

Washburn Law Faculty

 Updates for the 2008-09 academic year are available at www.washburnlaw.edu/faculty/scholarship/

AIDA M. ALAKA

Associate Professor of Law

Activities: Co-Presenter, “Bridging Skills ‘Back to the Future’: Transfer of Learning within the Legal Writing Classroom,” Rocky Mountain Legal Writing Conference, Sandra Day O’Connor College of Law, Arizona State University, Tempe, Ariz., March 14, 2009 (with Tonya Kowalski) • Moderator and Panel Member “Ask an Expert,” Employment Law Update Seminar sponsored by the City of Lawrence, Kan., October 28, 2008. • Site Committee Member, Professionalization of Legal Writing Programs, Association of Legal Writing Directors 7th Biennial Conference, University of Missouri-Kansas City School of Law, Kansas City, Mo., July 16-18, 2009. • Member, Scholarship Committee, Association of Legal Writing Directors/Legal Writing Institute, 2008.

KELLY LYNN ANDERS

Associate Dean for Student Affairs

Publications: “‘I’ Before ‘E,’ Except in Mediation: Training Introverts to Use Extroverted Techniques to Become Stronger Mediators,” 33 *Oklahoma City University Law Review* 573 (2008).
Activities: Media Interviews: “The Organized Lawyer,” Kansas Public Radio (February 6, 2009), KSNT 27 Topeka News (January 16, 2009), KTMJ Fox 43 Topeka News (January 2, 2009). • “WU Professor, Author Cleans Up: Anders Says Organization is Part of Business Etiquette,” *Topeka Capital-Journal*, December 19, 2008, p. A-2.

BRADLEY T. BORDEN

Associate Professor of Law

Publications: “Workout-Driven Exchanges,” 25 *Tax Management Real Estate Journal* 23 (February 4, 2009) (co-author with Todd D. Keator). • “A Win-Win Proposal for Analyzing Profits-Only Partnership Interests,” 121

Tax Notes 75 (October 6, 2008). • “Financing Reverse Exchanges and Safeguarding Exchange Proceeds,” 22 *Journal of Taxation and Regulation of Financial Institutions* 33 (September/October 2008). • “Real Estate Transactions by Tax-Exempt Entities,” *Tax Management Portfolio 591-2nd T.M.* (2008). • “Title 6, Partnership Operations & Terminations,” *Tax Advisors Planning Series* (RIA, 2009).

Activities: Presented “Open Tenancies in Common,” Faculty Development Workshop, Washburn University School of Law, February 9, 2009, and at the 2009 J. Reuben Clark Law Society Faculty Chapter Conference, San Diego, Calif., January 6, 2009. • Panelist, “Sales and Exchanges in Workouts,” American Bar Association Section of Taxation Meeting, Sales, Exchanges and Basis Committee, New Orleans, La., January 10, 2009. • Media Interview: “Bankruptcy Sheds Light on Industry,” *Richmond Times-Dispatch* (December 28, 2008). • Presented “Workout-Driven Exchanges,” BNA Tax Management Advisory Board Meeting, New York, N.Y., December 2008 (with Todd D. Keator). • Panelist, “Conflicts Check: Who’s Your Client? What’s the Scope? Should you Take the Work?,” University of Texas School of Law 56th Annual Taxation Conference, Austin, Texas, November 5, 2008. • Panelist, “Open Issues in Deferred Exchanges 15 Years Later (including newly-issued regulations under §468B),”

October 24, 2008; Panelist, “Intangible Property under Section 1031,”; and Panelist, “Vacation Homes and Other Qualified Use Conundra,” October 23, 2008, Jeremiah Long Memorial National Conference on Like-Kind Exchanges Under Section 1031 IRC, Scottsdale, Ariz. • Presented “Residual-Risk Model for Classifying Tax Entities,” Midwest Law and Economics Association, 2008 Annual Meeting, Northwestern University School of Law, Chicago, Ill., October 4, 2008. • Panelist, “Open Tenancies in Common,” Canadian Law and Economics Association Annual Meeting, University of Toronto Faculty of Law, Toronto, Canada, September 27, 2008. • Moderator, “Section 1031 Like-Kind Real Property,” American Bar Association Section of Taxation and Section of Real Property, Probate and Trust Law Joint Meeting, Sales, Exchanges and Basis Committee Meeting, San Francisco, Calif., September 2008.

