**TIMOTHY L. ASHFORD, P.C., L.L.O.**
**ATTORNEY AT LAW**
**P.O. BOX 386**
**OMAHA, NEBRASKA 68101**
**(402) 660-5544**
**attorneytimothyashford@gmail.com**

## ARTICLES, AN AFFIDAVIT AND LETTERS

1. "Attorney Timothy L. Ashford Panelist at Nebraska State Bar Association" Omaha Star October 29, 2009 (1 Page)

2. "Judge orders payment of fees to lawyer for killer's final appeal" Omaha World Herald "July 20, 2017 (1 Page)

3. "County must pay lawyer for killer's final appeal" Omaha World Herald December 10, 2018 (1 Page)

4. "Is the Douglas County Court Racist?" which appeared in the Omaha Star March 7, 2014 (1 Page)

5. Letter from the Nebraska Supreme Court dated March 12, 2014 from Judge Michael Heavican in direct response to the Omaha Star Article "Is the Douglas County Court Racist?" dated March 7, 2014, (1 Page)

6. Letter from the Douglas County Court Judge Craig McDermott Presiding Judge dated March 11, 2014 in direct response to the Omaha Star Article "Is the Douglas County Court Racist?" dated March 7, 2014, (1 Page)

7. Timothy L. Ashford v. Douglas County, 8:15 CV 8 880 F.3d 990 (2018 8th Cir.) Eighth Circuit Court of Appeals Case (Timothy L. Ashford v. John Does in the Eighth Circuit Court of Appeals Case number 16-3366) (1 Page)

8. The affidavit for the crack cocaine case.

9. Letter dated 10/4/22 dismissing the false bar complaint by Special Counsel Teresa K. Luther grievance.

10. Office for Counsel for Discipline letter dated 7/23/24 dismissing the false bar complaint.

THE OMAHA STAR

Dedicated to the Service of the People that NO Good Cause Shall Lack a Champion and that Evil Shall Not Go Unopposed

Nebraska's Only Black Owned Newspaper

Vol. 71 - No. 44 Omaha, Nebraska Thursday, October 29, 2009 50 cents

# Attorney Timothy L. Ashford Panelist At Nebraska State Bar Association

By S. Tate

Attorney Timothy L. Ashford was a featured panelist at the recent Nebraska State Bar Association (NSBA) Annual Meeting on Oct. 14 at the Doubletree Hotel.

Ashford was a featured Ethics Seminar Faculty Member on the Panel "Building Solid Attorney-Client Relationships and Avoiding Disciplinary Grievances-Hot Tips from the Trenches." The Moderator and planning chair was Dennis G. Carlson from the Nebraska Supreme Court Counsel for Discipline. The Honorable Michael G. Heavican, Chief Justice of the Nebraska Supreme Court, gave the opening remarks on "Ethical Behavior in the Legal Profession and Why Is It So Important?" Other Ethics Seminar Faculty Members speaking on the panel were James Martin Davis, Amie C. Martinez and Clarence Mock, who is currently the special prosecutor of the CSI David Kofoed case in Cass County, Nebraska.

There were approximately 580 attorneys listening to the speakers at this Ethics seminar and that is approximately nine percent of all the active attorneys in Nebraska said Carlson.

The reason the Ethics seminar had 580 attorneys in that room is that for the first time in 2010 Nebraska has joined a number of other states by requiring that the attorneys obtain 10 hours of Continuing Legal Education (CLE) credits by attending 10 hours of class which was offered in this NSBA Annual Meeting said Ashford. The Ethics seminar was three credit hours he added.

One attorney from Iowa said he had been going to CLE presentations for 32 years and had never attended a better seminar and he said he could have heard a pin drop during the presentations, added Carlson. A number of attorneys mentioned that they appreciated the practical ideas and suggestions offered by the presenters, said Carlson, the program was a huge success.

