



**Washburn Law Clinic**  
WASHBURN UNIVERSITY SCHOOL OF LAW™



*The Pathway To Practice*

SUMMER/FALL 2014

CHILDREN AND FAMILY LAW • CIVIL LITIGATION • CRIMINAL DEFENSE • IMMIGRATION • TRIBAL COURT  
CRIMINAL APPELLATE ADVOCACY • SMALL BUSINESS & NONPROFIT TRANSACTIONAL LAW

VETERANS LEGAL ASSISTANCE CLINIC

## *Legal Document Services Provided to Veterans*

The Law Clinic is proud to announce a new initiative to serve veterans and other service members living in our community. Our first Veterans Legal Assistance Clinic took place October 11 and focused on providing wills, durable powers of attorney, and health care directives to veterans and other service-connected individuals.

Student volunteers from the Law Clinic as well as non-Clinic students stepped up to provide the service. First-year law students screened

potential clients to ensure that they have previously or were currently serving in the military and to verify they meet the income guidelines set for this project. Second-year students interviewed the potential clients regarding their legal needs for estate planning. Certified legal interns then drafted and executed the legal documents of the clients who were accepted for representation. The student volunteers were allowed to count their hours of service towards their pro bono certification.

Members of the Topeka Bar Association agreed to serve those who applied for representation but had a conflict or presented more complicated estate planning needs. In addition, Kansas Legal Services agreed to step in to help with representation if the demand was greater than what could be handled with the resources of the Law Clinic.

The event will be held again on Saturday, November 15 in the law school.



**FALL IN FOR OUR TROOPS**  
**WLC's Veterans Legal Assistance Clinic**  
Wills • Living Wills • Durable Powers of Attorney



## VETERANS LEGAL ASSISTANCE CLINIC



First Row: Tabitha Chapman, Katie Gerth, Nikki Southall, Mikey Mullen, Lucy Hesse, Julie Holt, Nöna Brammer, and Professor Joe McKinney. Second Row: Professor John Francis, Stephanie Pope, Matt Robertson, Vy Nguyen, Kate Fechter, Kayla Bennett, Becky Craig, Meredith Hogan, Suzanne Lueker, and Professor Lynette Petty. Third Row: Debi Schrock, Donny McClellan, Dan Obermeier, Travis Ternes, Michael Kitowski, Neal Ward, Lauren Wright, Professor Janet Thompson Jackson, and Professor Curtis Waugh. Fourth Row: Eric Lindstrom, Brandon Farnham, Jared Denton, Matthew Shoger, Rachel Fisher, Joe Pilgrim, Melissa Leach, Eva Engelhardt, James Weber, Jesse Burris, and Captain Vo-Laria Brooks.



Top left photo: Captain Vo-Laria Brooks, '10, introduced students to the Law Clinic's newest offering for local veterans in the greater Topeka area.

Bottom left photo: Professor Lynette Petty provided a training session for students in preparation for working with clients at future veteran's clinics.

Top right photo: Second year students interviewed potential clients.



“For once, instead of seeing people say “thank you”, I’m seeing them show it.”

*Joe Pilgrim, J.D. Candidate '16 and Navy Veteran*



First-year law student Vy Nguyen (middle) volunteers as the first point of contact for clients.



Professor Lynette Petty consults with a volunteer from the Veterans Administration.



Second-year law student Joel Mason works one-on-one with a clinic client.



First-year law student Mikey Mullen gathers intake information from a local veteran.



Professor Joe McKinney (in suit) and law students visit with volunteers from the Veterans Administration.



## CLINIC SWEARING-IN—FALL 2014



Judge Eric S. Rosen, '84, presided over Washburn Law Clinic's Fall Swearing-In Ceremony in the Robinson Courtroom and Bianchino Technology Center on August 27, 2014.



Justice Eric Rosen, '84, and legal intern Jason McIlrath pose for a photo after the Clinic's Swearing-In ceremony.

“Working in the Clinic has allowed me to apply the skills learned in class to real cases. This practical experience has been vital to my legal education. I have learned so much! It is also very rewarding to help the clientele that the clinic serves. As a result of this experience, I feel confident and ready to help so many more people in my future practice. I will be forever thankful for the opportunity!”

*Megan Metzinger,  
J.D. Candidate '15*

## FALL 2014 CLINIC INTERNS

### PROFESSOR JOHN FRANCIS' INTERNS



Under the supervision of Professor John Francis, these interns are concentrating on criminal defense matters. They are currently representing individuals with charges of battery, disorderly conduct, minor in possession, DUI, passing a fraudulent check, and driving a car that is not registered and has no insurance. They have appeared in Topeka Municipal Court, Shawnee County District Court, and Prairie Band Potawatomi Nation Tribal District Court.

