

## JHC Criminal Defense Team Extends Its Record of Success Delivering Justice for Clients

STATISTICALLY, a staggeringly small percentage of criminal cases are resolved by trial, but JHC's criminal defense attorneys are committed to ensuring their clients have their day in court. The criminal defense team's 2024 trial results demonstrate the importance of holding the prosecution to its burden of proof.

The trial victories started in January when Chris Joseph and Dustin Curry secured not guilty verdicts on charges of vehicular homicide, leaving the scene of an accident, and interference with law enforcement in a Shawnee County case regarding the tragic death of a pedestrian.

In April, Keith Edwards took a Sedgwick County case to trial on several charges ranging from battery to rape. After stoutly challenging the prosecution's case, Edwards earned a directed verdict of acquittal on all counts.

Jess Hoeme defended a Wichita law enforcement officer against charges of official misconduct and dissemination of confidential records before a Sedgwick County jury

in June. When his client was acquitted on both counts, Hoeme got to celebrate the victory with his client and his daughter, JHC summer associate Blaire Hoeme, who assisted in preparing the defense.

In August, Dustin Curry returned to trial in Shawnee County to defend a client charged with four felonies and five misdemeanors following a physical altercation at his home. After a one-week trial, the jury returned a single guilty verdict on a misdemeanor count, acquitted Curry's client on two misdemeanors and three felonies, and hung on the remaining counts. As a result, the client's sentencing exposure dropped precipitously from years in prison to presumptive probation.

To cap off the year, swift justice was delivered in a Clay County case Chris Joseph tried in November. Less than an hour after Joseph had completed his presentation of the defense, the jury returned not guilty verdicts for a former law enforcement official charged with mistreatment of a confined person and battery.



CHRISTOPHER JOSEPH



DUSTIN CURRY



KEITH EDWARDS



JESS HOEME

## Dionne Scherff's Outstanding Criminal Defense Performance Recognized with KACDL's Clarence Darrow Award

EACH year, the Kansas Association of Criminal Defense Lawyers (KACDL) presents the Clarence Darrow Award to a distinguished criminal defense lawyer for outstanding performance in the field. JHC's Dionne Scherff was the 2024 honoree.

Scherff was nominated for the prestigious award by KACDL President Kate Zigtema, who commented on the remarkable coincidence that the awards committee considered nominations on International Women's Day. In her appeal to the committee, Zigtema urged consideration of Scherff's recent victories as well as her long and distinguished career in the traditionally male-dominated areas of criminal law and trial practice.

KACDL Executive Director Patrick Lewis presented Scherff with the award at KACDL's annual spring conference. Remark on the trial performances that earned Scherff a reputation as one of the most formidable criminal defense attorneys in Kansas, Lewis said, "Ms. Scherff would tell you that she feels most like herself in a courtroom—a revelation that surfaced during the pandemic, as 2020 was the only year since 1993 that she did not have a jury trial. The most cases she tried in one year was 11, while prosecuting in Wyandotte County. On the defense side, the most jury trials she had in one year was six, which was in 2019—achieving not guilty verdicts in all of the cases."

Emphasizing "diligent preparation, skilled analysis, and strong experience in the courtroom contributed significantly to the not guilty results," Lewis praised Scherff as an example to the defense bar. Criminal defense attorney Lindsey Erickson agreed, noting, "I have had the pleasure of being Dionne's colleague since 1994. She is a truly exceptional defense attorney, and I am so delighted to see her talent and dedication honored."

## JHC Welcomes Three Attorneys to the Firm

### FAMILY LAW

JHC's family law practice group saw continued growth in 2024 with the addition of two attorneys.

Ashley Franden, an experienced family law attorney with a background in social work, joined the Overland Park office in the spring. Since her 2020 graduation from Washburn School of Law, Franden has been representing family law clients in Johnson County and surrounding areas with everything from divorce and paternity to step-parent adoption and grandparent rights.

Courtland Triplett, a recent graduate of George Washington University School of Law, joined the firm as a full-time attorney in the fall after clerking with JHC since May. Triplett assists clients in divorce and paternity actions and also prepares and advises clients regarding prenuptial and postnuptial agreements.



