



Washburn Law Clinic
WASHBURN UNIVERSITY SCHOOL OF LAW™



The Pathway To Practice

SUMMER/FALL 2015

CHILDREN AND FAMILY LAW • CIVIL LITIGATION • CRIMINAL DEFENSE • IMMIGRATION • TRIBAL COURT
CRIMINAL APPELLATE ADVOCACY • SMALL BUSINESS & NONPROFIT TRANSACTIONAL LAW

Yearout Embodies Characteristics of Ungerman Award



In spring 2015, the Washburn Law Clinic selected **Brian Yearout, JD Candidate '16**, as the recipient of the Irvine

E. Ungerman Award for Excellence in Clinical Practice.

Yearout's criminal defense practice in the Clinic was punctuated by a well-rounded and proactive approach to representing his clients. He conducted

advanced research, analyzing complicated legal issues presented in his cases.

Building on these analytical foundations, Yearout effectively and patiently counseled his clients, boiling down complex legal issues to advice communicated in an understandable manner. Indeed, patience, compassion, and reason were hallmarks of the way Yearout counseled his many clients. Recognizing that real cases are not static fact patterns, he thoughtfully considered how to use discovery

and investigatory tools to promote his clients' objectives. In addition to developing "behind the scenes" lawyering skills, Brian engaged in structured and productive negotiations on behalf of his clients.

During the course of the semester, he appeared in court several times, developing an effective courtroom presence. Yearout's consistent, organized, and effective approach to representing his clients exemplified the fundamental lawyering skills embodied in the criteria for the Ungerman award.

Crosland Exemplifies Purpose of Ellis and Judd Award



After completing a semester of work in the Family Law and Immigration practice areas

of the Washburn Law Clinic in the summer of 2014, **Beth Crosland, '15**, continued working as a directed intern the following fall semester. She took the opportunity to expand her practice experience into the area of criminal defense.

Crosland worked diligently on a case that culminated in a trial in Tribal Court. Paired with another intern, she prepared for the trial, conducting significant legal research and fact investigation, developing case theories, preparing motions, and counseling her client. The trial itself involved several witnesses, two of whom were attorneys. (Imagine challenges inherent in cross-examining a lawyer!)

During the trial, Crosland and her partner articulated a nuanced legal

argument regarding one of the two charges facing their client. The court ultimately agreed with their position, dismissing that charge.

Crosland's work on this case exemplified one of the purposes of the Ellis and Judd Outstanding Directed Intern Award that she received — to encourage students to experience the bridge between being a law student and becoming a lawyer.

Crosland is an associate at Mack & Associates, LLC, in Topeka, handling domestic cases.
bankruptcy.kansasjustice.com



Shorb and Caldwell Earn Ungerman Award for Fall 2015

Kelly Shorb, '15, and Nicholas "Max" Caldwell, '15, and are co-recipients of the Irvine E. Ungerman Award for Excellence in Clinical Practice for fall 2015.

Shorb worked under the supervision of Associate Professor Lynette Petty and represented clients in divorce and immigration cases. In addition, she served as guardian ad litem (GAL) for child in need of care cases.

Shorb represented a young man in custody of the state with a special immigrant juvenile status case. She also represented a woman with a petition for a U Visa who had been the victim of domestic abuse. Shorb came to the Clinic after taking the immigration course and was open to using her knowledge to represent people in this country without documentation. However, she had no idea how much the experience would shape her goals. She now is interested in pursuing a career as an immigration attorney.

Even so, Shorb has also shown her advocacy skills through her work as guardian ad litem for children. Her most difficult case involved investigation into the progress made in a long-standing case in the Clinic. The case involved a boy with severe emotional problems that at one point required him to be hospitalized. For over a year, the Clinic fought to get the mother to continue with his medication so that he could benefit from his educational program and not be a danger to himself or others. After Shorb started her work as a GAL, the mother finally came into



Kelly
Shorb, '15

Max
Caldwell, '15

compliance. Shorb fought equally hard to get the case dismissed, given the mother's change. While other parties wanted to continue the case to force the mother into perfect compliance, it was the GAL's position that the goal had been reached and the case should end. An agreement was finally reached supporting Shorb's position.