"It was an honor and a privilege to be invited by my peers and the powerbrokers in the NSBA to speak at the NSBA Annual Meeting," said Ashford. "I was honored to be the first speaker on the first panel of the most well attended NSBA Annual Meeting in Nebraska history."

"I thought Tim did a great job" said Tom White an attorney, who was in the audience, and a democratic candidate for the second congressional district seat, " I was knocked over by Tim's speech!"

# Judge orders payment of fees to lawyer for killer's final appeal

By Joe Duggan
*WORLD-HERALD BUREAU*

LINCOLN — A judge has ordered final payment of legal fees to the attorney for David Rice, who died in prison last year while serving a life term for the 1970 killing of an Omaha police officer.

The recent payment of $1,251 in fees was for arguing an appeal before the Nebraska Supreme Court, said Timothy Ashford, the lawyer who represented Rice. The money was in addition to $7,400 Ashford received earlier for other legal work he'd done on behalf of the inmate, who went by the name Mondo we Langa.

Ashford was appointed to represent Rice on a postconviction motion aimed at getting the conviction overturned. But Douglas County District Judge James Gleason ruled that the motion was frivolous and refused to authorize county payment of his fees.

Ashford appealed the judge's decision, which was overturned by the Supreme Court.

Omaha Police Officer Larry Minard died when a suitcase filled with dynamite exploded as he responded to a 911 call reporting a woman screaming inside a vacant house.



**David Rice (Mondo we Langa)** Convicted in 1970 killing of Omaha police officer, he died in prison last year.

Several days after the explosion, Rice and Ed Poindexter turned themselves in to police. At their joint trial, a 15-year-old former member of the Black Panthers, Duane Peak, testified that he had planted the bomb and called 911 at the direction of Rice and Poindexter.

Both men consistently claimed their innocence. Their advocates say the men were framed for their political views because they helped lead a Black Panther-like organization during a time of high racial tension in Omaha.

Rice died last year at the infirmary of the Nebraska State Penitentiary after a lengthy respiratory illness. He was 68.

Poindexter, 72, underwent cardiovascular surgery last year at a Lincoln hospital. He is an inmate at the Nebraska State Penitentiary.

joe.duggan@owh.com, 402-473-9587

OMAHA WORLD HERALD

MIDLANDS

THURSDAY, JULY 20, 2017-5B

MIDLANDS

Omaha World-Herald
SATURDAY, DECEMBER 10, 2016
SECTION B



# County must pay lawyer for killer's final appeal

## Attorney's case had been deemed frivolous after he was appointed to man convicted in police death

By Joe Duggan
*WORLD-HERALD BUREAU*

LINCOLN — Douglas County must pay attorneys fees to a lawyer who handled the final appeal of a man convicted in the 1970 booby-trap bombing that killed an Omaha police officer.

The Nebraska Supreme Court ruled Friday that Douglas County District Judge James Gleason abused his discretion when he refused to order payment to Timothy Ashford. The Omaha lawyer claimed about $7,400 in fees for work he did on the final post-conviction motion filed by David Rice before his death earlier this year.

The judge had agreed to appoint Ashford to represent the indigent Rice, who went by the name Mondo we Langa. But the judge later called the appeal frivolous and rejected Ashford's claim for payment.

The Supreme Court judges said once a court appoints a lawyer to a case, reasonable fees must be paid. The high court ordered the case back to Douglas County District Court for the assignment of fees but said a different judge must now handle the matter.

Omaha Police Officer Larry Minard died when a suitcase filled with dynamite exploded as he responded to a 911 call reporting a woman screaming inside a vacant house.

The death, during a period of racial tension in Omaha, touched off a massive hunt for those responsible. Several days after the explosion, Rice and Ed Poindexter turned themselves in to police.

At their joint trial, a 15-year-old former member of the Black Panthers, Duane Peak, testified that he had planted the bomb and called 911 at the direction of Rice and Poindexter.

Both men consistently claimed the were innocent, and they have been portrayed as "political prisoners" by some advocates. The advocates say the men were framed, via false testimony and withheld and tampered evidence, for their radical views.