BRUCE CAROLAN

Visiting Professor

Publications: “Theoretical Models of Intercultural Competence,” 26 *Pennsylvania State International Law Review* 875 (2008).
Activities: Presented “Anatomy of the Celtic Tiger: The Rise (and Fall?) of the Irish Economy,” Brown Bag International Lecture, February 4, 2009, and Washburn University School of Law, January 14,



Aida M. Alaka



Kelly Lynn Anders



Bradley T. Borden



Bruce Carolan

2009. • “US/UK Role in the ‘Birth’ of the European Union and Supranationalism,” University of Tulsa College of Law, Tulsa, Okla., November 21, 2008.

JAMES M. CONCANNON

Distinguished Professor of Law

Activities: Testified opposing HCR 5005 and HB 2123, Kansas House Judiciary Committee, February 12, 2009.

LINDA HENRY ELROD, '72

Richard S. Righter Distinguished Professor of Law

Publications: “Paradigm Shifts and Pendulum Swings in Child Custody: The Interests of Children in the Balance,” 42 *Family Law Quarterly* 381 (2008) (co-author with Milfred D. Dale). • Chapters in Books: “The Uniform Child Abduction Prevention Act: A New Tool to Prevent Child Abduction,” 2009 *Family Law Update* 187 (Ron Brown and Laura Morgan, eds., 2009).

Activities: Presented “Current Trends and Hot Topics in Family Law,” Kansas Bar Association 9th Annual CLE Slam-Dunk Program, Manhattan, Kan., February 13, 2009. • “Overview of the Child Custody System in Kansas,” Shawnee County District Court Horizons Program, Topeka, Kan., January 8, 2009. • “Why Are You There? You Should Be Here! – Jurisdiction Over Children Across State Lines,” Appellate Judges Education Institute, 2008 Summit for Appellate Judges, Lawyers and Staff Attorneys, Scottsdale, Ariz., November 14, 2008. • “Child Support Goes International: How America’s Experiments Helped Shape the Hague Convention on the International Enforcement of Child Support and Other Forms of Family Maintenance,” 13th World Congress of the International

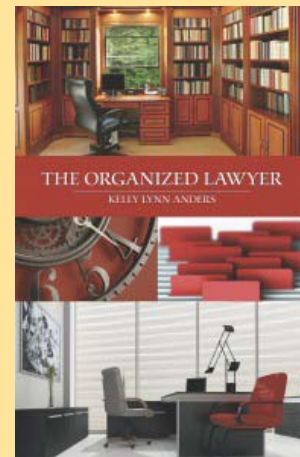
Anders’ *The Organized Lawyer* Addresses Office Chaos

Kelly Lynn Anders’ new book, *The Organized Lawyer*, is designed to address the needs of all types of lawyers — corporate, nonprofit, government, private, academic, and solo practitioners. Whether you’re in a cubicle, corner office, or working out of your home, this book will help you develop and maintain a more organized space.

What sets this book apart from other organizational guides is its approach. Many books offer valuable tips and tools, but they fail to address how different people have different ways of looking at their things. Anders says, “I believe we all have a particular organization style that impacts how we view our things, live with them, and keep them organized — or disorganized. What works for some does not work for others.”



For more information or to purchase *The Organized Lawyer*, visit www.theorganizedlawyer.com.



Society of Family Law, Vienna, Austria, September 17, 2008. • “Historical Views of Child Custody: Who Determines What is in the Best Interest of the Child?” Shawnee County District Court Horizons Program, Topeka, September 9, 2008. • Participant, Member of the Joint Editorial Board for Uniform Family Laws, Chicago, Ill., December 5-7, 2008. • Chaired, *Family Law Quarterly* Editorial Board Meeting, October 4, 2008. • Attended, American Bar Association Family Law Section, Family Law Council Meeting, Scottsdale, Ariz., October 2, 2008.

