

1 abortions referred to in Counts 1 through 19
2 of the complaint, Dr. Neuhaus determined that
3 a continuation of the pregnancy would cause a
4 substantial and irreversible impairment of a
5 major bodily function of the pregnant woman
6 and that determination's not in dispute.

7 So those -- each one of those items
8 you may consider as being true as stipulations
9 of the parties. So with that, then, the State
10 may call its first witness.

11 MR. DISNEY: Your Honor, the State
12 would call Ann Neuhaus to the stand.

13 ANN KRISTIN NEUHAUS,
14 of lawful age, having been first duly sworn on
15 her oath to state the truth, and nothing but
16 the truth, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. DISNEY:

19 Q. Ma'am, would you tell the ladies and gentlemen
20 your name.

21 A. Ann Kristin Neuhaus.

22 Q. Ms. Neuhaus, you are a medical doctor?

23 A. That's correct.

24 Q. Would it be appropriate if I call you
25 Dr. Neuhaus?

1 A. That would be great.

2 Q. Are you a Kansas resident?

3 A. Yes, I am.

4 Q. You are licensed to practice medicine here in
5 Kansas.

6 A. Yes, I am.

7 Q. Where did you receive your medical degree?

8 A. At the University of Kansas in Kansas City.

9 Q. What year did you graduate?

10 A. 1985.

11 Q. How long have you been licensed to practice in
12 Kansas?

13 A. Since 1986, but I did my internship in
14 Missouri.

15 Q. Okay. And in 2003 were you licensed to
16 practice in Kansas?

17 A. Yes, sir, I was.

18 Q. Okay. Now, you are testifying today under a
19 grant of immunity from Attorney General Steven
20 Six; is that correct?

21 A. That's correct.

22 Q. Would you explain what that means to you.

23 A. That means that as long as I tell the truth,
24 that I won't be prosecuted for things related
25 to this trial.

1 Q. I'm showing you what's been marked as State's
2 Exhibit A, as in apple. Is that the grant of
3 immunity that the Attorney General's office
4 has issued to you? Is that a copy of the
5 same?

6 A. Yes, I believe so.

7 MR. MONNAT: No objection.

8 MR. DISNEY: Your Honor, I ask that
9 the State's A be admitted.

10 MR. MONNAT: No objection, Your
11 Honor.

12 THE COURT: Okay. State's Exhibit A
13 will be admitted into evidence. Yes?

14 JUROR MR. BARROW: I'm having trouble
15 hearing her.

16 THE COURT: I bet I haven't turned up
17 the sound. I turned that down in between
18 hearings because we get feedback. Let me try
19 turning up the sound at the witness stand.

20 THE WITNESS: I'm sorry. I'll speak
21 up. I can do that.

22 THE COURT: I'll adjust it as you go.
23 I get feedback.

24 BY MR. DISNEY:

25 Q. All right. Dr. Neuhaus, if the jury would

1 read this grant of immunity, they would see it
2 does not apply to any false or perjured
3 statements you would make, is that correct?

4 A. That's my understanding.

5 Q. And it also talks about -- the grant of immunity
6 also talks about nothing prohibits any
7 prosecution of any pending cases. But to be
8 clear, you don't have any pending cases,
9 correct?

10 A. I do not have any pending cases.

11 Q. So that's just form language that's in the
12 immunity?

13 A. That's my understanding.

14 Q. Okay. I just want to make sure that no one
15 misunderstood it to think that you had an
16 existing case going on.

17 A. Correct.

18 Q. Do you know the defendant, Dr. George Tiller?

19 A. I do.

20 Q. And can you tell the jury when you first met him
21 approximately.

22 A. Probably in the mid '90s.

23 Q. In the mid '90s. And how was it that you met
24 him?

25 A. Well, I was working at a facility in Wichita

1 and Dr. Tiller did some remodeling of this
2 facility and he had invited anyone who was
3 interested to tour the facility. That's what
4 I recall.

5 Q. What type of work were you doing in the mid
6 '90s here in Wichita?

7 A. I worked at Wichita Family Planning.

8 Q. Did you -- were you working in the abortion
9 related medical care at that time?

10 A. Yes, I was.

11 Q. Okay. About how many physicians in the mid
12 '90s were doing abortions in Kansas?

13 A. Five or six as I recall.

14 Q. And would it be accurate to say that you met
15 the defendant in the course of your work in
16 the abortion field?

17 A. Yes, I would say so.

18 Q. And for the record, is the defendant, George
19 Tiller, present in the courtroom?

20 A. Yes, he is.

21 Q. Okay. Is this him seated next to Mr. Monnat?

22 A. Yes, sir.

23 Q. Okay.

24 MR. DISNEY: For the record, she'd
25 identified the defendant.

1 THE COURT: Very well. The record
2 will so reflect.

3 Q. (By Mr. Disney) In 2003, were you doing
4 consulting work for the defendant and his
5 clinic?

6 A. Yes, I was.

7 Q. Okay.

8 A. Well, I don't know if I would exactly word it
9 that way, but yes, I was. I was requested to
10 do consults and I did.

11 Q. Okay. Would you just explain to the jury what
12 it is that you were requested to do.

13 A. I was --

14 Q. What that means to do consults.

15 A. What it means is that I would be asked to
16 evaluate the patients and see whether their
17 pregnancy constituted a substantial or
18 irreversible threat to their health.

19 Q. Okay.

20 MR. DISNEY: Your Honor, can we just
21 inquire if the jurors are able to hear.

22 THE COURT: Is it better now?

23 JUROR MR. BARROW: Yes.

24 THE COURT: Because I can keep
25 turning it up but at some point I start

1 getting feedback.

2 Q. (By Mr. Disney) What year did you begin
3 providing consultations for the defendant and
4 his clinic?

5 A. 1999.

6 Q. Okay. Did you have any suspensions on your
7 license in 1999?

8 A. Suspensions, no?

9 Q. Any restrictions?

10 A. Regarding the performance of anesthesia and
11 some major technicalities which had been
12 worked out by 2001 as I recall.

13 Q. But in 1999 you had restrictions?

14 A. No, no, no. That was -- I don't think so.

15 Q. I'm sorry. When did the restrictions on your
16 license go into effect?

17 A. I think it was in 2000 and 2001. I don't
18 recall exactly.

19 Q. Prior to 2003?

20 A. Right.

21 Q. Okay.

22 A. And resolved by then.

23 Q. So you started providing second opinions or
24 consulting in 1999, correct?

25 A. Correct.

1 Q. And in 2003 you had been providing second
2 opinions for approximately four years?

3 A. Yes.

4 Q. Would you agree that in or right around 2003
5 that you became a full-time consultant for the
6 defendant?

7 A. No.

8 MR. MONNAT: Object as leading.

9 A. I do not.

10 THE COURT: I'll sustain.

11 Q. (By Mr. Disney) Would you agree that you were
12 a full-time consultant?

13 A. No. A half day a week is not full-time.

14 Q. Wait. You gave a deposition back on the 8th
15 day of December 2006, correct?

16 A. Yes.

17 Q. You were sworn and put under oath on that day?

18 A. Yes.

19 Q. You answered truthfully, correct?

20 A. Yes.

21 Q. Was I there?

22 A. No.

23 Q. Okay. Did you have an attorney that
24 represented you?

25 A. Yes.

1 Q. And that same attorney is Jack Focht and with
2 you today, correct?

3 A. Yes.

4 Q. I want to show you Page 56 of that deposition
5 of your testimony. And if you'll just read to
6 yourself all of 56 up through the top of 57.

7 A. Oh, I see what you are saying, Line 1? Yeah.

8 Q. Just read it to yourself.

9 A. All right. I remember reading that.

10 Q. Can you just read it to yourself.

11 A. Yeah. Okay. (Witness complies.) Right. I
12 did use that word.

13 Q. Okay.

14 A. But can I explain it?

15 Q. No.

16 MR. MONNAT: Judge, I object to her
17 not being able to explain her answer on direct
18 examination because he took that clearly out
19 of context.

20 MR. DISNEY: Well, Your Honor, I'll
21 show it to her. Mr. Monnat is going to get a
22 chance to cross-examine her. He can do with
23 it what he wants but not with my witness on my
24 time.

25 THE COURT: I'm going to overrule

1 the objection.

2 MR. MONNAT: Judge, all I was asking
3 is that she be permitted to answer, not an
4 objection.

5 THE COURT: Okay. Well, you can
6 pursue that on your cross-examination.

7 Q. (By Mr. Disney) You were talking on the bottom
8 of Page 56, you say this was the years right
9 after he was shot and then continuing on
10 Page 57 you state I became the full-time
11 consultant.

12 Now, Dr. Neuhaus, did anyone put the
13 words full-time consultant into your mouth?

14 MR. MONNAT: Object as leading the
15 witness.

16 MR. DISNEY: Well, I didn't suggest
17 that --

18 A. Okay. I'll agree that it's full-time if half
19 a day a week is full-time, but I was the only
20 consultant. I should have said the only
21 consultant. I'm sorry.

22 Q. (By Mr. Disney) Okay. My question, ma'am, is
23 did you tell the attorneys on December 8th,
24 2006 that you were a full-time consultant?

25 A. There were a lot of mistakes in that

1 transcript. I didn't see it until this week
2 so maybe I did, maybe I didn't. There were
3 some other mistakes so I don't know, but
4 that's not what I intended.

5 Q. Well, you were provided this transcript some
6 time ago, weren't you?

7 A. I got it about three weeks ago, but I've been
8 so busy I didn't get to look at it until this
9 past weekend, Saturday.

10 Q. The only question I have in front of you right
11 now is do you agree on December 8th of 2006
12 that you told the attorneys that you were a
13 full-time consultant?

14 A. Well, I could have said that but it was
15 obviously inaccurate. I would say that I
16 misspoke then.

17 Q. But you would agree you said it?

18 A. No. I said I could have said it, probably. I
19 probably did, but there were a lot of mistakes
20 in the transcript.

