



Hon. Kathleen Lynch, '92. Photo submitted.

The Hon. Kathleen Lynch

A Wyandotte County Judge has Inadvertently Become an Advocate for Mental Health

By Angela Lutz

Over the last 15 years, Judge Kathleen Lynch, '92, has become an unexpected mental health advocate. In her position as a district judge in Wyandotte County, Kansas, she has helped change the way individuals with mental illness interact with the legal system, leading to a courtroom experience that is more efficient and compassionate. She sat down with Washburn University School of Law to discuss her trauma-informed approach to the law, the benefits of video court, and how she tries to do the most good for the people she serves.

What sparked your interest in becoming a mental health advocate?

I was sworn in as a judge in August of 2006. If you had told me at that time I would become this huge mental health, trauma-informed care, crisis intervention training advocate, I would have said you were nuts. I had no background in that area, but it was pretty clear early on that the system we had wasn't working. For the care and treatment docket, after the probable cause hearing and the trial, we had to review the case every 90 days, so we wouldn't look at it again until then. Usually before that they would show up on a revocation of outpatient treatment orders. What I had was a revolving door of mental health patients living with their symptoms every day,

but nothing was getting better for them, and it wasn't getting better for the court system either. We kept seeing them cycle through.

About that time the executive director of Wyandotte Behavioral Health Network reached out to talk about the care and treatment docket. We discussed what we could do better, and they educated me on what people with mental health problems face in the court system.

What changes have you made to better serve individuals living with mental illness?

I attended a trauma-informed care seminar, and I heard a woman speak who had lived experience. She would walk into that courtroom and see the judge in his black, shiny robe and his high, leather chair, and even though she was trying not to react, it would trigger her symptoms and she would end up back in jail. I turned to one of the people at the seminar and said, "I don't have to wear my robe." A lot of folks living with mental illness haven't been treated so well by people in authority. We see their symptoms as defiance of orders when in fact it's a reaction to the whole situation. Since I quit wearing my robe, we haven't had one violent or scary incident. That was our first step toward a trauma-informed courtroom.

What are some other differences in a trauma-informed courtroom?

Counsel doesn't stand up when they announce their appearances. We explain the process as we go so a person living with mental illness can know what's going on. I always ask their permission to call them by their first name. I extend those courtesies that sometimes we forget when we're trying to get through proceedings. That's been a real challenge for me – I talk fast, I walk fast, I do everything fast. Sometimes folks living with mental illness need a little time to absorb ideas and concepts, so you can't rush them. Our clerks were also trauma-informed, and it has helped them in their approach to dealing with folks.

What has been done to help keep people with mental illness out of the legal system?

We opened a 24-7 crisis center on the Wyandotte Behavioral Health Network campus, and it's voluntary so they can leave unless they are a danger to themselves. That's a huge asset to our community because if someone is in crisis, they don't have to go to the ER. We've stolen a lot of ideas from the state of Arizona, and they have a 72-hour involuntary commitment center, and most crises resolve within that amount of time.

They never have to be adjudicated or go to the ER or to jail – that is the worst place to try and deal with it.

In the Kansas City, Kansas Police Department, cadets receive crisis intervention training. We tell everybody this is not a punishment court, it is a helping court. We are trying to help them get through this crisis. I couldn't do any of this work without my community partners – the sheriff's department, behavioral health network, municipal court, everybody has embraced the idea that we can be better.

Since the pandemic hit, you've relied more on video court. What have been some benefits of that approach?

Video court involves a lot of stakeholders. For years we could not get everybody to say yes at the same time. Then in 2020 all those people suddenly had to agree, because we had no other choice. My senior-in-high-school son taught me all about Zoom, and then we held court on Zoom. My joke was, "It only took me a global pandemic to get video court." We have kept Zoom for care and treatment docket. It works so well I've also kept it for my protection from abuse and protection from stalking docket. What is better for victim safety than not having them in the same area as the person who abused them?

It will be interesting to see where we are in five or six years, but the efficiencies are hard to get away from. If you have a \$20-per-hour warehouse job and you come to court for child support and sit there for two and a half hours for a case that takes 20 minutes, I've pulled you out of half a day's wages, you had to pay to park, and then I tell you the child support amount after I've cost you all this money. Or is it better for someone to have an early lunch, sit in their car, turn on their phone, and do court in 30 minutes before we all go on with our day?

How did Washburn help prepare you for your legal career?

Washburn was awesome, I loved law school. It's a grind, but I had such wonderful professors at Washburn. I've had great debates in law school that transferred to my private practice and then to being a judge. I always tell everybody that if you want to learn the theory of the law, go somewhere else. If you want to learn how to practice law, go to Washburn. That's been my experience as a private practitioner and in the courtroom.