Photo at left: Adeel Syed, Tabitha Chapman, Nick Seaton, Jessica Watts, Evan Freeman, and Allie Prester

### PROFESSOR LYNETTE PETTY'S INTERNS



Family law and immigration matters are the areas of concentration for Professor Lynette Petty's interns. These students are representing individuals in cases such as divorce with minor children of the marriage, adoption, and paternity, as well as representing the best interest of children in Child in Need of Care matters, which are heard in Juvenile Court. They are also representing foreign-born individuals in VAWA and U-Visa matters.

Photo at left: Jeremy Adkison, Rodney Wilson, Juan Pablo Gordillo, Alex Gentry, Ashley Green, Kelly Shorb, Megan Metzinger, and Jason McIlrath

### PROFESSOR CURTIS WAUGH'S INTERNS



Interns concentrating on general civil matters are doing so under the supervision of Professor Curtis Waugh. They are representing individuals in landlord/tenant matters, title issues, consumer issues, and debtor-creditor matters, along with estate planning such as wills, powers of attorney documents, and advance directives.

Photo at left: David Groth, Seth Jurcyk, Ben Lamb, Jessica Conrow, and Anthony Ford

### PROFESSOR JANET JACKSON'S INTERNS



Interns accepted into the Small Business & Nonprofit Transactional Law Clinic help clients with choice of entity decisions, developing business plans, writing Articles of Incorporation and Bylaws, and establishing tax exempt status. Professor Janet Thompson Jackson is the supervising attorney for this clinic.

Photo at left: Max Caldwell, Sara Maupin, Matthew McAnarney, Melissa Jordan, Steve Vetter, Nāna Brammer, and Dylan Dinkla

## Presiding Judge Compliments Conway

During the summer of 2013, **Joshua Conway, '14**, was assigned a landlord/tenant case in which the Law Clinic's client was trying to recover her security deposit. It wasn't until May of 2014, and after a trial in the Shawnee County District Court, that the matter was resolved in favor of the Clinic's client.

At trial, Conway had to cross-examine six witnesses. "Josh was very effective in his cross, turning at least two of the defendant's witnesses to give better testimony for us than for the defendant, and nullifying the testimony of others," said Professor



Joshua Conway,  
Intern Summer  
2013,  
Directed Intern  
Fall 2013 and  
Spring 2014

Curtis Waugh, Josh's supervising attorney.

By defeating all six of the defendant's counterclaims that asked for over \$8,000 in damages, Josh's client was awarded more than half the amount of the original demand, and her security deposit.

The morning after the trial, Professor Waugh received a phone call from the presiding judge. He called to praise Conway's work at the trial, saying he was impressed with Josh's demeanor throughout, his use of objections, and his ability to listen and then ask good follow-up questions to actual, specific answers from witnesses. The judge went on to say that Conway has a "very bright future" as an attorney.

Professor Waugh added, "Josh did a fine job at this trial and with this difficult case. He should feel very good about his work."

"I was impressed by the kindness, friendliness, patience, and interest in getting my will changed and updated. I was very happy to be able to talk to professional qualified people that were able to answer my questions and do it with patience. I will tell others about your law clinic and the service you offer. Thank you Anthony (Ford) for your friendly people skills offered to me and good wishes to you with your future goals."

*Washburn Law Clinic Client*

"I released a copy (of my estate planning documents) to my VA social worker and she was really impressed with your service. Most veterans do not know the importance of this. That is why I set an example, vets follow other vets' examples."

*Veterans Legal Assistance Clinic Client*

## Berihun and Gunn Earn Outstanding Directed Intern Award

Hiwot Berihun, '14, and Chris Gunn, '14, were co-recipients of the 2013-14 Ellis & Judd Outstanding Directed Intern Award. They were both legal interns during the fall 2013 semester when they worked under the supervision of Professor Janet Thompson Jackson in the Transactional Clinic. They enrolled as directed interns with the Litigation Clinic because of their interest in immigration law.

During the long winter break between semesters, two ongoing immigration cases needed immediate attention. Professor Lynette Petty asked Berihun and Gunn if they might be available and willing to work on the cases before the spring semester started. Both immediately stepped forward, the first sign that these two are committed to their clients and willing to do whatever it takes to further their cause.

Gunn worked on filing a U-Visa petition for a client and adjusting status for two other clients who already had a U-Visa and a VAWA self-petition. All three women are domestic violence survivors. U-Visas are for victims of crime who come forward to help with the investigation and/or prosecution of the crime. VAWA self-petitions are for victims of domestic violence who are married to U.S. citizens or lawful permanent residents, and their abusers are not filing appropriate documents to gain legal status for their victims.