21 Q. Do you think that that is an inaccurate
22 representation of what you said?

23 A. Possibly, but I don't know. I know that I
24 wasn't there more than a half a day to one day
25 a week.

1 Q. Do you think the court reporter took it down
2 wrong?

3 A. There were quite a few mistakes.

4 MR. MONNAT: Object, harassing the
5 witness.

6 THE COURT: I'll overrule it. I'll
7 allow the question.

8 A. There were other mistakes. I don't know if
9 that one was or not. It might have been or
10 might not have been.

11 Q. (By Mr. Disney) Isn't it a fact that you said
12 back on December 8th that you said you were a
13 full-time consultant?

14 A. I don't recall exactly what I said there.

15 Q. Well, you considered yourself a full-time
16 consultant, is that correct?

17 A. I don't know. It was a pretty hostile
18 engagement with Mr. Maxwell.

19 Q. In 2003 the only patients you saw were those
20 of the clinic, is that correct?

21 A. That's correct.

22 Q. Let me just -- and in 2003 you went to the
23 defendant's clinic approximately 40 to 50
24 times for the year?

25 MR. MONNAT: Object as leading the

1 witness, Your Honor. It's his witness.

2 THE COURT: I'll sustain.

3 Q. (By Mr. Disney) Approximately how many times
4 did you go to the clinic to do consulting work
5 in 2003?

6 A. Probably 40 or 50 times.

7 Q. Okay. And was it always seeing one patient
8 per time or was there times that you saw
9 multiple patients?

10 A. It was anywhere from zero to a number of
11 patients, five, six, seven. On the average,
12 maybe as many as eight or nine, ten maybe.

13 Q. So you physically traveled there 40 to 50
14 times, correct?

15 A. Probably.

16 Q. And do you have an idea of how many patients
17 you saw?

18 A. As I recall, the average was somewhere between
19 five and six.

20 Q. In 2003, were you the only person providing
21 consulting, giving the second opinion to the
22 defendant and his clinic?

23 A. I believe so.

24 Q. Prior to 2003 were you aware of other doctors
25 who were providing a second opinion?

1 A. Yes.

2 Q. Approximately how many others? Not names, but
3 approximately.

4 A. I don't know. It would be speculation.

5 Q. Okay. But you do know that there are others?

6 A. Yes, I believe so. I never met any of the
7 others.

8 Q. Would you agree that if not for you providing
9 the second opinions that the late term
10 abortions would not be performed?

11 A. No. I believe that there could have been
12 other consultants.

13 Q. Okay. And who would that have been?

14 A. I don't know. Anyone who chooses to do so I
15 would guess.

16 Q. So it would not have been hard to find another
17 consultant?

18 A. Do you want to know the details about that? I
19 don't know. I didn't ever try to.

20 Q. I'm just saying -- I'm just asking you if you
21 agree that without your second opinions
22 whether the abortions could be performed?

23 A. They had to be with a second opinion of
24 another Kansas physician.

25 Q. Okay.

1 A. How difficult that would be is a matter of
2 speculation.

3 Q. Do you have an opinion on how difficult that
4 would be?

5 A. I don't know. Well, apparently, I'm not doing
6 them now and they are still being done, I
7 guess.

8 Q. So there are other doctors?

9 A. It's possible.

10 Q. There are other doctors that could have done
11 it?

12 A. Uh-huh. Yes.

13 Q. Now, in 2003, if you had quit working for --
14 if you had quit providing the second opinions,
15 would you have suffered any penalty, any
16 financial penalty or --

17 A. Well, maybe for a week or two, a few weeks at
18 the most.

19 Q. I guess that's a bad question. Did you have a
20 contract written up with the defendant?

21 A. No.

22 Q. Okay. And there was no provision of a
23 contract that you would have violated if you
24 quit doing the consulting?

25 A. No.

1 Q. Okay. You could have quit work at any time,
2 quit doing the consulting?

3 A. Yes.

4 Q. Thank you. Explain to the jury how it was
5 that you would know when to go to the clinic.

6 A. As I recall, I would receive a telephone call
7 from the administrator. I believe that's what
8 I recall in the very beginning I believe
9 that's how it went.

10 Q. That would be in 1999?

11 A. Right.

12 Q. How did -- well, tell the jury -- I don't know
13 if they -- explain it in a little bit more
14 detail about how you would be contacted in
15 1999.

16 A. I believe the administrator called me and
17 would ask if I could come on a certain day and
18 see the patients.

19 Q. Okay.

20 A. That's what I recall.

21 Q. And how did that change then in 2003?

22 A. Well, I think at some point there was a -- by
23 2003, at some point was posted on the
24 Internet, but I can't remember exactly when in
25 2003 since I was coming down regularly. I

1 would usually check the calendar, which was
2 posted in the reception -- well, in the office
3 area, the front office area, and I would just
4 look and see and know.

5 Q. So is it accurate that in 2003 it was
6 unnecessary for his staff to call you to come
7 do the second opinions?

8 A. Well, they might often call me anyway to see
9 if I was coming, or, you know, if there was
10 some other need to call so they would still
11 call sometimes.

12 Q. Is it correct that you would yourself review
13 the calendar and just come automatically?

14 A. Well, I would still speak with the
15 administrator to make sure that the calendar
16 was accurate. It's a long way to drive down
17 here and have it be the wrong day.

18 Q. But is it correct that it got to the point
19 where you would usually check the calendar
20 yourself and show up when you were needed?

21 A. Well, I never would show up without being sure
22 that that was accurate, so I spoke with the
23 administrator before I left -- or maybe not
24 always. I take out the word always. I
25 usually would.

1 Q. So explain to the jury then how it would work.

2 How would you know to show up in 2003?

3 A. Well, the clinic days usually started on
4 Monday or Tuesday, so I needed to know which
5 of the two days, and I would look on the
6 calendar and just chat with whoever was
7 sitting at the desk there by the calendar and
8 make sure that that was the correct day. But
9 a couple of times I did come down on the wrong
10 days.

11 Q. So would you agree that it evolved from them
12 calling you each time to you basically in 2003
13 checking the calendar and showing up when you
14 were needed?

15 A. That's not unfair. I would say that's
16 correct.

17 Q. All right. Thank you. In 2003, was there
18 ever a time when you declined to do an
19 evaluation for the defendant or his clinic?

20 A. You mean declining to come down?

21 Q. Or consult over any manner.

22 A. You know, honestly, I don't remember. I think
23 there were a few times during the period of
24 time when I was doing consulting when I wasn't
25 available, but I don't remember if it was in

1 2003 or not.

2 Q. Okay. And in 2003, if you could not be there
3 in person, you would do the consulting by
4 phone?

5 A. That's generally true. That wasn't -- that
6 would have been usually days that weren't a
7 regular day though.

8 Q. Right. So do you recall any time in 2003 when
9 you declined to do an evaluation?

10 A. Not specifically.

11 Q. Okay. In 2003, you did not have an office,
12 correct?

13 A. No, I did not.

14 Q. You had no place to see patients except for
15 the defendant's clinic, is that correct?

16 A. No. Well, that is correct that I wasn't
17 seeing patients except there.

18 Q. Okay. But you had no place to see them,
19 right?

20 A. No, I did not at that time, no.

21 Q. Okay. And you never paid the defendant any
22 rent for the use of his office?

23 A. Correct.

24 Q. Never paid him any rent for the use of his
25 furniture or his staff, correct?

1 A. No. I did not pay for the toilet paper or the
2 coffee either.

3 Q. Or the receptionist?

4 A. I did pay for my paper and toner.

5 Q. Did you pay the nurses that set and met with
6 the patients?

7 A. They weren't my nurses, no.

8 Q. But you used them, didn't you?

9 A. No. Oh, no.

10 Q. Well, who brought the patient into the office?

11 A. I would -- I would get them out of the lobby.

12 Q. Okay. The clinic had already seen them,
13 correct?

14 A. For their own purposes, yes.

15 Q. Now, you did some of this consulting by phone,
16 correct?

17 A. Yes.

18 Q. So tell the jury how you got them out of the
19 lobby when you were talking to them.

20 A. The patient would call --

21 Q. Who would?

22 A. The staff. The staff would put them in a room
23 and make the telephone call and then leave.

24 Q. Okay. So we're not talking about toilet
25 paper. I'm talking about the staff. Did you

1 pay the staff then to go get the patients when
2 you consulted by phone?

3 A. No.

4 Q. Why not?

5 A. Because that's not a usual practice with
6 consultants. If they are sharing a space, you
7 often do that with no charge involved.

8 Q. Well, so you did use his staff?

9 A. I guess if you could say putting someone in a
10 room and making a telephone call was using the
11 staff, I mean how can I argue with your
12 definition of it.

13 Q. Well, what would you call it?

14 A. I would say it was for the convenience of the
15 patient so that they would not have to drive
16 out to Lawrence or wherever I'm living so that
17 I can meet with them in person.

18 Q. You relied upon staff to greet the patient,
19 correct?

20 A. Would you --

21 MR. MONNAT: Judge, I object to the
22 whole examination as leading. It's direct
23 examination.

24 MR. DISNEY: I'm not suggesting the
25 answers. She's free to say yes or no.

1 THE COURT: Well, that particular
2 question I'll sustain as being leading.

3 Q. (Mr. Disney) Did you rely upon the staff to
4 greet the patient?

5 A. What do you mean by greet?

6 Q. Well, when was the first time that you saw
7 the patient when you got to the clinic?

8 A. When I would pull them out of the lobby.

9 Q. Okay. How did they know to sit in the lobby?

10 A. Don't ask me. I mean, I wasn't involved with
11 any of that.

12 Q. Right. Who was involved in that?

13 A. I have no idea.

14 Q. You relied upon the defendant to provide the
15 office space for you to see these patients,
16 correct?

17 A. Correct.

18 Q. And you relied upon him to provide the
19 appropriate furniture, is that correct?

20 A. Correct.

21 Q. You relied upon him to keep the facilities
22 clean?

23 A. Correct.

24 Q. I mean, there are certain standards that
25 clinics have to uphold in order to serve

1 patients, correct?

