

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

**IN THE MATTER OF THE APPOINTMENT
OF AN ATTORNEY TO ASSIST
RESPONSIBILITIES FOR THE LAW
PRACTICE OF LOUIS A. SILKS, JR., DECEASED**

Administrative Order No. 2010-01

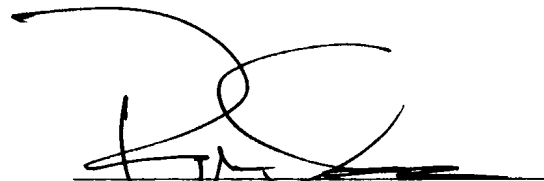
MOTION FOR SUBMISSION OF REPORT

Comes now the appointed counsel for review of the practice of Louis A. Silks, Jr., deceased. That the appointed counsel, Roger D. Stanton, has reviewed and met with and discussed the practice of Louis A. Silks with his secretary, Sally Gnaegy and counsel John Ivan who has assisted Louis Silks in the practice of law and who has reviewed the matters involved in his practice.

Following the meetings with Mr. Ivan and review of the reports submitted by Mr. Ivan and other documentation used by Mr. Ivan and Ms. Gnaegy, the appointee hereby submits the attached report to the Court for its review.

It is suggested that appointed counsel continue with this matter contacting Mr. Ivan and Ms. Gnaegy on a regular basis to determine the status of the case and that an additional report will be submitted for any and all developments.

It is the intention of appointed counsel in the course of this matter to make reports to the Court on a quarterly basis until it is readily determined that this process no longer needs continue. Therefore the appointed counsel in this matter respectfully requests the Court to receive this report and advise of any suggested changes or additional practices if needed.



Roger D. Stanton
Attorney at Law
9393 West 110th Street, Suite 500
Overland Park, KS 66210

CLERK OF DISTRICT COURT
JOHNSON COUNTY, KS.
2010 AUG 10 AM 9:54

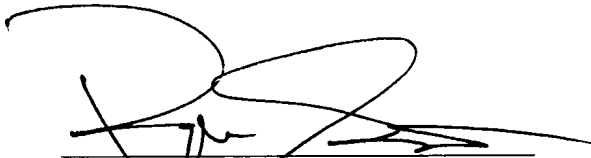
CERTIFICATE OF MAILING

I hereby certify that a copy of the above and foregoing Motion and Report has been mailed, postage pre-paid on this 9th day of August, 2010 to:

John Ivan
Suite 308, Bank Building
8600 Shawnee Mission Parkway
Shawnee Mission, KS 66202

Sally Gnaegy
Suite 308, Bank Building
8600 Shawnee Mission Parkway
Shawnee Mission, KS 66202

The Honorable Lawrence Sheppard
Johnson County Courthouse
100 N. Kansas Avenue
Olathe, KS 66061

A handwritten signature in black ink, appearing to read 'Roger D. Stanton', written over a horizontal line.

Roger D. Stanton
Attorney at Law
9393 West 110th Street, Suite 500
Overland Park, KS 66210

2010 AUG 10 10:00 AM

221 REPORT ON THE ESTATE OF LOUIS A. SILKES JR.

After the appointment by Judge Foster in this matter I had conversations with John Ivan who had worked with Lou Silkes for a number of years and was an office neighbor of his. I then had conversation with Sarah Genagy known by most people as Sally who had been Lou Silkes' secretary, paralegal and administrative assistant for 37 years. In the course of these conversations I learned for the most part what practice Lou had towards the end of his days. I learned that Sally had been paying the bills on the assets in Lou's estate and had been keeping the office running. She had forwarded correspondence to all of Lou's clients upon his death advising them of the death and asking what they wanted to do with their files.

She asks for permission from them to have consent to look at the files and make appointments of other counsel or allow other counsel to look at them for the purpose of determining whether they would undertake the representation. In each instance she received that consent.

I asked for and received a report from John Ivan as to the files that were in existence in Lou's office and in his practice at the time of his death and to advise me what had been done with them.

John said that he had, after consulting with a number of people including Judge Shepherd and Stan Hazlett, the State Ethics Administrator, sought to have Sally appointed as the special administrator of the law office under his guidance as the counsel involved so that there would never be a question of non-legal advise being used in the matter.

As you might have expected, Lou had begun to wind down his law practice because of his health, he had sought John's advise and help in assisting him on some of those cases. In fact, John had helped him with a major case in 2008.