ASHLEY FRANDEN



COURTLAND TRIPLETT



SAMANTHA FISHER

### HEALTH AND HOSPITAL LAW

JHC also welcomed Samantha Fisher to the health and hospital law and professional licensure defense teams. Fisher worked for JHC as a summer associate in 2023 and joined the firm as an attorney in the fall.

Samantha represents professionals and their practices in Kansas and Missouri in matters involving licensure, compliance, administrative and regulatory proceedings, health and hospital law, and civil litigation involving insurance defense and business disputes. With experience gained under the tutelage of Diane Bellquist and Anne Kindling, Samantha has begun her career at full speed.

## A&E Documentary Features Jess Hoeme's Stand-Your-Ground Victory

FOR the second consecutive year, true crime documentary enthusiasts got an inside look at the legal strategies behind Jess Hoeme's success. In a recent episode of A&E's documentary series "Accused: Guilty or Innocent?," viewers witnessed the behind-the-scenes efforts that led to the dismissal of a second-degree murder charge against Hoeme's client. The episode, titled "Murderous Mother or Protective Parent?," premiered in May 2024 and closely follows Hoeme and his client, Ashley Pearson, as they prepare for her immunity hearing.

Through a series of interviews, the episode sheds light on the high-stakes nature of the legal proceedings and the critical need to prove that Pearson's actions were taken in defense of herself and her son. Footage from strategic planning sessions with Hoeme and Rylee Broyles, who served as co-counsel for the

immunity proceedings, offers viewers a glimpse into preparations for the evidentiary hearing.

Reflecting on the uncommon experience of sharing the typically confidential process of preparing a case for court, Hoeme described the presence of video cameras as a "surreal experience." He added, "You can imagine that's a very foreign thing for lawyers." Nonetheless, Hoeme supported his client's decision to share her story—believing it might resonate with other survivors of domestic violence.

Pearson's story is now available to a wide audience, and both Pearson and Hoeme can look back on the palpable relief and satisfaction they experienced when Sumner County Judge William Mott declared Pearson's use of force was justified under Kansas' Stand-Your-Ground Law and ordered Pearson immune from prosecution.



From his office in Wichita, JHC attorney Jess Hoeme reviews with A&E documentarians the key evidence and arguments of his defense case. The episode aired Thursday, May 2, 2024.



## Chris Joseph Sees Fruits of Civil Asset Forfeiture Reform Efforts in SB 458

ON July 1, 2024, Kansas Senate Bill 458 took effect, implementing substantial reforms to the Kansas Standard Asset Seizure and Forfeiture Act. The bill was largely based on recommendations from the Judicial Council Civil Asset Forfeiture Advisory Committee comprised of judges, lawyers, law enforcement, legislators, and advocates—including Chris Joseph, who regularly litigates forfeiture cases in Kansas state and federal courts.

The Committee's recommendations were data-driven and intended to ease access to the court system. According to Chris, "Data collected over the past several years indicates that people have been losing their property to forfeiture because the fight to get it back is too expensive. Key reforms in SB 458, such as attorney fees for prevailing claimants, are intended to prevent that from continuing."



CHRISTOPHER JOSEPH

Explaining how the attorney fee provision should increase access to the court system, Chris said, "The provision will make it easier for property owners who cannot afford an attorney to obtain counsel because attorneys will be more willing to undertake representation when there is a reasonable chance they will be compensated for their efforts." He continued, "Putting the law enforcement agency on the hook for a prevailing claimant's attorney fees should also encourage more reasonable positions in litigation and settlement negotiations."



## JHC Honored for Outstanding Service to Continuing Legal Education

WHEN in-person continuing legal education programs were put on hold in 2020 due to the COVID-19 pandemic, JHC and KU Law Professor Michael Hoeflich began offering virtual CLEs for legal practitioners in Kansas and Missouri. The collaboration has continued ever since, with JHC having now hosted 23 CLEs for over 13,000 participants.

On the fifth anniversary of this endeavor, the Kansas Continuing Legal Education Board honored JHC as one of two recipients of the 2024 Robert L. Gernon Award for Outstanding Service to Continuing Legal Education in Kansas. The award is given on an annual basis in recognition of an attorney or organization that demonstrates a unique commitment to providing quality continuing legal education to attorneys in Kansas.

