

FILED
AUG 28 2023
KANSAS BOARD FOR
DISCIPLINE OF ATTORNEYS

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IN THE SUPREME COURT OF KANSAS
BEFORE
THE KANSAS BOARD FOR DISCIPLINE OF ATTORNEYS

IN THE MATTER OF)
)
SUZANNE VALDEZ,) DA 13,674
)
Respondent.)
)

Pursuant to K.S.A. Chapter 23

SPECIAL PROSECUTOR'S WITNESS AND EXHIBIT LIST

1. The Special Prosecutor endorses the following individuals as witnesses who may be called to testify at the hearing on the Formal Complaint in the above matter:

Honorable James McCabria
Chief District Court Judge
Douglas County District Court, Division 4
111 East 11th St.
Lawrence, KS 66044

Honorable Amy Hanley
District Court Judge
Douglas County District Court, Division 1
111 East 11th St.
Lawrence, KS 66044

Ronald E. Wurtz, Investigator
Attorney at Law
2767 SW Plass Ave.
Topeka, KS 66611

Deborah Hughes
Former Deputy Disciplinary Administrator

Shaye L. Downing
Sloan Law Firm
P.O. Box 766
Lawrence, KS 66044-0766

Eve Kemple
Senior Assistant Attorney General
Office of Kansas Attorney General
120 SW 10th Ave, 2nd Floor
Topeka, KS 66612-1597

Alice Walker
Deputy Disciplinary Administrator
Office of the Disciplinary Administrator
701 SW Jackson St., First Floor
Topeka, KS 66603-3729

Dave Melton
Leavenworth County Attorney's Office
601 S. 3rd St., Ste. 3069
Leavenworth, KS 66048-0899

Emily Hartz
Sloan Law Firm
P.O. Box 766
Lawrence, KS 66044-0766

Honorable Blake Glover
District Court Judge
Douglas County District Court, Pro Tem Adult Division
111 East 11th St.
Lawrence, KS 66044

Honorable Mark A. Simpson
District Court Judge
Douglas County District Court, Division 5
111 East 11th St.
Lawrence, KS 66044

Tiffany Wade
Administrative Assistant for Chief Judge James R. McCabria
Douglas County District Court, Division 4
111 East 11th St.
Lawrence, KS 66044

Josh Seiden
Douglas County District Attorney's Office
111 E. 11th St.
Lawrence, KS 66044

Suzanne Valdez
Douglas County District Attorney's Office
111 E. 11th St.
Lawrence, KS 66044

Any witnesses identified by the Respondent

Any foundation witnesses necessary for the below exhibits including, but limited to, the noted court reporters.

2. The Special Prosecutor presently intends to offer each of the exhibits attached and listed below during the hearing on the Formal Complaint in the above matter:

1. Complaint/Email from Chief District Court Judge McCabria dated 3/23/21, and email supplement (with attachment) dated 3/24/21.
2. 3/18/21 Press Release of Douglas County, Kansas District Court by Chief Judge McCabria.
3. 3/22/21 Respondent's public press release response.
4. 3/22/21 Judge McCabria public press release.
5. 3/22/21 Respondent's personal text messages to Chief Judge McCabria.
6. 3/23/21 Respondent's public press release.
7. 3/23/21 short press release by Chief Judge James McCabria with attachments.
 - * 2/24/21 emails setting 2/24 meeting-DAs with Judge McCabria.
 - * 3/3/21 & 3/4/21 emails setting 3/5 meeting-DAs with Judge McCabria and Judge Hanley.
8. Hughes' Memorandum on Facebook posts.
9. 3/23/21 Respondent's public Facebook post about INSECURE MAN.
10. Partial Transcript of Motions Hearing with Respondent before Judge Hanley on 3/24/21.

