

Timeline

Timeline of Phill Kline's Investigation of Kansas Abortion Providers

- Spring 2003** Shortly after taking office as Attorney General, Phill Kline opens an "inquisition" (a secret criminal investigation authorized by Kansas statute) to search for evidence of wrongdoing by Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri and the late Dr. George Tiller. There is no evidence or complaint on which to base the inquisition, nor are any required under state statute.
- September 2004** At the request of Attorney General Phill Kline, Chief Judge Richard Anderson of the Kansas Third Judicial District issued subpoenas for 90 complete original medical records to Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri in Overland Park and Women's Healthcare Services in Wichita. The subpoenas included an order prohibiting disclosure of the existence of the subpoenas or the investigation under which they were sought (gag order).
- October 2004** The clinics filed motions to quash the subpoenas. The district court denied the motions and ordered the clinics to produce the records by October 15, 2004.
- October 2004** The clinics filed motions with the district court to reconsider its actions; the court stayed the production of records while it considered the motions. The district court denied the motions for reconsideration and ordered that the patient files be produced by 5:00 p.m. on October 28, 2004.
- October 2004** The clinics filed a joint motion with the district court for a protective order that would allow them to remove sensitive patient information before submitting the records to the court.

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- October 2004** Because enforcement of the subpoenas would violate patients' statutory and constitutional rights, the clinics applied to the Kansas Supreme Court to file a Writ of Mandamus (an order to correct prior actions or to cease illegal acts and follow the law). The Supreme Court granted the clinics' request to file all pleadings under seal and ordered that they be filed by November 12, 2004.
- October 2004** The Kansas Supreme Court granted the request to file under seal and stayed the subpoena records until further notice by the court.
- November 2004** The clinics filed a full application for a Writ of Mandamus to the Kansas Supreme Court. They also filed for a stay of the "do not disclose" provisions of the subpoenas, asserting they are without authority in Kansas law, illegal, and a violation of the First Amendment to the United States Constitution because they restrain free speech without compelling need.
- February 2005** The Supreme Court ordered that briefs are to be filed as open records; however, the prior court record will remain under seal.
- February 2005** Because of the gag order, the clinics filed formal briefing under the pseudonyms of Alpha and Beta Medical Clinics.
- March 2005** Kline filed his response with the Kansas Supreme Court. He also held a news conference to discuss the contents of the brief and the legal arguments involved.
- March 2005** The gag order on the subpoenas was lifted.
- March 2005** Planned Parenthood of Kansas and Mid-Missouri publicly confirmed that its Comprehensive Health center was one of two clinics that appealed to the Kansas Supreme Court to block the attempt to obtain private medical records and held press conferences in Topeka and Wichita denouncing the sweeping invasion of patients' medical privacy by Attorney General Kline.
- September 2005** The Kansas Supreme Court heard arguments on whether the subpoenas of medical records should go forward.

- May 2006** The Kansas Supreme Court ruled the subpoenas could only be issued after the District Court assured that information produced be redacted of any information which could identify the patient and violate her privacy and confidentiality.
- July 2006** Comprehensive Health of Planned Parenthood of Kansas & Mid-Missouri turns over 29 redacted medical records to the District Court, pursuant to subpoena and subject to strict orders to protect the privacy of the records
- October 2006** After completing a review of the records, the Court gives copies of the redacted medical records to the Attorney General's office, in accord with the subpoenas and protective orders.
- November 2006** Attorney General Phill Kline is soundly defeated by then-District Attorney Paul Morrison in his bid to be reelected.
- December 2006** The Johnson County Republican Central Committee installs Kline District Attorney to complete a 2 year term.
- January 2007** On his last day as Attorney General, Kline directs his staff to take the redacted medical records from the Attorney General's office and have them copied at a local copy shop in Topeka. For the next two months, the records and copies are moved around the state, unsecured and unprotected, in the trunks of private vehicles, in unlocked garages, in unlocked containers in private residences, etc.
- June 2007** Attorney General Paul Morrison concludes an "objective, thorough, and unbiased" review of the redacted medical records, finds no criminal wrongdoing and closes the investigation.
- July 2007** Comprehensive Health files motions with the Kansas Supreme Court, seeking an order compelling Kline to return the redacted medical records to the Attorney General's office and holding Kline in contempt of court for violating the Court's orders to safeguard the records.
- October 2007** Despite the Attorney General's ruling, D.A. Kline files 107 baseless allegations against Comprehensive Health of Planned Parenthood of Kansas & Mid-Missouri

