with bad experiences, but if you can convince people by when they participate, as we did for a lot of jury trials down in the 9th Judicial District, that the system is really operated by them when we get down to the most important things in the system. That was very fulfilling. I enjoyed that piece of it.

I did not enjoy the domestic work. That's one of the reasons why I left. I had one too many just ugly child custody decisions.

NP: Yes. Been there.

RW: And you make a decision, and then there's more motions and more decisions and more motions, and it just never goes away.

NP: It never ends.

RW: But we really were aggressive about promoting alternatives, both mediation and high-impact divorce education to convince parents how not to fight because all the studies showing how, when parents fight, that's the single most toxic effect on children in their younger years, and it sets a role model that that's how you resolve disputes is you fight with each other. If you can teach people how not to fight and alternatives and—

NP: How to communicate.

RW: The emotional cost of fighting, if they can understand that, then they can figure out alternatives.

NP: You mentioned that you're opposed to the death penalty.

RW: Absolutely.

NP: When you were in the legislature. Did you ever have a death penalty case as a judge?

RW: I did, but—well, first of all, you had to, and I don't know whether this is still true or not, you had to go through death school as a judge, at least back when the death penalty came in. You had to go through death jury trial training in order to handle the case.

I had one, involved a very well-liked officer who was murdered during a SWAT raid on a drug house. But he was loved by everybody, and I was originally assigned the case, but I knew him really well. First of all, I granted a change of venue because he was so popular, so well-liked that I knew that it would be very, very difficult to get a jury in Newton. So I ordered a change of venue, and I also recused from the case, and they appointed a Sedgwick County judge to handle it. Then it was tried down in Wichita.

So I had a couple assigned to me. There was another one which pled out to a non-death penalty case. Fortunately, I never had to—I would have had a moral dilemma. I thought about this. What would I do if I was assigned a case and didn't have a conflict? At some point, I would have resigned rather than handle a death penalty.

NP: You felt that strongly.

RW: I was prepared to resign. I felt so strongly. It's not just—it's a whole bunch of things, obviously—background, moral belief, but it's also the knowledge that the death penalty uses so many resources, #1, but that's not the reason. It doesn't make society safer by killing people. In fact, the states that have death penalties normally have higher crime rates than those that don't have death penalties. So there's no cause and effect.

Plus, death penalty cases just consume so many resources. They're cruel, particularly to the victims because they string out over twenty, twenty-five years, and you don't really know the outcome of things. There are a whole bunch of reasons it's a bad thing.

NP: As members of the Judiciary, we do believe that we have a good system. However, it's not perfect either.

RW: Absolutely.

NP: And I think that is also a consideration. You, I gave a quote on your retirement from the bench about your view of certain people being supervised in the community rather than them being incarcerated. Do you want to talk a little bit about that? I think that goes maybe along with some of your other views, having been on the parole board and having been other places, and your experience in the legislature as well.

RW: The first couple of years I was on the Parole Board, the Kansas Adult Authority, the Judiciary Committee of the House decided that they were going to see what was going on in the prison. Why are all of these people being let out of prison?

So we actually had a meeting over at Lansing Correctional Facility, and we just had them sit in on a typical panel of inmates that were eligible for parole that month. The first case was bad checks, a person convicted of bad checks. The second case was a lower-level theft with no prior record. I think we sat through like a dozen hearings, ten of which were nonviolent people, some of whom had no record whatsoever.

Now a couple of them were bad dudes, and we kept them in prison. But the legislative panel members, the judicial panel members said to us, "Why are these people here?" Well, in most cases, because the local judge got tired of seeing them around for petty stuff and said, "I'm going to fix your wagon. I'm going to send you to prison" without really trying them on any kind of intense supervision because there were no intensive supervision programs back then. Community corrections at that point did not exist.

I know in our county before I became judge, if you were on probation, you signed a piece of paper and that was pretty much it. You didn't report. If something was going on that they got a report, a police officer might call you in, but there was no meaningful supervision of any kind, let alone intensive supervision of people. So it was easy for judges to get upset at probationers who continually violated things, and when they finally got enough, they'd send them to prison even though they could have easily been kept in the community.

A typical sentence was one to five years. A one-to-five-year sentence didn't mean one, and it didn't mean five. You could see the Parole Board in ten months, and the Parole Board could let you out, or pass you on. You might do ten months; you might do all five years, if you louse up your time in prison. If I say I'm coming to your house, I may be there ten months, or I might be there five years.