Throughout this process, Shorb worked closely with the school, medical providers, social worker, and court services officer to investigate the case. She left no stone unturned as she considered all of the facts to reach her investigation. The Court was very complimentary of Shorb's work. Because she had so thoroughly investigated the case, she was able to effectively advance her position to help this little boy and his family.

Caldwell worked under the supervision of Professor Janet Thompson Jackson in the Small Business & Nonprofit Transactional Law Clinic. "As a legal intern, Caldwell exemplified the qualities we always hope will be developed in a legal intern, which are the same qualities that characterize a good lawyer," said Jackson. "In selecting a recipient of the Ungerman award,

This award was established to honor one of Washburn Law's outstanding alumni, Irvine E. Ungerman, who practiced law in Tulsa, Okla., until he died in 1980. The award is given twice yearly to a student who has distinguished him/herself by providing highly competent representation to clients in a manner exemplifying the ideals of our profession and spirit of public service. The award includes a cash prize.

we look for interns who have earned their clients trust 'by serving both the client's interest and the public good by working diligently and enthusiastically on the client's behalf.'"

Caldwell met this standard throughout his time in the Clinic by consistently interacting with his clients in a way that gave them the confidence that their matters would be handled competently and professionally. He also quickly came to demonstrate his transition from the classroom to legal practice in the way he handled his cases. Caldwell came to the Clinic with some experience in intellectual property matters and that experience came in handy during his time in the Clinic. He worked with a few clients who were applying for protection for their trademarks and was able to guide them through the process with an ease and level of assurance that is usually not found in a law student. But, Caldwell's guidance did not end with Clinic clients. He generously took the time to assist other interns with their clients, and did so with humility. For these reasons, Caldwell is deserving of the Ungerman Award for Excellence in Clinical Practice.

Green Receives Spring Award



Ashley Green, '15, received the Raymond Spring Award for 2014. The award is given annually in the spring

semester to the Washburn Law Clinic intern who has demonstrated the highest commitment to providing legal services to clients in need. She worked under the supervision of Associate Professor Lynette Petty and focused on representing children.

Green represented a mother in two very complex paternity cases. She took on the challenge of helping the mother of a daughter who was sexually assaulted. The mother was without legal documentation to be in this country but, nonetheless,

sought the help of social services and law enforcement when she found out what had happened to her daughter. This mother came forward, in spite of the threat of deportation.

In another case, Green represented a teenager who wanted to be emancipated. Ashley helped this young woman gather documentation, make a life plan, and present evidence at a hearing to prove she was capable of handling her own affairs.

And finally, Green was an extraordinary guardian ad litem for children in need of care. The children she worked with adored her. They knew they could trust her to be there to check on them and to explain what was going on in court. She made countless home visits and trips to school to talk with parents,

social workers, and school officials. Her cases were difficult and complex as she investigated problems with truancy, health conditions in the home, drug and alcohol usage, and psychological problems of both the parents and children.

Green went well over the number of hours required for her internship credit, and kept asking for more cases. Having experienced what it was like to work with and represent children, her goal upon graduation was to focus on the work that has become her passion. There is no doubt she will make a difference for these children.

Having passed the Texas bar exam in February, Green started a private practice law firm in Houston focusing on family law and child welfare. lawofficeagreen.com



"As a clinic intern during the fall semester of my last year, I was reminded of why I came to law school — to help people."

Rodney Wilson, '15



FALL IN FOR OUR TROOPS:
WLC's Veterans Legal Assistance Clinic
 February 13, 2016 - 9 a.m. - Noon
 Washburn Law - First Floor Commons

EXPUNGEMENT OF ARRESTS/CONVICTIONS,
 WILLS, LIVING WILLS, AND DURABLE POWERS OF ATTORNEY



Veterans' Claims Directed Research Going Strong



Students enrolled in the Veterans' Claims Directed Research class analyze the denial of a veteran's disability claim by the Board of Veterans Appeals; review the administrative record, including medical records; determine the viability of an appeal; prepare a brief; and may represent the veteran before the United States Court of Appeals for Veterans Claims. Currently, Washburn Law students are representing veterans on three cases.