Rice died in March at the infirmary of the Nebraska State Penitentiary after a lengthy respiratory illness. He was 68.

joe.duggan@owh.com, 402-473-9587

THE OMAHA STAR

Dedicated to the Service of the People that NO Good Cause Shall Lack a Champion and that Evil Shall Not Go Unopposed

Vol. 76 - No. 10 Omaha, Nebraska Friday, March 7, 2014 75 cents

# Is The Douglas County Court System Racist?



By Timothy L. Ashford, Attorney

(c) 2014

Omaha was the most dangerous city for a black man to live in the U.S. in 2011and the most racist place to practice law.

The Violence Policy Center determined that Omaha had the highest black homicide rate in 2011 and the Douglas County Court System (DCC) has not appointed one black attorney to represent any defendant in a murder trial since I opened my law practice in 1998.

In a criminal case, the law requires the court to appoint and pay a private attorney to represent a defendant, who cannot afford an attorney, if the public defender has a conflict. If two indigent people are charged with murder, one is appointed to the public defender and one to a private attorney.

The DCC has a racist practice of not appointing black attorneys to represent indigent defendants in murder trials and serious felonies. Most of the black attorneys in private practice receive juvenile court appointments (there are approximately 200 black attorneys licensed in Nebraska.)

Just as Rosa Parks sat on the back of the bus, the black attorneys in 2014 sit on the back of the bus of court appointments in murder trials.

The argument is black attorneys are not qualified to handle murder trials but black female attorney Jackie Barfield won her first murder trial in the case of State v. Washington, Docket 160 Number 411 in Douglas County in 2005. I am the only defense attorney to win a first federal criminal jury trial in the U.S. District Court in Nebraska in the case of U.S. vs. Rainier 8:04CR275 in 2005 (the U. S. Attorney wins ninety-five percent of their jury trials). (After filing numerous requests with the court, I was recently appointed to represent a man convicted of murder on appeal and not in the trial.) Both of us are qualified to represent defendants in a murder trial because we have been practicing law for more than twenty years.

In order to receive a court appointment for a murder trial you need a law license and white male attorneys, some of whom have never won a murder trial, are always appointed by the DCC.

If attorney Barfield was in California, she would not be limited to the legal Nebraska glass ceiling and she could be the attorney general just like California Attorney General Kamala D. Harris for whom President Barrack Obama said, "Kamala is brilliant, dedicated and by far, the best looking attorney general." However, in Nebraska Attorney Barfield cannot receive an appointment to a murder trial after she won a murder trial.

The DCC's system of appointing white males is an affirmative action program for the white male attorneys. After the white male attorneys are appointed murder trial after murder trial, the system grandfathers the white male attorneys in "as the attorneys to be appointed for murder trials" at the exclusion of black attorneys.

Why are court appointments to black attorneys important to this community? Naturally, murder trials and serious felonies pay more than other cases because of the long hours and the legal work but more importantly it is fair and colorblind. The symbol of justice is a lady wearing a blindfold and holding the scales of justice. If the lady of justice and the DCC are not color blind when appointing licensed qualified attorneys to murder trials and other serious felony cases, is the DCC color blind when it sets a bond and determines the sentence of black defendants?

In other parts of the country, black leaders would be outraged and very suspicious of a DCC that does not appoint a black attorney, who has won a murder trial, and appoints white males who have never won a murder trial. (Imagine if we did not allow a black to serve as police chief or a judge!) Remember, the first black general Benjamin Davis convinced the military to end discrimination by using the talented licensed black Tuskegee Airmen in combat.

Just as blacks cannot be excluded from serving on jury duty, black attorneys should not be excluded from representing poor defendants in murder trials.

In 2014, this community should ask the logical question is the DCC racist or rigged or both? I raised the issue of the appointment of black attorneys to represent indigent defendants in murder trials years ago with everyone including the Nebraska Supreme Court and the Nebraska Minority Justice Committee but nothing was done.