How do you even plan for—if you're state government? It was dishonest for the inmates because they never knew when they were going to get out. It was dishonest for the victims because they never knew when the offender was going to get out. It was dishonest for the state because we didn't know how to budget for people, and we had burgeoning populations.

But the majority of people in prison when I was on the Parole Board were there for nonviolent offenses. Sixty percent of people, and they were serving short times. They were continually rotating in and out, but they really needed to be tried with resources of the community. Well, there weren't resources in the community to deal with them.

So the creation of Community Corrections, the creation of sentencing guidelines. I was one of the original members of the Sentencing Commission. That's one of the things I'm proudest of that I was able to work on and help accomplish where we said, "Look, we need to give judges flexibility." So we need to create a presumptive system, but that's more honest, that says, "You're going to serve X amount of time depending upon your criminal history, depending upon the severity of your offense. You're going to be given a number. You can earn good time off of that. But then everybody knows within a short range of time, including the prison system and the legislature, how much time is likely to be spent and then we can project it out.

We on the Sentencing Commission developed some very sophisticated models for prediction—okay, if we double the penalty for this, what it's going to do a year from now? What's it going to do five years from now? How much space are you going to need in ten years? How much additional construction are you going to have to do to accommodate just because you're increasing the penalty for this particular crime?

And they've turned out to be highly reliable models for prediction of prison population. So it's a source of information for the legislature. It creates a normative situation for judges where there can be departures away from things, and there are a lot, as you know.

NP: Yes, I know.

RW: But it's a normative system instead of one that's based upon a worst-case scenario and giving judges unlimited authority to send people to prison plus giving them community resources to use for people who need management in the community.

NP: I understand you had some creative sentencing from time to time. Can you recall any of those?

RW: Well, a couple of situations. We had a bunch of boys who got a sack full of bee bees, not bee bees, ball bearings, a slingshot, and they went around town taking out plate-glass windows to the tune of like \$25,000. It included both homeowners and businesses, something like fifteen different businesses.

Well, there was no way they could pay that back in cash, so we had them sit down with mediators, and they worked out a situation. In some cases, they mowed lawns. In some cases, they actually went to the business. They were not bad kids, but they just made some incredibly—here's a bag of ball bearings. Wouldn't it be fun to shoot up some windows in kind of a group setting?

And so we actually arranged for them to meet with all of the business owners. A few wouldn't participate, but most of them would, and they worked out in-kind restitution. Some dollar restitution, letters of apology, apologized in person. It was really a community-healing kind of situation.

Other cases, I had a situation where we had a revenge kind of situation and I made the people not only sit down, but I made them read Walter Van Tilburg Clark's *The Ox-Bow Incident*, where vengeance runs amok, and what the cost of that is. In another case, I had animal abuse, and I made them—it involved cruelty to horses, and the argument was, it was stupidity. It wasn't cruelty, although they were convicted, and I made them take some training and meet with veterinarians so they would understand horse care. So next time if it happened again, they wouldn't come in and say, "Well, I didn't know anything about horses" so that they would do that.

I always required letters of apology. I always required that there be some kind of community service work associated with every probation order. It could be volunteer work. It could be all kinds of different things, unless there was some physical disability that prevented it. It was very important to me that people who were on probation understand not just the cost to the victim but the cost to the community and the need to pay back the community.

NP: Just moving to kind of a more general question, and I guess I don't know whether the Ninth Judicial District, I assume, or I'm thinking it's a nonpartisan selection.

RW: That's right. It has been from the beginning.

NP: Any thoughts about that system in contrast to election of judges? Were you involved in any issues regarding that at any time, either in the legislature or while you were on the bench?

RW: I'm twenty miles away from Wichita where they spend incredible amounts of money running in the primary. In fact, I asked an attorney I said, "If I wanted to run a primary campaign against one of the incumbent judges down there, how much money would I have to raise?" "Oh, at least \$50,000." "And if I had a general election?" "Oh, at least another \$50,000, \$75,000," just to run in a partisan election in Sedgwick County. There's TV and billboards and all that kind of thing to get your name out.

In thirty-one years in nonpartisan selection, I never spent a penny. I never spent a penny. And I didn't have to worry about "Is this attorney contributing to me?" because attorneys know, and judges know who's contributing.

NP: And who's not.

