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Retiring judge Charles Atwell leaves behind respected legacy

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Jackson County Circuit Court Presiding Judge Charles Atwell was in a chipper mood the morning after the election earlier this month.

And it wasn't just because his retirement was less than a month away.

Sen. Claire McCaskill, a longtime friend who helped persuade him to wear a robe for a living, had just won re-election after a tough fight against Rep. Todd Akin. The thumping defeat of a proposed constitutional amendment to change the way state appeals judges are selected buoyed Atwell as well.

The proposal would have allowed the governor to appoint a majority of members to a commission that nominates such judges and strike a requirement that the governor's appointees be non-lawyers.

Critics saw it as a way to inject more politics into Missouri courts.

"I wish it was time for the politicians to quit banging on the courts," Atwell observed. "We are as functional, or more functional, than the other branches of government, and I wish we'd get credit for it."

After 16 years on the bench, Atwell hangs up the robe Dec. 1 and goes to private practice at Foland, Wickens, Eisfelder, Roper & Hofer, where he will practice general law, do some mediation and arbitration, and mentor young attorneys.

Atwell, 62, steps aside during a period of mixed prospects for courts in Jackson County and the state.

On the plus side, Jackson County and other Missouri courts are moving to a new electronic filing system that should be more efficient and transparent and eventually give the public greater and easier access to state court records.

The county also has sustained, and in some areas expanded, its treatment court programs, offering counseling to juveniles, families, veterans and first-time drug offenders.

But Atwell also recently announced the resignation of a longtime court administrator over questionable spending. And shrinking budgets have led to belt tightening and the painful recent decision to close the county's only secure home for boys found guilty of juvenile offenses.

The lack of money for probation services and dwindling mental health resources for criminal defendants are two issues that trouble Atwell.

"We have a lot of people in the criminal justice system who are a lot more mentally ill than mean," said Atwell, who has received plaudits for the evenhanded way he tries a case.

In 2007, Missouri Lawyers Weekly declared him best circuit judge after a survey of lawyers around the state.

McCaskill, who worked with Atwell in the Jackson County prosecutor's office, said Atwell brought a tremendous depth of courtroom experience to the bench, and that showed in how he treated people

"He not only loves the law, but he absolutely respects everyone who comes in contact with the law," McCaskill said. "Charlie has been one of the more popular judges, not because he's a pushover or is a nice guy, but from the way he runs his courtroom and the respect he shows the litigants. Every lawyer wants to walk into a courtroom and feel that the judge can relate to their client and what they are going through. Charlie is that judge."

Richard Callahan, the U.S. attorney in St. Louis, described Atwell recently as a "blue collar" judge with a good grasp of human nature and life.

Callahan, who served as a circuit judge for seven years, said he has seldom seen anybody do the job as well as Atwell.

"As judges, we touch the lives of people in their worst moments, their most scary moments, be it divorce or incarceration," Callahan said. "It's a tremendous power that has to be exercised wisely. He did that as well as any human being can. That will be missed."

Atwell said his work as a trial lawyer profoundly influenced how he manages a courtroom.

"It gave me the perspective that defendants in criminal cases are people too," Atwell said. "They come in all shapes and sizes. The way people are treated is often as important as the result."

After graduating from the University of Missouri-Kansas City law school in 1978, Atwell worked as an assistant Jackson County prosecutor and assistant U.S. attorney and as a criminal defense lawyer at the firm now known as Wyrsh Hobbs & Mirakian.

For a time, Atwell represented Bob Griffin, the former Democratic Missouri House speaker who pleaded guilty to bribery and fraud charges.

"When (Atwell) was with our firm, he became one of the outstanding white-collar criminal

defense attorneys in this area,” James Wyrsh said. “He was beginning to achieve a national reputation.”

All that preparation paid off handsomely, said Patrick Robb, a colleague and presiding circuit judge in Buchanan County.

“He’s understood the serious nature of the courtroom,” Robb said. “He’s always projected the feeling that it’s important work.”

Like many judges, Atwell said his most satisfying work was untangling complex civil litigation, such as the Plaza Vista real estate case he decided in August. But the public knows him best as the referee in high-profile criminal cases, such as that of Waldo rapist Bernard Jackson last year.

Jackson’s convictions earned the persistent sex offender 18 life terms from Atwell, who characterized the crimes as “horrendous beyond description” and said Jackson had inflicted “unspeakable terror and ultimate indignity” on his victims.

But as often as Atwell sent someone away for a long time, he has scrounged for tools, such as probation and prison shock time, to teach lessons, save taxpayers money and keep the public safe.

“I think in big cities you have to prioritize your resources,” Atwell said. “You have people who are charged with murder, robbery and rape, and you want to make sure those people are locked up, and not someone who was driving while revoked.”

One thing Atwell will have to do before he leaves is decide what to do with the decorations he keeps on the walls of his jury room, just upstairs from his chambers.

In addition to the sports memorabilia from the University of Kansas, his alma mater, and the University of Missouri, which he put up to keep the peace among jurors, he displays framed photographs of his favorite juries.

Those photos were daily reminders of the public he was there to serve.

“The jury, in a big picture sense, gets it right most of the time,” Atwell said. “It’s not a perfect system, but it’s the best one on Earth. We’re better and freer because of it.”

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