

EXPERIENTIAL LEARNING: *Washburn Law Clinic*

SUCCESS OF CLINIC BASED ON MISSION

The Washburn Law Clinic has seen many milestones in its 40-year history. With approximately 140 cases opened each year by Law Clinic faculty and students, that translates to 5,600 cases, representing an even greater number of people who have been assisted during the clinic's history. These are individuals and families who, because of their financial situation, could not have afforded legal services and quite possibly would have fallen through the cracks in the legal system.

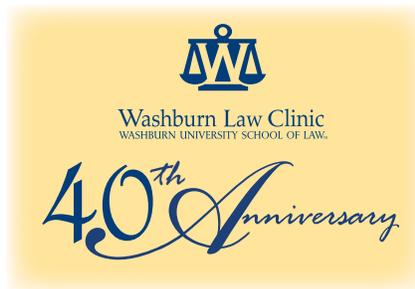
John Francis, Professor and Director of the Law Clinic, described the Law Clinic's growth and program additions as "steady yet gradual," and that during the Law Clinic's storied history its mission has remained two-fold. "Our mission is to help law students become skilled and ethical practitioners and to provide an important service to the community in which we work and live." His philosophy for directing the day-to-day operations of the clinic ties directly to the Law Clinic's mission. With respect to students, he said it is to "get them so well-prepared and ready on the front end that when the lawyering event occurs, the students are ready to go and don't need intervention."

In addition to hands-on practical skills, the Law Clinic experience also provides students a reality check. "Clinic gives them an eye-opening view of the profession. The realities of life for those without substantial means can confront students in this work," Francis commented.

With respect to the Law Clinic's clients, Francis said the client's needs are paramount. "We keep the client in the center of everything, of the representation, and of the decisions that are made. When we present options to a client, we present the effects of each possible choice so they understand the impact of their decisions."



Gregory Parker, '04, Laurel, Md., talks with Efrain Soto, '04, Chicago, Ill., Dean Thomas Romig, and Professor John Francis at the Clinic's 40th anniversary celebration.



When the Law Clinic opened in 1970, the clinical model was in its infant stage and teaching legal doctrine was the main method of educating law students. However, Washburn Law faculty and staff forged ahead believing in the practical benefits of providing students the opportunity to represent real people in real cases. "Doctrine is incredibly important to have as a foundation, and Clinic builds on that foundation," Francis explained.

The Law Clinic's accomplishments include winning appeals at the 10th Circuit Court of Appeals and arguing issues ahead of its time. According to Francis, some of the most significant steps forward were adding Professors Janet Jackson and Aliza Organick, who launched the Small Business and

Transactional Law Clinic and the State and Tribal Court Practice Clinic, respectively.

Students and faculty have been practicing in the Prairie Band Potawatomi Nation and Kickapoo Nation Tribal Courts since 2004 when Professor Organick began teaching in the Clinic. The Law Clinic generally handles two or three cases in the Kansas tribal courts each semester and is the only law school in Kansas with a tribal court practice. This requires an understanding of the history of Federal Indian Law and Tribal Law, which translates into a commitment of more time and effort

- Cases opened in 2009: 146
- Cases opened to date (Oct. 15) in 2010: 141
- Average enrollment during the last five years (2006-10) for the Law Clinic: 69 students per year
- Number of clinic alumni: approximately 2,000
- Completed clinic intakes January-October 2010: 355

for the students. “Initially, there is reluctance on the part of students because we don’t talk about tribes as the Third Sovereign. So I am touched by those students [who participate] because they are really interested in learning these new areas of law,” Organick said.

Organick believes that tribal court practice is a perfect fit for a clinical program because it takes what the students are learning and builds on it. “The students get experience practicing in state and municipal courts as well as tribal courts, so they are learning a multijurisdictional practice.”

Francis believes the clinic’s collaboration with Prairie Band Potawatomie Tribal Court has changed the face of court proceedings. “I see our alumni practicing there. The number of attorneys has increased significantly and many have come from our clinic program.”

Building relationships with the tribes has been vital to the success of the program. “The tribes have been welcoming and supportive, and they have provided a great learning opportunity for our students,” Organick said. Francis concurred. “We have made a connection with the Native population in the area and are recognized as a place people can come for assistance.”

As for the future of the Tribal Court practice, Organick plans to expand the program. “I would like to continue to grow that relationship and integrate tribal law, including the tribal courts and legal system, into our curriculum.”

Professor Jackson, who joined the Washburn law faculty in 2004, developed the Business and Transactional Law Clinic in 2005, with two primary goals in mind: to help students develop skills in business counseling and transactional law; and to serve the legal needs of businesses and nonprofit organizations that cannot afford to hire legal counsel. Upper-level law students provide business and legal assistance to small businesses and nonprofits in Topeka and surrounding areas but do not assist with litigation.



Phil Knighton, '71, Wichita, visits with The Hon. Gregory Waller, '73, at the anniversary celebration.

More recent additions to clinic offerings include the representation of clients filing for Violence Against Women Act (VAWA) self-petitions. VAWA self-petitions enable immigrant victims of domestic violence to obtain lawful status without the assistance or cooperation of the batterer spouse. In 2007, the Law Clinic faculty established the

Washburn Law Clinic Public Interest Grant to recognize and facilitate the decision of Clinic students to work in public interest upon graduation. The grant will be awarded to Law Clinic students whose employment upon graduation works primarily with under-represented or underserved individuals, communities, and/or nonprofit groups.

Discussions concerning program changes and additions for the Clinic are ongoing, and its future path will be charted based on the ever-changing needs of the students and clients it serves. “We will continue programmatic expansion. My goal is to keep it dynamic and respond to needs in the community and aspirations of our students,” Francis concluded.

“Thank you for involving me in a wonderful celebration of the Law Clinic’s first forty years. So much of what I know about being a lawyer and who I want to become as an attorney is based upon what I learned while at the Clinic. Having had the opportunity to participate in [the 40th Anniversary] events simply strengthens my affinity for and dedication to our Clinic.”

– Steven M. Ellis, '06

Featured Guest at the Law Clinic 40th Anniversary
Ellis & Zolotor Law Office, LLC

The Washburn Law Clinic hosted its 40th Anniversary Celebration on Oct. 23, 2010. Activities began with a CLE presentation by Professors John J. Francis and Aliza Organick. Attendees toured the clinic and law school before going across campus for a tailgate and the Washburn Ichabods football game. The featured speaker at the evening dinner was **The Honorable Gregory Waller, '73**, who was the presiding judge in the trial of the BTK serial killer.



More information about the Washburn Law Clinic is available at www.washburnlaw.edu/clinic