In fall 2014, Professor Joe McKinney and his students received their first case from The Veterans Consortium Pro Bono Program. After reviewing and gaining an understanding of their new client's medical claims and disabilities — which came in a 4,136 page Record Before the Agency — a brief outlining the veteran's claims and reasons for a remand of the decision was written. This brief was the first of its kind written and submitted by students at Washburn Law and it was successful in receiving a remand. At the time of this publication, the issue was before the Board of Veterans' Appeals, an administrative adjudicative body, to determine if the veteran's claims of

back and hip disabilities were service connected.

The second appeal came soon after the first but the Record Before the Agency was not quite as large — it was only 820 pages. In this appeal, the issues involved an "Atomic Veteran" — one who was exposed to ionizing radiation. The veteran's exposure came during an atmospheric nuclear test. The students researched the veteran's medical claims, his current illnesses, and the dose estimates of radiation he received while on active duty. The Appellant's Brief and recently filed Appellant's Reply Brief are still being considered by the U.S. Court of Appeals for Veterans Claims. A remand for a medical examination of the veteran is being sought which will help to connect his current illnesses with his service-related exposure.

The brief for the third veteran's case was due on October 26, 2015. The Record Before the Agency in this matter was 2,545 pages and included various disabilities.

After receiving feedback on the atomic veteran brief from an attorney who solely practices in the

area of veterans' appeals, Professor McKinney wrote to his students:

"Through your hard work in a very difficult case, you have caused the VA to pause to think about its procedure and its fundamental fairness. You have been a voice for our client, crying in this statutory, regulatory, and procedural wilderness...

There remains a chance, however small, that you will shine a light of understanding on the plight of one 18-year-old youngster, now a grandfather, to rival the light he saw one dark morning in the Nevada desert. The Court will decide. Whether it decides in his favor or not, it will on behalf of his country have listened to his story. In the end most veterans accept a decision which they believe is fair, even if mistaken. You have done well and I'm proud of you."

Any student wishing to become familiar with the complex and integrated body of federal statutory law and regulation is encouraged to enroll. There are no prerequisites, but Administrative Law and Veterans Law are recommended courses. This class is credit/no credit.

VLAC Building on a Successful First Year

The Washburn Law Clinic has always welcomed veterans and military service members who have applied for representation. However, starting in fall 2014, the clinic affirmatively reached out to this population and initiated the Veterans Legal Assistance Clinic (VLAC).

During the 2014-15 academic year, VLAC held four events where veterans, service members, and their families were provided wills, durable powers of attorney, and health care directives. This fall semester, VLAC offered assistance with expungements.



Student volunteers from the Law Clinic, as well as non-clinic students, stepped up to provide the service. First-year law students screened potential clients to make sure they previously served or were currently serving in the military and to verify

the applicants met the income guidelines set for the project. Second-year law students interviewed potential clients regarding their legal needs. Certified legal interns then drafted and executed the documents for the clients who were accepted for representation. The student volunteers were allowed to count their hours of service toward pro bono certifications.

During the last academic year, 13 first-year students, 20 second-year students, and 30 legal interns worked on the project. A total of 51 veterans and family members benefitted from the representation.

KBA Event Features Professor Jackson and Panel of Law Students

The Kansas Bar Association will be hosting a Lunch & Learn, "Nonprofits: How to Start and Maintain a Tax-Exempt Organization," on November 12, 2015, at the Kansas Law Center in Topeka.

The CLE will be presented by Washburn Law Professor Janet Thompson Jackson and feature clinic students Lucy Hesse, Morgan Johnson, and Sean McElwain, all JD Candidates '16, as panelists.

This presentation will explain how to obtain tax exempt status; describe key responsibilities and duties of nonprofit boards; go over Kansas and Federal requirements; and review best practices and techniques in recruiting and assessing a board.

"Having the opportunity to give a CLE as a law student to practicing attorneys brought both feelings of excitement and angst. It felt amazing to think that my professor/supervising attorney was confident enough in my skills and thought me capable of conquering such a feat.

"At the same time, I recognized how big of an opportunity this was and how important it is to make sure that my information was to the point and correct. That thought was a bit overwhelming until Professor Jackson began teaching us what we would be presenting to our audience. As she went through these things, those fears began to disappear.

