



10th Circuit: Judges Robert H. Henry, Paul Kelly and Harris L. Hartz

Tenth Circuit and Kansas Court of Appeals

October was a busy month for judiciary visiting Washburn Law. On October 6, 2004, two panels from the United States Court of Appeals for the Tenth Circuit heard oral arguments in the Robinson Courtroom and Bianchino Technology Center. On October 21 and 22, a panel from the Kansas Court of Appeals heard oral arguments as well.

The month started out with an event which had only occurred five times in the last thirty years, Fall 1969, Fall of 1973, Fall of 1992, Fall 1994 and Spring 2001. The Tenth Circuit

brought a seven-case docket from their seat in Denver, Colorado to Topeka, Kansas. Specifically to Washburn Law in the Robinson Courtroom and Bianchino Technology Center. A morning panel consisting of Judges Paul J. Kelly, Robert H. Henry and Harris L. Hartz heard four cases on bankruptcy, knock-and-announce, administrative due process, and first amendment rights of prisoners. An afternoon panel, with Judges David M. Ebel, Mary Beck Briscoe and Timothy M. Tymkovich, heard three cases on employment discrimination, contractual good faith, and criminal sentence

enhancement. Every 1L attended at least one argument as part of their Legal Analysis, Research and Writing class and many 2Ls and 3Ls attended cases related to their course of study. Security concerns and the limited size of the Courtroom presented some logistical challenges for the attorneys, parties, and spectators. But the profession-



10th Circuit: Judges Mary Beck Briscoe, David M. Ebel and Timothy M. Tymkovich

alism of the U.S. Marshal's office, and the flexibility of the faculty and students made the whole operation run smoothly.

After the excitement of the Tenth Circuit's visit, the Kansas Court of Appeals followed two weeks later. Two special circumstances made the day-and-half-long docket even more interesting. First, the three-judge panel was composed entirely of Washburn Law alumni: Judges Stephen Hill '75,

Kansas Court of Appeals



Kansas Court of Appeals: Judges Lee Johnson '80, Stephen Hill '75 and Nancy Caplinger '85

Christel Marquardt '74, and Lee Johnson '80. Second, the final argument on the Thursday morning docket was the first oral argument before the newest member of the Court, Washburn Law alum and Law School Association Board member Judge Nancy Caplinger '85.

The Center for Excellence in Advocacy hosted these events and hopes to further its goal of preparing law students to be effective advocates. Such events would not be possible without the enthusiasm and generosity of

judges who are willing to come to Washburn Law to demonstrate this component of our system of justice. Combining the support of the judicial community and the goals of the Center helps make the Washburn Law school experience more valuable to students, faculty and alumni. A special thank you goes to Anthony Hunter, 2L, who magnificently coordinated all aspects of both events down to the most miniscule detail and made these events

a huge success for both the law school and the courts.



Kansas Court of Appeals: Judges Christel Marquardt '74, Stephen Hill '75 and Lee Johnson '80

Mentor Program

... a success!

The Washburn University School of Law Alumni Office in conjunction with the Career Services Office, coordinated the law student Mentor Program for its 2nd year. The program has been a huge success this year. The program is offered to all first year law students and pairs them with an alum for the year. This year, every student who requested to be in the mentor program received an assigned mentor. To kick off the program, a reception was held on September 21st for mentors and their assigned students. It was very successful in joining mentors and their students to get acquainted and begin their mentor/mentee relationship. The Honorable Nancy Caplinger '85 spoke at the reception, remembering fondly those who mentored her in the past and those who continue to mentor her and how important each one has been to her success. Caplinger encouraged alumni and students to make the most of the program. In fact, Judge Caplinger, due to her mentor relationship with her assigned mentee, Molly McMurray, asked a group of first year students to help with an event at her home, giving students a great opportunity to meet many professionals and other alumni in the community. It also showed the community the wonderful students who attend Washburn Law. Many thanks to our alumni and friends who volunteered for this program making it a huge success. If you did not participate this year, we strongly encourage you to participate next year.

You can contact Julie Elliott in the law school Alumni office at 785-231-1010 ext. 2013 or Margann Bennett in the Career Services office at 785-231-1010 ext. 1703, if you would like to participate in the Mentor Program.



