

WASHBURN UNIVERSITY

SCHOOL OF LAW

Washburn Law Clinic



Dear Friends of the Washburn University Law Clinic:

Welcome to the first edition of our new Clinic newsletter. As we issue this newsletter, the Law Clinic has shifted to remote operations due to the threat of COVID-19. Thanks to the leadership of our Clinic faculty and staff members, the students in the Law Clinic had already been trained how to use technology in the representation of clients, so our Law Clinic did not miss a beat in the pivot to working remotely. During this pandemic, many of the Courts are closed, but our students continue to provide necessary and appropriate legal representation to low-income residents in Shawnee County. I want to

thank our new Faculty Director, Gillian Chadwick, and our Managing Director, Debi Schrock, for creating this newsletter to keep you informed on the work of the Law Clinic. You can expect the newsletter each Spring and Fall with a possible special issue when needed to keep you informed.

I also want to thank Professor John Francis for his years of devoted service to our students and clients in the Clinic. John has moved full time into classroom teaching so our students continue to benefit from his wealth of knowledge in the area of criminal law. I also owe thanks to Washburn Law alumnus Ron Wurtz for helping the Clinic during this time of transition and teaching students how to provide criminal defense representation to indigent clients.

With the threat of COVID-19 looming large, higher education confronts many challenges. There is much uncertainty right now. Our Law Clinic does not have an endowment fund dedicated to supporting its operations. Consequently, I would like to form a Dean's Fundraising Committee to help with fundraising for the Clinic. Creating this fund will position our Law Clinic to weather the storms of the future. If you are interested in helping with that effort, please email my assistant Donna McMurry at donna.mcmurry@washburn.edu and let her know that you are interested in serving on the committee and making a donation or pledge to start the Law Clinic Fund.

In the meantime, our faculty, staff, and students will continue to do the work to advance the mission of our Law Clinic. I am very proud of the HELP Project that is working to extend legal services to healthcare professionals in need of advance healthcare directives and other legal planning documents. Professor Michelle Ewert continues her outreach to low-income residents of Garden City, Kan., and we look forward to sharing more information about her work in the upcoming issues of the newsletter. Professor Janet Thompson

Jackson continues to teach students in the Business and Transactional Section of the Clinic. After relocating to the East Coast due to a professional opportunity extended to her husband, Professor Thompson Jackson became our first out-of-residence faculty member, and one of the first law school clinical professors in the country to teach an online law clinic. The students in the online Clinic rated the course extremely high and reported high satisfaction with their learning experience. So needless to say, we are very proud of Professor Thompson Jackson and her pioneering spirit!

This year is the Washburn Law Clinic's 50th Anniversary and we plan to celebrate this milestone during Alumni Weekend. So please save the evening of October 2 and plan to join us as we commemorate a half a century of service to students and our community. I hope to see you there!

I hope you enjoy reading the newsletter and I welcome you to call or email us for now. We hope to be able to invite you to visit with us on campus soon!

Sincerely,

Carla D. Pratt
Dean and Professor of Law



Judge Lori Dougherty-Bichsel administering the Clinic Oath to Fall '20 students

Swearing-In Ceremony Marks Beginning Of Legal Career

On September 5, 2019, and January 24, 2020, Law Clinic interns took an oath to uphold the respect due to courts, court officials, and members of the legal profession, to conduct themselves in a manner exemplifying an officer of the court, and to faithfully perform the duties of a legal intern. The Swearing-In Ceremony held for students enrolled in Law Clinic marks the beginning of their legal career.

Each semester a local judge or justice is invited to preside over the ceremony and administer the oath. In her remarks to the fall interns, Judge Lori Dougherty-Bichsel advised the students, "Your actions will impact your clients. Be courteous, respectful, and considerate. If the opposing counsel of party behaves unprofessionally, do not reciprocate. If you have a dispute that cannot be resolved without judicial intervention, focus on the

disputed issues, not on the feelings." She stated further, "One of the most important, if not the most important, qualities of a lawyer is to be ethical. No one client and no one goal is worth compromising your personal integrity or your potential for becoming an attorney."



