

◆ TOPEKA BAR ASSOCIATION ◆

**TBA Office**

Tiffany Fisher, Executive Director  
 534 S. Kansas Avenue, Suite 1130  
 Topeka, Kansas 66603  
 Phone: 233-3945  
 email: [TopekaBar@sbcglobal.net](mailto:TopekaBar@sbcglobal.net)  
[www.TopekaBar.com](http://www.TopekaBar.com)

**Board of Directors**

James P. Rankin, *President*  
 Laura Graham, *President-Elect*  
 Dave Newbery, *Treasurer*  
 Diane Bellquist, *Secretary*  
 Mark Bennett, *Director*  
 Glenda Cafer, *Director*  
 Vince Cox, *Director*  
 James R. McEntire, *Director*  
 Kyle Mead, *Director*  
 Amanda Vogelsberg, *Director*  
 Jim Wright, *Honorary President*

**Committee Chairpersons**

Stephen W. Cavanaugh, *Bench-Bar*  
 Terri Bezek & Anthony Mattivi, *Continuing Legal Education*  
 Anthony Mattivi & Ron Wurtz, *Criminal Law*  
 Alan Alderson, *Family Law*  
 Vince Cox, *Law Day*  
 Christopher Joseph, *Legislative*  
 Mary Christopher, *Medical-Legal*  
 Shaye Downing & Doug Shima, *Membership*  
 Dan Gronniger, *Memorials*  
 Pedro Irigonegaray, *Naturalization*  
 Scott Sumpter, *Probate*  
 S. Lucky DeFries, *Prof. Ethics & Grievance*  
 Ryan Hellmer, *Program & Entertainment*  
 Natalie Haag and Laura Graham, *Public Relations*  
 Roger Fincher, *Public Service*  
 Sarah Morse, *Publications*  
 Sarah Morse, *Young Lawyers Division*  
 Carol Ruth Bonebrake, *Service to the Bar*

**Lawyers' Assistance Committee**

If you or someone in your office feels a need to discuss a problem involving alcohol, substance abuse or depression, or with life in general, please call a member of the TBA Lawyers' Assistance Committee. Confidentiality assured.

Jeb Benfer, Chair.....233-2323  
 Kerry Gasper.....233-8862  
 John Harper .....354-8188  
 Claude Lee.....783-8334  
 Billy Rork.....235-1650  
 Jon Snyder.....235-5500  
 Bryan Smith.....234-2453  
 Or call KALAP toll-free at 1-888-342-9080

◆ TBA BRIEFINGS ◆

**Editor:** Sarah Morse - 232-5162 or [smorse@fisherpaterson.com](mailto:smorse@fisherpaterson.com)

**Contributors:** Terry Beck, Doug Shima, Amanda Kiefer and Rich Eckert.

**Defining Liberty**



By Jim Rankin

*“[O]f all the loose terms in the world, liberty is the most indefinite. It is not solitary, unconnected... liberty...[t]he liberty I mean ... is but another name for justice; ascertained by wise laws, and secured by well-constructed institutions.” - Edmund Burke*

Recently, I was preparing witnesses for depositions. One of the witnesses was Chinese. Somehow, we began discussing the American Revolution. Remarkably, my witness said the American Revolution was significant because the revolutionaries proceeded against the King and Parliament under authority of law. Her understanding of our history was amazing. The American colonists, as they became discontented with Britain, increasingly asserted the claim that their rights as Englishmen were being abrogated. The colonists based their claims upon John Locke’s social contract theory of politics developed during the English Civil War, and the English Bill of Rights passed by Parliament in 1689 just after the Glorious Revolution bloodlessly ended the Stuart dynasty. Locke’s theory and the Bill of Rights find their seminal support in England’s ancient constitution anchored by Magna Carta first executed in 1215 by King John at Runnymede. Magna Carta explicitly recognizes existing civil liberties, including trial by jury and protection of property and person through the concept of due process of law.

The American Bar Association’s Law Day 2015 theme is “Magna Carta – Icon of Liberty.” This Law Day, May 1, 2015, Topeka Bar Members have an opportunity to reflect upon the ancient agreement between king and barons which establishes and actually reaffirms the principal of sovereignty of law over monarchical power in the English and American tradition of liberty. Magna Carta and the ancient constitution of which it is a part was revived and strengthened following the Glorious Revolution of 1688 and lives on in the collective consciousness of Britons and Americans and most particularly in our Constitution’s Bill of Rights.

The continuing viability of Magna Carta as an icon of liberty was nurtured by English common law lawyers. In fact, Magna Carta was a central element in the power conflict between parliament and common lawyers against the Stuart Kings. The Stuarts aggressively asserted sovereign immunity and royal privilege. Against these royal claims, Sir Edward Coke (1552 - 1634), and other common lawyers argued such notions of royal privilege were inimical to the English tradition of liberty. The common lawyers saw that the common good could only be assured by protecting individual property and personal freedom from arbitrary conduct by the government. These ideas are as important today as they were at Runnymede and our nation’s founding. The witness I met with understood better than many Americans that liberty is not an abstraction but a concept tied to and rationally exemplified by a particular legal tradition.

This May 1st, our Topeka Bar Association can celebrate an icon of liberty defined by Magna Carta and the ancient history of our common law.