- January 2008** While Phil Kline is District Attorney, an independent Grand Jury is convened in Johnson County through the citizen petition process to investigate Comprehensive Health. The grand jury was provided the same redacted medical records, plus additional information they requested from Comprehensive Health. After an exhaustive three-month review, the jury issued a “no true bill,” finding no evidence of criminal activity. In fact, the grand jury issued a public statement criticizing convening a grand jury in the absence of evidence of crimes.
- June 2008** The Kansas Supreme Court hears arguments on Judge Tatum’s ruling to quash Kline’s subpoenas of original patient records from the Kansas Department of Health and Environment (KDHE). Judge Tatum had previously ruled Kline’s unauthenticated copies of patient records were legally insufficient for criminal prosecution and the original records were statutorily unavailable to a District Attorney.
- August 2008** Phil Kline is defeated in the Republican primary for election as Johnson County District Attorney’s office by a double-digit margin.
- November 2008** Steve Howe is elected the new District Attorney of Johnson County.
- April 2009** Dr. George Tiller is acquitted by a jury of charges he violated Kansas law in providing abortion services.
- May 2009** Dr. Tiller is tragically assassinated in his church by Scott Roeder, who was later convicted of his murder
- January 2010** The Kansas Supreme Court Disciplinary Administrator files formal professional ethics charges against Phill Kline in regards to his conduct in the investigations and charges against Planned Parenthood and Dr. Tiller, alleging Kline mislead the Kansas Supreme Court when seeking subpoenas, mishandled patient medical records, misstated the whereabouts of those records, selectively presented information to a Johnson County grand jury, relied on data known to be flawed to justify the investigation before a judge, and ignored warning by the court not to talk about the case by discussing it on Bill O’Reilly’s Fox New show.
- October 2010** The Kansas Supreme Court uphold Judge Tatum’s ruling to quash subpoenas issued by Phill Kline/Johnson County District Attorney’s Office to obtain original patient records from KDHE.

- November 2010** The Kansas Board of Healing Arts investigates similar allegations against Planned Parenthood's physicians and finds no violations of law. The Board launched their investigation at the request of a representative of Kansans for Life.
- November 2010** Sam Brownback is elected Governor of Kansas. Derek Schmidt is elected Attorney General.
- January 2011** In an effort to provide D.A. Steve Howe the authority to obtain original copies of KDHE abortion reports, Attorney General Schmidt deputizes Chris McMullen as Special Assistant Attorney General.
- February 2011** At a status conference, Johnson County District Attorney Steve Howe indicates he will continue pursuing the prosecution of CH-PPKM.
- February 2011** Phill Kline's ethics trial, based on his conduct during the investigation and prosecution of and Dr. George Tiller, begins.
- July 2011** At a motions hearing, Howe formally moves the prosecution forward and the Johnson County District Court sets a preliminary hearing on the felony charges for October 24-26, 2011.
- October 2011** A Kansas Supreme Court Disciplinary Administrative Panel issues a 182-page report finding Phill Kline in violation of ethical standards and recommends the indefinite suspension of Phill Kline's license to practice law in the State of Kansas.
- October 2011** During the preliminary hearing to determine whether evidence supports 23 felony counts, Johnson County District Attorney Steve Howe reveals that KDHE abortion reports critical to the case were shredded by KDHE sometime in 2005. Judge Tatum grants a two week continuance to allow Howe time to determine whether he can find evidence to authenticate the records.