JOHN J. FRANCIS

Professor of Law

Activities: Presented “Substantive Criminal Law in Tribal Court” and “Tribal Court Practice,” multi-session panels at Introduction to Tribal Court

Practice, Prairie Band Potawatomi Nation, Mayetta, Kan., October 3, 2008.

ALEX GLASHAUSSER

Associate Dean for Academic Affairs and Professor of Law

While on sabbatical during the 2008-09 academic year, Glashausser is writing law review articles on federal jurisdiction and studying international aspects of litigation from a Japanese perspective. **Activities:** Presented “How ‘Supreme’ Can Treaties Be in a Federal System of Separated Powers?” Waseda University Institute of Comparative Law, Waseda Law School, Tokyo, Japan, December 22, 2008. • Presented “Electronic Discovery in the United States Under the New Federal Rules of Civil Procedure,” Doshisha Law School, Kyoto, Japan, December 19, 2008. • Presented “Congressional Control of Federal



James M. Concannon



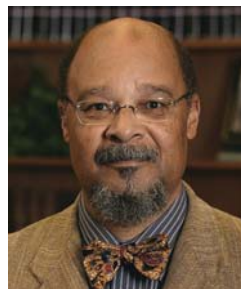
Linda Henry Elrod



John J. Francis



Alex Glashausser



Ronald C. Griffin

FACULTY ACHIEVEMENTS

Courts' Jurisdiction," Doshisha Law School, Kyoto, Japan, December 18, 2008.

RONALD C. GRIFFIN

Professor of Law

Publications: "A Prairie Perspective on Global Warming and Climate Change: The Use of Law, Technology, and Economics to Establish Private Sector Markets to Complement Kyoto," 17 *Southeastern Journal of Environmental Law* (2009). "A Prairie Perspective on Global Warming and Climate Change," *International Journal of Private Law* 2009, Vol. 2, No. 4, pp. 426-444. Chapters in Books: "A Prairie Perspective on Global Warming and Climate Change," *The Dynamics of Trade: Law and Economics*, International Association of International Trade Lawyers, 2008.

Activities: Completed the core course on International Oil and Gas Law, sponsored by The Rocky Mountain Mineral Law Foundation and the Association of International Petroleum Negotiators, Cape Town, South Africa, March 30-April 3. Presented "A Prairie Perspective on Global Warming and Climate Change: The Use of Law, Technology, and Economics to Establish Private Sector Markets to Complement Kyoto," The Third International Conference on Legal, Security, and Privacy Issues in IT, Prague, Czech Republic, September 4, 2008.

RANDALL L. HODGKINSON

Visiting Assistant Professor of Law

Publications: Co-author, United States Supreme Court "Respondent's Merits Brief," *Kansas v. Ventris*.

JANET THOMPSON JACKSON

Associate Professor of Law

Activities: Presenter and facilitator, "Governance Responsibilities of Nonprofit Boards," Douglas County Dental Clinic Board of Directors Retreat, Lawrence, Kan., August 9, 2008.

JEFFREY D. JACKSON

Associate Professor of Law

Activities: Associate editor of the Association of Legal Writing Directors, 2009-.

MICHAEL KAYE

Professor of Law

Activities: Media Interview, "Defendant Alleges Poor Counsel in Capital Trial," *CJOnline/The Topeka Capital-Journal* (December 22, 2008).

L. ALI KHAN

Professor of Law

Publications: "Temporality of Law," 40 *McGeorge Law Review* 55 (2009). • "The Immutability of Divine Texts," *Brigham Young University Law Review* 808 (2008). • "A Theoretical Analysis of Payment Systems," 60 *South Carolina Law Review* 425 (2008). • "Advocacy under Islam and Common Law," 45 *San Diego Law Review* 547 (2008). • Legal Commentaries: "Challenges for Chaudhry: The Way Ahead for Pakistan's Reinstated Chief Justice," *Jurist: Legal News and Research* (March 19, 2009). • "Establishing an International Tribunal for the Mumbai Terror Suspects," *Jurist: Legal News and Research* (December 29, 2008). • "Mumbai and the Kashmir Dispute," *Jurist: Legal News and Research* (December 4, 2008). • "Obama and the Second American Revolution," *Jurist: Legal News and Research* (November 5, 2008). • "Meltdown in

American Markets: An Islamic Perspective," *Counterpunch* (September 27-28, 2008). • "Presidency and the Constitution in Post-Musharraf Pakistan," *Jurist: Legal News and Research* (August 26, 2008).

