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MEMBER
Inq
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February 9, 2015

Hon. Jeff King, Chair
Senate Judiciary Committee
Statehouse
Topeka, KS 66612

Re: Nomination of Kathryn Gardner for Kansas Court of Appeals position

Dear Senator King:

I am writing to express my unqualified support of Kathryn Gardner's nomination for the position of Kansas Court of Appeals Judge. I have known Ms. Gardner professionally for almost 30 years, and believe that the nature of my work during most of those years allows me to provide you a unique perspective of Ms. Gardner's strengths and abilities.

I have known Ms. Gardner since 1986, when she became a Law Clerk for the Honorable Sam A. Crow, U.S. District Court Judge for the District of Kansas, when he conducted court in Wichita. At the time, I was an Assistant Federal Public Defender for the District of Kansas, representing indigent clients charged with committing federal crimes. The people I represented were those with no legal or political power whatsoever, who were often incapable of speaking well on their own behalf, and sometimes unsympathetic characters.

It became very apparent to me early in my dealings with Ms. Gardner that she treated all parties and counsel in the cases she worked on with equal respect and professionalism. She was just as courteous to me and my clients as she was to those attorneys and clients possessing the most power and influence. To an attorney in my position, her conduct spoke volumes about her character. I have watched her retain all of those attributes throughout her legal career. In my thirty six years of legal practice, I have been in court before many judges. I have noticed over the years that many of my clients have felt that justice was done, even when they lost, when they knew that the presiding judge in their case had treated them with respect, and listened carefully to the positions of all parties before deciding the case. Kathryn Gardner has conducted her entire legal career exhibiting those very qualities.

Due to the high volume of cases I had before Judge Crow's court, I had frequent contact with her involving a variety of legal issues. Even during her earliest days with Judge Crow, it was quite clear that she already had a firm and sound grasp of the legal issues that arise during federal criminal litigation. She had already accumulated substantial state court experience in both

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civil and criminal cases in her previous positions with Kansas Court of Appeals Judge Joe Haley Swinehart, and working as an Assistant Attorney General in the Civil Division. Her many years of substantive and procedural experience will make her transition to the position of judge smoother than could be accomplished by most attorneys assuming this position. Her academic credentials are superb, and her legal writing contributions to the legal community and training of Kansas law students are remarkable.

As I'm sure you have already noticed, the breadth of Kathryn Gardner's experience is extensive, and she has an ideal balance of both prior civil and criminal experience. Further, she has experience both as an advocate, and from the judicial perspective. Her experience with both Kansas state legal issues and Kansas federal legal issues is also a valuable asset. It is difficult to think of many lawyers who possess such appropriate and impressive credentials for serving as a Kansas Court of Appeals Judge.

In my opinion, Kansas Court of Appeals judges need to exemplify the best that Kansas lawyers have to offer regarding legal abilities, judicial demeanor, and commitment to equal and fair treatment under the law. Kathryn Gardner is the ideal person to assume this position. Please feel free to contact me at (316)291-9757 if you have any questions.

Very truly yours,


Cyd Gilman

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