RW: Exactly. Exactly. And some contribute to all the candidates just to be safe. Well, that's just not—I always wondered. I never practiced, even when I was in private practice, I didn't go out of district much because the one time I did, which ironically was here in Shawnee County, I got hometowned so badly by the local judge.

NP: I'm sorry.

RW: Well, he has passed on to the Big Bench in the sky. But I really did. I got hometowned. I vowed I would never again put a client of mine in the situation where I went before a judge I

didn't know and I didn't know the legal culture because the thing I've discovered as a senior judge traveling the state as you are is that we have one system of justice, but we've got 150, 105 counties' different way of doing things to make that system work. And some of them are radically different from each other. And just because I did things one way, that's not done here. So I've had to be quite flexible.

NP: I know what you're talking about.

RW: I know you know what I'm talking about.

NP: I do want to ask you about your time serving as a senior judge on the Court of Appeals. How many years did you do that?

RW: Seven.

NP: So that's a whole different experience.

RW: Totally different.

NP: Working as an Appellate Court judge. And that was immediately after your retirement.

RW: Yes. In fact, I could have actually served another nine years, had I not retired, but just by vagaries of the retirement law, I could have served—in fact, I could still be serving right now. But I'd had it with the domestic cases, and this came about. Through the years, I'd almost put my name half a dozen times as an Appellate Judge, but I didn't want to move to Topeka. I thought you had to do that. Apparently you don't have to.

NP: You didn't know that back then.

RW: I didn't know it. But some of the Chief Judges that actively recruited me to put my name in for it, and I just—I had kids in school, and I didn't want to—I just didn't. But I'd always kind of enjoyed—I'd been assigned in ironically as a District Judge to help out, I think eight or nine times during that period of time and had a number of published decisions. I enjoyed it. I particularly enjoyed the opportunity to work in a panel of judges because when you're a lone wolf, as you know, particularly if you're in a district where, a small district where there's—

NP: People know you, and you know them.

RW: People know you. It's not always easy to get a judge as familiar with the case to be able to give you useful advice. But when you're all three judges sitting on a panel, even if you've got the writing assignment, you get feedback from all the judges. You have to give and take, and I know you've gone through that process. That's where once you have the benefit of group thinking.

#2, for the first time in my life, I had research assistants I mean, I'm a pretty good researcher on my own, but when you've got a couple of dozen cases, you just don't have time to get into depth.

You make a decision, usually from the bench or maybe with a little bit of research, but you rely on the attorneys for most of the research, although that's not always the best thing to do. I always find cases that they have overlooked.

But the ability to have really top, quality law students and former law students who are at the top of their game giving you legal research pretty much on demand. I'd say, "I really need something more on this issue." They'd say, "Oh, I can't get this to you today, but I can get it first thing in the morning."

NP: It's so quick.

RW: It was just unbelievable to have that kind of back-up in making my decisions on things. I've never had that before, and it was intoxicating.

NP: And you've done some other things. You've taught since retirement.

RW: I've taught at Bethel for the last twenty-two years as an Adjunct, night classes, all the way from Kansas History to Political Science, US Government, Criminology. Right now I'm teaching Introduction to Criminal Justice. I like working with people who don't know much about the system. I at least know a little more than they do.

NP: You have a few stories to tell, I would say.

RW: You know, I have to limit myself to one war story per class session.

NP: That's the part they probably enjoy the most though.

You have been a public servant, it sounds like your entire adult life. When you look at those various phases that you were in or various branches of the government. Do you have something that sticks out that we haven't already talked about that you'd like to mention? A proud moment? Something that you carry with you?

RW: The thing I'm proudest of is the fact that we've been able to create down in the Ninth Judicial District and actually it's attracted people from other districts, too, is what we call HOPE, Healthy Opportunities for Parenting Effectively, which is the program I talked about where we actually require parents in high-conflict cases. You don't need it in every case, but where the people who keep coming back and keep coming back and think that hiring lawyers and filing motions and bombarding the other party and forcing them to come to court all the time that that's the way you do things.

We created a program that is a five-week program where we actually confront them with the statistics about the damage they're doing to their children. We have several couples who have gone through it and who have gone from Motion of the Month Club down at the district court to they don't like each other anymore, but they show up together and say, "We understand how important it was that we cooperate." People understand that you can change from totally hating

and being oppositional to everything that the former spouse wants to “Well, we may not like each other, but we understand. We’ve got to co-parent here, and we’ve got to do it in a way that does not make them the victims of our broken marriage,” that you learn in the toughest situations that you will ever face that there are constructive ways to get through it that will not scar the people that you love the most. And if you love them, you’ll learn how to do that. If you don’t, then just keep on fighting.