2 A. Correct.

3 Q. Okay. Did you pay him for any of those items?

4 A. No.

5 Q. He provided an exam room for you to meet with the
6 patient?

7 A. No, I didn't use an exam room. I used an
8 office, a waiting room, a small waiting room.

9 Q. And you examined the patients in that room?

10 A. Yes.

11 Q. He provided that room?

12 A. Yes.

13 Q. Did you ever go to the patients if they were
14 staying at a hotel? Would you ever go to
15 their hotel room?

16 A. No.

17 Q. Why is that?

18 A. Because it wasn't part of my -- I didn't need
19 to.

20 Q. You could have?

21 A. I could have, yes.

22 Q. Was there anything that stops you from doing
23 that?

24 A. Well, I considered it, but it just -- we just
25 didn't, security primarily.

1 Q. Well, we talked about -- you mentioned that
2 the patients, you didn't want them to have to
3 drive to Lawrence, correct?

4 A. Right.

5 Q. You could have met them somewhere in Wichita,
6 correct?

7 A. They were often harassed at the hotel rooms by
8 anti-choice protestors.

9 Q. Okay. Is it possible the patient could have
10 arrived in town and saw you first?

11 A. It's possible, but we decided against it for
12 security reasons.

13 Q. Okay. How would anyone know that that person
14 was in town for an abortion?

15 A. For many years they all went to the same hotel
16 and they were constantly harassed at that
17 hotel. The protestors hung out with their
18 truck outside of the hotel and harassed people
19 coming out of Dr. Tiller's clinic van.

20 Q. There were other ways you could have set up
21 these consultations?

22 A. Yes, I could have, but I still would have had
23 the same security issues potentially.

24 Q. Okay. Well, tell me the security issues if a
25 girl drives up from Oklahoma and meets you in

1 west Wichita at some office --

2 A. I have been --

3 Q. Let me ask the question.

4 A. Sorry.

5 Q. Say you come down from Lawrence and call a
6 patient and say, meet me at this motel. I
7 have a room there. The patient could have
8 drove to your room. No one would know where
9 she was in town, correct?

10 A. Possibly, yes.

11 Q. Okay. Isn't it a fact that the only time you
12 did the consulting work was after Dr. Tiller's
13 office had contact with the patient?

14 A. Well, of course. How else would they even
15 know to need another consult?

16 Q. Maybe somebody could give them a phone number..

17 A. I don't want my phone number listed somewhere
18 to have people calling me out of the blue.

19 Q. Okay. So you would not want your phone number
20 published?

21 A. Not for that purpose, no.

22 Q. Those patients had no way of contacting you,
23 correct?

24 A. Not until I had met with them then they did.

25 Q. Then they had your phone number?

1 A. Yes.

2 Q. You gave the patients your phone number?

3 A. Yes, I did.

4 Q. Okay. What was your -- well, let me go back
5 to what I was talking about, and then we'll
6 get to that. If the defendant's clinic was
7 not open, you did not go to the clinic,
8 correct?

9 A. Correct.

10 Q. Is it correct that the defendant controlled
11 the hours that the clinic was open?

12 A. Yes.

13 Q. You only saw patients at his clinic?

14 A. Yes.

15 Q. Your ability to see your very own patient was
16 determined by this defendant?

17 A. Under those conditions, yes, and it wasn't
18 necessity that determined that, but that's the
19 way it was worked out. That's the logistics.

20 Q. If I'm being inaccurate, then tell me.

21 A. No. No. That's the way it happened. It
22 didn't have to happen that way, but that was
23 deemed to be the most judicious way to carry
24 it out.

25 Q. Your schedule was set by this defendant?

1 A. Essentially the consultant needed to be there
2 at a certain particular period of time before.
3 So that's how that was worked out, correct.

4 Q. Have you ever in any other time when you
5 practiced medicine had the ability to contact
6 your patient -- patients, except through
7 another doctor?

8 A. They weren't my patients until I met them, so
9 I would not say that that was the case.
10 Anyway, I would disagree with the way you are
11 terming it.

12 Q. They were your patients. You agreed to the
13 consulting work, correct?

14 A. Once I met with them, then they were and then
15 they would have my contact information.

16 Q. Well, my question is there any other time in
17 your practice where you've had a similar
18 situation where the patients couldn't see you
19 except for through someone else?

20 A. This is -- well --

21 Q. Do you understand the question?

22 A. I guess.

23 Q. So is it a yes or no or --

24 A. Trying to think. Trying to think of whether
25 some of the other places that I worked were

1 qualified for that. I did work for Dr. Knarr
2 for a while and he did all the setting of the
3 appointments and then I would appear once a
4 week, so technically that might fall under the
5 same category but --

6 Q. When you worked for who?

7 A. Dr. Knarr.

8 Q. Okay. Can you spell that for her?

9 A. K-N-A-R-R.

10 Q. So when you worked for Dr. Knarr was similar
11 to this situation?

12 A. I guess in a sense that he did the
13 appointments and that I would come on certain
14 days so that people would not be able to
15 contact me beforehand which is what you are
16 asking me so that's --

17 Q. I'm just asking you if your work for Dr. Knarr
18 was similar to your work here?

19 A. You asked me if there was ever any situation
20 where I couldn't contact a patient before I
21 actually met them.

22 Q. I'm aware of what I asked you.

23 A. And I would say that in that sense it was
24 similar.

25 Q. Okay. What did you do for Dr. Knarr?

1 A. I did family practice and pregnancy
2 terminations, abortions.

3 Q. You worked for Dr. Knarr?

4 A. Yes, I did, but I -- in that sense I'm not
5 saying that I worked for Dr. Tiller. I'm just
6 saying that the circumstances in regard to
7 timing and when I had the patient information
8 was similar.

9 Q. Similar to when you actually were working for
10 another doctor?

11 A. Okay. Just forget the working. Okay?

12 Q. Well, I --

13 A. In that situation.

14 Q. Let me strike that.

15 A. He would --

16 Q. Let me strike that question.

17 A. All right.

18 Q. Would you agree that you are the one that
19 brought up the similarity between working for
20 Dr. Knarr and working for the defendant?

21 A. I would agree that you asked me a question and
22 I was attempting to think of any other
23 circumstances in my past that met those
24 criteria and that's the only one I could think
25 of, but in all other respects I would not say

1 that I'm comparing those two so I want to make
2 sure that it's not leading somebody to think
3 that.

4 Q. Okay. The patients that you did the
5 consulting work, who would -- who would be the
6 first person -- maybe not first person but
7 would they have contacted with you or
8 Dr. Tiller's office first?

9 A. Dr. Tiller's office.

10 Q. Assume it's 2003, the year we're talking
11 about, a young woman wants to use you as a
12 doctor. How would she contact you?

13 A. She would call the telephone number and make
14 an appointment.

15 Q. Where was that telephone number listed?

16 A. Oh, 2003? Oh, well, like I said, at that time
17 I did not have a clinic.

18 Q. So in 2003 if a young woman wanted to use you
19 as a doctor, how would she contact you?

20 A. As I said, I wasn't practicing through a
21 clinic at the time.

22 Q. Did you advertise your services anywhere?

23 A. I had ongoing Yellow Page ads that were still
24 in the phone book.

25 Q. But they would ring to a clinic that was no

1 longer there?

2 A. Right, exactly, so no, I didn't make
3 appointments.

4 Q. In 2003 how would the woman contact you?

5 A. Well, I didn't want people contacting me so I
6 didn't make a means available other than
7 people that I had already seen.

8 Q. Okay. So is it fair to say in 2003 if a woman
9 wanted to use you as a doctor, she had no way
10 of contacting you?

11 A. That's fair.

12 Q. Is it also fair that in 2003 the only way for
13 a patient to see you was to make an
14 appointment with the defendant or his clinic
15 and then they would schedule a time for you to
16 see the patient?

17 A. Right. That's fair. By my choice, that's the
18 way it was.

19 Q. So if the defendant did not set up or the
20 defendant or his clinic did not set up an
21 appointment, then you would not see the
22 patient, correct?

23 A. Right.

24 Q. So would you agree that there is no way for
25 the patient to see you but through the

1 defendant?

2 A. That's a little contorted, but I guess
3 technically it's accurate.

4 Q. Okay. And the patient had no idea who you
5 were prior to you introducing yourself?

6 A. I believe that they did not.

7 Q. Now, prior to you seeing the patient, they had
8 been seen by the defendant's staff, is that
9 correct?

10 A. I believe so, yes.

11 Q. And his staff would go over some questions
12 with the patient, is that correct?

13 A. Yes, that's correct, as I understand it.

14 Q. And do you recognize -- do you recognize what
15 I'll --

16 MR. MONNAT: What's the number on it?

17 MR. DISNEY: B as in boy.

18 Q. (By Mr. Disney) Do you recognize what I have
19 listed or marked as State's Exhibit B as in
20 boy?

21 A. It's a little different font but yes.

22 Q. And is that a blank questionnaire that
23 Dr. Tiller's office staff would go through
24 with a patient and get questions answered
25 prior to you seeing the patient?

1 A. Yes, generally.

2 MR. DISNEY: Your Honor --

3 A. Sometimes they did it afterwards.

4 MR. DISNEY: I'd ask that State's B
5 be admitted.

6 THE COURT: Any objection to State's
7 B?

8 MR. MONNAT: No. No objection, Your
9 Honor, I think.

10 THE COURT: Okay. State's B will be
11 admitted into evidence.

12 MR. DISNEY: Can you bring that up
13 just a little bit.

14 Q. (By Mr. Disney) And Dr. Neuhaus, you would
15 agree that in the normal course of events when
16 you came in to the clinic to see the patients
17 that this form had already been filled out by
18 Dr. Tiller's staff?

19 A. As I recall, that form was often filled out
20 twice.

21 Q. Okay. And we have by agreement taken this
22 out. Each file would have one of these filled
23 out? We've taken the information out for
24 patient privacy.

25 A. Correct.

1 Q. So in the normal course when you came into the
2 office, this statement was filled out and you
3 had access to that information, correct?