Hiwot  
Berihun

Christopher  
Gunn

Gunn had a background clerking for an immigration judge in Nebraska prior to coming to the Clinic. Therefore, he had experience reviewing appeals and researching case law. While this background gave him an understanding of the law, he would be the first to tell you that gathering the evidence and working directly with the client to file an initial case is quite different. He did an excellent job.

One of his cases in particular required sensitive interviewing with the client to gain her trust so she would be open to accepting his advice regarding a pending criminal action against her. This situation could have led to her being deported if not handled very carefully.

Berihun worked on filing for adjustment of status for a VAWA self-petitioner and a deferred action (DACA) for a teenage boy who has been in the U.S. since he was a young child. The DACA case is particularly compelling because there are also facts to support him applying for a U-Visa. Our young client bravely stood up and cooperated with law enforcement in spite of further threats

to his safety. Given the long process for filing for the U-Visa, Berihun went forward with getting the DACA on file first, pending further development of the criminal investigation and prosecution.

The Clinic interns worked closely with Teresa Ramirez, victim advocate at the YWCA in Topeka. Ramirez stated, "Hiwot has been such a hard worker and so quick to help when she is needed. If she does not know the answer, she finds out and can provide accurate information. Her professionalism is outstanding!"

Ramirez also has high praise for Gunn. She stated, "His dedication and commitment to the clients is more than a client expects from an attorney. His passion in this field of work is quickly noticed and strongly appreciated by clients and other professionals in the domestic/sexual violence field. He provides these victims hope, not promises. He is compassionate and patient with the clients. He talks to them and never at them. He truly believes in them."

Berihun and Gunn worked with clients who are vulnerable, given their lack of legal status and their circumstances having been victims of crimes. These clients were fortunate to have outstanding representation by two interns who worked hard to make sure their advice was legally sound and explained in a careful and thorough manner.

## Morgan and Schulte Earn Ungerman Award

The Ungerman Award for Excellence in Clinical Practice was established to honor Irvine E. Ungerman, an outstanding alumnus who practiced law in Tulsa, Okla., until he died in 1980. The award is given twice yearly to a student who has provided highly competent representation to clients in a manner exemplifying the ideals of our profession and spirit of public service. The spring 2013 award was shared by **Jenna Morgan, '14**, and **Jason Schulte, '14**.

Morgan worked under the supervision of Associate Professor Lynette Petty and represented clients in domestic matters, including a divorce and an adoption. She also helped a foster child and a victim of domestic abuse file petitions for lawful immigration status. Further, she served as guardian *ad litem* for truant children who were 10 and under and the subjects of child in need of care cases.

Morgan particularly excelled in her service as guardian *ad litem*. When working these cases, one quickly learns that you do not always have control over what needs to be done or when steps need to be taken to protect the best interest of the child. Morgan was called upon not once, but twice, to come forward with preparations for hearings with very short notice. One incident arose during spring break when allegations of severe abuse were discovered. A couple of weeks later, Morgan had to once again file documents to protect the child and prepare for an evidentiary hearing with only a couple of days notice.



Jenna  
Morgan, '14

Jason  
Schulte, '14

Both incidents required extensive discovery, preparation of witnesses, and quick understanding of complex issues to present to the Court. Morgan did an excellent job. Even with all of her preparation, she could not predict the unexpected in court. Nonetheless, she adjusted to changing circumstances that came to her just as she entered the courtroom and professionally presented her case with the conviction and purpose of helping a young child be safe.

Representing children in these circumstances is not easy. The decisions one is called upon to represent the best interests of a child are challenging and often hard to resolve. Morgan showed she can make the tough decisions and handle the pressure even in the most difficult of circumstances.

Jason Schulte was the second award recipient and worked under the supervision of Professor John Francis. He earned this recognition by consistently representing his clients with dedication, ingenuity, and skill. The work Jason did for two of his Clinic clients is particularly notable.

In the first case, a foreign military officer was referred to the Law Clinic for assistance. The officer had attended a prestigious advanced military training program operated by the United States military. This officer was accused of a crime but was not charged in court. Even though he had completed all of his program requirements with distinction, he was discharged from the program and not allowed to receive his degree. This action had serious consequences for the officer's military career.

Jason communicated with the client who lives many time zones away, via Skype, to gather information and obtain details of the alleged criminal incident and to find out what help he was looking for. Client authorizations and documentation were similarly handled electronically. One of the first steps for Schulte was to analyze hundreds of pages of investigative materials and related communications. From there, he researched federal law, state law, military law, administrative law, and international treaties. When a deeper understanding of the dynamics surrounding military procedure was needed, Schulte appropriately sought out people who could provide insight, including Dean Tom Romig. Schulte also informally gathered information from federal authorities and different units within the military.

