

RANDALL L. HODGKINSON

1700 SW College Ave., Robert J Dole Hall, Room 221, Topeka, KS 66621 (785) 670-1684

EMPLOYMENT

VISITING ASSISTANT PROFESSOR OF LAW 2006-PRESENT

Washburn University School of Law Topeka, Kansas

A joint program between Washburn University School of Law and the Kansas Appellate Defender Office, the statewide appellate public defender for Kansas. Each semester the law school offers a clinical class, Criminal Appellate Advocacy, where students work on actual felony appeals under my supervision. The course includes a lecture component, but primarily involves regular meetings with students to review case progress and provide feedback for each draft of the appeal brief. I have also developed an advanced topics section of this class and have occasionally taught doctrinal classes and coached moot court teams as needed by the law school.

APPELLATE DEFENDER 2000-PRESENT; 1995-1997

Kansas Appellate Defender Office Topeka, Kansas

Represent indigent persons convicted of felonies before Kansas appellate courts. This includes ordering necessary documents and transcripts for record on appeal, motion practice, writing original briefs and petitions for review, and oral argument of assigned cases. I am responsible for regular communication with clients. As a deputy from 2001-2006, I assisted in assignment of cases, editing briefs of staff attorneys, was responsible for cases prior to assignment to staff attorneys, advised, supervised, and trained all staff, and assisted and advised the Chief Appellate Defender.

ASSOCIATE 1998-1999

Law Offices of Stephen M. Lee Kingman, Arizona

Associate in small, general practice law firm. Practice areas included real estate, banking, business, personal injury, and domestic relations. I was responsible for all areas of practice, including drafting pleadings, corresponding and negotiating with opposing counsel, and advising clients. I represented clients in administrative, trial, and appellate proceedings.

JUDICIAL RESEARCH ATTORNEY 1997-1998; 1992-1994

Arizona Court of Appeals, Division One Phoenix, Arizona

Judicial research attorney for Judge Sheldon H. Weisberg. I prepared written memoranda and orally presented appellate cases to three-judge panels in conference. I performed research for the judge and assisted in preparation of written decisions.

PUBLIC DEFENDER 1994-1995

Sedgwick County Public Defender Wichita, Kansas

I represented indigent persons accused of felonies before the state district court. This included factual investigation, motion practice, plea negotiations, jury trials, and sentencing hearings. I regularly met with and advised clients.

EDUCATION

JURIS DOCTOR DECEMBER 1991

Arizona State University College of Law Tempe, Arizona

G.P.A. 90.15 *Magna Cum Laude* Class Rank: 9/147

Honors: Law Journal, Associate Editor; Order of the Coif

BACHELOR OF SCIENCE (MATHEMATICS & COMPUTER SCIENCE) MAY 1989

Wichita State University Wichita, Kansas

G.P.A. 3.894 *Magna Cum Laude*

MASTER OF DIVINITY MAY 2020

Asbury Theological Seminary, Wilmore, Kentucky

G.P.A. 3.88

PUBLICATIONS

Clear as Mud? "Clearly Erroneous" as a Standard of Review for Instructional Claims, Kansas Bar Association Appellate Practice Newsletter (Spring 2012) (cited in *State v. Simmons*, 295 Kan. 171, 283 P.3d 212 (2012)).

Co-author of "Criminal Law" chapter in KANSAS ANNUAL SURVEY (Kansas Bar Ass'n 2002-09).

"Making the Record in Appellate Court" chapter in of KANSAS CRIMINAL LAW HANDBOOK (Kansas Bar Ass'n 2016).

"A *Blakely* Primer: The Kansas Sentencing Guidelines," 28 *Champion* 20 (August 2004).

"No Merit Briefs Undermine the Adversary Process in Criminal Appeals," 3 J. APP. PRAC. & PROCESS 55 (2001).

Comment, "Executive, Legislative, and Judicial Power Over Direct Legislation in Arizona," 23 ARIZ. ST. L.J. 1111 (1991) (cited in *Calik v. Kongable*, 990 P.2d 1055, 1059 (Ariz. 1999)).

PROFESSIONAL ACTIVITIES

Fellow, American Academy of Appellate Lawyers, 2014 - present

Co-counsel (second chair) in *Kansas v. Ventris*, 556 U.S. 586 (2009).

