

Business & Transactional Law Center



Professor David Pierce



Beyond Competence: Transforming Knowledge and Skills into Professionalism

The Business and Transactional Law Center is fulfilling its mission: “to provide a variety of educational opportunities for students to learn how to function as transactional lawyers who can effectively represent clients engaged in business enterprises.” The Center accomplished its mission this year through the dedicated efforts of our alumni. Center programming also provided students with the opportunity to experience first hand what it means to be a “professional.” Professionalism is one of those qualities that is difficult to describe but readily recognized when you experience it.

During the spring semester professionalism was on display for law students when Tom Loftus, senior counsel to Chevron U.S.A., Inc. in Houston, Texas, presented multiple programs to our students over a two-day period. Students witnessed his passion for the practice of law as an in-house corporate



Tom Loftus '80

counsel. They learned the techniques Loftus has perfected to design, document, and execute transactions. They learned the importance of effective corporate communications to ensure corporate representatives have the information and counsel they need to perform their jobs in an ethical, legal, and professional manner.

Students had the opportunity to spend an afternoon with the “brothers Cavanaugh” as Steve Cavanaugh '80, with the law firm of Cavanaugh, Smith & Lemon, P.A., teamed up with brother David Cavanaugh, with the CPA firm of Cavanaugh & Porter, P.A., to present a program titled:

“Representing the Start-Up Business: The Initial Client Interview, Selecting and Creating the Proper Business Entity, and Related Tax Considerations.”

This was one of the Center’s “bring your documents and tell us how you do it” programs. Steve provided students with detailed client interview checklists as well as

sample documents used to create and operate various forms of business entities. David provided the tax and accounting input so important for creating the optimum business structure. Steve provided students with important insight into not only business law, but also the “business of law.”

Steve and David both exhibited the professionalism that guides their client-centered careers to provide the best service possible to their clients.

During the fall semester Winton Hinkle '68, and Professor David Pierce discussed the possibility of pursuing extracurricular programming for students in the law practice environment. The concept was to get students “out-of-the-house” and into the work environment to expose them to lawyers engaged in the practice of law. The Center’s first experiment with this concept took place during the spring semester. Hinkle began by identifying lawyers with the Hinkle Elkouri Law Firm interested in sharing a day with our students at the firm’s Wichita offices. Although he had many willing participants, for this experiment the team was



David Cavanaugh & Steve Cavanaugh '80

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assembled from among the firm's extensive cadre of Washburn Law graduates, including: Donna Bohn '90, Michael Herd '82, Amy Liebau '97, Scott MacBeth '92, Megan Mercer '06, Brian Perkins '05, Scott Pohl '90, and Dale Ward '90.

Hinkle's team put together a program built around the purchase and sale of a business. Students were provided with a copy of the proposed Purchase and Sale Agreement, which they discussed in advance of the program. Twenty students, including first-, second-, and third-year students, participated in the program. The students met at the law school at 7:00 a.m. and traveled by chartered bus to Hinkle Elkouri's offices in downtown Wichita. At 9:30 a.m. the students began a day in the life of the transactional attorney. In addition to exploring the substantive and practical aspects of the purchase and sale, each attorney in the team spent time discussing their personal development as an attorney, their work as a transactional lawyer, and their professional perspective on the practice of law.

One of the highlights of the day was when C.R. Hall, one of the firm's business clients, shared his views about the attorney-client relationship from the client's perspective. Hall reaffirmed what the students had deduced from their day with the members of the Hinkle Elkouri Law Firm: the importance of a client-oriented law business comprised of capable, dedicated attorneys who appreciate not only the technical aspects of the law practice, but also the practical realities of the business enterprises in which their clients participate.

Students returned to the law school and completed the 16-hour excursion into the practice of law. Students found the experience not only educational, but also inspirational. The students obtained a glimpse of the future that awaits them; a future of service, dedication to excellence, daily intellectual challenges, and pride in a job well done—a client well served. The program was also educational, and inspirational. Megan Mercer '06, *lawyer*, who just a year before had been a student in Washburn Law's Commercial Drafting course, was now teaching the law students. She informed students that their education, in so many ways, begins after law school as they learn how to use the information and skills they have been taught. When Mercer joined the

Hinkle Elkouri Law Firm the role of "professor" passed from the Washburn Law faculty to Dale Ward '90, and the other lawyers at the Hinkle firm to transform Mercer from law graduate to lawyer. It is remarkable to know that the post-law school legal education process is functions quite well.



Winton Hinkle '68

In an effort to improve the law school's effectiveness in preparing graduates for the practice of law, the Skills Committee of the Center's Board of Advisors, chaired by Sue Jean White '80, completed its report titled: "Skills Needed for First Year Lawyers and Lawyers Early in Legal Career." The report identifies a number of "basic lawyering skills" plus skills of particular importance for the business and transactional lawyer. The preliminary findings of the report have been shared with the faculty and the Center will begin implementing report recommendations as part of the Center's programming for the 2007-2008 academic year. The report will also be used as the faculty works through the self-study and strategic planning processes.

One final note on professionalism. Through the efforts of The Honorable Christel Marquardt '74, students had the opportunity to spend an afternoon with William Neukom, the president of the American Bar Association and, for 17 years, the general counsel to Microsoft. Neukom provided students with yet another personification of the "professional" dedicated to service at so many levels.

By Professor David Pierce

If you would like to learn more about the Center, or if you would like to volunteer, please contact director, Professor David Pierce, at (785) 670-1676 or david.pierce@washburn.edu