4 A. Correct.

5 Q. Okay. Is it correct that you would use this
6 form basically as a starting point when you
7 examined the patients?

8 A. I would review all the materials that were
9 available prior, if they were available.
10 Sometimes they weren't.

11 Q. Okay. Including this form?

12 A. Correct.

13 Q. And in the normal course of events you would
14 not see this form, this completed form until
15 you came into the office on the day to do the
16 consulting?

17 A. Generally. I think sometimes it would be
18 faxed.

19 THE COURT: Hold on just a minute.
20 Do you have a question here?

21 JUROR MR. BARROW: I'm having trouble
22 reading that from the side here.

23 THE COURT: Okay.

24 MR. DISNEY: I would say, Your Honor,
25 that they are going to have this in the back,

1 and on this particular form it's more
2 important just that you see what the form is,
3 but they'll have this in the back for them to
4 look at.

5 THE COURT: Well, the other thing is
6 if you want to move to one of those other
7 seats farther away, you are welcome to do
8 that.

9 MR. DISNEY: Put him up front. He's
10 having a hard time hearing.

11 THE COURT: Well, how much are we
12 going to be using that screen?

13 MR. DISNEY: Not that much.

14 THE COURT: Let's find out unless
15 that causes him problems to be able to hear
16 the witness. You want him to both see and
17 hear everything that goes on so just make
18 sure that if you have any trouble hearing
19 anything -- is that any better?

20 JUROR MR. BARROW: Yes. That's fine.

21 THE COURT: Can the other jurors see
22 it from where you are at?

23 ALL JURORS: (Nods heads.)

24 THE COURT: Okay.

25 MR. DISNEY: You can go ahead and

1 take it down.

2 Q. (By Mr. Disney) Dr. Neuhaus, security was a
3 concern of yours, correct?

4 A. Yes.

5 Q. Would you agree that a doctor working in
6 abortion practice must take security
7 seriously?

8 A. Yes.

9 Q. You never provided your own security, is that
10 correct?

11 A. What do you mean?

12 Q. You never hired -- when you were doing the
13 consulting in 2003, did you ever hire anyone
14 to provide security for you?

15 A. No.

16 Q. You would rely upon the defendant to provide
17 security?

18 A. For me or for the patient?

19 Q. For you and the patient.

20 A. Well, technically I've been doing it a long
21 time and I guess I wasn't concerned about
22 myself, but you are correct.

23 Q. Okay. Well, you were concerned enough about
24 security that the defendant would give you a
25 ride to the clinic on occasion?

1 A. Yeah. I think what happens is you kind of get
2 into a state of feeling under the gun so long
3 that you quit worrying about it, so right,
4 that's really true. I did -- I was concerned
5 about it.

6 Q. You were?

7 A. Yes.

8 Q. And the only point I'm trying to make is that
9 you never paid for any security?

10 A. No, no. I didn't pay Dr. Tiller, no.

11 Q. Okay. But he did have security provided?

12 A. It was provided on the premises.

13 Q. Okay. That's another advantage you had,
14 correct?

15 A. It was an advantage for everyone, yes.

16 Q. Okay. When you consulted with a patient, you
17 would collect money from them, correct?

18 A. Correct.

19 Q. Usually this would be in cash?

20 A. Yes.

21 Q. The patients would have that cash ready for
22 you, correct?

23 A. Correct.

24 Q. How would they know how much cash to bring to
25 pay you?

1 A. I believe they were informed by the clinic
2 staff.

3 Q. The clinic staff would quote your rates and
4 that you needed it in cash, is that correct?

5 A. Correct.

6 MR. DISNEY: Do we have the file, the
7 blue file?

8 MS. THOMPSON: It hasn't been
9 admitted.

10 MR. DISNEY: Do you have a copy of
11 it?

12 Q. Dr. Neuhaus, I want you to look at a copy of a
13 file that we have that has been admitted.
14 There is no patient information in it. Would
15 you look at what's been marked as Defendant's
16 Exhibit 14. Does that appear to be a
17 typical front page or front cover of one of
18 Dr. Tiller's files?

19 A. Well, I think there were variations of that,
20 but that looks like one that I had seen at
21 some point.

22 Q. Okay. And this file has a sticky on the front
23 that has your name on it, correct?

24 A. Correct.

25 Q. Okay.

1 MR. DISNEY: Your Honor, by agreement
2 of the parties we were going to use just one
3 exhibit on this, but it's marked Defense
4 Exhibit 14, but I'm asking that it be
5 admitted.

6 MR. MONNAT: No objection, Your
7 Honor.

8 THE COURT: Okay. Defense Exhibit
9 No. 14 will be admitted.

10 Q. (By Mr. Disney) We have this up on the screen,
11 Dr. Neuhaus. Would you agree -- I think I
12 asked you this, but since it's on the screen
13 now, would you agree this is a typically what
14 the front of one of the defendant's patient
15 files looked like?

16 A. Like I said, there were variations of that
17 sticker.

18 Q. Okay.

19 A. But I don't remember that exact one in
20 particular, but obviously it is one of the
21 ones.

22 Q. Okay. And most of them had the sticky on it
23 that has your name on it in some form?

24 A. That's -- I agree. As I recall, yes.

25 Q. Okay. When you went to the clinic to see the

1 patients, were you given -- what information
2 or what documents were you given?

3 A. I requested all medical records that were
4 brought with the patient or were sent by the
5 patient's physician as well as the statements
6 that we had looked at, the MI statement that
7 had -- any of those that had been completed
8 and I think they called it the intake form,
9 the front sheet of the chart.

10 Q. Would they -- would you be provided these or a
11 copy of them or would you just be given the
12 defendant's file and then use it as a
13 reference?

14 A. I requested copies so I had my own copy.

15 Q. Do you know why your name would appear on the
16 front of those files?

17 A. I believe so that the staff could ascertain
18 whether or not all of the necessary
19 consultations had been obtained.

20 Q. What if you didn't want to see a particular
21 patient?

22 A. Well, I suppose I could have refused.

23 Q. Now, on occasion you would evaluate the
24 patient by phone, is that correct?

25 A. That's correct.

1 Q. And this would occur, what, about a couple
2 times a month?

3 A. Maybe at the most.

4 Q. And in 2003 do you have an estimate of how
5 many times you did telephone consultations?

6 A. Well, I will say maybe somewhere between 10
7 and 20 at the most based that once or twice a
8 month, but I don't recall specifically.

9 Q. If I could have just one moment. How often
10 did you say, Doctor?

11 A. Well, if you are talking once or twice a
12 month, this is just a guess, that would come
13 up to 12 to 24 so I'm saying maybe 10 or 20,
14 but it's purely a guess at this point. I
15 don't really recall exactly.

16 Q. Now, on these occasions it would be the
17 defendant's staff had already told the patient
18 how much you would charge, correct?

19 A. Correct.

20 Q. And how was the money collected then? I mean,
21 if you were doing a consultation by phone --

22 A. They were given an envelope and they just put
23 the money in the envelope and then the staff
24 would deposit it in some secure spot.

25 Q. Like?

1 A. I guess -- I don't know. I would just get it
2 when I came in the next time.

3 Q. You believed that money to be yours, correct?

4 A. Correct.

5 Q. You entrusted it to the defendant's staff to
6 hold on to it?

7 A. Correct.

8 Q. It wasn't theirs to spend how they wanted, was
9 it?

10 A. No.

11 Q. How long would they hold on to it for?

12 A. Well, until the next time I would be there.

13 Q. You said that there are times that you paid
14 for toner.

15 A. Toner and the paper for the letters.

16 Q. Okay. Did you ever pay by check?

17 A. Not that I recall.

18 Q. Okay. If there are no checks, if we have your
19 checks for 2003 and there is no check written
20 to Dr. Tiller, do you have an explanation for
21 that?

22 A. As I said, I didn't use a check. I paid them
23 with cash.

24 MR. DISNEY: Your Honor, how long did
25 you want to go?

1 THE COURT: We're getting pretty
2 close to the break time. It's just a question
3 of is it a good stopping point for you?

4 MR. DISNEY: This is a good point.

5 THE COURT: Okay. Let's go ahead and
6 take our afternoon break for about 15 minutes
7 and then we'll be ready to resume.

8 (A brief recess was
9 here had from 3:28 p.m.
10 to 3:55 p.m.)
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1 STATE OF KANSAS)

2) ss:

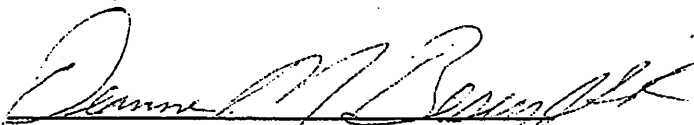
3 SEDGWICK COUNTY)

4
5 C-E-R-T-I-F-I-C-A-T-E

6
7 I, Deanne M. Besen, a Certified
8 Shorthand Reporter, under and by virtue of the
9 laws of the State of Kansas, and a regularly
10 appointed, qualified and acting Official
11 Reporter of the Eighteenth Judicial District
12 of the State of Kansas, do hereby certify
13 that as such Official Reporter, I was present
14 at and reported in machine shorthand the
15 above and foregoing proceedings in Case
16 No. 07 CR 2112, heard on March 23, 2009,
17 before the Honorable Clark Owens, II, Judge of
18 Division No. 20 of said court;

19 That thereafter, upon the oral order
20 or request received on March 23, 2009, I
21 personally prepared the foregoing transcript,
22 by means of computer-aided transcription,
23 consisting of 65 typewritten pages, and that
24 said transcript is a true and correct
25 transcript of my shorthand notes, all to the
best of my knowledge and ability.

SIGNED and OFFICIALLY SEALED this
23rd day of March, 2009.

18
19 

20 DEANNE M. BESEN

21 Certified Shorthand Reporter
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I N D E XWITNESSESPLAINTIFF'S WITNESSESPAGEANN KRISTIN NEUHAUS CONT'D

Direct Examination Cont'd by Mr. Disney	3
Cross-examination by Mr. Monnat	22

EXHIBITS

<u>DEFENDANT'S EXHIBITS</u>	<u>OFFERED</u>	<u>ADMITTED</u>
No. 15	17	17
No. 24	48	51
No. 34	26	26
No. 35	27	27

Certificate of Reporter	54
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1 THE COURT: You may bring in the jury.