Judge Rachel Pickering administering the Clinic Oath to Spring '20 students

Judge Rachel Pickering accepted the invitation for the spring semester and for the first time, second-year students were among those sworn in as legal interns. A recent revision of Supreme Court Rule 719 allows students who have completed three semesters to obtain a student practice permit and enroll in Law Clinic.

Judge Pickering said the Swearing-In Ceremony marks the students' change from the study of law to the practice of law. "Your credibility is important. It is the little things you do that build credibility, like sending and responding to emails when you said you would, being on time, dressing appropriately, and being respectful," the judge stated.

Both judges closed their remarks similarly when they told the students, that if you are not having fun, you are not doing it right. Each reminded the students to enjoy what they are doing.

Gayer and Tamou Awarded Irvine E. Ungerman Award for Excellence in Clinical Practice



The Clinic's Ungerman Award is given to the student or students who excel in the lawyer/litigator skills of problem-solving, legal analysis and research, factual investigation, counseling, negotiation, trial skills, ability to recognize and resolve ethical dilemmas, and ability to work with others. The Fall 2019 Semester award was shared by **Jacob Gayer, '20**, and **Michael Tamou, '20**, who were partners in the criminal defense clinic.

Gayer and Tamou were friends when they entered the clinic program with a shared goal of learning as much as they could to further their goals of being the best criminal defense lawyers. Gayer plans to practice law in western Kansas; and Tamou hopes to begin his career in a public defender's office. They embraced the clinic practice with enthusiasm, and showed the competence of experienced lawyers and a passion for protecting and defending their clients in 10 cases, excluding expungement cases. One client thought a "win" would be doing his months in jail during the winter, but Michael and Jake limited his jail time to 15 days served on weekends, thus preserving his job and freedom. Another arrived resigned to going to jail per advice of another lawyer, but Gayer and Tamou's tenacity not only eliminated jail from the

sentence, but they made progress towards expedited reinstatement of the client's driving privileges.

Gayer and Tamou exhibited the skills this award recognizes, and their clinic-learned skills will be a basis for their real world practice. The clinic staff is proud of their accomplishments and those of their co-practitioners in the Fall 2019 Law Clinic class.

ALLEN AWARDED PUBLIC INTEREST SCHOLARSHIP



The Clinic faculty is pleased to announce Lanna Allen, **JD Candidate, '20**, as the fifth recipient of the Washburn Law Clinic Public Interest Scholarship.

Allen plans to combine their interest in Natural Resource Law and passion for supporting tribes by working in the fields of Federal Indian Law and Tribal Law. They have demonstrated their commitment to work in the public interest field through their employment as a firefighter and paramedic for eight years, and their many volunteer positions. In the last year, Allen joined the planning committee for the Rocky Mountain Mineral Law Foundation's First Annual Water Law Conference and was appointed to the Federal Bar Association's National Diversity and Inclusion Task Force. Over the winter Allen volunteered with the Prairie Band Potawatomi Nation General Council. "I am always looking for opportunities to be of service, and I plan to continue to do so through paid, pro bono, and volunteer efforts," said Allen.

In 2007, the Washburn Law Clinic faculty established the Washburn Law Clinic Public Interest Scholarship. Since then other faculty members and friends of the Law Clinic have contributed to the scholarship fund. It is now an

endowed fund, which will provide scholarships for years to come.

This scholarship is awarded to a Clinic student whose employment upon graduation will be primarily serving underrepresented or underserved individuals, communities, and/or nonprofit groups.

Requirements to be considered for the scholarship are:

- Enrollment in or successful completion of Law Clinic
- Demonstrated interest in public service
- Commitment to legal employment in the public interest field

Applications for the scholarship are accepted in the fall and spring semesters. The Clinic faculty nominates candidates who are then submitted to the Dean for approval. All Clinic interns who meet the requirements are eligible to apply. The current award is \$375 per semester.

Clinic Client Grateful For Immigration Services

Several years ago, Amita (name changed to preserve confidentiality), who experienced a traumatic beginning to her life in the United States, retained the Clinic to obtain a work permit and the right to stay in the U.S. In late 2019, she finally won her case after a long (but unfortunately common) administrative delay. She would later refer to the Law Clinic as a “Godsend.”