Activities: "Islamic Culture and Terrorism," U.S. Attorney's Citizens Academy, Washburn University School of Law, October 7, 2008. • Media Interviews: "Feds Convict Five of Fort Dix Conspiracy," *Free Speech Radio News* (December 23, 2008) • Comments on political situation in Pakistan were published in the Lebanese paper, *As-safir*, in Arabic (August 26, 2008).

TONYA KOWALSKI

Associate Professor of Law

Activities: Co-Presenter, "Bridging Skills 'Back to the Future': Transfer of Learning within the Legal Writing Classroom," Rocky Mountain Legal Writing Conference, Sandra Day O'Connor College of Law, Arizona State University, Tempe, Ariz., March 14, 2009. (with Aida M. Alaka). • Presented "Toward a Pedagogy for Clinical Legal Writing," 23rd Annual Midwest Clinical Law Conference - Building Bridges: Creating Clinical Opportunities through Collaboration, Indiana University School of Law, Bloomington, Ind., November 14, 2008. • Presented "The Forgotten Sovereigns," Faculty Exchange Lecture, University of North Dakota School of Law, Grand Forks, N.D., October 22, 2008. • Presented "Substantive Criminal Law in Tribal Court" and "Tribal Court Practice," multi-session panels at Introduction to Tribal Court Practice, Prairie Band Potawatomi Nation, Mayetta, Kan., October 3, 2008. • Co-chair, Website Committee, Association of Legal Writing Directors, 2008-.



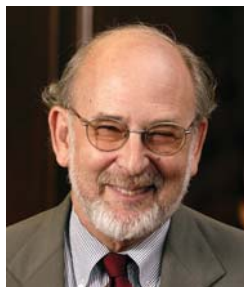
Randall L. Hodgkinson



Janet Thompson Jackson



Jeffrey D. Jackson



Michael Kaye



L. Ali Khan



Tonya Kowalski

Member, Committee on Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty, Legal Writing Institute, 2008-.

WILLIAM G. MERKEL

Associate Professor of Law

Activities: Presented “*The District of Columbia v. Heller* and Justice Scalia’s Perverse Sense of Originalism,” Midwestern Law Schools Junior Faculty Forum, Washington University, St. Louis, Mo., October 3, 2008. • Presented “Dubious Originalism and the Supreme Court’s Second Amendment Decision,” Faculty Symposium, University of Houston Law Center, Houston, Texas, September 8, 2008.

ALIZA ORGANICK

Associate Professor of Law

Activities: “Teaching Culture in the Classroom: Tribal Law and Best Practices in Legal Education,” 13th Annual Tribal Law and Government Conference, University of Kansas, Lawrence, Kan., February 13, 2009. • Presented “Substantive Criminal Law in Tribal Court” and “Tribal Court Practice,” multi-session panels at Introduction to Tribal Court Practice, Prairie Band Potawatomi Nation, Mayetta, Kan., October 3, 2008.

DAVID E. PIERCE, '77

Professor of Law

Publications: *Kuntz, A Treatise on the Law of Oil and Gas*, 2009 Cumulative Supplements, (Anderson Publishing Co. and LexisNexis) (with Owen L. Anderson, Ernest E. Smith and John S. Lowe). • Contributor, *Oil and Gas Reporter*, Vol. 166-167 (LexisNexis, 2008-09) (with other editors).