2 (The jury returned to the
3 courtroom at 3:55 p.m.;
4 after which the following
5 proceedings were had:)

6 THE COURT: Okay. You may continue.

7 DIRECT EXAMINATION CONT'D

8 BY MR. DISNEY:

9 Q. Dr. Neuhaus, when you were contacted by the
10 defendant to do this consulting for him, how
11 did you make yourself up-to-date on the legal
12 requirements of what was involved in giving a
13 second opinion?

14 A. Well, I tried to keep track of anything that
15 was happening, just keep track of what was
16 happening just in the news as far as
17 legislation, and I would occasionally go to
18 the Kansas dot gov or I think the link to the
19 statutes and review those.

20 Q. Anything else you did to become familiar with
21 the legal requirements?

22 A. Well, if I didn't understand it, I could
23 discuss it with people who were more informed
24 about it than me.

25 Q. Such as who? Well, I'm asking, did you

1 discuss the legal requirements with people who
2 were more informed than yourself?

3 A. Any particular one or just all of it in
4 general or --

5 Q. You were asked to do some consulting for the
6 defendant, correct?

7 A. Correct.

8 Q. Did the defendant provide you any attorneys to
9 talk to regarding the requirements that you
10 would be under?

11 A. When I was first requested to do the
12 consultation, I was made aware that attorneys
13 were reviewing the statute and that if I had
14 any questions that I could, you know, briefly
15 consult with as I recall -- and unfortunately,
16 it's a bit fuzzy, but I believe that I recall
17 that I would have access to information
18 from -- well, I'm trying to remember this
19 exactly, that if I had any questions about
20 particular materials, I could ask.

21 Q. The defendant made his attorneys available to
22 you to explain the legal aspects --

23 A. The way --

24 Q. -- is that true?

25 A. The way I understood it is because the Board,

1 some elements of the State --

2 Q. Let me --

3 A. -- and the attorneys I were consulting that I
4 would be able to, yes.

5 Q. Well, and my question is you did talk to those
6 attorneys?

7 A. Well, you know, my -- I'm a bit fuzzy on it,
8 but as I recall, I received a packet of
9 information. The specific conversations I'm a
10 bit fuzzy on.

11 Q. Okay. Well, I want to show you your
12 deposition from March -- I'm sorry, from the
13 8th day of December 2006 and I'm looking at
14 Page 43, and if you could just read from
15 Line -- to yourself from Line 14 maybe over on
16 to the next page. I'll just give you some
17 time to read that.

18 A. (Witness complies.) I'm finished.

19 Q. Okay. Isn't it correct that you had some
20 concerns when you were asked to do this
21 consulting about what exactly the legal
22 requirements were?

23 A. Yes.

24 Q. And that the defendant made his attorneys
25 available to you to discuss the legal

1 aspects?

2 A. He made the offer.

3 Q. Okay. Isn't it true that you actually
4 consulted with those attorneys?

5 A. I received a packet and the rest of it -- I'm
6 not sure that I remember this very clearly,
7 but I don't specifically recall ever actually
8 meeting with these attorneys, so I probably
9 just misstated that and I didn't get a chance
10 to review it or correct it until just this
11 week.

12 Q. I see. On Line -- Page 44, Then after
13 consulting with his attorneys who I was told
14 were specialists in constitutional law. Well,
15 what do you mean by saying after consulting
16 with his attorneys?

17 A. Honestly I don't remember exactly why I said
18 that because I was being interrogated for four
19 hours in a row and probably was a little
20 distraught, but I don't -- now that I'm
21 thinking about it, I don't actually remember
22 meeting anybody except for a single one which
23 was probably about a year after I started
24 doing the consultations from the best that I
25 can recall.

1 Q. On Line 20 --

2 A. Right .

3 Q. -- you said, I was given an opportunity to ask
4 any questions I had.

5 A. Right , but --

6 Q. Ma'am , let me just ask, who were you asking
7 questions of? .

8 A. Well, as I said, I received this packet with
9 the Doe v. Bolton case and the statutes, and
10 I'm -- I did meet with one attorney, but the
11 only time I remember meeting was after this
12 and after I had already started doing the
13 consultations, so I think the reason that I
14 don't actually recall meeting with them was
15 because my father was the one who had
16 explained it to me in the end and I just was
17 fuzzy . These types of things I guess they are
18 not -- I didn't realize how important it was
19 to take notes or actually document what actual
20 exposures I had, so my memory on it isn't
21 terribly clear.

22 Q. Well --

23 A. I may have spoken with one of them on the
24 phone . I just don't remember for sure.

25 Q. Let me cut you off for a second. Are you

1 Q. On Line 20 --

2 A. Right.

3 Q. -- you said, I was given an opportunity to ask
4 any questions I had.

5 A. Right, but --

6 Q. Ma'am, let me just ask, who were you asking
7 questions of?

8 A. Well, as I said, I received this packet with
9 the Doe v. Bolton case and the statutes, and
10 I'm -- I did meet with one attorney, but the
11 only time I remember meeting was after this
12 and after I had already started doing the
13 consultations, so I think the reason that I
14 don't actually recall meeting with them was
15 because my father was the one who had
16 explained it to me in the end and I just was
17 fuzzy. These types of things I guess they are
18 not -- I didn't realize how important it was
19 to take notes or actually document what actual
20 exposures I had, so my memory on it isn't
21 terribly clear.

22 Q. Well --

23 A. I may have spoken with one of them on the
24 phone. I just don't remember for sure.

25 Q. Let me cut you off for a second. Are you

1 saying that you did not meet with the
2 defendant's attorneys?

3 A. I didn't physically meet with any attorneys
4 ever except for one well after I had already
5 started doing the consultations that I recall.

6 Q. I'm going to show you Page 46, Line 19.

7 A. Right, and I believe that was the time when I
8 met with that particular --

9 Q. Now, let me ask this: You said on Page 46,
10 Line 19, One of the things I remember the
11 attorney, this unknown attorney saying to me.
12 So you did talk to an attorney?

13 A. Well, I must have at some point. I know I met
14 one attorney but it wasn't a meeting. Was
15 actually that we both happened to be in the
16 same place at the same time and we introduced
17 ourselves, but whether or not we had a
18 conversation on the telephone, I honestly just
19 don't recall. I think that we did, but I'm
20 not certain.

21 You know, I believe that at some
22 point I must have because I ended up getting a
23 packet of information.

24 Q. Okay.

25 A. So I must have. I just don't remember the

1 exact details.

2 Q. Okay. So my question is: Did you by phone or
3 in person meet with one of the -- one or more
4 of the defendant's attorneys?

5 A. I'm inferring that I might have or must have.

6 Q. Certainly --

7 A. But I don't recall it.

8 Q. Certainly that's what it says in the
9 deposition.

10 A. See, I did meet one of them afterwards and I
11 have a tendency to sometimes blur two events
12 together, and I'm not sure if this was an
13 occasion of that or not.

14 Q. Now, you said that you met with them after you
15 began doing the consulting.

16 A. I know I did meet one of them afterwards I'm
17 sure, and actually since then I've met a
18 number of them.

19 Q. But, in fact, his attorneys prepared the very
20 letter that you were to sign, correct?

21 A. I don't know that for a fact. I believe that
22 they were involved in the wording of it so
23 that it would be in compliance with the law.
24 I was led to believe that.

25 Q. Can you read Page 48, Lines 21 through 23 to

1 yourself.

2 A. (Witness complies.) Right, right. That's what
3 I'm referring to.

4 Q. Okay. You said -- in that deposition you said
5 that you had a letter that was drawn up with
6 the assistance of the attorneys to make sure
7 the language was in compliance with the law,
8 is that correct?

9 A. Well, I was assuming that that was the case.
10 Looking back it was an assumption because I
11 didn't see it or actually discuss it with
12 them.

13 Q. All I'm trying to get across or to ask you is
14 did the attorneys assist you in drawing up the
15 letter? Certainly what you say, isn't it?

16 A. Well, I think, but I don't know. I've had to
17 think about it so many times I don't really
18 remember anything specific about that, but I
19 must have thought that at some point.

20 Q. Well, you left the wording of the letter up to
21 the attorneys, didn't you?

22 A. Well, I think I actually wrote the letter and
23 discussed it with Dr. Tiller to make sure it
24 was okay, but I don't remember honestly. It's
25 been awhile.

1 Q. Didn't you leave the wording of the letter up
2 to the attorneys?

3 A. I, you know, I don't remember the exact
4 specifics, so it's hard to say, but I believe
5 that when I say assistance, what I meant is
6 that they had at some point reviewed it.

7 Q. I see.

8 A. But I don't know. I mean, I wasn't sitting in
9 a room with them, so I don't know and it would
10 have been hearsay anyway, but I didn't
11 actually meet with them about it.

12 Q. I want to show you Page 100 starting on
13 Line 6. Would you read Lines 6 through 12.

14 A. Well, yeah, I'm reading it.

15 Q. Okay. What did you mean when you said I
16 left -- I never really thought about the
17 wording because I left that up to the
18 attorneys? What did you mean by that?

19 A. I think I was being real defensive because I
20 was under attack --

21 Q. Speak up.

22 A. -- by Mr. Maxwell. I felt so attacked by him.
23 I don't know what I was really referring to
24 there because I don't remember exactly who
25 drew it up.

1 Q. Well, isn't it a fact that the defendant's
2 attorneys drew up this letter and you left it
3 up to them to get the language right?

4 A. I wish I could remember, but honestly these
5 legal things -- like I said, I wish I would
6 have kept an accurate diary of everything I
7 did from minute to minute but I didn't and,
8 you know, at this point I thought about it so
9 many times that I don't know what I remember.