After moving to the U.S. in 2010, Amita was abused by her husband for several years. Although the abuse began very early in the marriage, she did not find the strength to report it until she was encouraged by family members to do so. It is common for noncitizen victims to suffer in silence for fear of jeopardizing their immigration status or being deported, sometimes while their children stay in the U.S. with the abusive parent. Because Amita cooperated with police to put her abuser in jail, she qualified for a victim-witness visa known as a U-visa.

With the criminal matter behind her and her abuser in jail, Amita was ready to pursue her U-visa and begin again as a newly divorced single mother. A referral made to the Clinic from the YWCA started her journey towards obtaining lawful status. Clinic intern **Rodney L. Wilson, '15**, prepared Amita’s initial petition for a U-visa in 2015. The request to grant our client a U-visa was the first step in the journey to help her feel safe. Still, she waited four long years for her U-visa approval to finally arrive.

In 2019, after anxiously awaiting word from the U. S. Citizenship and Immigration Services (USCIS), good news finally came to Amita in the form of a work authorization card pursuant to U-visa status. She was now

able to work, provide for her family, and contribute in a way she always dreamed of in the U.S.

Amita is very grateful to Rodney for his help and guidance in the early stages of her immigration journey. Upon receiving her work authorization, Rodney was the first person she wanted to tell the news. **“I am very happy with the services I received at the Washburn Law Clinic. I am grateful the attorneys and interns showed me there was a path I could travel on to fulfill my dreams. The clinic was a Godsend to me,”** said Amita.



Elias Underwood, '19

UNDERWOOD AWARDED CLEA OUTSTANDING STUDENT AWARD

Professor Janet Thompson Jackson nominated **Elias Underwood, '19**, for the CLEA award upon his exemplary work in Clinic. He guided three nonprofit clients through stages of the nonprofit formation and tax-exempt process, with one of the clients transitioning from for-profit to nonprofit. That client responded particularly well to Underwood's representation.

Thompson Jackson was impressed by Underwood's strategic thinking and his ability to anticipate and address issues. He invested a great deal of energy in clinic and responded very well to guidance. As a result, he developed lawyering skills comparable to a first year associate, according to Thompson Jackson. She was also impressed with the quality of his work, his work ethic, and his attitude.

Along with his superior representation, Underwood excelled in the seminar component of Clinic. He consistently prepared and contributed to discussions, was very thoughtful in self-reflection, and explored the legal, ethical, and other issues raised in representation.

Community Immigration Presentation



Heather Wedel, '20, presenting at the University Diversity & Inclusion event

The Clinic was invited by the office of University Diversity & Inclusion to participate in a recent community event focusing on immigration. **Heather Wedel, '20**, was selected as the Family Justice and Immigration intern to represent the Clinic. Heather's presentation informed the Washburn community, as well as local agencies and individuals, about changes in immigration laws in this tumultuous legal climate. She also provided basic legal information relevant to community members. The event was hosted by the office of University Diversity & Inclusion, which has an ongoing commitment to educating and informing the community about immigration issues.

Interns Assist Children and Family Law Center In Writing Amicus Brief



Heather Wedel, '20
and
Jason Mewhirter,
JD Candidate, '20

Clinic interns **Heather Wedel, '20**, and **Jason Mewhirter, JD Candidate, '20**, recently filed an amicus brief with the Kansas Supreme Court in the case of *In re the Matter of WL & GL*. The brief, which was filed on behalf of the Children and Family Law Center, advocated for the rights of children to preserve parental relationships with non-genetic, non-gestational mothers and argue that parenthood is about more than just a piece of paper. The students were supervised by Center Associate Director Professor Gillian Chadwick and supported by Center Director Professor Linda Elrod. “We are very proud of Heather and Jason’s great work in this case,” Professor Chadwick said. “Filing a brief with the Kansas Supreme Court is something that few lawyers will have a chance to do in their careers — Heather and Jason have done it before finishing law school!”



**Jason McIlrath, '15, Assistant District Attorney,
Discovers Passion Working With Legal Interns**

For the last four years I have worked as a criminal prosecutor for the City of Topeka and the Shawnee County District Attorney's Office. The cases I have prosecuted range from loose dogs in the city to murder; I have had the opportunity to see everything. Despite the complexity and intrigue of high-end felony cases, I discovered my greatest passion in working with legal interns on both sides of a criminal case.

