

The Michael J. Malone Douglas County Law Library E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 14th.

The October 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, October 20th, from 12:00 p.m. to 12:50 p.m. in the Small Courtroom (Division 1) in the Judicial and Law Enforcement Center. **Note the change in location.** Patrick Nichols will present *Civil Mediation; Understanding the Process and Advocating Effectively*. Check the [DCBA website](#) for more information on the program, on the CLE credits available, and for handout material.

Judge Fairchild Retires from Douglas County District Court

Judge Robert Fairchild's last day as judge in Division 1 of the Kansas Seventh Judicial District was September 9, 2016. He had served as a district court judge since 1996 and as Chief Judge of the district since 2002. He will now serve in the Senior Judge program and fill in as needed in this and other jurisdictions across the state.

With his retirement from the local bench, Judge Fairchild also leaves the Michael J. Malone Douglas County Law Library Board of Trustees, a position he has held since the library was created by a vote of local attorneys in 2001.

The editor would like to take this opportunity to thank Judge Fairchild for all that he has done for the law library in his fifteen years on the board and to wish him success in his future endeavors.

Lexis Advance Group Train Session Scheduled for October 28th

There will be a free group Lexis Advance training session in webinar format for attorneys on Friday, October 28th, from noon to 1:00 p.m. It will be held in the Judge Shepherd Conference Room, located at the east end of the hall in the Citizen Review Board's office suite next to the library. This is the second such session offered to library patrons, the first having been on September 23rd.

Free Online Lexis Advance Training and LexisNexis University CLE Sessions

As reported in last month's newsletter, the law library's contract with LexisNexis makes unlimited free training available for library patrons. In addition to group sessions on legal research using Lexis Advance, this includes free one-on-one individual training sessions on Lexis Advance and free Kansas CLE credit-eligible online courses through LexisNexis University.

Individual Lexis Advance training sessions consist of up to thirty minutes of one-on-one interaction with a LexisNexis trainer. To sign up for an individual session, go to <https://timetrade.com/app/lexisnexish/workflows/LexisNexis002/schedule/?locationId=1>

[lexisnexis&appointmentTypeGroupId=internal&resourceId=anna.zissis@lexisnexis.com](https://www.lexisnexis.com/lexisnexis/lexisnexis?appointmentTypeGroupId=internal&resourceId=anna.zissis@lexisnexis.com)

Click on the "1:1 Session" Appointment Type to highlight it and then click "Continue". Choose the date and time you desire and then click "Continue". Fill in all of the boxes with a red asterisk. Note: For "Firm or Company Name", you must use "KS-Douglas County-Law Library". Click on "Schedule It".

For CLE sessions with LexisNexis University, go to <http://www.lexisnexis.com/university/trainingcalendar.aspx?gridvisible=true&Solutionline=17>. The CLE sessions are highlighted in light grey. Choose the session you want and click on it. A page with information on the session will open. To register for the class, click on the red "Register" button next to the price, which should be \$0.00, on the right.

If this is your first time using LexisNexis University, you will need to create a personal user account. After you have done so, or if you already have an account, sign-in and then follow the instructions to complete your registration for the session.

At the end of the session, you will be given a CLE code. You will be instructed to use that code to sign in to a particular site to receive your CLE credit.

If you need assistance or have questions, contact the library.

Silent Auction Scheduled for October 11-18

The Law Library will be holding a silent auction in October to dispose of surplus material unneeded in the Library's collection. A list of material being offered as of publication of this Newsletter appears at the end of this article.

The auction will run from noon on Tuesday, October 11, to noon on Tuesday, October 18. Items will go to the person placing the highest bid received in the Library by noon on the 18th. Those wishing to bid on items in the auction will need to fill out a bidding slip in the Library or submit their bid by telephone or e-mail. Bidding slips will be available in the Library, and should be deposited in the Suggestions/Ballot box on the table next to the Library's copier/printer.

