

Washburn Law Clinic



Professor John Francis



Clinic expands practice in Prairie Band/Potawatomi Tribal Court –

The Law Clinic recently began accepting an increased number of criminal assignment cases in Tribal Court, which results in more students benefiting from the experience of applying complex legal issues to tribal law. As with all criminal defense cases, Clinic students confront complex criminal procedure questions. When handling criminal cases in Tribal Court, interns also must consider accompanying factors such as tribal court jurisdictional thresholds and determination of what law applies to answer legal questions. This experience enhances the students' analytical skills and helps prepare them for a broad range of practice upon graduation.

One of the benefits students realize when enrolling in the Law Clinic is the opportunity to apply substantive law and legal principles to real life facts. Facts from real cases are often more complex and unique than anything that can be created for simulations or exams.

Imagine for a moment a student evaluating suppression issues surrounding alleged contraband found outside a residence. Does a long-term resident/invitee have standing to challenge police seizure of the item? What factors determine whether the item was within the curtilage of the resi-

dence? If law enforcement has a claim of legally entering the property, does that claim expand to an area beyond the purpose (and field of vision) of the initial entry? Are these complex issues evaluated differently if the incident occurred on a Native American reservation? These are examples of matters that Clinic students practicing criminal defense in tribal courts encounter.



Professor Aliza Organick

Clinical Scholarship: Professor Aliza Organick presented her paper *Creating a Tribal Law Clinic in Kansas: Carving the Peg to Fit the Hole*, at the Pedagogy of American Indian Law Conference at the University of North Dakota Northern Plains Indian Law Center in October. Her paper will be published in a forthcoming symposium issue of the *North Dakota Law Review*.

Dara Montclare '06 receives Raymond Spring Award — The Raymond Spring Award, established by the Kansas Trial Lawyers Association (KTLA), is given to "the Law Clinic intern who has demonstrated the highest commitment to providing legal services to clients in need." The KTLA presented Montclare with a plaque during its annual conference.



Dara Montclare '06

Montclare worked in the Small Business and Transactional Clinic where she represented small business owners and nonprofit representatives who could not otherwise afford legal representation. She approached her work in the Clinic with a remarkable level

of enthusiasm and commitment. Montclare developed an incredible rapport with her clients and assisted them in starting businesses and organizations that will be assets to the community.

Since graduating from Washburn Law, Montclare has continued her commitment to serving people in need. She recently accepted the position of chief operating officer of BreakThrough House, Inc, a nonprofit community supported program for people with mental illness, whose mission is to empower people to function more independently and to provide safe, affordable housing for them.

Kana Lydick '07 receives Irvine Ungerman Award

– The Irvine E. Ungerman Award for Excellence in Clinical Practice, 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: pursuit of the learned art in the spirit of public service.” Lydick received the award which includes a cash prize from an anonymous former clinic intern.



Kana Lydick '07

Lydick worked under the supervision of Associate Professor Lynette Petty representing clients in domestic matters and serving as guardian *ad litem* (GAL) in the child in need of care court. Her work has been particularly noteworthy. Lydick is a CASA volunteer and brought experience to her role as GAL. In the Clinic, the children she works with enter the system because of truancy. Many of these children and their families have serious issues affecting the child’s school attendance, including drug and alcohol abuse, mental health problems, teen pregnancy, cultural and language differences, poverty, and running from placement.

Lydick has proven herself to be a strong advocate for children. She made numerous court appearances and effectively worked with social workers, teachers and other providers to promote the best interest of the children. In one particularly noteworthy case, she successfully appealed a school district’s decision to suspend one of her children virtually the entire school year. That young man now has a second chance.

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