Front Row: (L-R)

Bryn Poland 1L, Molly McMurray 1L, Judge Nancy Caplinger '85, Safa Alamir 1L, Skye Johnson 1L

Back Row: (L-R)

Onyi Ekwegbalu 1L, Adam Pankratz 2L, Court Kennedy 3L, Michael Scaletty 1L, Jason Covington 1L, Matt Ballard 1L



Keron Wright '07 and Rex Beasley '75



The Hon. Nancy Caplinger '85



Building the Mitigation Case 2nd Annual Capital Defense Seminar



WASHBURN UNIVERSITY SCHOOL OF LAW presents
BUILDING THE MITIGATION CASE
Washburn University • Bradbury Thompson Center • Thursday through Saturday, November 11-13, 2004

“Building the Mitigation Case” focused on the penalty phase of capital murder trials and brought together nationally recognized experts in capital defense and mitigation evidence. The seminar was held November 13-15, 2004, and had over 60 participants attend from eight states. The program taught to better understand the lawyer’s obligations in the penalty trial in the era of *Wiggins v. Smith*, the recent U.S. Supreme Court case mandating the assistance of the mitigation specialist and recognizing the central importance of the mitigation case.

Attendees also learned how to develop persuasive elements of the mitigation case such as the social history investigation, genealogy issues, effective and compelling narratives that persuade jurors, and ways to engage the client in making the mitigation case successful.

Jury perspectives on mitigation and juror behavior in the mitigation phase were also discussed. Speakers presented on mental illness and mental retardation evidence issues in the mitigation case. Training in records searching was offered as well as discussing victim outreach as a capital defense mitigation technique.

A discussion of ethical duties of lawyers, their investigators and mental health professionals working with them in capital litigation to assure

that adequate representation is afforded the capital defendant was also included.

The keynote speaker was Richard Burr who is in private practice in Houston with the firm of Burr & Welch. He has devoted his practice entirely to death penalty defense work since 1979. He has argued two cases in the United States Supreme Court, *Ford v. Wainwright*, 477 U.S. 399 (1986), and *Selva v. Lynaugh*, 494 U.S. 108 (1990).

Presenters included Susan Berstein, Kansas NAMI Representative; John Christensen, Library Director and Professor of Law, Washburn University School of Law; Robert Haggard, Kansas NAMI Representative; Scharlette Holdman, Director, Center for Capital Assistance; Tammy Krause, Director of Just Bridges, National Clearinghouse for Defense Based Victim Outreach; Bill Lucero, Murder Victim Families for Reconciliation; Kevin McNally, Federal Death Penalty Resource Counsel; Jill Miller, Forensic Social Work Services; Lee Norton, Mitigation Specialist; Mark Olive, Habeas Assistance and Training Counsel Project; Cynthia Short, Attorney at Law; Russ Stetler, Director of Investigation and Mitigation New York Capital Defender’s Office; Kathy Wayland, Ph.D.; George Woods, M.D.; and Denise Young, Habeas Assistance and Training Counsel Project.



Duke Dupre '73

Dean's Circle

The annual Dean's Circle Dinner was held Saturday, October 2, 2004, at the Sheraton Overland Park Hotel. Alumni and friends heard from students who have had the opportunity to receive scholarships which are a direct result of the generous contributions of our committed alumni. Dean Dennis Honabach also spoke along with Dr. Jerry Farley, President of Washburn University and Duke Dupre, President of the Washburn Law School Association. Both Dean Honabach and Duke Dupre thanked Dr. Farley, the Board of Regents and the University for the money to finance the recent classroom renovation at the law school.

Members of the Dean's Circle give \$1,000 or more annually to Washburn Law. Members are invited to the Dean's Circle Dinner and also receive special invitations for premier events and programs throughout the year. For more information about how to become a member of the Dean's Circle, contact the Law School Development Office at 785-231-1100.



Judge Christel Marquardt '74 and Steve Cooper '73



L to R: Matt Todd '07, Sarah Todd, Mark Folmsbee, Blake Reitz '07, Keron Wright '07 and Ryan McGuirk '07

Below L to R: Susan Farley, Rita Johnson, David Tripp '71 and Prof. Linda Elrod '72