Ironically, last year one member of the Douglas County Board of Commissioners, who issue payments to attorneys, gave an award to African American Nebraska State Senator Ernie Chambers for his South Africa bill on apartheid in 1988. In 2014, imagine if, South African Nelson Mandela, who was an attorney, was alive and practicing law in Douglas County he would not be appointed to a murder trial because he is a black attorney.

Just as history has shown Rosa Parks was right to demand that she have a seat in the front of the bus, history will show that in 2014 I am right for demanding that black attorneys move to the front of the court appointment bus and are appointed to murder trials and other serious felony trials.

NEBRASKA SUPREME COURT

MICHAEL G. HEAVICAN
CHIEF JUSTICE

P.O. BOX 98910
STATE CAPITOL BUILDING
LINCOLN, NEBRASKA 68509
(402) 471-3738

March 12, 2014

Honorable Marlon Polk, Presiding Judge
Douglas County District Court
1701 Farnam Street
Omaha, Nebraska 68183

Honorable Craig McDermott, Presiding Judge
Douglas County Court
1701 Farnam Street
Omaha, Nebraska 68183

Honorable Douglas Johnson, Presiding Judge
Juvenile Court Judge
1701 Farnam Street
Omaha, Nebraska 68183

Dear Judge Polk, Judge McDermott, and Judge Johnson:

Enclosed is a copy of a letter from Timothy Ashford to Counsel for Discipline Dennis Carlson regarding the Douglas County court system. Also enclosed is a copy of an article, authored by Mr. Ashford, which appeared in a recent edition of the *Omaha Star* newspaper.

At its Consultation of March 12, 2014, the Court discussed the issue of representation of indigent defendants in Douglas County. The Supreme Court looks forward to reviewing the work product of the Douglas County District Court judges, the Douglas County Court judges, and the Douglas County Juvenile Court judges consistent with Neb. Ct. R. §§ 6-1467, 6-1525, and 6-1704. Amendments to those rules were adopted by the Court on February 12, 2014, and copies of the rules are enclosed for your reference.

Your attention to this matter is greatly appreciated.

Sincerely,

Michael G. Heavican

jmh

c Timothy Ashford
Douglas Johnson, Administrator
Douglas County District Court

Leslie Douglas, Administrator
Douglas County Court

Ray Curtis, Administrator
Douglas County Juvenile Court

*Judges*
Craig Q. McDermott
Presiding Judge

Lawrence E. Barrett
Susan M. Bazis
Joseph P. Caniglia
Thomas K. Harmon
Marcena M. Hendrix
John E. Huber
Marcela A. Keim
Sheryl L. Lohaus
Darryl R. Lowe
Jeffrey L. Marcuzzo
Derek R. Vaughn

# COUNTY COURT
## Douglas County, Nebraska

Hall of Justice, 2nd Floor, 1701 Farnam Street
Omaha, Nebraska 68183
(402) 444-5428 FAX (402) 444-6890

Leslie A. Douglas
*Judicial Administrator*
444-7550

*Civil/Small Claims Division*
Omaha/Douglas Civic Center
1819 Farnam Street
444-5424

*Criminal/Traffic Division*
Hall of Justice, 2nd Floor
1701 Farnam Street
444-5387

*Probate Division*
Hall of Justice, 3rd Floor
1701 Farnam Street
444-7152

March 11, 2014

Mr. Timothy L. Ashford
Attorney at Law
P.O. Box 386
Omaha, NE 68101

Re: Correspondence of March 7, 2014, and Douglas County Court Appointments

Dear Mr. Ashford:

I am in receipt of your correspondence dated March 7, 2014, and the attachment of the *Omaha Star* and the article that you referenced and attached. This is to advise you that I have forwarded a copy of the same to each of the County Court Judges.

Thank you.

Sincerely,

Craig Q. McDermott
Presiding Judge

CQM/am

# United States Court of Appeals
## For the Eighth Circuit

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No. 16-3366

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Timothy L. Ashford; Timothy L. Ashford, P.C.L.L.O.