NP: I guess maybe just kind of towards the end of our conversation together, we haven’t talked much about your family and the impact on your family, particularly being a judge in a small community, anything you might want to mention? I don’t know how many children you have. You might just want to mention a few things like that.

RW: We’re a “Hers, Mine, and Ours” situation. I had two children in my practice marriage, and then I married a woman who had two children in her practice marriage. We actually met taking our kids to the babysitter in Newton, and we got married, and we’ve had one child since that time.

Parenting has been and continues to be a challenge because some of the children that we’ve had adapted much better to—my children were quite young when I was divorced as were my wife’s children quite young. Some of them have had a rough ride. The child we had together is doing quite well and is well adjusted, but you know, some of them have had struggles, just because it’s never—particularly because my first wife moved away out of state. First of all, she moved to Lawrence, and I spent every weekend driving back and forth. She said, “If you want to see your kids, you drive to”—

NP: I think I remember seeing you at a baseball game up here in Topeka.

RW: Yes, absolutely. I drove back and forth. Two round trips to Lawrence every weekend for about four years. Then she moved to Dallas, and I tried to get down there once a month to see the kids.

NP: Do some of those experiences help you on the bench to understand what some of these families were going through, too?

RW: What it does is people who—I have to fight with my emotions because people who are intolerant won’t even drive across town.

NP: And you drove to Dallas.

RW: And I drove to Dallas and back once a month. I have to fight, “Okay, I did it. Why can’t you do it?” Well, there are a number of reasons. And particularly people who are not willing to—here’s a saying that we discovered in the HOPE program, “Just because I have the right to do something in court or to oppose something doesn’t mean it’s the right thing to do,” which is kind of a glib way of saying, “You shouldn’t always demand your way, and you’ve got to be flexible even”—

There's another term, "heroic self-restraint." You have to be heroically self-restrained and not do things even when maybe it's, when you could do them, maybe even should do them, but you have to always ask the question, "Will this make life better for the kids? Will it enhance their life or will it penalize them?" And a lot of families aren't able to jump over the anger barricade or the "Well, it's your turn to do something, and if you're not going to do it, then I'm not going to do it." You have to be willing to give a lot sometimes.

So I have to fight with myself because I went through a lot of the same things that the people who are appearing in front of me, and the fact that somebody was third minutes late for visitation, and now you want to terminate their visitation?

As you know, there are attorneys that will feed that fire because that's how they make their living. Most attorneys, that's not true. Most of the members of the bar, particularly in family law matters, will try to understand the stakes. But there are a corps of people who make money by stoking the flames and by filing those motions, getting hearings. "All I need is fifteen minutes." Well, an hour and a half later, when they're presenting their evidence, and we haven't even got to the other side, and you know that. It's just not the right way to handle things.

The worst place in the world to handle family law disputes is in the courtroom, absolutely the worst place.

NP: I agree with you.

RW: Absolutely. But you've got to show them and convince them that there are alternatives to that that are meaningful, and that everybody is going to be better off because a judge can just make a decision. I can't live your life afterwards, after that decision is made. And sometimes it's going to make things worse because you've turned the children's lives over to me now. I'm the super parent now. That isn't the way it should be, but a lot of—

NP: Anything that I haven't asked you that you would like to talk about? Anything that I've missed?

RW: Yes, we haven't talked about what a joy it was to serve with your husband in the legislature.

NP: I will certainly tell him that.

RW: And my first year in the legislature, I actually rented from him in a building that's now been torn down, or it may have fallen down. I don't know which.

NP: Next to McDonald's?

RW: Yes.

NP: Okay. I remember that building.

RW: I do, too.

NP: I collected rent over there. Not from you. From other people. Anything else?

RW: One of my favorite pictures occurred right here where I'm expounding on something, and Jim is sitting patiently, listening to me patiently like this, waiting to reply I've got a big blow-up of that.

NP: I'd love to see that.

RW: And I have hair that's almost down past my ears. It was a real seventies picture. And a vest and a bright tie. It was a whole different time.

NP: Those old pictures, they're fun. Anything else?

RW: No.

NP: I want to thank you very much, Judge Walker. It's been a delight to talk with you. I could talk for another couple of hours, but I very much enjoyed it. So thank you very much.

RW: Okay.

[End of File]