My current assignment gives me regular opportunities to work opposite Washburn Law Clinic interns. Although the cases are generally lower

stakes and sometimes not even adversarial, the service Washburn Law Clinic interns provide serves as a reminder of the proper practice of law. I am always very appreciative of the level of preparation, professionalism, and respect that Law Clinic interns bring to court when handling a case.

A common area where I have the opportunity to interface with Law Clinic interns is at the criminal expungement docket. For a self-represented individual this type of case can often be difficult to navigate. These cases require a lot of paperwork and investigation with little room for error and they often deal with subject matter that can be embarrassing for the petitioner. As a prosecutor, I find myself regularly frustrated at the amount of disarray and chaos involved from opposing counsel--even seasoned attorneys. Despite the potential for error, the interns from the Washburn Law Clinic are always prepared; they always have the proper paperwork that has been previously prepared; and they manage themselves in the courtroom in a manner expected of licensed attorneys. The pattern established by Law Clinic interns has created a reputation for a high level of work product on their cases. I trust them to know the case. I trust them to know the rules.

This attention to detail and knowledge of the law is somewhat expected. As a graduate of Washburn Law and a participant in the Washburn Law Clinic, I am aware of the standards and preparation for practice that exist. I spent two semesters in the Family Law Clinic pursuing what I thought would be my life-long basis for practice. Although I have made a dramatic change from divorce court to criminal trial court, the lessons provided by Washburn Law Clinic remain the same. I recall several instances of coming to the courtroom to argue a

case or present evidence on a hearing only to have the opposing side show up woefully unprepared and in need of a continued court date. Not only is that type of behavior frustrating, it is unprofessional, and undercuts your client's position. A lesson that was taught to me early on and has benefited me ever since is to remember that no matter the perceived importance of the hearing or the subject matter, be prepared. Many would argue that a pro se expungement hearing is of little importance in the grand scheme of the District Court, but it should never be forgotten that for the petitioner, it is probably the most important thing going on in their life.

This mindset is what I appreciate most of all from the interns that come from the Law Clinic. I have had many one-on-one meetings with interns in my office regarding misdemeanor or traffic cases. These meetings are always more than just an argument of the legal aspects of a case; Clinic interns explain to me the position of their client in life, possible solutions for the case, and recommendations for disposition that are fair to justice but also their client. It is a breath of fresh air to sit and discuss the global consequences of a case with someone who has taken the time to explore with their clients all of the moving parts that are often involved in receiving a criminal conviction.

I have tried to remember and apply these lessons about preparation, legal knowledge, and case examination since the time I left the clinic. Four years later I am working with Clinic interns who are doing the same thing. There are many attorneys who pass the bar and will become licensed to practice law; however, it is those who take the time to remember the basic lessons, like those learned from Law Clinic, who excel and create lasting reputations in the legal community. Having

experienced what Clinic offers, I am continually grateful for the chance I had to build a foundation for practice while still in school. It is more than writing briefs or doing legal research, it is real life cases with real life consequences and an opportunity to employ the tools and skills learned in school before graduation.

-Jason McIlrath, '15

Clinic Interns Participate in Municipal Court Expungement Day



On September 20, 2019, Washburn Law Clinic students (pictured above in order) **Michael Tamou, '20**, Joshua Howell, Chris Noone, Tanya Buettgenbach, and Lanna Allen, JD Candidates, '20, volunteered at the Topeka Municipal Court's Clean Slate Day. The Washburn Law Clinic completed 113 expungement petitions for members of the Topeka community.

Clinic Intern Selected As Student of the Month



The Washburn Student Bar Association selected **Jacob Gayer, '20**, a Clinic intern, as the August 2019 recipient of the Student Leader Award. Each month, the WSBA Executive Council selects one student who has done an exemplary job of going above and beyond the normal demands of law student life to make an impact on our school.

Congratulations, Jacob. This honor is truly deserved!

