

A Nostalgic Touch

Greensburg, Kansas, and Charley Herd

By Matthew Keenan, Shook, Hardy & Bacon, Kansas City, Mo.

The Greensburg tornado is now forever committed to the Kansas history books. A category 5 tornado, it took 11 lives, and seriously injured 60 in just Greensburg, while leveling 95 percent of the city. Experts say it is also the first five classification since May 3, 1999, when an F-5 tornado ripped through Moore, Okla. Those same experts also tell us that the Kansas version was at least a mile wide, which was twice the width of the Moore tornado.



Photo by Jaime Oppenheimer/Wichita Eagle

The devastation brought President George W. Bush to the city twice. The efforts of Steve Hewitt, city manager, earned him two trips to the White House, including being one of a handful of invited guests to Bush's farewell address to the nation in January.

But if the name of Charley Herd, Esq., isn't familiar to you, all that is about to change. You see, in a city of 1,400 people, Greensburg had just one attorney, Herd. And while with a disaster of the magnitude of Greensburg, there are countless everyday heroes, how the paths of Herd intersected with that city is a story worth retelling.

Naturally, Charley was raised in a town called Protection. Located in Comanche County, it was also the birthplace to another local, John Graue. But Graue and Herd were hardly contemporaries. John was a veteran of World War II, having served in the Pacific Theatre, then finished college and law school on the GI bill. Graue recruited Herd from Washburn University, where Herd graduated in May 1986. "My first day of work was Aug. 4, 1986. I was an associate with him until his retirement on Dec. 31, 1991, then took over his practice. John died five months later. When I came to Greensburg I was one of six attorneys. By January 2007, I was the only one left. The ironies of John and I moving from Protection to Greensburg separately, and then ending up together hasn't been lost on me," said Herd.

Charley met his wife, Jana Hall, while in law school. She was working for Goodell, Stratton, Edmonds, Palmer & Wright as a secretary.

And maybe it was dumb luck, or other forces were at play when on that fateful evening on May 4, 2007, Jana and their daughter, Melanie, were out of town, in Manhattan, attending Junior Day at K-State. Charley was at home with their other daughter, Lauren, when the tornado siren sounded. "Our house did not have a basement, so Lauren grabbed our dog, Shaztzi, and we went to a neighbor's basement."

"When the tornado came through, we huddled below the stairwell in the basement, Lauren clutching our dog. When we emerged from our neighbor's basement, there was darkness. Flickers of lightning showed a landscape of utter devastation. No trees, no line poles, no houses, and no buildings. There were heaps of rubble and vehicles scattered in yards, some upside down. One of the first things I noticed was my pickup was in the neighbor's yard, facing the opposite way, with its emergency flashers on. We decided the best place to go was the sheriff's office, near my office. I walked to work most days during my 20 plus years of living in Greensburg. But without landmarks, such as light poles, houses, even the water tower was missing, it was a challenge finding the same route I could walk blindfolded before the tornado.

"As we headed that way, people pushed their way out of their homes to what was left of the street. It was like a scene from 'War of the Worlds' – people asking 'have you seen so and so' and most often, the answer was 'no.' When we finally made it to Main Street, we found emergency help from neigh-



Photo by Fernando Salazar/Wichita Eagle

boring towns had already arrived – Kingman, Pratt, Dodge City. I was amazed they were already there, ready to help. My plan was to find a way to contact my brother, John, who lived in Protection and have him pick us up. We had just walked to a parking lot in Dillons, where they had assembled everyone. No one had phone service except one lady – her phone worked – she had service from Sprint. I called my wife and reassured her we were OK. And then, out of nowhere, I saw my

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Charley Herd

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brother's pickup truck – he was already there! Shazzzi, Lauren, and I jumped in and spent the night at my Mother's house in Protection.

“Officials quarantined Greensburg for three days after the tornado to clear streets and look for injured. For those days, I was not able to inspect my office and assess damages until the quarantine was lifted. My office was in the Greensburg State Bank building. The storm collapsed the south wall into the office area. File cabinets, desks, and credenzas were covered with three layers of brick and mortar. This kept records from being scattered and contained them in the office area. Heavy equipment was needed to remove the larger pieces of wall. The rest was removed by hand so that records were not damaged during the search.

“Friends helped me remove debris and gather records. Records were placed in storage at a nearby town. Records lost were destroyed by water, debris, and mold. Jana and I discussed moving to the Lawrence – Topeka area. In the end we decided to remain in Comanche County.

“I had an established client base there. The children were accustomed to small towns and small schools. We moved to Coldwater, the county seat, in part because it is the county seat, but also as a gesture to clients in Kiowa County that I was trying to stay reasonably close.”

And what about the support from others? “The most humbling part of the experience was the outpouring of support from the lawyers and judges. Then-KBA President David Rebein contacted me frequently. He traveled from Dodge City to Coldwater to consult about my plans. He helped me

inspect potential office locations. The KBA gave me money to help set up a new office. If I tried to list all of the lawyers who called, offered support, helped me and my family, I'm afraid I would inadvertently leave someone out. Leslie Hess, attorney from Hays, gave me some furniture from her former office in Dodge City. John Bird, another Hays lawyer, was also very helpful. I did not know Mr. Bird before the tornado.

He arranged, through the Ellis County Bar, to purchase a laptop computer for me. The laptop was invaluable during the period prior to establishing a new office.”

Judges in the 16th Judicial District gave him latitude to regroup on pending cases, extending deadlines, copying files as needed. “Administrative Judge Daniel Love called frequently after the tornado, not to monitor my cases, but to offer help and encouragement. Judges Leigh Hood, and Van Hampton helped me in countless ways. So did Judge Bob Schmisser of the 30th Judicial District.”

“In October 2007, I formally reopened my office in Coldwater. Jana and I bought a house across the street. Things are going well.” So, for the record, Charley Herd is open for business. Box 428, Coldwater, KS 67029. (620) 582-2020. If you call his office, you'll likely reach his secretary. She has another title — his wife, Jana. ■



Photo courtesy of the Wichita Eagle

About the Author



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