10 Q. The legal points of the letter were important,
11 correct?

12 A. The wording was important.

13 Q. And you left that up to the defendant's
14 attorneys, correct?

15 A. As I recall --

16 MR. DISNEY: Can we have that back
17 up.

18 A. As I recall, I typed this up on my laptop and
19 probably conferred with -- at least with
20 Dr. Tiller to make sure that it was suitable
21 from his perspective.

22 Q. And all I --

23 A. I don't remember any details about how it
24 happened.

25 Q. I'm just looking for an explanation as to why

1 you said I left the wording up to the
2 attorneys.

3 A. I was probably being defensive.

4 Q. I see.

5 A. But I don't know. I may have. I just don't
6 remember exactly.

7 Q. Did you ever pay these attorneys for their
8 time or their services?

9 A. No.

10 Q. Do you know who paid them?

11 A. No.

12 Q. If you had used the wrong -- you were
13 concerned about having the accurate wording in
14 the letter, correct?

15 A. Correct.

16 Q. If you had the long -- the wrong wording, it
17 could potentially have serious consequences,
18 correct?

19 A. Correct.

20 Q. I'll refer you to Page 99, a different page
21 and ask to you look at Line 8.

22 A. (Witness complies.)

23 Q. Do you have that there?

24 A. Right, same thing.

25 Q. This is different than the one we were just

1 looking at, correct?

2 MR. MONNAT: Judge, I don't mind this
3 being displayed once she's answered questions
4 about it, but I don't think it's proper to
5 display it to the jury before she adopts it.

6 THE COURT: I'll sustain the
7 objection.

8 Q. (By Mr. Disney) Have you had a chance to
9 review Line 99 -- Page 99, Line 8?

10 A. Yes.

11 Q. Isn't it a fact that you told the attorney,
12 well, like I said, the attorneys drew this up
13 to be in compliance with the law?

14 A. That's says that. I recalled it then.

15 Q. So do you agree with me at least back on the
16 date that you gave this inquisition you
17 remembered that the attorneys drew up the
18 letter?

19 A. This was all the same conversation.

20 Q. Do you agree with me that back on the date you
21 gave this inquisition that you recall the
22 attorneys drawing up the letter?

23 A. That's what I recall apparently according to
24 the transcript.

25 Q. Prior to that inquisition, had you met with

1 any of these attorneys?

2 A. No.

3 Q. Prior to your testimony today have you met
4 with any of these attorneys?

5 A. Yes.

6 Q. Thank you. You used -- prior to 2003 you used
7 to bring your computer to the defendant's
8 office, is that correct?

9 A. I don't remember exactly when I quit bringing
10 it but --

11 Q. In 2003 were you bringing the computer?

12 A. I don't think so, but I'm not sure.

13 Q. If you want to, look at Page 49 of that
14 transcript, Line 1 and see if that
15 refreshes your memory on whether or not you
16 were, 49.

17 A. I think at some point I quit but I don't
18 remember exactly when. See, it says at some
19 point I quit. I don't know.

20 Q. Do you think you were bringing the computer in
21 2003?

22 A. Are you asking me to guess?

23 Q. I'm just asking you if you know.

24 A. I don't know.

25 Q. When you went in to see the patients, the

1 defendant's clinic had some paperwork that
2 they would give you, correct?

3 A. Yes.

4 Q. And what would be in that paperwork that they
5 gave you?

6 A. The paperwork from Dr. Tiller?

7 Q. Yes.

8 A. It would be the patient record that they
9 brought with them, any records that were faxed
10 or sent by another medical office. It would
11 be any prior consultations from Dr. Tiller's
12 staff and the front cover sheet of the intake
13 information from the original telephone --

14 Q. Anything else?

15 A. From Dr. Tiller, things that Dr. Tiller would
16 provide?

17 Q. Yes.

18 A. Not that I can recall.

19 Q. Okay. Let me ask you to look at Defendant's
20 Exhibit --

21 A. Oh, oh, the letter, yes. Occasionally --
22 well, at some point the letters were actually
23 typed up by Dr. Tiller's staff.

24 Q. Okay. Do you recognize Defendant's
25 Exhibit 15?

1 A. Yes.

2 Q. And what is it --

3 A. This is --

4 Q. -- in general?

5 A. This is my letter stating that the patient
6 has -- would suffer a substantial and
7 irreversible impairment of the mental or
8 physical function if they continue the
9 pregnancy.

10 MR. DISNEY: Your Honor, could we
11 have -- I'd move for admission of State's --
12 or Defendant's Exhibit 15.

13 MR. MONNAT: Since it's our exhibit,
14 of course no objection.

15 THE COURT: Okay. Defendant's
16 Exhibit 15 will be admitted.

17 MR. DISNEY: Can we bring that up,
18 just make it bigger so the jury --

19 Q. (By Mr. Disney) Now, Dr. Neuhaus, is it
20 correct that this is an example of one of the
21 letters that are in each of the 19 files?

22 A. Yes.

23 Q. And we've taken out most of the patient
24 identifying marks, correct?

25 A. Yes.

1 Q. But other than the part that is blacked
2 out that refers to a specific patient,
3 the language in the letter, the paragraph
4 was always the same in every letter,
5 correct?

6 A. Well, I had a copy of that file in my computer
7 and I'm inferring that Dr. Tiller would have
8 as well and he printed them up, so assuming
9 that it prints the same way, other than the
10 fact that it had to be altered with the name
11 and the date of birth and the date which isn't
12 on these, but usually -- well, maybe it is at
13 the top. It's cut off there, but the basic
14 wording in the paragraph would have been the
15 same.

16 Q. So am I correct that -- just so the jury
17 understands, the paragraph that's the
18 substance of the letter would stay the same
19 for each patient?

20 A. Well, there were two different versions, but
21 yes.

22 Q. What was the other version?

23 A. The other version was for patients who had
24 fetal indications as well as their own health
25 indications --

1 Q. Okay.

2 A. -- in all those pregnancies.

3 Q. But on this one when you make a finding of
4 irreversible impairment, this is the letter
5 that you would use, correct?

6 A. Well, there were two different versions
7 depending on the situation.

8 Q. Okay. So it could be this one or it could be
9 the other one?

10 A. Other one, yes.

11 Q. But they were all just like this? I guess the
12 point is the jury doesn't need to see all 19
13 letters to understand they are all the same,
14 is that correct?

15 A. The wording is the same, yes.

16 Q. Okay. Except for the patient name or whatnot?

17 A. Right.

18 Q. When you went to see the patient at
19 Dr. Tiller's office, they would give you a
20 bunch of -- or some files and reports,
21 correct?

22 A. Correct.

23 Q. They would also give you this letter that was
24 already printed out with the patient's name
25 and information on it, correct?

1 A. At some point I requested that they make that
2 available, yes, include that in the packet.

3 Q. So is it correct that before you ever saw the
4 patient, you would receive a letter from the
5 defendant's office identical or substantially
6 identical to State's Exhibit -- or Defendant's
7 Exhibit 15?

8 A. Correct.

9 Q. That was before you ever met the patient?

10 A. Was included in the packet.

11 Q. There was a letter finding irreversible --

12 A. Was --

13 Q. -- impairment?

14 A. Was written up the way I requested, yes.

15 Q. Before you ever saw the patient?

16 A. It wasn't signed, but yes, was included in the
17 packet.

18 Q. Okay. Now, did you have a letter where you
19 did not make a finding where you say, I'm
20 sorry, I've examined this patient and I'm not
21 making the finding? Did you have such a
22 letter like that?

23 A. Not that format, no.

24 Q. Okay. You consider the defendant to be a
25 friend of yours?

1 A. He's a colleague and over the years we've -- I
2 guess you could say we're -- by friends that
3 would be someone that, you know, you go and
4 spend time with outside the office. That
5 never happened, but I would say that we were
6 on friendly terms. That's fair.

7 Q. You hugged him this afternoon when you saw him
8 or this morning?

9 A. Yes.

10 Q. You bought a '95 or a '97 --

11 A. '94.

12 Q. '94 Camry from him?

13 A. Yes.

14 Q. That car can run you back and forth from
15 Lawrence, correct?

16 A. It can drive, yes.

17 Q. Did not break down on you?

18 A. Oh, several times --

19 MR. MONNAT: Judge, it's irrelevant
20 to the charges in this case since it was three
21 years later.

22 MR. DISNEY: It shows bias, Your
23 Honor. She obviously remembers some things
24 and she can't remember others. I'm trying to
25 find out why.

1 THE COURT: I'll allow it.

2 Q. (By Mr. Disney) You paid \$300 for that car?

3 A. That's correct.

4 MR. DISNEY: I have no other
5 questions at this time, Your Honor.

6 THE COURT: You may cross-examine.

7 MR. MONNAT: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MONNAT:

10 Q. Dr. Neuhaus, this morning when you saw
11 Dr. Tiller, did you intend to communicate to
12 anybody by the fact that you hugged him that
13 you were legally or financially affiliated
14 with him six years ago in 2003?

15 A. Absolutely not.

16 Q. Now, the prosecutor asked you about this 1994
17 Camry. Is that a pretty sleek automobile?

18 A. Definitely.

19 Q. Would you describe to the ladies and gentlemen
20 of the jury kind of what that car looked like
21 when you bought it.

22 A. Well, it probably needs at least \$3,000 worth
23 of bodywork and I've put at least \$1000 worth
24 of repairs into it just in the last year.

25 Q. And as I understand it, it was in 2006, three

1 years after the accusations in this case that
2 you bought the 1994 Camry, is that right?

3 A. That's correct, the end of 2006 or the
4 beginning of 2007.

5 Q. So in 2006 you bought a 12-year-old car from
6 Dr. Tiller?

7 A. Correct.

8 Q. And the car had a lot of damage to it?

9 A. Correct.

10 Q. And the car was parked in the parking lot at
11 Women's Healthcare Services?

12 A. Correct.

13 Q. And was parked there because every so often
14 other doctors who visited the clinic to assist
15 in medical procedures would use the car?