"I was confident and eager to take part in this experience, knowing that the attorneys left with good information that will help them wherever they are in their practice." – *Morgan Johnson, JD Candidate '16*

Judge Watson, '94, Presides Over Summer Swearing In

On May 29, 2015, nine interns were sworn into practice under Supreme Court Rule 719 by **The Honorable Teresa L. Watson, '94**. Judge Watson is Shawnee County's newest District Court Judge and a strong supporter of Washburn Law.

In her remarks, Judge Watson advised the interns that the most important thing they will learn while in clinic is that their clients are real people who desperately need their help. "Your client's divorce matter or DUI is not an experiment, it is not a practice run, and for them it is not an educational moment. It is their life, their reality, and things of great importance to them are at stake. In many cases, even though you are a law student, you are the only one who can help them," she advised.

Judge Watson explained to the interns, "The justice system can be complex, intimidating, and sometimes hard to access and this is where you come into the picture.

What Happens During the Summer in Clinic?

The Litigation Clinic operates just like a general practice law firm and operates year-round. Although enrollment during the summer is limited to 10 students, the work never slows down.

During the summer months students enroll in either the Children and Family Law, and Immigration section or the combined General Civil/Criminal Defense section. Combining the practice areas of General Civil and Criminal Defense gives students



Amy Molina, Senanem Gizaw, Anastasia Willy, Joe Pilgrim, Judge Teresa Watson, James Weber, Eva Engelhardt, Kevin Miller, Jessica Bailey, and Ryan Dietrich.

You are the conduit between your clients and our system of justice and your job is to understand their legal issue and guide them in the best way possible through the system in order to resolve it. If you do this, you will succeed as a lawyer. You may not always win the case and you may not always get paid, get used to that now, but you will fulfill your oath as an officer of the court and if you are lucky, you will have the undying gratitude of your clients because you cared."

a unique opportunity to practice two different areas during one semester.

The Clinic has completed the first year of a two-year study focused on offering letter grades in Clinic instead of credit/no credit. As the study continues, students elect at the beginning of the semester to enroll for a letter grade or for credit/no credit. Clinic faculty and staff do not know the choice the students have made as the students' election forms are kept confidential until grades have been

She also recalled her days as an intern in the Washburn Law Clinic and still remembers the gratitude of one of her Clinic clients whom she represented in a divorce matter 20 years ago.

Judge Watson concluded her remarks by advising the interns to care about their clients and do their best, and they will soon have their own stories to tell about courtroom victories and satisfied clients.

issued. Upon completion of the study, it will be determined if students prefer to be graded for their Clinic work or prefer to receive credit/no credit.

Enrollment in the Clinic is not divided among the two summer sessions. Rather, it is for the entire summer semester. Students are allowed to enroll in either four or five credit hours, which leaves adequate time to enroll in one 3-credit course or one 4-credit course, as well as one 1-credit course, each 6 week session.

Justice Beier Presides Over Fall Swearing In



Law students in fall Clinic take the oath being administered by Kansas Supreme Court Justice Carol Beier.



Kansas Supreme Court Justice Carol Beier presided over Washburn Law Clinic's swearing in of Clinic interns on August 26, 2015, in the Robinson Courtroom.

Beier shared a story about a classmate who moved to New York following graduation, then returned to Kansas

years later, realizing that what matters is "everything important in life." And that, Justice Beier said, is what the interns would be helping their clients with in the future.

In giving advice to the interns, Justice Beier described professionalism as going beyond the norm and doing the best that you can do. She shared her viewpoint of the five attributes of professionalism: professional

competency; substantive and procedural restraint; the thriving idea of perspective; insistence on the highest standards of civility; and continued re-evaluation and recreation of yourself.

Justice Beier told them to strive to maintain perspective on cases to do their best job. "Always take the high road," she advised.



*... it's more than
just another class.*

Fall 2015 Washburn Law Clinic Interns

CHILDREN AND FAMILY LAW CLINIC



Students working with Associate Professor Lynette Petty this semester are representing clients in divorce, paternity, adoption, and guardianship matters. In addition, they are filing immigration papers for victims of crimes and domestic violence who are eligible for U Visas, deferred action, and/or adjustment of status to lawful permanent residence.

