

Center for Excellence in Advocacy



The Center for Excellence in Advocacy had another outstanding Fall semester. Adding new and exciting advocacy related courses to the law school curriculum is one of the Center's goals. Nathan Webb from the Office of the Appellate Defender has joined the law school faculty and teaches a course in Criminal Appeal Advocacy. Under Webb's supervision, students learn to write persuasive appellate briefs on behalf of defendants whose cases are currently before the Kansas Court of Appeals and the Kansas Supreme Court. Students also learn how to prepare and write habeas corpus petitions. Webb initially limited enrollment in the fall term to five students. For the spring semester 23 students signed up.

Professor Michael Kaye



On the drawing board is the creation of a summer Trial Skills College. This college will offer students an opportunity to learn trial advocacy in short intensive courses. The Intensive Trial Advocacy Program (ITAP) will form the foundation course followed by the two-weekend course in Jury Selection currently offered. The Center is developing a two-weekend, one credit, deposition skills course modeled on the NITA Deposition Program hosted this fall at Washburn Law. Ron Pope '84 is developing an ambitious simulated course to teach case litigation strategy. Through the Trial Skills College, summer students will take a series of courses flexibly designed to allow them to pursue other interests during the summer, but carefully structured to provide very effective advocacy training.



L to R: Richard Burr, Sean O'Brien and Scharlene Holdman

Sean O'Brien, President of the Public Interest Litigation Clinic (PILC) in Kansas City, Missouri, and a nationally recognized capital defense counsel, taught the Capital Punishment Law course and will supervise students during the spring semester in capital defense externships. Washburn Law students will join Harvard and Yale law students who annually do public interest law externships at the PILC. O'Brien also organized the second annual Penalty Defense and Mitigation Skills Conference, November 13 through November 15. O'Brien and Clinic Director Professor John J. Francis are working with the Center to establish an Innocence Project at Washburn Law. A team of law students and social workers are currently working with O'Brien, through the Center, on a possible innocence case.

The Center's student Advocacy Society also met important challenges this fall and demonstrated that students provide an important leadership element in the Center. At Dean Honabach's request, a committee composed of students, faculty and staff was formed through the Center to oversee a day long visit of the 10th Circuit Court of Appeals. In response to an invitation from Washburn Law, two panels of the 10th Circuit heard oral arguments on October 6, 2005 at Washburn Law in the Robinson Courtroom and Bianchino Technology Center. This provided an excellent educational opportunity, in particular for students in Legal Analysis and Research and Writing classes, for faculty, moot court, trial advocacy, law journal students, and, of course, the entire student body.

Under the leadership of Tony Hunter '06 and Mark Dupree '08, and a contingent of student volunteers, an “educational summit” was planned. Students and faculty read the briefs in the cases to be argued and prepared summaries and analyses of the cases which were then posted on the Center’s website. Lunches were held with each Tenth Circuit judge with six law students and a faculty member. A lunch session was also organized for students and the law clerks accompanying the judges that included a discussion of clerkships.



L to R: Judge Benton, Assistant Professor Nathan Webb, Eldon Sloan '33 and Mark Dupre '07

Two question and answer sessions were held with each panel of judges. The morning session was moderated by Professor Jim Concannon and the afternoon session was moderated by Dean Honabach. Students submitted written questions to the moderators who then posed the questions to the panel of judges. Both sessions were well attended and gave students the chance to learn more about the judges and about their daily workload.

The entire first year class attended the oral arguments. Tony Hunter '06 and Mark Dupree '08 organized an admission procedure for the courtroom by issuing tickets for each argument before hand and monitoring lines that formed at the courtroom door. Student ushers escorted spectators to their seats. Hunter worked with Washburn police and Federal Marshals who provided security for the entire event.

When the day was over, one Tenth Circuit judge remarked that Washburn had set the standard for organizing the court’s law school visits.

The Tenth Circuit visit was an exciting, intensive learning experience. But the students did not stop there. They organized a similar two day visit on October 21 and 22, for a panel from the Kansas Court of Appeals. The appeals judges were all Washburn alums: Judge Stephen Hill '75 (also an

ITAP instructor), Judge Christel Marquardt '74, Judge Lee Johnson '80 and Judge Nancy Caplinger '85. The Kansas Court of Appeals will return to hear cases at Washburn Law in March 2005.

The Center joined with the J. Reuben Clark Law Society, with the guidance of Professors Brad Borden and John Christensen, and invited Judge William Duane Benton, recently appointed to the Eighth U.S. Circuit Court of Appeals to spend the day at the law school. Judge Benton lectured on the

ethics of appellate advocacy. A genial, articulate, and exceptionally friendly person, Judge Benton, the former Chief Justice of the Missouri Supreme Court, had lunch with students and faculty, spoke at a lengthy question and answer session, and discussed his experience with the Senate confirmation process. Judge Benton was confirmed unanimously by the Senate and the vote on his nomination in the Judiciary Committee was 19-0. A summa cum laude graduate of Northwestern University and former editor of the *Yale Law Journal*, Benton holds an M.B.A. as well as an LL.M degree, and served as Missouri Director of Taxation. Considered a conservative on criminal law issues, he is hard to categorize in civil cases and has a reputation for fairness.

The Center held a day long retreat on December 20, 2004, bringing together faculty, students, deans and alums, to plan for the coming year and prepare for the creation of the Center’s Board of Advisors. The Center has had much to reflect on for the first semester and its future holds much promise.

If you wish to learn more about the Center or if you would like to volunteer, please contact Director, Professor Michael Kaye, at 785-231-1010 ext. 1370 or michael.kaye@washburn.edu