16 A. Correct.

17 Q. And you told Dr. Tiller that you were looking
18 for a car, correct?

19 A. Correct.

20 Q. And somehow the topic of this clunker,
21 12-year-old Camry came up, is that right?

22 A. That's right.

23 Q. And then you discussed with Dr. Tiller that
24 you might like to buy that car, correct?

25 A. Yes.

1 Q. And as soon as the topic came up, both of you
2 were aware that somebody might use it to
3 accuse the two of you of being legally or
4 financially affiliated if you bought this car
5 from him, correct?

6 A. That's right:

7 Q. So would you tell the ladies and gentlemen of
8 the jury what precautionary measures you and
9 Dr. Tiller took to make sure that you were
10 paying full value for this clunker.

11 A. I asked Dr. Tiller if he could have it
12 appraised so that we could ascertain the
13 value. I myself looked on -- I thought it was
14 Blue Book but it's actually Black Book dot com
15 or something like that to look up what the
16 average value of that particular make and
17 model of the car would be, and unfortunately,
18 when there is significant body damage, they
19 don't give an actual number, so Dr. Tiller had
20 an appraisal made and he made that available
21 to me. I don't have a copy, but I did
22 actually see it and that was the value that we
23 used.

24 MR. MONNAT: May I approach the
25 witness, please, Your Honor?

1 THE COURT: Yes.

2 Q. Let me hand you what's been marked as
3 Defendant's Exhibit 34.

4 MR. MONNAT: Let me show it to
5 Mr. Disney first. May I ask some questions
6 from here, Your Honor, so we can both look at
7 it, please?

8 THE COURT: That's fine.

9 Q. (By Mr. Disney) Do you recognize having seen
10 Defendant's Exhibit 34 before?

11 A. Yes, I do.

12 Q. And would you -- I'm going to ask you to keep
13 your voice in front of the microphone.

14 A. Oh.

15 Q. But would you tell the ladies and gentlemen of
16 the jury what that is.

17 A. This is the estimate that was made of the car
18 prior to my purchasing it.

19 Q. And is that an estimate by Joe Self Chevrolet
20 Cadillac, appraisal report prepared for George
21 Tiller?

22 A. Yes, it is.

23 Q. Does it concern a 1994 Toyota Camry four-door
24 Sedan?

25 A. Yes, it does.

1 Q. Does it state the appraisal value?

2 A. Yes, it does.

3 Q. Does it state the appraisal value as of
4 October 5th, 2006?

5 A. Yes, it does.

6 Q. What does it say that sleek car is worth?

7 A. 300.

8 MR. MONNAT: Your Honor, I'd move to
9 admit Defendant's Exhibit 34, please.

10 MR. DISNEY: No objection.

11 THE COURT: Okay. Defendant's
12 Exhibit 34 will be admitted.

13 MR. MONNAT: We do not have it on the
14 overhead. May I publish to the jury by
15 passing it to the jury now?

16 THE COURT: That's fine.

17 MR. MONNAT: Thank you, Your Honor.

18 MR. MONNAT: I'm going to show
19 Mr. Disney Defendant's Exhibit 35.

20 MR. DISNEY: Okay.

21 Q. (By Mr. Monnat) Let me please show you what's
22 been marked for identification as Defendant's
23 Exhibit 35. Do you recognize what's depicted
24 in Defendant's Exhibit 35?

25 A. I do.

1 Q. And that's a photograph, correct?

2 A. Correct.

3 Q. What is depicted in Defendant's Exhibit 35,
4 please?

5 A. That is the '94 Toyota Camry that I purchased
6 from Dr. Tiller for \$300.

7 MR. MONNAT: Your Honor, I'd move to
8 admit Defendant's Exhibit 35, please.

9 MR. DISNEY: No objection.

10 THE COURT: Okay. Defendant's
11 Exhibit 35 will be admitted.

12 MR. MONNAT: May I publish to the
13 jury by passing it to them, Your Honor?

14 THE COURT: That's fine.

15 MR. MONNAT: Thank you, Your Honor.

16 Q. (By Mr. Monnat) And I think you've told
17 us that you didn't pay any more for the
18 1994 Toyota that was 12 years old in 2006
19 than anybody else would have paid for it,
20 correct?

21 A. Yes.

22 Q. And you did not pay any less, correct?

23 A. Correct.

24 Q. You paid the objective appraised value for the
25 car, correct?

1 A. That's right.

2 Q. Dr. Tiller didn't make you any special deal
3 because you were consulting with patients at
4 Women's Healthcare Services, did he?

5 A. Not that I'm aware of, no.

6 Q. And that was something you and Dr. Tiller
7 discussed because all along you understood
8 that the law required you and Dr. Tiller not
9 be legally or financially affiliated?

10 A. Correct.

11 Q. And you wanted to always obey the law?

12 A. Correct.

13 Q. And when this discussion came up, you
14 recognized that you needed to have an
15 objective appraisal and not pay any less than
16 that?

17 A. Correct.

18 Q. Let me back up a little bit. You attended
19 high school in Hugoton, Kansas?

20 A. Yes..

21 Q. And you graduated number one in your high
22 school class?

23 A. That's right.

24 Q. After that did you attend Kansas State
25 University?

1 A. Yes.

2 Q. And is it correct that you received your
3 degree in psychology?

4 A. Yes.

5 Q. Now amongst the consultations that you were
6 doing at Women's Healthcare Services were
7 consultations to determine if an abortion was
8 necessary to preserve the mental health of the
9 patient, correct?

10 A. Yes.

11 Q. You understood the law that governed the
12 consultations that you were doing with the
13 Women's patients?

14 A. Yes.

15 Q. And you understood that a late-term abortion
16 could be performed if continuation of the
17 pregnancy would cause substantial and
18 irreversible impairment of a major bodily
19 function of the woman, correct?

20 A. Yes.

21 Q. And you knew that the United States Supreme
22 Court in Doe versus Bolton had made it very
23 clear that bodily health includes mental
24 health?

25 A. Yes, that's correct.

1 Q. When you were in college at K-State University
2 and you graduated, you graduated with a grade
3 point average high enough to entitle you to
4 membership in the highest honor society, that
5 of Phi Beta Cappa, correct?

6 A. Yes, that's correct.

7 Q. While you were getting your degree in
8 psychology at K-State, did you study the
9 Diagnostic and Statistical Manual?

10 A. Yes.

11 Q. And that's called often for short the DSM IV,
12 correct?

13 A. Yes, although it was a different version. It
14 was in college.

15 Q. It was awhile ago?

16 A. Yeah.

17 Q. And during your education you developed a
18 long-term interest in psychology, is that
19 right?

20 A. Yes, it is.

21 Q. And while you were in college you did
22 extensive reading in psychology?

23 A. Yes.

24 Q. That included reading most of the works of the
25 founders of modern psychological theory,

1 didn't it?

2 A. Yes, it did.

3 Q. That would include the works of Sigmund Freud?

4 A. Yes.

5 Q. The works of Carl Young, correct?

6 A. Yes.

7 Q. The works of Maslow?

8 A. Correct.

9 Q. In college your interest in psychology was
10 such that you took basically every psychology
11 course available at K-State except maybe one
12 or two courses?

13 A. As I recall, yes.

14 Q. While you were in medical school at the
15 University of Kansas, you received a kind of
16 scholarship, correct?

17 A. Correct.

18 Q. And the scholarship paid for your medical
19 education on the condition that upon
20 graduation you agree to repay the
21 scholarship by working in an area underserved
22 by doctors?

23 A. Yes, that's correct.

24 Q. This book that we talked about, the Diagnostic
25 and Statistical Manual of Mental Disorders --

1 actually it's even more modern than the one
2 I'm holding. I think this is called the
3 DSM IV TM. Is there a more modern one than
4 this?

5 A. There is one called the TR.

6 Q. That's what I was thinking. You've read
7 through this book twice in the course of your
8 education?

9 A. Yes.

10 Q. Is this widely regarded as sort of a bible of
11 psychiatric and psychological diagnoses?

12 A. Yes, more like an encyclopedia than bible,
13 yes.

14 Q. All right. In medical school your interests
15 still in psychological issues was such that
16 you contemplated going into psychiatry,
17 correct?

18 A. That's correct.

19 Q. Sometimes -- this is always kind of hard for
20 me to keep track of. To be a psychologist you
21 don't have to go to medical school, do you?

22 A. That's right.

23 Q. But to be a psychiatrist you have to go both
24 to medical school and do some additional
25 advanced training in psychiatry?

1 A. Yes.

2 Q. While you continued your medical studies, you
3 continued to read articles on psychiatry and
4 have done independent research on unwanted
5 pregnancy cases and the psychological effect
6 of that, correct?

7 A. That's correct.

8 Q. You graduated from Kansas University Medical
9 School in 1985?

10 A. Yes.

11 Q. And after or as part of your medical
12 education, you've got to do a year of
13 residency, is that right?

14 A. Yes.

15 Q. And you did your residency in Kansas City,
16 Missouri at Truman Medical Center, correct?

17 A. Yes.

18 Q. After your residency at the Truman Medical
19 Center, I think you told us that you worked
20 for Dr. Knarr, is that right?

21 A. That's correct.

22 Q. And you worked with Dr. Knarr towards repaying
23 the scholarship you received?

24 A. Yes.

25 Q. Dr. Knarr had an inner city practice in the

1 downtown Kansas City, Kansas, Wyandotte area,
2 correct?

3 A. Yes.

4 Q. That area had a large lower income population?

5 A. Correct.

6 Q. And were you in that practice for about three
7 years?

8 A. Yes.

9 Q. At some point after you had finished your
10 three years with Dr. Knarr, were you employed
11 by the Kansas State University in Manhattan,
12 Kansas?

13 A. Yes.

14 Q. And where did you work there?

15 A. In the Student Health Center at Lafene Health
16 Center.

17 Q. Basically that was a general practice to treat
18 students at the university?

19 A. Yes.

20 Q. However, in about 1993 did Dr. Knarr, whom you
21 had worked for before, asked you to come back
22 and assist him in his practice?