Activities: President, Rocky Mountain

Mineral Law Foundation, 2008-09. • Presented “Judicial Interpretations of Royalty Obligations and the Resulting Drafting Lessons,” Special Institute on Private Oil and Gas Royalties, Rocky Mountain Mineral Law Foundation, Denver, Colo., December 4, 2008. • “Maintaining the Oil and Gas Lease Beyond the Primary Term,” The Eugene Kuntz Conference on Natural Resources Law and Policy, University of Oklahoma College of Law and the Oklahoma Bar Association Mineral Law Section, Oklahoma City, Okla., November 7, 2008. • “Recent Developments in Oil and Gas Law,” KBA/KIOGA 33rd Annual Oil and Gas Conference, Kansas Bar Association, Wichita, Kan., October 24, 2008. • “Technical Aspects of Oil and Gas Exploration, Production, and Marketing,” “Common Interests Created in Oil and Gas,” “The Oil and Gas Lease: Implied Covenants,” and “Environmental Regulation of the Oil and Gas Industry,” 26th Annual Oil and Gas Law Short Course, co-sponsored by the Rocky Mountain Mineral Law Foundation, the Institute for Energy Law, and the Energy and Mineral Law Foundation, Houston, Texas, October 21, 2008. • “Introduction to Legal Drafting,” Washburn University School of Law, October 14, 2008. • “Understanding Royalty Calculation Disputes,” training sessions for the Mid-America Association of Division Order Analysts, Wichita, Kan., September 19, 2008.

MARY KREINER RAMIREZ

Associate Professor of Law

Activities: Presented “Prioritizing Justice: Combatting Corporate Crime from Task Force to Top Priority,” Faculty Scholarship Development Workshop, Washburn University School of Law,

Dec. 1, 2008. • “Federal Sentencing,” U.S. Attorney’s Citizen’s Academy, U.S. Federal Courthouse, Topeka, November 12, 2008.

SHEILA REYNOLDS

Associate Dean for Academic Affairs and Professor of Law

Publications: “Initial Interviews with Prospective Clients: How to Prevent Conflicts of Interests,” 76:7 *Journal of the Kansas Bar Association* 26 (2008). • “Paternity” (Chapter 17), *Practitioner’s Guide to Kansas Family Law* (Kansas Bar Association, 1997, supplemented 2008). • Rewrote Chapter 8, “Ethical Considerations in Representing an Impaired Client,” *Kansas Long-Term Care Handbook*, 2nd ed., November 2008.

WILLIAM RICH

Professor of Law

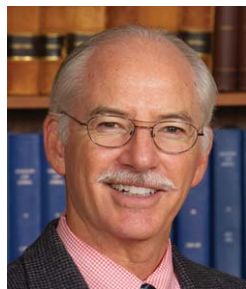
During the spring 2009 semester, Rich is on sabbatical to write a new edition of his three-volume treatise, *Modern Constitutional Law*, scheduled for publication in 2010 by Thompson West. **Activities:** Presented “The Path of Mentally Ill Offenders,” Colloquium on Conditions of Confinement, Fordham Law Prisoners’ Rights Advocates, the Louis Stein Center for Law and Ethics, and the *Fordham Urban Law Journal*, Fordham University School of Law, New York, N.Y., October 24, 2008. • Presented “Why the 39th Congress Chose the Terms, ‘Privileges or Immunities,’” The Fourteenth Amendment: The 140th Anniversary Symposium, co-sponsored by the University of Akron School of Law, Akron, Ohio, Center for Constitutional Law, and the *Akron Law Review*, October 23, 2008.



William G. Merkel



Aliza Organick



David E. Pierce



Mary Kreiner Ramirez



Sheila Reynolds



William Rich

Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam



Michael Hunter
Schwartz

Professor Michael Hunter Schwartz is a leader in the teaching and learning movement in legal education. He is an expert in the fields of law school teaching, assessment of legal education, and law student learning. Schwartz has been actively sharing his expertise, speaking at more than 30 law schools on the subject during this academic year.

In November 2008, the Washburn Law faculty voted to co-sponsor the Institute for Law Teaching and Learning. Schwartz and

Professor Gerry Hess, Gonzaga Law, serve as co-directors of the Institute, which was established in 1991 to assist law schools in providing a learning environment that helps students achieve the highest academic standards and prepares students to assume their responsibilities as effective, moral attorneys.