After coordinating with counsel from the Judge Advocate General's office, Schulte determined the correct process for seeking reconsideration of his client's discharge from the



program. Applying his synthesis of the facts to the legal authority that he found, Schulte drafted an in-depth petition analyzing the lack of evidence that his client had committed a crime, and documented the outstanding performance record the officer had amassed at the advanced military program. Schulte submitted the letter petition to the commandant of the military training program requesting that his client be granted his diploma. The request submitted by Schulte was a sophisticated piece of advocacy and was the result of several months of investigation, research, client counseling, and planning.

Schulte's second notable case was a criminal matter filed in Prairie Band Potawatomi Nation Tribal Court. He worked with fellow clinic intern **Scott Johnson, '14**, to investigate facts, research law, and develop a case theory that later turned into a trial strategy. Preparing for trial on these criminal charges also involved researching areas of family law in which the facts overlapped. Schulte diligently worked to counsel our client about her options, while preparing for the scheduled trial. They concurrently developed factual defenses and legal defenses to the charges and identified a case theme that tied their trial theory together through all planned stages of the trial. On the day scheduled for trial, just one week before Schulte's graduation, an alternative to trial was offered to his client. A reality for attorneys who engage in trial work is that one prepares for many more trials than actually go forward. However, their high level of preparation for trial laid the foundation for the good outcome in court that day.



On November 10, 2014, student interns participated in a workshop at the Topeka & Shawnee County Public Library for entrepreneurs who want to start or grow their businesses. The Transactional Clinic collaborates with the Small Business Development Center every fall and spring semester to bring this presentation to entrepreneurs.



### VLAC VOLUNTEERS - LAW CLINIC INTERNS

First Row: Evan Freeman, Allie Prester, Ashley Green, and Nāna Brammer.  
 Second Row: Jessica Conrow, Steve Vetter, Jeremy Adkison, Megan Metzinger, and Rodney Wilson. Third Row: Max Caldwell, Dylan Dinkla, Seth Jurcyk, and Tony Ford. Fourth Row: Alex Gentry, Ben Lamb, David Groth, Adeel Syed. Not Pictured: Tabitha Chapman, Beth Crosland, Sara Maupin, Matthew McAnarney, and Kelly Shorb.

# Zimmerman Receives CLEA Award

By Professor John J. Francis

Alex Zimmerman, '14, excelled in the fieldwork component of Law Clinic, providing direct representation to clients in several cases. Zimmerman consistently demonstrated dedication to his clients through his sensitive and intuitive style of counseling, sound research abilities, thorough strategic planning, and serious work ethic.

Zimmerman defended clients in criminal proceedings in municipal, state, and tribal courts. Several of these clients had some level of mental illness requiring Zimmerman to demonstrate advanced counseling abilities. One of his cases involved a matter that was set for trial near the beginning of the semester. Even though Zimmerman was informed that it would be difficult to formulate a legal defense for the charges, he embraced the challenge and asked to begin working on the matter before the beginning of the semester. He spent significant time preparing a substantive defense and for the mechanics of the trial. He concurrently strategized a parallel path that explored options other than trial. By preparing for the full range of possibilities, Zimmerman won the confidence of his client who was not



Alex  
Zimmerman

Law Clinic faculty unanimously nominated Alex Zimmerman for the CLEA Outstanding Intern Award. This award is given annually by the Clinical Legal Education Association to the student who meets the strict criteria for excellence in field work and classroom work.

inclined to trust attorneys. Because of his thoroughness and sensitivity to his client, Zimmerman was able to work out a very good resolution.

Another case handled by Zimmerman involved defending a person with a very serious mental health condition against criminal charges. He demonstrated great sensitivity, intuition, and patience in his counseling of this client. In addition he worked collaboratively

with another clinic student to explore defenses and negotiate with the prosecutor. In all his clinic work, Zimmerman demonstrated determination in fact investigation and legal research; he did a laudable job of working with other clinic students; and most of all, he demonstrated superior counseling skills with his clients.

Zimmerman generously volunteered his time to assist other students prepare for their court appearances. He also volunteered to cover court appearances for clinic students who had scheduling conflicts.

Zimmerman contributed to the clinical community at Washburn by setting an example of professionalism. He promoted clinical education to other law students and consistently presented a positive image of the Clinic and our combined service/educational mission.

Based on the Clinic faculty's nomination, CLEA named Zimmerman Washburn Law's recipient of CLEA's Outstanding Student Award.

"Clinic is a unique opportunity that all law students should consider. In class, we are always learning about law and events that have already happened—the past. Clinic provides the opportunity to be a part of a client's present, something you don't learn about in school. Now instead of learning about what has happened, you become an educator to the client about what will happen and what you can do to help them."

*Dylan Dinkla, J.D. Candidate '15*

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LAW CLINIC



*... it's  
more  
than  
just  
another  
class.*

