

Center for Excellence in Advocacy

Trial Advocacy

The trial advocacy program demands much of faculty and students. This semester the Center had thirty-two students and five adjunct workshop teachers: Mike Francis '75, Lee Barnett '79, Bill Ossmann '77, Doug Wells '79, and Tom Wright '64. Prof. Kaye taught the one-hour weekly lecture component. Washburn Law offers trial advocacy every semester. For the spring semester, sixty-five students have enrolled. The goal is for 70 to 80 percent of the student body of Washburn Law to take the advocacy course before graduation. Without exaggeration, Washburn Law can say that its students are learning from among the best of the practicing bar: busy, successful, experienced trial lawyers who take time out at the end of the day to teach skillful, persuasive, ethical trial advocacy. One word, commitment, describes faculty and adjuncts in the advocacy center.

Here is an instance of that educational commitment. The trial advocacy course is modeled on NITA trial advocacy training courses. This fall the workshop was brought to Washburn with a one-day program for trial ad teachers and adjuncts. Judge Sanford Brook, chief judge of the Indiana Court of Appeals and a member of the NITA Board of Directors provided the training.

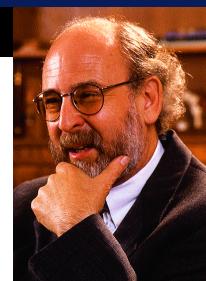
Judge Brook ran a one-day program for adjuncts Craig Blumreich '79, Tom Wright '64, Bill Ossmann '77, Lee Barnett '79, Evelyn Wilson '85, Clinic Director John Francis, Doug Wells '79, Mike Francis '75, and Marilyn Trubey '87. Law students from the trial advocacy class performed trial exercises, and adjunct instructors then critiqued them using the NITA critiquing method: headline, rationale, playback, prescription. This method helps students focus on a particular trial skill, teaches students how to improve their performance, and gives students the rationale behind the prescription (a recommendation) for improvement.

A two-credit, intensive trial advocacy training session for law students will be held May 16-21 with Bill Ossmann and Prof. Kaye along with skilled trial advocacy teachers from around the nation.

CENTERS



Professor Michael Kaye



News and Events

This year's Alumni Fellow was Donald Rupert '76, a partner in the Chicago law firm of Mayer, Brown, Rowe and Maw. Mr. Rupert is an expert in patent and trademark law. He enthusiastically agreed to participate in a number of Center activities. He taught a class in the Robinson Courtroom on using trial technology in the presentation of expert testimony. Mr. Rupert taught a two-hour class on the basics of patent and trademark practice. He also had dinner with students interested in patent and trademark practice and hosted a breakfast meeting called "Survival Skills for New Lawyers." All of the students and faculty with whom he met thought Mr. Rupert was outstanding.

The lecture-luncheon series continues to bring alumni and law students together to talk about the law. These speakers included: Dan Lykins '72, Ron Pope '84, Tom Wright '64, Carol McDowell '75 and Judge Tom Malone '79. Students had the chance to ask questions about law practice and about the experience of practicing law.

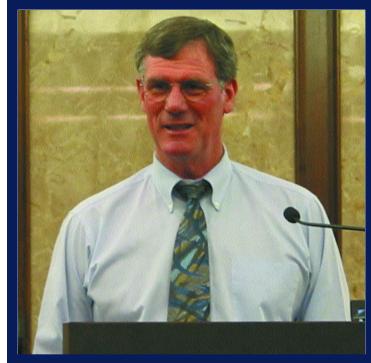
The Center's mission includes a commitment to advancing scholarship and scholarly discussion on advocacy. This spring welcomed the first Practitioner in Residence: Prof. Doug Colbert of the University of Maryland Law School from March 15 – March 19. Prof. Colbert is nationally known for his successful bail reform efforts in New York state. He selected as a theme of his visit: 40 years since *Gideon v. Wainright*: the state of the right to counsel today.

The Center also welcomed Kenneth Feinberg, the administrator of the restitution fund established for the survivors of the 9-11 attack on February 25-26.

The Center sponsored one major conference this fall, the National Death Penalty Defense and Mitigation Conference, November 6-8. The conference was partially underwritten by the American Bar Association, the Kansas Trial Lawyers Association, the Missouri Association of Criminal Defense Lawyers, the National Association of Criminal Defense Lawyers, the Kansas Association of Criminal Defense Lawyers, the Kansas Committee Against the Death Penalty, Amnesty International, and the Kansas Board of Indigents Defense Services.

Attendees included social workers, law students, lawyers, and law professors. Speakers came from California, New Hampshire, Georgia, Kansas, Missouri, Nebraska, Oklahoma, South Carolina, and New York. Participants came from Kansas, Nebraska, Oklahoma, and Missouri some as far as Florida and Arizona. Here, too, alumni were well-represented on the faculty. Speakers included psychologists, mitigation specialists, social workers and faculty of Washburn Law. Pat Scalia '78, director of the Kansas Board of Indigent Defense Services, helped organize the program.

The cost of the death penalty and the standards for exempting persons from the death penalty on grounds of mental retardation and mental defect and the newly enacted ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases were examined. Keynote speakers were Sean O'Brien, a nationally recognized capital defender, and Joe Amrine, who spent 17



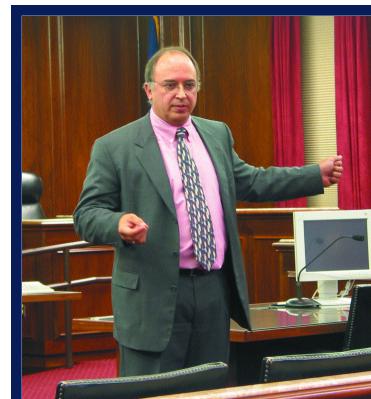
Tom Wright '64

years on death row and was finally released from prison. Joe was innocent of the capital murder charge brought against him.

On September 25, 2003 the Center hosted Paraguayan Judge Luis Maria Benitez Riera and Rosa Palau Aguilar, co-directors of Paraguay's Center for Documentation and Archive for the Defense of Human Rights. They spoke on the infamous "archive of

terror," which documents human rights abuses by a number of South American governments, among them Chile and Argentina.

The Center continues its luncheon and lecture series and social events such as the "Evening with the Prosecution" held on October 14. Prof. Jim Wadley is working with the Center to organize a Tribal Advocacy program set for April 29 and 30, 2004.



Ron Pope '84

Through the Center, students and alumni participate together in the common pursuit of excellence in advocacy. Students in Washburn Law advocacy classes are ready to try cases as soon as they graduate. They will, of course, improve with experience, but what they have accomplished so far allows them to claim the title of trial lawyer. At a recent alumni reception in Kansas City, Mo., Mark Meinhardt '01 told Prof. Kaye that shortly after graduation, he found himself in a jury trial.

Meinhardt had taken the trial advocacy course, and successfully used the skills he gained in the course. He discovered he loved trial work and has stuck with it since.

If you wish to learn more about the center, or if you would like to volunteer, please contact director Professor Michael Kaye, at michael.kaye@washburn.edu.

NITA Training