All bids must include the title or description of the material being bid on, the bid amount, the date and time of the bid, the bidder's name, and the bidder's telephone number or e-mail address.

In the case of tie bids, the bid with the earliest date and time will be the successful one. Because of this, it is essential that all bids include the date and time the bid is placed.

The material being auctioned will be available for inspection in the Library during the auction. Winning bidders will be notified after the close of the auction and will need to pick up and pay for their material in the Library as soon as possible after the auction ends.

Law Library staff may add additional material to this list or may remove listed material from it prior to the beginning of the auction. A full list of available material will be posted in the Library and on the Library's website.

Material up for auction:

Dell Latitude D520 Laptop with power cord and software, no hard drive.

Kansas Criminal Law Handbook. Fourth ed. 2006.

Kansas Criminal Law Handbook. Fourth ed. 2006. [CD ed.] - 2 copies.

Kansas Criminal Law Handbook. Fifth ed. 2016.

Kansas Family Law, v. 1, 2014-2015 ed.

Kansas Family Law, v. 2, 2014-2015 ed.

Kansas Workers Compensation, Fourth ed., 1998. Including 2000 suppl.

Practitioner's Guide to Kansas Family Law, Second ed. [CD ed.].

Quicken Deluxe, 2009.

Quicken Deluxe, 2013.

TP-Link 5-Port 10/100Mbps Desktop Switch.

Windows 8, 32 and 64 bit.

Good Advice from Law Office Manager

There is a good article on the Law Office Manager website titled [*The County Law Library: Don't overlook this free and valuable legal resource.*](#) Under the heading "Increasing Profits", the article makes some very good points as to why the small law firm should support and use their county law library.

The Michael J. Malone Douglas County Law Library may not technically be "free", since registered attorney are required to pay the annual registration fee, but considering the resources available for use here, it is one of the best, if not the best bargain in town.

Current Art Gallery Exhibition

The October/November 2016 Law Library and Division III art gallery exhibitions are

photography by Marjorie Hedden. The exhibitions will run through the end of November 2016.

The December 2016/January 2017 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be photography by Deborah Kai. More information will be in the December 2016 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

AALL Spectrum, v. 21:1 (Sept./Oct. 2016).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:9 (Sept. 2016).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 304:2/v. 52:5 (July 2016).

Juvenile Justice Update, v. 22:4 (Aug./Sept. 2016).

Kansas Court of Appeals Reports. Second Series, v. 46 and v. 47.

Law Library Journal, v. 108:3 (Summer 2016).

Pattern Instructions Kansas-Civil 4th., 2016 Supplement.

Session Laws of Kansas, 2016:1 - 2016:2.

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

September's entry was:

A form for patrons to give feedback to the Library is available on-line through the Library's website and at <http://dcll.form-mule.com/forms/GsmOv3wxbbAY8ngk>.

This Month In Legal History

This month marks the tenth anniversary of the This Month In Legal History column. It began in the October 2006 issue of the newsletter. That first entry was:

October 3, 1854 - President Franklin Pierce names Samuel Dexter Lecompte to be the first chief justice of the Kansas Territorial Supreme Court.

This column has evolved through the years, and the articles have become more comprehensive in the coverage of their topics. Numerous incidents and related facts that were little known of prior to the the research conducted to write the articles have been found, and their discovery has deepened the knowledge of the times in which they occurred and added to our understanding of local history.

The entry for this month is:

October 7, 1898 - John J. Kunkel is arrested and charged with murdering his wife.