HELP PROJECT

WASHBURN LAW CLINIC
HELP Project
 HOSPITAL EMPLOYEES LEGAL PREPAREDNESS

Washburn Law Clinic faculty, staff, and students are teaming up with local volunteer attorneys to assist hospital employees* with:

Durable Powers of Attorney for Healthcare and Finance and Living Wills

If you would like assistance with advance directive documents, please email your name and phone number to:
help@washburnlaw.edu

You may call 785.670.1191 if you do not have access to email.
 THIS SERVICE CAN BE ACCOMPLISHED WITHOUT IN-PERSON INTERVIEWS

Clients will be represented by Washburn Law Clinic certified student interns or community attorneys who have volunteered to represent hospital employees on a *pro bono* (for free) basis.

Some volunteer attorneys will also prepare wills, in addition to durable powers of attorney and living wills.

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* This service is available to hospital employees in Shawnee County, Kansas. Hospital employees must meet financial eligibility guidelines.

After much planning, on April 16 Washburn Law Clinic launched the Washburn Hospital Employees Legal Preparedness (HELP) Project to provide legal preparedness services for Topeka hospital employees who are otherwise unable to afford attorneys. The project is intended to support the many hospital employees who are risking exposure to COVID-19 in order to keep local hospitals operating.

HELP Project students and volunteer attorneys are drafting living wills and durable powers of attorney for healthcare and finance. Some volunteer attorneys may also draft simple wills.

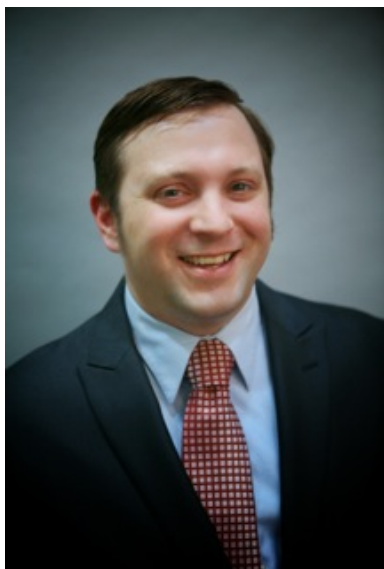
“The Washburn Law Clinic is launching our HELP Project to assist in providing peace of mind to hospital workers who are bravely facing the pandemic each day,” said Director Gillian Chadwick.

The Washburn Law Clinic worked with local bar groups to recruit volunteer attorneys, and with Topeka hospitals to identify hospital employees who need these documents. The hospital employees will visit with their interns or volunteer attorneys by phone or videoconference and documents can be executed remotely. All services will be provided free of charge to the hospital employees.

CLINIC ALLIES

Lawyers in the Community Assisting the Law Clinic

The Law Clinic would like to thank the following attorneys and organizations for their help representing clinic clients on a *pro bono* basis to assist us in areas outside of our practice areas, and/or agreeing to represent an individual referred by us. We appreciate your willingness to help the community in this way.



**Jonathan
Willmoth**

Willmoth
Immigration Law,
LLC

Kansas City,
Missouri

**Ryan
Evans**

Ryan Evans
Law

Olathe, Kansas



**Denise L.
McNabb**

Stevens &
Brand, LLP

Topeka,
Kansas



**Scott E.
Taddiken, '03**

Stevens &
Brand, LLP

Topeka,
Kansas



**EWERT EARNS CLEA
HONORABLE MENTION
FOR EXCELLENCE IN A
PUBLIC INTEREST CASE
OR PROJECT**

Congratulations to Michelle Ewert, Associate Professor of Law, whose work in Garden City this spring earned her Honorable Mention for the prestigious Award for Excellence given by the national Clinical Legal Education Association.

Over spring break, Professor Ewert and interns Lanna Allen, Tanya Buettgenbach, Blake Torline, JD Candidates '20, and Kelli Trujillo, JD Candidate '21, traveled to Garden City, Kansas to draft powers of attorney for educational and medical decisions for parents at risk of family separation.

“These powers of attorney will help parents ensure their children are cared for if the parents become incapacitated or are separated from their children. This is just one of many ways the Washburn Law Clinic serves vulnerable members of our community,” said Ewert.

Congratulations Professor Ewert!



Gillian Chadwick

- Law Clinic Director
- Associate Director, Children and Family Law Center
- Associate Professor of Law



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Janet Thompson Jackson

- Professor of Law

[Faculty Page](#)

Michelle Ewert

- Associate Professor of Law

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Ronald Wurtz

- Visiting Professor