23 A. Yes.

24 Q. So is it fair to say that for awhile you were
25 doing both, working at the K-State Student

1 Health Center and working with Dr. Knarr at
2 his clinic back in Kansas City, Kansas?

3 A. Yes.

4 Q. Dr. Knarr's practice included performing
5 abortions for women, didn't it?

6 A. Yes.

7 Q. You performed or assisted in performing
8 abortions at Dr. Knarr's clinic?

9 A. Yes.

10 Q. Is it right that because you were involved
11 with Dr. Knarr in Kansas City, Kansas who
12 performed abortions, the Student Health Center
13 that you worked at on the K-State campus in
14 Manhattan was picketed by anti-abortion
15 protestors?

16 A. Yes, that's true.

17 Q. The building that you worked in on the K-State
18 campus was spray painted with graffiti by
19 anti-abortion protestors?

20 A. That's correct.

21 Q. The administration at K-State that had hired
22 you was also harassed by the anti-abortion
23 protestors, true?

24 A. That's correct.

25 Q. And as a result then of the abortion protest

1 at K-State and the problems that that caused,
2 did you resign your position at Kansas State
3 University Student Health Center?

4 A. I did.

5 Q. Did you then work for Dr. Knarr in Kansas
6 City, Kansas for a number of years?

7 A. Yes.

8 Q. And is it right that Dr. Knarr also at some
9 point opened a clinic in Topeka, Kansas?

10 A. That clinic was already opened when I came,
11 but yes.

12 Q. Okay. So after you left --

13 A. Came back.

14 Q. -- K-State, there were two clinics, one
15 in Kansas City, Kansas, one in Topeka,
16 Kansas?

17 A. That's correct.

18 Q. All right. At some point after you returned
19 to working for Dr. Knarr, would you work at
20 the Topeka clinic a certain number of days per
21 week or per month?

22 A. Yes.

23 Q. Around 1997, did you work out an arrangement
24 to take over an active family medical practice
25 in Lawrence, Kansas?

1 A. Yes.

2 Q. And was that with Dr. Dale Clinton?

3 A. Yes.

4 Q. And Dr. Dale Clinton, he was a physician in
5 Lawrence, Kansas in his 80's?

6 A. That's correct.

7 Q. And Dr. Clinton had operated a family medical
8 practice in Lawrence, Kansas for about 30
9 years?

10 A. Correct.

11 Q. Is it right that Dr. Clinton was wanting to
12 retire and wanted somebody to take over the
13 care of his records and his patients?

14 A. That's what he said, yes.

15 Q. And so ultimately Dr. Clinton actually called
16 you and asked you if you would just like to
17 take over his practice?

18 A. Yes.

19 Q. Wasn't that you had to buy his practice, he
20 just wanted to see if you wanted to take it
21 over, is that right?

22 A. Another doctor had already offered to take it
23 and had not completed the transaction so he
24 was getting frustrated I think and was just
25 happy to have somebody take over his records.

1 That's what he said.

2 Q. So you took over Dr. Clinton's practice in
3 Lawrence in about the spring of 1997?

4 A. Yes.

5 Q. And at that time also many patients from
6 Dr. Knarr's clinic in Topeka, Kansas then came
7 to your new family practice medical office in
8 Lawrence, is that right?

9 A. Yes.

10 Q. Your practice in Lawrence was a family
11 practice but did it have a special
12 concentration in women's healthcare?

13 A. Yes.

14 Q. What percentage of the patients of your clinic
15 in Lawrence would you say were women?

16 A. 99 percent or more.

17 Q. Was that a special interest of yours?

18 A. Yes.

19 Q. Would you just share with the ladies and
20 gentlemen of the jury why you were attracted
21 to that kind of practice.

22 A. Well, I had always been pro-choice and felt
23 like that because I came of age during a
24 time when abortion was actually still illegal
25 and my best friend in high school had

1 suffered a very, very challenging situation
2 that I don't really want to make public, but
3 it was very frightening and very devastating
4 for her.

5 Q. Without going into the privacy of her
6 situation, would it be fair to say that
7 that experience left you with a desire to
8 help women in difficult circumstances like
9 that?

10 A. Yes, that's fair.

11 Q. And just generally, so the jury can understand
12 who you are, would you just share with them
13 why you wanted to go to medical school in the
14 first place.

15 A. Well, I always had an interest in helping
16 people and science and medicine in general,
17 and I've always chosen to work in areas that
18 to me were the areas of greatest need and just
19 that's more satisfying, and I mean, I feel
20 like in the United States it's getting to be
21 more of a problem in general, but in
22 particular I've always been attracted to
23 working in areas that were underserved and
24 this certainly was one that seemed to be
25 screaming for people to take up.

1 And I really, really had to do some
2 soul searching before I went back and worked
3 with Dr. Knarr because I knew at that point it
4 was going to be a lot more intense than it had
5 been prior to that and prior to that all we
6 had was protestors and occasional, you know,
7 outdoor harassment, but there hadn't been all
8 the bombings and things like that, so I really
9 had to do some soul searching.

10 Q. Let me just bring you back up -- I apologize
11 for interrupting you. I just want to bring us
12 back up to Lawrence, Kansas when you are
13 opening the practice that Dr. Clinton gave to
14 you.

15 A. Right.

16 Q. At that point your practice primarily dealt
17 with a heavy concentration on gynecological
18 issues?

19 A. Yes, correct.

20 Q. Did you continue the operation of your women's
21 clinic in Lawrence, Kansas from the spring of
22 1997 until September of 2002?

23 A. Yes.

24 Q. Would it be fair to say that about two years
25 after you took over the practice from

1 Dr. Clinton you received a telephone call from
2 Dr. Tiller?

3 A. Yes.

4 Q. And before -- you've already told us that
5 before the telephone call you had known
6 Dr. Tiller very casually in medical circuits,
7 is that right?

8 A. Yes, correct.

9 Q. You received a call from Dr. Tiller in 1999,
10 is that right?

11 A. As I recall, yes.

12 Q. And did Dr. Tiller tell you that the Kansas
13 State Board of Healing Arts recommended that
14 he call you?

15 A. He did.

16 Q. And did he mention the name of a particular
17 person at the Board of Healing Arts who
18 recommended he call you?

19 A. I believe it was Mr. Buenning.

20 Q. Would that be Larry Buenning?

21 A. Yes.

22 Q. At that time did you understand that Larry
23 Buenning was the executive director of the
24 Kansas State Board of Healing Arts?

25 A. I did.

1 Q. And did you understand that he was a lawyer,
2 too?

3 A. Yes, I did.

4 Q. Dr. Tiller told you when he called you in
5 1999 that the Kansas State Board of Healing
6 Arts through Larry Buenning recommended that
7 he call you regarding some new requirements
8 that abortion clinics were subject to,
9 correct?

10 A. Yes.

11 Q. From your own knowledge of what was going on
12 with revisions of the law, you were able to
13 understand pretty quickly from your
14 conversation with Dr. Tiller what he was
15 talking about, correct?

16 A. Yes.

17 Q. After you talked with Dr. Tiller when he
18 called you at the recommendation of Larry
19 Buenning, did you then consult with the best
20 lawyer that you know?

21 A. I did.

22 Q. And who is that if you'd just share that with
23 the ladies and gentlemen of the jury?

24 A. It's my father, Warner Eisenbise.

25 Q. All right. And your father has been

1 practicing law in Kansas for about how many
2 years?

3 A. Close to 50.

4 Q. And your father, was he a former judge in
5 Kansas?

6 A. Yes, he was.

7 Q. And had he dealt with all kinds of areas of
8 the law over his approximately 50 years of
9 practice?

10 A. I believe so.

11 Q. He had worked in mortgages, correct?

12 A. Yes.

13 Q. He had worked in business transactions,
14 correct?

15 A. Yes.

16 Q. He had worked in criminal defense, correct?

17 A. Yes.

18 Q. And he had even at one time been at the table
19 of the Kansas Attorney General's office,
20 correct?

21 A. Yes.

22 Q. You mentioned in speaking with the prosecutor
23 on direct examination that at some point you
24 received a packet of information, correct?

25 A. That's correct.

1 Q. And would you take a look at Defendant's
2 Exhibit 24 in the notebook in front of you.

3 A. (Witness complies.) I have it.

4 Q. And have you had an opportunity to kind of
5 page through that?

6 A. The whole thing? Okay.

7 Q. Is it all in a plastic -- I'm sorry. It's in
8 a plastic sheet. If you would go ahead and
9 remove it, please.

10 A. (Witness complies.) Okay. I've looked at it.

11 Q. Do you recognize that?

12 A. I recognize the statute, the Kansas statute
13 regarding the new provisions of the law
14 and a copy of another case with Women's
15 Healthcare Services and KDHE, which I didn't
16 remember that was in there, but I do recall
17 the Doe v. Bolton and the statute being in
18 there, but I guess everything was and I just
19 didn't remember that.

20 Q. All right. So the jury can be on the same
21 page with us, when you say Doe v. Bolton, that
22 is the name of a United States Supreme Court
23 case, Doe versus Bolton, correct?

24 A. Correct.

25 Q. And the Doe versus Bolton case was a companion

1 case decided the same day as the High Court
2 decided the case of Roe versus Wade, correct?

3 A. I knew it was in the same year. I didn't know
4 it was the same day.

5 Q. All right. And one of the reasons -- let me
6 back up for a second. State's, or excuse me,
7 Defendant's Exhibit 24 at the first page is
8 actually a fax cover sheet, correct?

9 A. Correct.

10 Q. And behind the cover sheet is a copy of the
11 Kansas law and a copy of a legal brief and a
12 copy of Doe versus Bolton, correct?

13 A. Correct.

14 Q. And if I could refer you to Page 8 of the
15 Doe v. Bolton decision that is included with
16 the material there, do you find that?

17 A. Yes. Yes, I do.

18 Q. One of the holdings of the Court in that was
19 that whether in the words of the Georgia
20 statute an appointment is necessary for a
21 medical judgment that the Georgia physician
22 will be called upon to make routinely,
23 correct?

24 A. Yes.

25 Q. The Supreme Court goes on to say we agree with