

STATE OF KANSAS
OFFICE OF THE DISCIPLINARY ADMINISTRATOR



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January 29, 2024

Sheila B. Albers

[REDACTED]

Via US Mail, postage prepaid, and electronic mail at [REDACTED]

Re: *Stephen M. Howe*, Case No. DA13,946

Dear Ms. Albers:

An investigation has been made into the available facts concerning your complaint. A report has been made and all of the materials and the recommendation of the disciplinary administrator have been forwarded to and considered by the review committee of the Kansas Board for Discipline of Attorneys.

The review committee of the Kansas Board for Discipline of Attorneys has directed that the complaint be dismissed, though it did not find the complaint to be meritless. The committee was concerned with the conduct of the respondent and directed that he be cautioned.

As you know, our office investigated several statements included in Mr. Howe's press release announcing that the police officer who shot your son would not be charged with a crime. After careful consideration of all of the evidence, including videos and the Department of Justice's press release, the review committee was troubled by the following statement on page two of Mr. Howe's press release: "Right out of the garage, the teen drove the minivan directly toward the officer in an aggressive manner."

Regarding the same portion of the incident, the Department of Justice stated:

The garage door began to open. [J.A.] was behind the wheel of a minivan parked inside of the garage, although he was not yet visible to the officer. Once the garage door was open, [J.A.] began

to slowly back the minivan out of the garage and down the driveway. As the vehicle began to move, the first officer stepped towards it, calling out "stop!" as the minivan continued to slowly reverse.

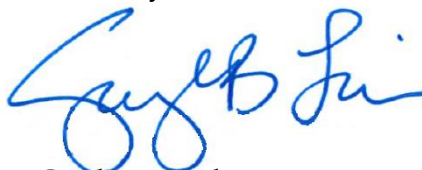
After reviewing the video footage of the incident, the review committee concluded that the Justice Department's press release gave a more accurate description of the incident than compared to the description contained in Mr. Howe's press release. The review committee concluded, however, that Mr. Howe's statement appeared to express an opinion justifying his decision not to charge the officer rather than a knowingly false statement of fact.

In the letter of caution to Mr. Howe, we acknowledged to him that he was under no obligation to issue a press release. However, we cautioned Mr. Howe that when he chooses to issue a press release, he must ensure that all statements contained within the press release are accurate.

The review committee concluded the other statements in Mr. Howe's press release were supported by some evidence.

The dismissal with caution constitutes final disposition of the action.

Sincerely,



Gayle B. Larkin
Disciplinary Administrator

GBL/mrd

cc: Crystalyn M. Ellis
Stephen M. Howe