Together, Schwartz, Hess, and Sophie Sparrow of Pierce Law have collaborated to author a new book, *Teaching Law By Design: Engaging Students From the Syllabus to the Final Exam* (Carolina Academic Press, 2009), designed to synthesize the latest research on teaching and learning for new and experienced law teachers.

MICHAEL HUNTER SCHWARTZ

*Associate Dean for Faculty Academic
Development and Professor of Law*

Activities: Presented “Curriculum Reform: Impetuses and Models,” Pace University School of Law, White Plains, N.Y., March 16, 2009. • Conducted Faculty Teaching Development Workshops, University of Miami College of Law, Coral Gables, Fla., March 6, 2009; Capital University Law School, Columbus, Ohio, February 9, 2009; University of Baltimore School of Law, Baltimore, Md., February 6, 2009; Hofstra University School of Law, Hempstead, N.Y., January 23, 2009; Faulkner University, Thomas Goode Jones School of Law, Montgomery, Ala., January 17, 2009; University of North Carolina School of Law, Chapel Hill, N.C., December 8, 2008; Tulsa University School of Law, Tulsa, Okla., September 26, 2008; University of Illinois College of Law, Champaign, Ill., September 11, 2008; Whittier Law School, Costa Mesa, Calif., August 25, 2008; and Southwestern Law School, Los Angeles, Calif., August 23, 2008. • Presenter, “Educational Outcomes and Outcome Assessment,” ABA Standards Review Committee, San Diego, Calif., January 9, 2009. • Moderator, “Unwrapping the Shroud of Secrecy: What Law Professors Can Learn

from Bar Examiners;” Moderator and Presenter, “Educating Lawyers and Best Practices for Legal Education: A Mandate to Humanize the Law School Experience;” and Presenter, “Teaching to the Entire Class: Innovative and Effective Instruction to Engage Every Student,” 2009 AALS Annual Meeting, San Diego, Calif., January 7-8, 2009. • Invited Speaker, “What the Best Law Teachers Do,” Boston College Law School, Boston, Mass., November 21, 2008. • Conducted Faculty Teaching Workshop, “Beyond Socratic Questioning and Cooperative Learning: Seven Additional Tools for Engaging Your Students,” Gonzaga University School of Law, Spokane, Wash., October 23, 2008. • Co-Presenter, “Improving Learning to Improve Bar Pass and Other Outcomes,” American Bar Association Bar Exam Passage Conference, Chicago, Ill., October 17, 2008. • Conducted Faculty Teaching Workshop, “Formative Assessment in Large, Doctrinal Courses,” University of Denver, Sturm College of Law, Denver, Colo., October 14, 2008. • Invited Discussant, “The Future of the Coursebook,” Seattle University School of Law, Seattle, Wash., September 27, 2008. • Plenary Presentation, “Teaching Techniques for Bar Pass,” LSAC Bar Preparation Workshop, Southwestern Law School, Los Angeles, Calif.,

September 19, 2008. • Plenary Speaker and Moderator, “Institutional Process for Making It Happen;” Moderator, “Whole Curriculum Projects: Reforming the Curriculum at Small, Limited Resource State Law Schools;” Moderator, “First-Year Projects Integrating the Cognitive, Skills and Professional Formation Apprenticeships;” and Showcase Presenter, “Five Days, Three Apprenticeships, One Orientation: Toward a Model First Week Curriculum,” Legal Education at the Crossroads Conference: Ideas to Accomplishments: Sharing New Ideas for an Integrated Curriculum, University of Washington School of Law, Seattle, Wash., September 6-7, 2008. • Presenter, “The Faint Scent of Change: Legal Education at the Crossroads,” Topeka Bar Association, Topeka, August 8, 2008. • Panelist, “Law School Teaching Methods that Even Socrates Would Admire: How Law Schools Can Move Toward Meeting Best Practices in Legal Education,” Southeastern Association of Law Schools, 61st Annual Meeting, Palm Beach, Fla., July 29, 2008. • Presented “Bar Exam Prep Course Seeking Long-Term Relationship: Legal Writing, Academic Support, Both, or Something Else?” 13th Biennial Conference of the Legal Writing Institute, Indianapolis, Ind., July 15, 2008.