

# Making a Modern Impact

## *Attorney Helps Modernize Public Records Access in Supreme Court Case*

*By Angela Lutz*

Imagine requesting a series of emails from a public agency and being told that not only will you have to lug away four heavy boxes full of printed papers, but you will also have to pay for it. Prior to this year, that's what reporters regularly encountered. But **Maxwell E. Kautsch, '03**, couldn't stand for that. In a case he argued and won before the Kansas Supreme Court, Kautsch helped modernize the Kansas Open Records Act.



Maxwell E. Kautsch, '03

“The case makes it so that public agencies must disclose records in the format in which they possess the record,” Kautsch explained, meaning that if someone requests access to emails, the documents must be delivered in the same electronic format, which is quicker, cheaper, and less burdensome to search than thousands of printed papers.

“This is the 21st century. Surely there must be an easier way to share information that is not only more cost-effective but also environmentally friendly,” Kautsch added. “The case is important because it has a definite positive impact on transparency. It streamlines the means of access.”

The win is a highlight in Kautsch's nearly 10 years of focusing on First Amendment rights and open government law. From his private practice in Lawrence, Kansas, he serves as the hotline counsel for the Kansas and Nebraska associations of press and broadcasters, handling various private actions related to access to records, proceedings, and meetings. He is also president of the Kansas Coalition for Open Government,

meaning he spends a lot of time fielding questions related to government transparency and working to educate the public on these issues.

“Without a functioning press, democracy doesn't work,” Kautsch said. “There has to be a way to hold the government accountable for the decisions it makes, and there has to be some sort of objective standard for truth. Trying to educate the public about obtaining facts and then fairly and accurately reporting the documents that contain those facts – that's how I see my job.”

This focus on media law is a natural evolution for Kautsch, who is a former criminal defense attorney and undergraduate English major who appreciates good writing as much as he values the truth. During his time at Washburn University School of Law, he valued the many opportunities he had to focus on legal research and writing, which help with performing discovery and writing evidence-based briefs.

“The best advice I could ever give to a law student would be to work on developing written communication as much as possible,” Kautsch said. “Every time you read a brief that falls short, you just wonder to yourself, what was the client paying for? I think it hurts the profession in general to see poorly drafted pleadings and motions.”

In Kautsch's career, he finds it rewarding that reporters and other members of the public seeking the truth can contact him for assistance. “The information I'm telling them has to be helping someone,” he said. “The fact that it perpetuates itself tells me that society is still in the market of taking reasonable effort to hold our government accountable.”