When CLE Specialist Cindy Chaffin presented the award to JHC in September, she noted that the firm received multiple nominations praising its provision of high quality, easily accessible, no-cost legal education to a broad audience. She added, "The generosity of the firm had far-reaching results for Kansas attorneys this year, with over 3,500 ... benefiting by receiving CLE credit for their participation."

For information about future CLE programs and to sign up for invites, visit [josephhollander.com/ethics](http://josephhollander.com/ethics).



THANKS to Shawna Miller's appellate advocacy, the Kansas Supreme Court announced new Fifth Amendment precedent in *State v. Showalter*, 319 Kan. 147, 553 P.3d 276 (2024).

The constitutional issue arose when Miller's client was held in contempt for refusing to testify at an accomplice's trial. Though he pled guilty and was sentenced before his accomplice's trial, he had moved to withdraw his plea and had not yet exhausted related appeals. Under the circumstances, Miller insisted her client faced a legitimate risk of incrimination implicating the protections of the Fifth Amendment to the United States Constitution. Relying on *State v. Longobardi*, 243 Kan. 404, 756 P.2d 1098 (1988), the State insisted that Kansas maintained a bright-line rule terminating the privilege against self-incrimination after a defendant's guilty plea and sentencing.

In a unanimous opinion issued August 2, 2024, the Kansas Supreme Court overruled *Longobardi* and announced two rules advocated by Miller: First, the risk-of-incrimination standard applies equally when the information sought relates to a witness' prior conviction by verdict or by guilty plea. Second, the Fifth Amendment privilege remains available to a defendant or witness who has filed a direct appeal in a criminal case and a decision on appeal is not final (or whose right to file a direct appeal has not expired) when the testimony sought exposes the witness to a legitimate risk of incrimination.

The contempt order against Miller's client was reversed, and Kansas judges, attorneys, and defendants received clarification regarding the availability of the Fifth Amendment privilege against self-incrimination.

## Hannah Wittman Helping to Revise Douglas County Family Law Guidelines

THE Douglas County Family Law Guidelines provide a uniform basis to evaluate issues and negotiate settlements in domestic relations cases in the Seventh Judicial District. In order to ensure they are relevant to Douglas County families and sufficiently clear to *pro se* parties, the Douglas County Family Law Guidelines Committee is currently reviewing the guidelines in their totality and making revisions.

Joseph, Hollander & Craft's Hannah Wittman, who serves on the Committee, reports that most of the current guidelines date back to 2012. Noting how much can change in a decade, Wittman said, "It was time to reevaluate and see what could be improved."



HANNAH WITTMAN

According to Wittman, the Committee spent 2024 primarily focused on guidelines regarding parenting plans and holiday schedules since they were most out of date. While the Committee has put a lot of work into the revisions, Hannah says not to expect anything surprising: "All changes are consistent with the science of parental bonding and in line with changes that have been implemented in surrounding counties."

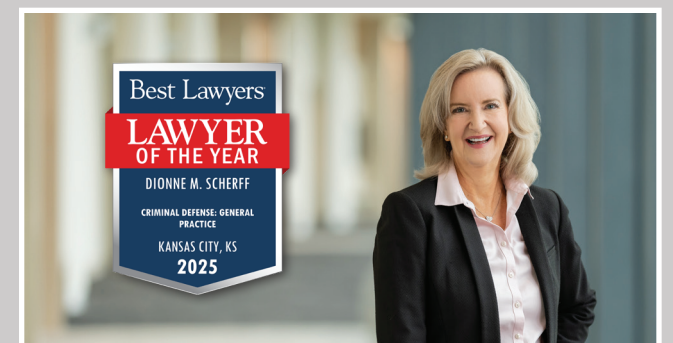
In addition to substantive revisions, Wittman said, "The Committee is also working on adding explanations to help *pro se* parties understand the rationale behind certain provisions. Revising the Guidelines to make them more accessible to attorneys is important, but ensuring *pro se* parties have the information they need to work through their family law matter in Douglas County will be highly beneficial not only to those individuals, but to the entire legal process." She added, "We are also considering standard forms for interrogatories, requests for production of documents, motions, and initial restraining orders."

Family law practitioners with suggestions on revisions to the Douglas County Family Law Guidelines can contact Wittman at [hwittman@josephhollander.com](mailto:hwittman@josephhollander.com).

## JHC Earns 15th-Straight Best Law Firms® Ranking & 14 Individual Awards

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