

Center for Excellence in Advocacy

This fall, the Center for Excellence in Advocacy launched programs for improving litigation skills and studying the profession of the advocate. It continued the lunchtime lecture series featuring skill demonstrations, educational talks and informal meetings with outstanding lawyers; it hosted the Kansas Court of Appeals as they held oral arguments at the law school; the third Building the Mitigation Case Death Penalty Defense Conference was held in November 2005; and Professor Dan Manville, a litigator and law clinic instructor at Wayne State University and a nationally known expert in prisoner rights, was the Advocate in Residence.

The Center continued its educational alliance with the National Institute for Trial Advocacy (NITA). In September 2005, the second joint Washburn Law-NITA Deposition Skills Training Program was held. The Center also sent a trial advocacy competition team to Santa Fe, N.M., to compete in the National Association of Criminal Defense Lawyers Invitational Trial Advocacy Tournament.

Other trial advocacy, negotiation, client counseling and moot court teams will compete during the spring semester. These teams are coached by law school faculty and practitioners. The joint effort of faculty and practitioners (overwhelmingly alumni) fuel and sustain the Center's energy and success. The enthusiastic work of these alums enable the law school to host the National Trial Competition Regional Advocacy rounds in Topeka, which bring law school advocacy teams from across the Midwest to Topeka. Judges and lawyers from across the state will join the Center in making the trial competition a success. The tournament was coordinated by law students, James Orth '06 and Lindsey Patmon '07, and was held February 9 through 11, 2006.

In April, Washburn Law and the Center will again host a visit of a panel of the U.S. Court of Appeals for the 10th Circuit who will hear arguments in the Robinson Courtroom and Bianchino Technology Center.

One significant program the Center hosted was the Western Kansas Public Service Lawyers Outreach Program in Hays, Kan., from October 14 through 17, 2005. The enthusiasm generated by the Eastern Kansas Program last summer was so strong that Washburn Law headed to the western region of the state to continue its outreach training. The Public Service Lawyers Outreach Advocacy Training



Professor Michael Kaye

Program is a public service of Washburn Law Center for Excellence in Advocacy and NITA.

It is designed to provide participants a quick and effective way to improve their courtroom skills. The emphasis of the program is based on "learning by doing."

Public Service Lawyers Outreach is designed to reach public sector litigators who are unable to attend trial advocacy training seminars because of the high tuition rate usually charged by these programs. Recognizing the importance of training persuasive advocates working in public service, Washburn Law and NITA agreed to offer advocacy training free of charge to public service lawyers. Many from the western portion of the state may not be able to travel to Topeka for training, so Washburn Law scheduled two outreach programs; one in western Kansas and one in eastern Kansas.

The Ellis County Commissioners and District Judge Tom Toepfer '75 allowed the program to use the courthouse for the final bench trial. Additionally, the law firm of Glassman, Bird, Braun and Schwartz provided the conference room in their new law offices for faculty training before the program began. Twenty lawyers participated in the program. Volunteer faculty for the program were from Hays, Colby, Olathe, Topeka and a few from out of state. The lead trainers were Bill Ossmann '77 and Major Chris Behan of the U.S. Army Judge Advocate General Trial School located in Charlottesville, Va. Other program faculty included Byron Cerrillo '74, Mike McCulloch, Carol Cline, Don Hoffman '77, Glenn Braun '81, John Bird '74, Paul Oller '86, Cal Williams '78 and Dave Starkey '75. Participants in the program included county attorneys, public defenders, assistant attorneys general and lawyers for state agencies.



Ellis County Courthouse



Cal Williams '78

Faculty in the program use a number of different teaching techniques.

Instructors demonstrate each important trial skill and explain the purpose behind each skill demonstration.

Participants perform that skill in group break-out sessions

and receive feedback for improvement. Each time a participant performs, the instructor makes suggestions to help the participant become a more effective advocate. Suggestions are constructive and include specific recommendations to help improve the participant's presentation to be more successful in representing his or her side of the case. Performances are videotaped and later individually reviewed with the participant. Program sessions and workshops were held on the campus of Ft. Hays State University. The state-of-the-art facilities allowed the program to use video, PowerPoint and document cameras to enhance the presentations.

Program participants are grouped together based on their areas of practice. Instructors are prosecutors, public defenders, and governmental agency lawyers. All of the exercises are conducted in a courtroom setting simulating an actual trial. Courtroom attire is required of all participants so that simulations are as realistic as possible.

The focus of the program is to gain experience in using basic trial skills: openings and closings, direct and cross examination, offering and using exhibits and communication skills lawyers need in the courtroom. Simulated cases are selected that have a fact pattern similar to what many lawyers in public service see regularly. Participants choose a case theory and the case is tried in a courtroom as a bench trial at the end of the program.

A typical program day begins at 8 a.m. with a 30-minute meeting of all program instructors. Participants and instructors then meet in plenary sessions for a brief discussion of the day's educational objectives. Participants then break into groups to perform as direct or cross examiner. Faculty demonstrate a trial skill, which will be performed later that day. Another group session follows using drills on objections. The program continues through the afternoon on other skills techniques such as impeachment and redirect examination. Wrap-up for the day is at 6 p.m. Participants then work with mentors or on

their own to prepare for the next day's exercises. The intensive practice over a two-day training period concluding with a bench trial on the third day is a valuable, confidence-building experience. Teams of two faculty members assigned to a breakout group provide participants the needed attention to develop persuasive case theories and useful case strategies.

By faculty providing helpful feedback on participant's skill performance, direct examinations became smoother, cross examiners made their points swiftly while clearly keeping control of the witness, openings were factually and legitimately persuasive without being argumentative, and closings addressed key points in the case.

Participant evaluations and satisfaction with the program were high. One participant wrote:

"The bench trials were a valuable part of the training seminar. After learning about all the individual parts of the trial, it only makes sense to put it all together and conclude with a bench trial. The bench trials give the students a feel for the speed, complexity, and uncertainty of a real trial. In the practice sessions on the individual topics, students get to practice the drills without worrying about anything else, but in the bench trial, students must do everything at once ... listen to the testimony, take notes, make notes about additional questions for cross, and object ... just like a real trial. This, in and of itself, presents a new aspect of trial work that is not otherwise covered in the lectures/drills. It is invaluable. Thanks so much to you and everyone else for the training. It was a great experience!"

Alumni support makes Washburn Law's outreach programs a successful and stimulating educational experience. Cal Williams recruited faculty with hands-on experience in trying cases, experience that was relevant to the needs and aspirations of the participants. The firm of Glassman, Bird, Braun and Schwartz made the faculty training session a success, and Bill Ossmann provided incredible energy, talent and administrative ability to the success of the program.



Bill Ossmann '77

Look for Washburn Law to provide additional training programs later this year.

If you wish to learn more about the Center or if you would like to volunteer, please contact Director, Professor Michael Kaye, at 670-1370 or michael.kaye@washburn.edu