



Kansas Courts News Release

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District Judge Patrick Thompson

District Judge Patrick Thompson to sit with Kansas Supreme Court January 30

TOPEKA—District Judge Patrick Thompson of the 28th Judicial District has been appointed to sit with the Kansas Supreme Court to hear oral arguments in one case on the court's January 30 docket.

After hearing oral arguments, Thompson will join Supreme Court justices in their deliberations and decision drafting.

“I am pleased that Judge Thompson is taking time from his duties in the 28th Judicial District to sit with the Supreme Court,” said Chief Justice Lawton Nuss. “It’s a great help to our court, and we look forward to his contributions in deliberating and eventually deciding this case.”

Thompson has been a judge since January 2008. He hears cases in the 28th Judicial District, which is composed of Saline and Ottawa counties.

“I am honored to be asked to sit with the Supreme Court,” Thompson said. “I look forward to the opportunity to work with the justices.”

Thompson, a Hutchinson native, earned a bachelor's degree from Benedictine College and a law degree from the University of Kansas School of Law. He was an assistant county attorney for Saline County and was in private practice in Salina before becoming a judge.

All Supreme Court oral arguments are webcast live through the *Watch Supreme Court Live!* link in the right-hand column of the Kansas Judicial Branch website at www.kscourts.org.

The case Thompson will hear is the first one scheduled on the Supreme Court's 9 a.m. docket January 30:

Appeal No.115,628: *Estate of Roxie A. Moore and Harvey L. Moore v. Maureen E. Miles, et al.*

Cowley County: (Petition for Review) Harvey Moore appealed a district court decision that found his mother's transfer-on-death deed was valid—although it was signed not by his mother but by his ex-wife at his mother's direction—because it was amanuensis, meaning copied or written from the dictation of another. That deed left the real estate in question to Harvey's ex-wife and had the effect of disinheriting Harvey, who would have inherited the real estate under the laws of intestate succession absent a valid deed. The Court of Appeals found no reversible error and affirmed. Issues on review are whether: 1) the transfer-on-death deed complied with the statutory requirements of the Kansas Transfer on Death Deed Act; 2) amanuensis is contrary to Kansas public policy; 3) the district court erred in permitting the introduction of parole evidence; 4) the Court of Appeals applied the wrong standard of proof to overcome the presumption of undue influence; 5) the fact the grantee beneficiary in a transfer-on-death deed is also the attorney-in-fact for the grantor precludes the grantee from signing the transfer-on-death deed as an amanuensis; 6) a challenger to the mental capacity of the grantor of a transfer-on-death deed must prove incapacity by the testamentary standard of clear and convincing evidence or the deed and contractual standard of a preponderance of the evidence; and 7) the transfer-on-death deed created a trust.