During the course of this matter an action had been filed by Lou's children to seek recovery from Lou's estate. Unfortunately there had been some lack of communication between them and Lou had essentially disinherited them.

There is an issue of a prenuptial agreement and other matters of that sort which have been issues before the court of appeals in the State of Kansas on at least a couple of occasions. But fortunately that is not an issue that is involved in this review. It undoubtedly will be involved in the resolution of the action by the children against Lou's estate.

In reviewing Supreme court Rule 221 it is apparent that my obligation was to determine whether the clients of Lou Silkes had been advised of his death and whether or not their cases had been handled in such a way that they were not put in jeopardy. It was only if this had not been the case that I would pursue the matter further.

John Ivan had been contacted by Sally to assist here while she was awaiting Newcomers funeral home to remove Lou's body from his Shawnee address. Within twelve hours they had sealed access to Lou's office except for the use by Sally that served as Lou's secretary, paralegal and administrative assistant for the number of years recited above. In reviewing Lou's files, and I

should tell you like many of us he was a keeper of his records, some would refer to it as a pack rat. However it is not unusual for lawyers to maintain their files for some distance of time well past any five year period that would be required. She was therefore able to review this lengthy gathering of information and she determined that there were only four open files. These were the people that she contacted as mentioned above and she obtained their consent for John to review those files to insure they were all impending legal work and, and that deadlines were identified and handled with the clients' agreement.

It has been determined that Lou maintained his legal address in the state of Missouri even though he continued his practice in Kansas. The initial probate action therefore was filed in Missouri and Sally was issued letters testamentary and the Rule was approved and admitted on March 18, 2010 after the usual delays in Benton County, Missouri. Because of the County Clerk's illness they did not receive an authenticated copy of the Rule until March 29, 2010. In a petition of non-resident to admit foreign will and issue letters testamentary was filed on March 30, 2010.

John Ivan then also filed a petition for special administration as referenced above to protect Lou's estate and the winding down of his law practice.

I am advised that Sally has spent approximately \$50,000 out of her own pocket making certain that all properties were insured, taxes paid, estimated taxes paid and rental and law office expenses were taken care of, as well as paying for the funeral and the internment. It should be noted that part of these expenditures were involved after emergency water damages occurred into Missouri.

It should be noted that inventories have been filed in both Missouri and Kansas and the estate even pending the Courts admission of foreign will and issuance of ?? testamentary in Kansas appears to be under complete control.

He had been winding down his practice and there were only the five open files. The heirs of the estate of Ferrill Vincent have been contacted by John Ivan and he has prepared an Order to extend the authorization to continue their tow company business. The estate of Helen Ruth Williams is being handled by another attorney and with a Florida executor, as Lou was a non-resident executor in that matter. John Ivan is coordinating with the Florida executor.

There was an injury claim for Richard Ware filed in the bankruptcy court in Missouri awaiting a final distribution which may or may not occur. The file has been maintained and reports on that matter are received and noted.

The Williams estate is currently in neutral with the validity of one of the son's trusts is determined.

There is an action involving Kenneth Ham one of Lou's personal friends and tenants whom Lou had represented Pro Bono in a post divorce motion. Mr. Ham has asked John Ivan to continue to assist him in a Pro Bono fashion and John has agreed.

Another client, Katie Flannagan has called John Ivan and asked him for advice. This was not solicited however she was advised of Lou's death. John has made an appointment with her to discuss this matter.

The report now enters a phase of my requesting advice from the Court.

There is a continued inventory of old files which are going on relevant to Lou's 60 years of law practice, so that all documents can be returned or dealt with in the appropriate ethical manner. Sally has worked well over 100 hours in the law office answering phone calls and making certain that all matters would be handled by John Ivan, but with John Ivan's guidance and control as her attorney in concluding the affairs of Lou's office as well as keeping control and minimizing costs.

I do not have an estimate from John as to the hours he spent however he contends it is a large number. John has also made a conditional entry of appearance in Peebles v. Silks which is a fee dispute matter.