*Plaintiffs - Appellants*

v.

Douglas County; State of Nebraska

*Defendants*

John Does, 1-1000; Jane Does, 1-1000; W. Russell Bowie, in his Official Capacity; Craig McDermott, in his Official Capacity

*Defendants - Appellees*

Douglas Johnson; Leslie Johnson; John Doe; Shelly Stratman; Horacio Wheelock

*Defendants*

Thomas Riley, Individually and in his Official Capacity

*Defendant - Appellee*

Denise Frost

*Defendant*

James Gleason, Individually and in his Official Capacity; Timothy Burns, Individually and in his Official Capacity; Derick Vaughn, Individually and in his Official Capacity

*Defendants - Appellees*

AFFIDAVIT OF SMITH

STATE OF NEBRASKA )
) SS
COUNTY OF DOUGLAS )

I, mith , being first duly sworn on oath under penalty of perjury, deposes and states:

1. I am competent to testify to and have personal knowledge of the facts in this affidavit and I am over the age of 21.
2. I was a juror in the United States of America v. Nathaniel Rainier 8:04CR274.
3. Defense attorney Timothy Ashford successfully defended Mr. Rainier in the U.S. v. Rainier 8:04CR274 case.
4. The trial was held February 2, 2005 through February 4, 2005 in the United States District Court for the district of Nebraska in the courtroom of United States Federal Judge Laura Smith Camp in Omaha, Nebraska.
5. During the trial, the government charged Mr. Rainier with conspiracy to distribute or possess with intent to distribute crack cocaine and possession with intent to distribute crack cocaine in the Indictment in 8:04CR274.
6. The United States Attorney and the government stated the facts are that during a drug raid sting operation by the government the evidence is Mr. Rainier was leaving a house and the government arrested Mr. Rainier with the package of crack cocaine in his hands allegedly attempting to make a drug delivery while walking from the house to the car in the driveway of that house.
7. After a three day jury trial in the Rainier case, the jury deliberated for approximately 45 minutes before delivering the not guilty verdict in the U.S. v. Rainier 8:04CR274 to all charges.
8. Attorney Timothy L. Ashford is an excellent attorney and he did an excellent job in defending Mr. Rainier in the U.S. v. Rainier 8:04CR274 drug case.
9. I did not receive any compensation for signing this affidavit.
10. This affidavit is true and correct.

Further Affiant Sayeth Not.

Printed name: Janaire Smith By:

SUBSCRIBED AND SWORN to before me this 13th day of July, 2021.

GENERAL NOTARY - State of Nebraska
EBONY R. SMOAK
My Comm. Exp. July 10, 2025

Notary Public

Teresa K. Luther

October 4, 2022

Timothy L. Ashford
Attorney at Law
P.O. Box 386
Omaha, NE 68101

Dear Mr. Ashford:

As you know, on February 25, 2021, the Nebraska Supreme Court appointed me to serve as Special Counsel for Discipline regarding all matters then under investigation by the Counsel for Discipline. At that time there were two matters under preliminary inquiry by the Counsel for Discipline. The first matter relates to the September 29, 2016, Order of the County Court of Douglas County, Nebraska in the case of In the Matter of the Guardianship and Conservatorship of Johnny R. Brown, Case No. PR 14-1483. The second matter relates to the grievance filed by Antonio and Andrea Tate on March 20, 2019.

The first matter was under investigation to determine whether you charged or collected an unreasonable fee contrary to Neb. Ct. R. of Prof. Cond. §3-501.5 (a). Judge Hendrix determined that your fees in the case were not fair and reasonable and therefore ordered you to refund $8,265 to the ward's estate. You filed multiple appeals regarding the issue of your fees; however, none of your appeals were determined on the merits. Rather, your appeals were dismissed because the Order was not a final appealable order. Because of the multiple appeals, Counsel for Discipline, and later myself, waited for a resolution of the case before we concluded our investigations.

