

Professor John Francis



How Two Law Clinic Students Spent Their Spring Breaks

Attorneys actively engaged in the practice of law know the demands of cases often require foregoing vacations that have been planned for months. Two Washburn Law Clinic students learned this lesson when one of their cases was scheduled for a jury trial during spring break this past March. Far more important than merely learning a lesson about scheduling, these two students learned about trial practice by actually trying a case to a jury. Realizing the value of this experience, the two students, Brian Malone '06 and Will Drexler '06, eagerly tossed aside their spring break plans and immersed themselves in trial preparation.

In the early morning of the Tuesday of spring break, with freshly fallen late-season snow on the ground, Malone and Drexler walked with Professor Francis up the steps of the Shawnee County District Courthouse, ready to begin their jury trial. Both students had devoted the preceding days to putting final touches on their trial preparation. They had spent a great deal of time with Professor Francis, developing trial strategy and working on methods to carry that strategy through. Hours were spent analyzing police reports and fine-tuning cross examinations of expected witnesses. Malone and Drexler researched legal issues they anticipated might come up at the trial and practiced arguments on motions *in limine* that would be heard just before empanelling the jury. After developing a theory of the case that would be woven into all aspects of the trial, including the opening statement and closing argument, both interns felt prepared, albeit with some anticipatory jitters.

After the motions *in limine* were heard in chambers, both students and their client were introduced to the prospective jurors by the judge in open court. During the jury *voir dire* process, Drexler had the opportunity to question prospective jurors about matters that might shed light on their ability to sit as sworn jurors on this case. Once the jury was selected, the trial proceeded rapidly. Malone delivered the opening statement, highlighting for the jury what facts they would and wouldn't see when witnesses testified and evidence was introduced.



Will Drexler '06



Brian Malone '06

The witness examinations proceeded substantially as planned, thanks to the exceptional preparation of both interns. Trials seldom proceed without surprises, however, and this case was no exception. Some complicated legal issues arose prior to the end of the trial. Fortunately, Malone and Drexler's thorough preparation carried them through these unexpected turns and gave them experience with a component of trial practice that is seldom addressed in law school.

As the day-long trial neared its conclusion, counsel for both sides delivered closing arguments. Malone argued on behalf of the Law Clinic's client. His closing promoted the case theory established

early in the trial, drawing attention to evidence consistent with that theory. Due to the late hour, jury deliberations would not begin until the next morning. That gave both interns a night to reflect on the jobs they had done in their first outing as trial attorneys prior to returning the next day for deliberations. This was another aspect of trial that the interns were exposed to that is not discussed much in law school; the experience of waiting for hours while a jury deliberates as well as how to address legal issues presented by questions from a jury to the court.

Representing a real client while trying a case to a jury gave both Malone and Drexler the type of valuable learning experience the Law Clinic is designed to do. When asked how they spent their spring breaks, both interns were able to provide a far more interesting and meaningful answer than most of their peers.

If you wish to learn more about the Law Clinic, please contact director, Professor John Francis, at (785) 670-1191 or john.francis@washburn.edu