John and Sally both asked for my advice on matters on maintaining files. It is their desire and my suggested approval that they in reviewing the files, when they determine that a file is five years or older that they forward a letter to the client advising them that it is their intention to destroy the file within a reasonable period of time, choice being 30-60 days, unless they hear from them to the contrary. A copy of the form is attached. – Exhibit A

This seems to me to be a reasonable and uncumbersome way to resolve the matter. I would appreciate your advice on this. On all files that are not yet five years of age, they will write a different letter to these people making sure they are advised to what has happened with their file and asking if they have any questions about that matter and what if anything they would like to have done with it. A copy of the form is attached. – Exhibit B

I have advised John and Sally both that I will wander through the files in the attic and look at them with them, however given the fact that I would seek these from the estate to do this it seems to me to be inviting a cost that is not necessary. If the Court feels differently on this matter of course I will do it, however one of my goals is to get this matter resolved in a reasonable way protecting the clients of Lou Silks and holding the cost to a minimum. It seems to me we have taken large steps in that direction and I would suggest that we owe both John and Sally our thanks for stepping in and taking care of this matter.

I would also advise you Judge that the Bar Association has decided to start a committee basically referred to now as the 221 committee, whereby we will have a number of members of the Bar who are willing to sit on that committee and give advice on any matter of this sort.

We have a number of very qualified probate lawyers in this county who are more than willing to help in a matter like this. The recent seminar conducted through the Bar Association brought the issue firmly to life among many members and it is now our intention to continue to review this position so that all members of the Bar are advised of what can and should be done upon the

death of a practitioner. It will also allow us to make a pre decision as to whether any further work on it needs to be done.

It is our hope that we can come up with some sort of a form order probably in two different versions, one for a review such as I have conducted and one for a further review if it appears on the early review that more work is necessary.

Work needs to be done to protect the clients and their attorney client privilege which has been accomplished in this matter and to basically protect the deceased estate from inadvertent harm as a result of death without planning.

I would appreciate your advise in the above matters, however it seems to me that this is under good control. I would be happy to remain in a position to assist John and Sally if it is necessary, or I would be happy to go further if the Court deems it necessary.

Appointed Counsel

A handwritten signature in black ink, appearing to read 'R. Stanton', written over a horizontal line.

Roger D. Stanton
Attorney at Law
9393 West 110th Street, Suite 500
Overland Park, KS 66210

2008/08/28 10:57

A

Will files

Dear Friends:

As you may already know, Louis A. Silks, Jr., passed away on February 3, 2010. Lou thoroughly enjoyed his 60 years of the practice of law and always hoped to be of meaningful help to his clients. I want to thank you for allowing him to be your attorney, and I hope that I, too, have been of assistance to his clients for the past 37 years. It is time now to close out our office, and I am making a sincere effort to return your original Last Will and Testament(s) and/or Health Directive(s) to you. These are important documents for you to have. I will arrange to be in the office from 11:00 AM to 2:00 PM Monday through Thursday each week from now through the month of August so that you can pick up your file(s), but it would be helpful to both of us if you call first so that I can be ready for you and we can arrange a definite appointment. The office number (with voice mail) is 913-384-1400.

If you have written a will or health directive that replaces those in our files, I would appreciate being advised. Our office will be closed after August of this year. Your will file will be held in off-site storage until June, 2015, and then destroyed. I urge you to act quickly as retrieval from storage will be more difficult. Mr. John Ivan is the attorney for Lou's estate and is officed in this building. If you have any questions, he will be glad to assist us.

It has been a pleasure to be of service to you.

Sincerely,

Sarah (Sally) Gnaegy

2010 07 22 16:05 9133840374

Regular files

Dear Friends:

As you may already know, Louis A. Silks, Jr., passed away on February 3, 2010. Lou thoroughly enjoyed his 60 years of the practice of law and always hoped to be of meaningful help to his clients. I want to thank you for allowing him to be your attorney and I hope that I, too, have been of assistance to his clients for the past 37 years. It is time now to close out our office and I am making a sincere effort to return your file(s) to you if you so desire. I will arrange to be in the office from 11:00 AM to 2:00 PM Monday through Thursday each week from now through the month of August so that you can pick up your file(s), but it would be helpful to both of us if you call first so that I can be ready for you and we can arrange a definite appointment. The office number (with voice mail) is 913-384-1400.

If your file is not picked up and is less than five years old, it will be held in off-site storage until June, 2015, and then destroyed, however, off-site storage would make retrieval far more difficult. If your file is more than five years old at this time, apparently contains no permanent type of legal document, and is not picked up, it will be destroyed after August 31 of this year. Mr. John Ivan, a close friend of Lou's, is the attorney for Lou's estate and is officed just down the hall from us. If you have any questions, I know he will be glad to assist me, with your consent, to look at any of your files.

It has been a pleasure to be of service to you.

Sincerely,

Sarah (Sally) Gnaegy

2010 07 22 16:05 9133840374