After my independent review of the propriety of your fees in the Brown case, I have determined that there is not clear and convincing evidence that you violated § 3-501.5 (a). Therefore, I have today dismissed the investigation pursuant to Nebraska Court Rule § 3-309 (C).

Regarding the Tate grievance, I will let you know soon whether I will go forward or dismiss the grievance.

Sincerely yours,

Teresa K. Luther
Special Counsel for Discipline

STATE OF
NEBRASKA
JUDICIAL BRANCH

Counsel for
Discipline

**Office of the Counsel for Discipline**

**Mark A. Weber**
*Counsel for Discipline*

**Kent L. Frobish**
*Assistant Counsel for Discipline*

**Jarrod S. Boitnott**
*Assistant Counsel for Discipline*

July 23, 2024

Timothy L. Ashford
P. O. Box #386
Omaha, NE 68101

RE: Dismissal of grievance of Antonio and Andrea Tate

Dear Mr. Ashford:

On March 21, 2019, Antonio and Andrea Tate filed a grievance against you with our office. Our office initiated a preliminary inquiry into the Tate grievance pursuant to Rule § 3-309(C).

At the time we received the Tate grievance there was also an open grievance against you regarding the fees you charged in the Johnny R. Brown guardianship and conservatorship case in the County Court of Douglas County, Case No. PR 14-1483. You filed multiple appeals in the Brown case.

On May 14, 2019, you filed suit against Mark Weber, Counsel for Discipline in the District Court of Douglas County, Case No. CI 19-3445. On December 11, 2019, you filed suit against Andrea Tate alleging, among other things, that she filed a grievance against you with Counsel for Discipline which you assert was part of Ms. Tate's attempt to extort money from you. Because of all the pending lawsuits, our office held off prosecuting the grievances against you.

Our office later asked the Nebraska Supreme Court to appoint a Special Prosecutor to review the Brown grievance and the Tate grievance. On February 25, 2021, the Court appointed retired judge Teresa Luther as special prosecutor. Our office sent copies of our files to Judge Luther for her review. After her appointment, you continued to send information to our office, which we forwarded to Judge Luther. You also sent additional information directly to Judge Luther.

On October 4, 2022, Judge Luther informed you that she dismissed the Brown grievance because she did not believe there was clear and convincing evidence that you charged an unreasonable fee. Judge Luther informed you that she was still reviewing the Tate grievance.

Subsequently, for personal reasons Judge Luther asked the Court to terminate her appointment as special prosecutor. On June 6, 2023, the Court discharged Judge Luther as special prosecutor.

Office of the Counsel for Discipline
of the Nebraska Supreme Court
5001 Central Park Drive, Suite 300, Lincoln, NE 68504-3461
Phone (402) 471-1040
Fax (402) 471-1014

Our file: 19-0622 and 21-0570

I have now reviewed the entire matter regarding the grievance of Andrea Tate. I note that on January 27, 2023, the Nebraska Supreme Court affirmed the dismissal of your suits against Andrea Tate. You will recall that the Court specifically addressed your claim of civil extortion based on Andrea's letter expressing her intent to report your alleged misconduct to the Counsel for Discipline. The Court restated the law that reports of alleged attorney misconduct and grievances are absolutely privileged and no lawsuit may be predicated on such a report. The Court cited the case against attorney Wright who was found to have violated Neb. Ct. R. § 3-322 when Wright threatened to sue his employees if they submitted a grievance to Counsel for Discipline.

You violated Rule 3-322, when you sued Andrea Tate because you believed she threatened to file a grievance against you with Counsel for Discipline. I do not wish to put Ms. Tate through any additional stress by having to participate in a disciplinary prosecution. I am, therefore, dismissing Ms. Tate's grievance pursuant to Rule 3-309 (C).

Sincerely,

Kent L. Frobish

Kent L. Frobish
Assistant Counsel for Discipline

Our file: 19-0622 and 21-0570