John¹ J. Kunkel² was born in Germany around 1848, and later emigrated from there to the United States. He came to Lawrence, Kansas in 1876. On October 26, 1877, Kunkel married Ellen E. Root, daughter of Ebenezer and Sarah Root, in Lawrence. Ellen had been born in Buck's County, Pennsylvania, on November 10, 1848, but the Roots had lived in Lawrence since at least 1870. Kunkel was a tailor by trade, and eventually became what was later described as a "prominent citizen" of the town. Late in 1879, Ellen gave birth to a daughter, Ada E., around 1884 she gave birth to a son, Julius S., and around 1887, she gave birth to another daughter, B. E. In total, she gave birth to six children, four of whom were living at the end of 1894. In October of that year, Ellen became ill. Her condition worsened, and on December 10, 1894, she died of what was reported as "nervous prostration". Ellen was buried the next day in Oak Hill Cemetery in Lawrence. After Ellen's death, Kunkel took in a housekeeper, but aside from that he lived alone with his children. There were whispers that he had murdered Ellen for insurance money, but nothing official was done by the authorities. Eventually, he met Lydia R. Comingor³, a woman who had a young daughter named Birdie. It is not clear if Lydia was a widow or divorced. She was a seamstress, and rented a space above Kunkel's shop. Kunkel and Lydia courted, and on July 8, 1897, the two were married in Lawrence. Lydia and Birdie moved in with Kunkel and his children. According to later reports, there was trouble in the marriage from the beginning. In late June or early July 1898, Birdie, who was 14-years-old, became ill. Her doctor diagnosed gastritis, and it was reported that he was not too concerned about her eventual recovery. Despite the doctor's optimism, Birdie's condition worsened, and she was reported to be suf-

fering considerably. Then on July 30, 1898, Birdie died. Lydia "was prostrated with grief, and at the child's death ran to a neighbor's house, crying 'Birdie has been murdered. I shall never go back again to that house.'" She was reported to have spoken during Birdie's illness that she had suspicions that Kunkel was slowly poisoning her daughter, and that she again voiced them to the neighbors. Acute gastritis is a symptom of slow arsenic poisoning, so her suspicions about her daughter's death were not out of line. Lydia's neighbors convinced her that she was wrong, and she went back home. Around the first week of September, Lydia became ill, with symptoms similar to those of Birdie. Around midnight on September 26, 1898, Lydia died at home. Kunkel quickly had her embalmed. Old rumors about Kunkel poisoning his first wife and his father-in-law, and having burned down his house for insurance money were quickly brought up again. The authorities immediately began a coroner's inquest into the deaths of Lydia and her daughter Birdie. Although her body had been embalmed, Lydia's stomach, liver, spleen, and kidneys were removed for analysis before her burial on the 28th in Oak Hill Cemetery in Lawrence. On October 7, the coroner's jury brought in a finding that Lydia Kunkel had been murdered by poison, and issued a warrant for Kunkel's arrest on a charge of committing that murder. The analysis of Lydia's stomach and vomit had shown large amounts of arsenic in both, which would not have been the result of the embalming of her body. Kunkel was arrested and jailed that afternoon. The jury then turned its attention to Birdie Comingor's death, and witnessed the exhumation of her body that same afternoon. They then adjourned to await the analysis of Birdie's body. Kunkel's preliminary hearing began on October 14th, and lasted until the 17th, when he was bound over for trial in district court to be held without bond. On November 12, 1898, the

