

Center for Excellence in Advocacy

One difference between teaching doctrinal law and trial skills is that trial advocacy teachers don't have to wait until the end of the course or for the results of a mid term exam to know how their students are doing in skills development.

Thanks to the learning-by-doing workshop teaching method used in skills training, teachers and students see concrete results and progress in almost every class. For law students, the opportunity to perform skills on a regular basis and get immediate, constructive, feedback means they receive repeated opportunities to improve and master their skills. Instructors have the chance to watch over each student's skill acquisition and adapt their teaching to the student's current level of development.

Solid advocacy skills training owes a lot to the concept of coaching; working with small groups of law students, lawyer coaches help the students develop the ability to control a witness on cross examination, argue their case through the witness on direct exam without drawing objections, use questioning techniques like looping to repeat important points without sounding unduly repetitive, and learn to use the forensic techniques that will win a case.

Another significant difference between classroom and courtroom teaching is that generally class room teaching aims towards the future when students have become lawyers and will put the information gained in the classroom into practice. Unless they join the law clinic or participate in an externship, students may have to wait months or years after law school to use the information they are currently learning. Skills training, however, provides multiple opportunities, inside and outside the law school, for students to practice their skills during the year.

This year, for example, Washburn hosted the regional competition of the National Trial Competition sponsored by the Texas Young Lawyers Association and the American College of Trial Lawyers. The competition was held Feb. 9-11, 2006, at the Shawnee County Courthouse. Ten law schools competed and judges and lawyers from Kan., Mo., and Okla., judged the four competition rounds. Washburn trial advocacy students also competed in Santa Fe, N.M., at the National Association of Criminal Defense Lawyers Student Trial Advocacy Competition and participated in the regional Association of Trial Lawyers of America trial advocacy competition in Kansas City.

Moot Court students also competed and one team: Matt Ballard '07 and Zach Chaffee-McClure '07, won the top honors at the Evans Constitutional Law Moot Court Competition in Madison, Wis. Students competed successfully in client counseling competitions as well as in negotiation competitions. Professors and practicing lawyers coached all of these students.

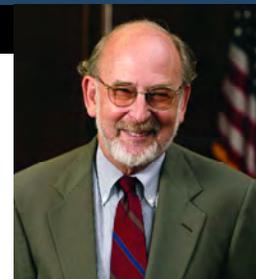
Much of this success is due to intense student motivation, hard work and training to excel in trial advocacy courses as well as in competition. These successful law students have pursued their achievement much as lawyers do: carefully planning, attention to detail, common sense pursuit of a winnable legal theory, and skilled presentation of a well organized case. This means working long hours, cooperating with each other in preparation, and long hours of practice. Not surprisingly, successful trial advocates are good at teaching these students since these are their values as well.

As one of our advocacy teachers said, "Working with the students, I learn more and more about trial work and about what works. I get a lot of ideas from the students." Skills teaching is a two way street and, through it, students learn about the obligation of the professional to work to improve the profession: they learn it from these practicing trial lawyers who serve as teachers.

One current and important development in Washburn Law's student skills advocacy training is the growing importance of the practicing lawyer as a skilled teacher. In the past, the structuring of the skills course and selection of materials, as well as the training of workshop instructors, was in the hands of a faculty member. However, as the law schools corps of practicing lawyer / teachers has grown, they have begun to partner in the design of courses and the selection of materials and the training of other lawyer/teachers.



Professor Michael Kaye





The increased participation is due in part to the increasing commitment of our trial advocacy teachers to training. Some like Bill Ossmann '77 and Byron Cerrillo '84, who recently passed away, have taught in the Intensive Trial Advocacy Program at Washburn Law since its inception and have become involved in planning the course each year. These teachers have also gone to Ill., Colo., and elsewhere in Kan., to train lawyers in trial and deposition skills. They have returned with new ideas to enrich the law schools program and have recruited additional trial advocacy teachers who will also become career trial advocacy teachers. Washburn Law's teaching corps now numbers over 40 lawyers: men and women drawn from District Attorney and U.S. Attorney offices, public defender offices, the Attorney General's office, state agencies, large firms and small firms. Judges are also members of the school's teaching and training staff. The numbers continue to increase. Practicing lawyers enjoy training students and enjoy working with each other in this program.

third annual weekend skills teacher training session and work with new and experienced teachers on skills training and evaluation techniques. The law school and the Center have gone beyond the basics of the NITA method and are working to assure students that the law school's teaching is consistently of high quality, regardless of whether the workshop instructor is new or experienced.

Michael Kaye, professor of law and director of the Center for Excellence in Advocacy closes by saying, "The amazing successes of our trial advocacy program and our Center for Excellence in Advocacy have been due in great part to the vision, trust, dedication, and imagination of Dean Dennis Honabach. Dean Honabach's leadership and commitment to skills training gave us the Intensive Trial Advocacy Program, the Advocacy Scholar, Advocate in Residence, and Jurist in Residence programs run through our Center. His drive and energy increased our national reputation for turning out skilled litigators as well for attracting highly qualified

students to the law school. His influence on our program and law school will be long lasting. When our students tell us they came to law school to make a difference, they need only look to Dean Honabach to see how that is done."

"Our trial advocacy teachers, alumni, and students will miss Dean Honabach. We appreciate what he has accomplished here and we wish him and his family well in his new job and new home. We hope he will return to visit Washburn to

enjoy hearing about the successes that I know await us as a top notch trial advocacy school," said Kaye.

If you wish to learn more about the Center or if you would like to volunteer, please contact director, Professor Michael Kaye, at (785) 670-1370 or michael.kaye@washburn.edu



ITAP Faculty

One area where they have made a difference is in the area of skills evaluation. The summer Trial College courses Depositions and Cross Examination are graded courses. Patrick Lewis, of the Johnson County Public Defender Office, and Bill Ossmann '77, of SRS Legal Division, came up with a "Final Exam" for a skills grade in these courses. The students demonstrate impeachment, the "funnel method" in deposition practice, and other trial skills. This fall, Washburn Law will hold its