

# Center for Excellence in Advocacy

Recent studies lead some to believe that students enter law school motivated to learn, but lose enthusiasm over the course of their law school career. The Center for Excellence in Advocacy has found an antidote for “burn-out.” The treatment includes meeting with practitioners, learning from judges, and receiving hands-on training from adjunct instructors. While not a complete cure, the Center’s programs appear to reawaken the enthusiasm, energy and excitement that students displayed on admission to law school.

## LEARNING BY DOING

The best example of the Center’s programming is the Intensive Trial Advocacy Program (ITAP) class, offered during the spring and summer inter- sessions. Based on the model employed by the National Institute for Trial Advocacy (NITA), ITAP gives students an eight-day concentrated trial advocacy course designed to provide a thorough introduction to the skills and techniques of a competent trial advocate. “During the week, students hone their skills under the guidance of our adjunct faculty and put their new skills to the test before appellate, district and magistrate judges in simulated trials,” explains Center Director, Michael Kaye.

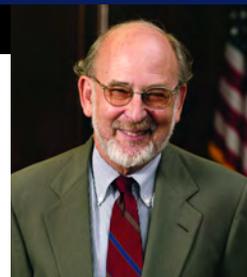
This summer, as an extension of ITAP, the center launched the first stage of the Summer Trial College. The first class, Cross-Examination Techniques, builds on the foundations laid by ITAP and gives students the opportunity to refine their skills. The second class, Taking and Defending Depositions, exposed students to an integral part of the litigation process that is not covered in ITAP. More specialized courses are being planned for next summer.

The Center isn’t limiting its training efforts to the Washburn Law student body. It partnered with NITA to present the Eastern Kansas Public Service Lawyers Outreach Program from June 3-6. This three-day, no-cost program was designed for district and county attorneys, public defenders, and government agency lawyers. A similar program will be held in Western Kansas in October 2005.

The common element in the success of all three programs was the participation of the practicing bar and bench. Adjunct faculty for ITAP included Mark Caldwell of NITA (January) and Professor Charles Rose of Stetson University (May). Judges



Professor Michael Kaye



like G. Joseph Pierron, Lee Johnson ’80, Thomas Marten ’76, Evelyn Wilson ’85, and others made the simulated trials an invaluable experience for students. Professor Kaye points out that “None of our programs would function without the help of several fantastic members of the Kansas Bar, like C. William Ossmann ’77, Byron Cerrillo ’84, Patrick Lewis, Chris Biggs, Ron Pope ’84 and many more (too many to mention!).” These lawyers form the backbone of the practical skills courses, as they give Washburn Law students insight into the real-world choices trial advocates make in the courtroom every day.

## ATTORNEYS IN RESIDENCE

This spring, the Center was fortunate to host three prominent attorneys. “By bringing nationally and internationally recognized attorneys to Washburn, we enrich the legal education of our students, faculty, and alumni, as well as increase the visibility of the school,” said Kaye. Each Attorney in Residence spent several days in the law school, lecturing in classes, leading lunchtime discussion groups, and giving public lectures. Each met with members of the appellate courts as well as student groups.

In March, Professor Paul J. Zwier II of Emory University was Washburn Law’s Scholar in Residence. He delivered a public lecture entitled “The Supreme Court’s Struggle to Control Civil Juries: the Place of Retribution in Awarding Civil Damages.”

Justice T. Modibo Ocran became the school’s first Jurist in Residence when he visited Washburn Law. As a current Associate Justice of the Supreme Court of Ghana and former U.N. mediator in Bosnia, Justice Ocran provided valuable insight into

the issues of human and civil rights, the rule of law, and international economic development. He spoke at the *Brown v. Board* memorial site on education as a fundamental right and gave a lunchtime lecture at the International House on the Washburn campus.

Washburn Law's first Advocate in Residence was Sean O'Brien. O'Brien, Executive Director of the Public Interest Litigation Clinic in Kansas City, MO, is a nationally recognized expert on the death penalty. In addition to classroom and lecture duties, O'Brien gave Washburn students the unique opportunity to work on a pending death penalty case. The chance to contribute to a capital case in progress inspired so much enthusiasm that some students continued the work after O'Brien's week was over and he left the law school.

### LUNCH AND LITIGATION

The heart and soul of the Center's work is the lunchtime lecture program. Practicing alumni generously donate an afternoon to give a short presentation regarding skills they have used and experiences they have had in their careers as trial advocates. This year's lecturers and topics were: Jared Maag '95- *State v. Dixon*: Presenting Forensic Evidence in an Arson Case; Mark Schoenhofer '02 - Cross-Examination of Cops: The Rest of the Story; Eric Kraft '99 - Getting Involved: Education, Service and Networking After Law School; The Hon. Duane Benton - Ethics on Appeal; Scott Logan '80 - Effective Demonstrative Evidence; Craig Shultz '78- Picking a Jury: Using Voir Dire to Prepare the Jury in a Personal Injury Case; Richmond Enochs '63 - Using Expert Testimony: Accident Reconstruction in a Personal Injury Case; and Cheryl Pilate - Technological Marvels: Modern Methods to Get The Most Out of Physical Evidence in Criminal Defense.

### OPPORTUNITIES FOR STUDENTS

"As a part of the Center's mission, we strive to give students the opportunity to gain valuable skills, with the goal of enriching our educational program," states Kaye. Tony Hunter '06 and Bill Burtis '06 traveled to Tempe, AZ for three days of advanced training on the litigation software Sanction II. In April, they presented a training session to fellow students on the use of the software. Brandi Studer '06 and Sabrina Sullivan '06 attended the National Legal Aid and Defender's Association's *Life in the Balance* conference in New Orleans,

LA. They learned about latest developments in medical and psychiatric defenses, as well as trial strategy and tactics for capital cases. This knowledge will prove valuable as the Center plans for its Third Annual "Building the Mitigation Case" conference, scheduled for November 10-12, 2005.



Justice Ocran

Thanks to efforts by the students, Washburn Law now offers an Advocacy Certificate. It was designed and proposed by students with the approval of Professor Kaye. The Curriculum Committee approved the plan and students graduating in May 2006 and beyond are eligible to earn the certificate. More information

about the certificate program can be found at <http://washburnlaw.edu/current/certificates/advocacy.php>.

### OPPORTUNITIES FOR ALUMNI

None of the Center's programs could succeed without the generous support of Washburn Law alumni. From adjunct faculty to lunchtime speakers, Washburn Law alums are helping students prepare to be better lawyers. The involvement of practicing alumni is essential in keeping future graduates enthusiastic, energized and excited about the practice of law.

Center Director Michael Kaye has been training trial lawyers at Washburn since 1979. This year, he has also trained at the Trial Advocacy Workshop at Harvard University and the NITA Midwest Regional Trial Advocacy Program at Loyola University.

Tony Hunter is a third year law student and the current Student Director of the Center. He has been a critical factor in the expansion of the Center's programs and scope over the past year.

If you would like to support the Center for Excellence in Advocacy's many programs in any capacity, please contact the Center Director, Professor Michael Kaye at 785-670-1370 or [michael.kaye@washburn.edu](mailto:michael.kaye@washburn.edu), or the Student Director, Tony Hunter at [anthony.hunter@washburn.edu](mailto:anthony.hunter@washburn.edu).

# Summer 2005 Intensive Trial Advocacy Program