Photo at left: Laura Boatright, Victoria Eck, Dwayne Duncan, Candice Alcaraz, and Rachel Fisher

CIVIL LITIGATION CLINIC



This fall, interns in Associate Professor Curtis Waugh's civil litigation clinic are working on housing issues (landlord/tenant disputes, real estate transfers, and broker liability), estate planning (wills, powers of attorney, and determinations of descent), contracts (home repair, sale of business equipment, and artist recording contract), and insurance coverage questions (life and automobile), as well as a case concerning the preservation and future of an historic Santa Fe locomotive.

Photo at left: Matthew Robertson, Christianna Pruden, and Kayla Bennett.



"After years of sitting in class reading and studying cases, Clinic has provided real experience. I am the attorney for my clients, with the direction of a supervisor and great staff; I am their advocate. A directed internship allows for cases to be completed and clients to see how the law provides answers to problems."

David L. Groth, '15

CRIMINAL DEFENSE CLINIC



This semester, Clinic interns are working with Professor John Francis on criminal defense matters representing clients in court on a range of cases. Charges they may defend against include battery (various types), assault, theft, possession of controlled substances, weapon possession, driving under the influence, driving while suspended, and other traffic and ordinance violations. Interns also draft and file petitions for expungement for clients. Many cases involve complex issues regarding suppression of evidence and potential consequences to immigration status. As is common in criminal cases, questions related to mental health and substance dependency arise during counseling of clients.

Students appear in Shawnee County District Court for state level prosecutions, Topeka Municipal Court for city level charges, and Prairie Band Potawatomi Nation Tribal District Court for tribal offenses.

Photo at left: Daniel Smith, Evan Dahl, Ryan Williams, Brandon Katt, and J. Colin Reynolds (Adam King is not pictured)

SMALL BUSINESS & NONPROFIT TRANSACTIONAL LAW CLINIC (SBNTLC)



In addition to their work this semester with new businesses, writing charter and governing documents, drafting contracts, and assisting with choice of entity decisions, SBNTLC interns also prepared presentations which will be given to business owners and practicing attorneys. The interns work under the guidance of Professor Janet Thompson Jackson. Jessica Bailey, David Cohen, and Jorge De Hoyos will be presenting “Small Business Legal Issues” for the Small Business Development Center workshop where approximately 35 small business owners or future owners, are expected to attend. Lucy Hesse, Morgan Johnson, and Sean McElwain will present a Lunch & Learn CLE called “Nonprofits: How to Start & Maintain a Tax-Exempt Organization” for the Kansas Bar Association on November 12, 2015.

Photo at left: Jorge De Hoyos, David Cohen, Lucy Hesse, Sean McElwain, and Morgan Johnson (Jessica Bailey is not pictured)



“Clinic has helped me bridge the gap between the classroom and practicing in real life. Clinic has also expanded my interest in areas of law I would never have considered for future practice.”

Candice Alcaraz, JD Candidate '16



Clinic Faculty



Janet Thompson Jackson

Interim Co-Director
Professor of Law

janet.jackson@washburn.edu
785.670.1637
Clinic Room 162



John J. Francis

Interim Co-Director
Professor of Law

john.francis@washburn.edu
785.670.1685
Clinic Room 156



Lynette F. Petty

Assistant Dean for Accommodation
Associate Professor of Law

lynette.petty@washburn.edu
785.670.1681
Clinic Room 160



Randall L. Hodgkinson

Visiting Assistant
Professor of Law

randall.hodgkinson@washburn.edu
785.670.1684
Clinic Room 158



Curtis J. Waugh

Visiting Associate Professor of Law
curtis.waugh@washburn.edu
785.670.1667
Clinic Room 154

Clinic Staff



Debi Schrock

Managing Director

debi.schrock@washburn.edu
785.670.1953



Kerri Pelton

Senior Administrative Assistant

kerri.pelton@washburn.edu
785.670.1693



Jackie Askren

Senior Administrative Assistant

jackie.askren@washburn.edu
785.670.1692