coroner's jury found that Birdie Comingor "was poisoned maliciously, willfully and unlawfully by administering arsenic poisoning by some party or parties unknown to this jury." Since they failed to name a perpetrator by name, Kunkel was not charged in his step-daughter's death. Kunkel's trial for the murder of his wife Lydia began on February 21, 1899. The prosecution attempted to bring in the suspicion that Kunkel had murdered Birdie Comingor, but Judge Samuel Agnew Riggs "ruled out every mention" of her case. Judge Riggs continued to rule out much of the testimony the prosecution attempted to get in, including that from a witness who tried to testify that Lydia Kunkel had told her that Kunkel had poisoned Birdie and was poisoning her. The defense rested on March 1st and the case went to the jury. The next day, Judge Riggs instructed the jury to bring in a verdict of not guilty, which the jury did. The *Lawrence Daily World* pointed out that no other verdict was possible, considering that the judge had ruled out most of the prosecution's evidence, leaving them with no real case. The paper went on to observe that "it does appear to the community that the power of the court should not be used for technical purposes as against the prosecution of the community in such cases as this." Prior to delivering his charge to the jury, Judge Riggs had written a review of the case, which was printed in its entirety in the March 4, 1899, issue of the *Lawrence Daily Journal*. By the summer of 1901, Kunkel had supposedly not been feeling well for some time. Early in the morning of August 30, 1901, he began feeling very unwell. He sent for his daughter and a physician. Kunkel died around 7:00 a.m., with the cause of death being attributed to heart disease. His funeral was on August 31st, followed by burial in Oak Hill Cemetery next to his first wife Ellen. Cemetery records show that this second wife Lydia is also buried in the Kunkel plot, but there is no marker of any kind there with her name

on it. Where is Lydia? It is just one more unsolved question in the saga of John J. Kunkel..

¹ Since he was born in Germany, his given name at birth was probably Johann or Johannes, and he anglicized it to John after coming to America.

² In some reports, his last name is misspelled as Kunkle.

³ Some sources spell the name Comingore.

From: Kunkel, John, 1880 U. S. Census, 1st Ward, Lawrence, Douglas County, Kansas, 6/14/1880; [John J. Kunkel](#) [1877], Family Search website; Root, Ebenezer, 1870 U. S. Census, 1st Ward, Lawrence, Douglas County, Kansas, 6/13/1870; Lawrence Daily Gazette, v. 6, no. 77 (December 10, 1894), p. 3; Kunkel, John J., 1885 Kansas State Census; [John J. Kunkel](#) [1897], Family Search website; The Lawrence Gazette, v. 17, no. 841 (October 13, 1898), p. 2; Lawrence Weekly World, September 29, 1898, p. 5; Lawrence Daily World, v. 7, no. 180 (September 27, 1898), p. 3; Lawrence Daily World, v. 7, no. 182 (September 29, 1898), p. 3; Lawrence Daily World, v. 7, no. 181 (September 28, 1898), p. 3; Lawrence Daily World, v. 7, no. 189 (October 7, 1898), p. 3; Lawrence Daily Journal, v. 30, no. 249 (October 8, 1898), p. 2, 4; Lawrence Daily World v. 7, no. 195 (October 14, 1898), p. 3; Lawrence Daily World, v. 7, no. 197 (October 17, 1898), p. 3; Lawrence Daily World, v. 7, no. 220 (November 12, 1898), p. 3; Lawrence Daily World v. 7, no. 307 (February 21, 1899), p. 3; Lawrence Daily World v. 7, no. 310 (February 24, 1898) p. 3; Lawrence Daily World, v. 7, no. [313] (February 28, 1899) p. 3; Lawrence Daily World, v. 8, no. 1 (March 1, 1899), p. 3; Lawrence Daily World, v. 8, no. 2 (March 2, 1899), p. 3; Lawrence Daily Journal, v. 31, no. 54 (March 4, 1899), p. 2; and, Lawrence Daily Journal, v. 33, no. 209 (August 30, 1901), p. 1.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Michael J. Malone Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Michael J. Malone Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: info@douglascolawlibrary.org.

Back Issues

Back issues of the Newsletter are [archived](#) on the Library's website.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

Juvenile Panel Attorney Wanted.

Attorney with experience in juvenile law (child in need of care and juvenile offender) wanted. Appointed position carries one-sixth of the appointed-counsel CINC juvenile workload in Douglas County District Court representing both children and parents. Required: Kansas license; GAL training. Monthly payment is \$2,800. Send resume and letter of application by 5 p.m. Friday, October 14, 2016, to Linda Koester-Vogelsang, Douglas County District Court, 111 E. 11th St., Lawrence, KS 66044.



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