11. Respondent's emails with D. Hughes 8/2/21 to 8/9/21 including Respondent's email referencing "how sexist (Judge) McCabria is" on 8/5/21.
12. Respondent's text with Emily Hartz on 12/18/20 about the new courtroom.
13. 8/16/21 expungement docket partial transcript of the Respondent appearing before Judge McCabria.
14. 6/2/22 emails between the Respondent and Judge McCabria on continuances with attachment of 3/31/22 emails.
15. Emails on 11/19/21 and 11/5/21 with Judge Simpson, Respondent, and Joshua Seiden on AOT Program.
16. Lawrence Journal World Article on 5/11/23 titled, Disciplinary hearing scheduled for Douglas County DA Suzanne Valdez; special prosecutor will preside.
17. Examples of the District Court's ongoing consulting with the District Attorneys on the plan to resume jury trials (August 2020 through March 2021):
 - 17A. Judge Hanley emails August 3 & 4, 2020 on jury trials, with DA Kemple and references to August Bench-Bar meeting with DA Branson;
 - 17B. Judge McCabria email on 9/17/20 with DA Branson;
 - 17C. Judge McCabria email on 10/29/20 with ADAs on conducting a "test run" with them;
 - 17D. Judge McCabria email on 11/10/20 to Douglas County Bar;

- 17E. Judge McCabria email on 12/4/20 on Open House for Remote Court Proceedings and emails from District Attorneys reserving 20 slots;
- 17F. Judge Hanley email on 12/4/20 setting up time to meet with counsel on upcoming trial preparations, including DA Walker;
- 17G. Judge McCabria email on 1/4/21 requesting input from district attorneys before first scheduled jury trial;
- 17H. Emails on 2/24/21 with Judge McCabria, Respondent, and other district attorneys on scheduling meeting regarding jury trials;
- 17I. Email with Administrative Order by Judge McCabria on 2/25/21 continuing trials; and
- 17J. Emails on March 3 & 4, 2021 between Judge McCabria, Judge Hanley, Respondent, and others on meeting to discuss upcoming jury trials.

SPECIAL NOTICE TO RESPONDENT

3. Additional Witnesses and Exhibits: If the Special Prosecutor decides to call any additional witnesses or offer any additional exhibits, you will be notified as soon as possible.

4. Witness and Exhibit List Deadline: Under Rule 224(b) (2022 Kan.S.Ct.R. at 279()), you are **required** to file a witness and exhibit list and exhibits marked alphabetically no later than 14 days after the Answer to the Formal Complaint is due.

5. Service: Under Rule 215(c) (2022 Kan.Sup.Ct.R. at 267), the original witness and exhibit list and the original exhibits were filed with the Kansas Board for Discipline of Attorneys and a copy was sent to you and to each hearing panel member as required by Rule 215(c) (2022 Kan.Sup.Ct.R. at 267). Under Rule 215©, you are likewise required to file your original witness and exhibit list and each original exhibit with the Board and serve a copy of the witness and exhibit list and each exhibit on the Special Prosecutor and each member of the hearing panel.

6. Personally Identifiable Information: If you offer an exhibit into evidence that includes personally identifiable information covered by Rule 224 (2022 Kan.Sup.Ct.R. at 279), you are required to protect the information by redacting the information or requesting that the hearing panel receive and maintain the exhibit under seal.

7. Stipulations: To facilitate and expedite the hearing, please stipulate to the admission of the exhibits or file specific written objections to the admission of the exhibits in advance of the hearing on the formal complaint.

8. Open File: Under Rule 207 (2022 Kan.Sup.Ct.R. at 310), the Special Prosecutor's file remains open for your inspection at any convenient time.

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Pursuant to K.S.A. Chapter 23

SPECIAL PROSECUTOR'S WITNESS LIST ON AGGRAVATION

The Special Prosecutor endorses the following individuals as witnesses who may be called to testify at the hearing regarding aggravation factors in the above matter:

Judge Sally D. Pokorny
Douglas County District Court, Division 2
111 East 11th St.
Lawrence, KS 66044

Judge Stacey L. Donovan
Douglas County District Court, Division 6
111 East 11th St.
Lawrence, KS 66044

Respectfully submitted,

/s/ Kimberly K. Bonifas
By: _____
Kimberly K. Bonifas, Sp.Ct.No. 20764
Special Prosecutor
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