Kansas v. Garcia, 140 S.Ct. 791 (2020)

Author of Kansas Appellate Defender Office amicus brief cited in *Blakely v. Washington*, 542 U.S. 296 (2004).

Provided testimony to legislative committees of Kansas Legislature regarding proposed criminal and appellate procedure statutes: 2014 SB 312 (mandate stay pending certiorari), 2014 SB 257 (habeas procedure), 2013 Special Session HB 2002 (Hard-50 procedure), 2012 SB 307 (felony murder), 2010 SB 381 (self-defense), 2004 HB 2541 (search incident to arrest) (cited in *State v. Henning*, 289 Kan. 136, 148-49, 209 P.3d 711 (2009)).

Kansas Judicial Council, Appellate Procedure Advisory Committee, 2005- 2012.

Kansas Judicial Council, Criminal Law Advisory Committee, 2019-present.

Kansas Judicial Council, Ad Hoc Advisory Committee on Incompetency to Stand Trial, 2019.

Kansas Supreme Court, Time Standards Committee, 2016.

Kansas Legal Services, Board of Directors (Washburn Law representative), 2022-present.

CLE & LEGAL PRESENTATIONS

June 10-11, 2002 *Ethical Issues In Dealing With the Media*, Kansas Board of Indigent Defense Services 2002 Spring Training, Topeka KS & Wichita KS.

December 2, 2005 *Blakely: Presenting Your Sentencing Case to the Jury*, Washington Association of Criminal Defense Lawyers CLE seminar, Seattle, WA.

April 20, 2007 *Difficulties in Criminal Appellate Practice*, Kansas Bar Association, Appellate Practice Symposium, Topeka, KS

May 28, 2010 *Making a Record on Appeal (Basic and Advanced)*, Kansas Bar Association, 2010 Criminal Law, Wichita, KS

October 16-17, 2014 *Client Communication: Who, What, Where, When, Why, How*, Kansas Board of Indigent Defense Services 2014 Fall Training, Topeka KS & Wichita KS

May 19, 2017 *Practicing Before an Electronic Court*, Kansas Bar Association 2017 Appellate Law CLE, Topeka, KS

March 9, 2018 *Racial Bias and Traffic Stops*, Third Judicial District Public Defender Office, Lawrence, KS

October 21-22, 2019 *Cybersecurity for Lawyers*, Kansas Board of Indigent Defense Services 2019 Fall Training, Topeka KS and Wichita KS

April 23, 2021, *Briefing*, Crash Course in Criminal Defense Appeals , Kansas Bar Association, Online

April 23, 2021, *Petitions for Review and Petitions for Certiorari*, Crash Course in Criminal Defense Appeals, Kansas Bar Association, Online

Caselaw Update, Kansas Board of Indigent Defense Services, Topeka, KS & Wichita, KS (several years).

ADMISSION TO PRACTICE LAW

Kansas (1992), Missouri (1993), Arizona (1997), Tenth Circuit Court of Appeals (1997), Ninth Circuit Court of Appeals (1998), United States Supreme Court (2000), Court of Appeals for the Armed Forces (2009)

CIVIC AND COMMUNITY ACTIVITIES

Member, First United Methodist Church, Topeka, Kansas. Lay Member of Kansas East Annual Conference (2009-2012). Topeka District Lay Leader (2013-2019). Associate Great Plains Annual Conference Lay Leader (2019-present). Lay Member of Conference Board of Ordained Ministry (2007-2019). Lay Member of Conference Episcopacy Committee (2023-present). Chair of Topeka District Committee on Ministry (2019-present). Reserve Lay Delegate to United Methodist Church General Conference: Tampa, FL (2012), Portland, OR (2016). Lay Delegate to United Methodist Church General Conference: Charlotte, NC (2024). Member, World Methodist Council (2016-present).

Adult Leader, Boy Scouts of America. Treasurer, Pack 10, Topeka, Kansas (2007-2010); Cub Scouter Award. Advancement Chair, Troop 175, Topeka, Kansas (2010-2013); Scouter's Training Award. Shawnee District Committee (2012-2016). District Committee Key.