



And the Ungerman Goes to... Danielle Sanger

Danielle Sanger is the summer/fall, 2009, recipient of the Irvine E. Ungerman Award for Excellence in Clinical Practice. This award was established to honor one of our outstanding alums, Irvine E. Ungerman, who practiced law in Tulsa, Oklahoma until he died in 1980. The award is given twice yearly to a student who has distinguished him/herself by providing highly competent representation to clients in a manner exemplifying the ideals of our profession and spirit of public service. The award includes a cash prize.

Danielle worked under the supervision of Associate Professor Lynette Petty representing clients in domestic matters and serving as guardian ad litem in the child in need of care court. Danielle's caseload was composed of complex cases that would have challenged any seasoned attorney. She developed advocacy and counseling skills over her two semesters in the clinic that place her well beyond the level of experience typical of a new attorney.

Danielle is particularly adept at client counseling. She listens to her clients as they tell their stories and takes time to understand their concerns and goals. From there, she works with the clients

to help them shape their own strategies and build skills that will enable them to achieve their goals and improve their situations long after the cases have been closed.

As a directed intern, Danielle had the opportunity to take one of her most difficult cases to trial after prolonged negotiations with opposing counsel did not bring a settlement. It was her skill in working with the client that made the difference. She took the client from an untenable position to one of reason. In so doing, the court found the client's proposal to be centered on the child and ruled in our client's favor. After the hearing, the judge made a point to stop Danielle in the hall and commend her for her strong and effective advocacy skills.

Danielle Sanger is ready to practice law. Congratulations to Danielle for her outstanding work in the Clinic. ■



Danielle Sanger

Moshe Yoel Malashock Earns the Raymond Spring Award

Moshe Yoel Malashock was a legal intern in the Washburn Small Business and Transactional Law Clinic during the spring 2009 semester. While in the Clinic, Yoel represented small businesses and nonprofit organizations who could not otherwise afford legal representation. Yoel often stated that one of the reasons he enrolled in the Clinic was to gain professional experience; he wanted the opportunity to interact with clients and do actual legal work. While many students enroll in Clinic for the same reasons, Yoel's concern went beyond his personal benefit. Having submitted an application to join the Peace Corps after law school, Yoel wanted to develop interpersonal and business skills that he could use to help people in southeast Asia, where he will likely be assigned to teach English and advise small businesses.

Yoel approached his Clinic work with enthusiasm and commitment, knowing that his growing knowledge and experience would be put to a much broader use in the near future. As luck would have it, Yoel was even able to assist a nonprofit client that provides services to children in Thailand.



Yoel Malashock

Through that experience, Yoel was able to gain an understanding of certain laws and regulations that govern organizations in Thailand, a country to which he may be assigned. Yoel is hopeful for a June 2010 departure to Asia, and in the meantime he is working for a criminal defense firm in Kansas. We commend Yoel for his dedication to public service and wish him the very best in his future endeavors. ■

Judge Christel E. Marquardt Presides Over Swearing-in Ceremony

Clinic alumna Judge Christel E. Marquardt, '74, presided over the Spring 2010 swearing-in ceremony of Clinic interns. Judge Marquardt advised the interns they are providing a valuable service to real people with real problems and have an opportunity to positively make a difference in their clients' lives. She said the three key elements to being a great attorney are to be understanding, compassionate and a good listener.

Marquardt explained to the interns that their Clinic experience will be as good as what they put in to it and that their time in Clinic will be exciting, frustrating at times, fun, and rewarding, but also demanding. She reminded the interns that they are now building the foundation for their careers and that their moral and ethical standards are their foundation. ■



Clinic interns take the oath at the swearing-in ceremony.



Professor Waugh looks on while Judge Marquardt shakes hands with Clinic intern Katherine McBride.

What Happens in the Clinic Building?

Criminal Defense Clinic



*Erica Rios, Katie McRell,
Jose Hinojosa, Veronica Davis*

Interns provide legal representation for indigent defendants charged with criminal offenses.

State Tribal Court Practice Clinic



*Andrea Ohlman, Vo-Laria Brooks, Lisa Tse,
Samantha Tirado, Jason Oller, Eric Clawson
(not pictured: Bryan Walker)*

Interns represent Native and non-Native clients in tribal, state, and municipal court on criminal and family law cases.

Children and Family Law Clinic



*Ijeoma Wogu, Zach Coble, David Armstrong,
Laura Younker, Katherine McBride
(not pictured: Moises Barraza)*

This Clinic includes Family Law (where interns represent clients in state district court in domestic cases) and Immigration Law (where interns represent undocumented abused spouses and abandoned children in foster care to gain legal status).

Civil Litigation Clinic



*Ashley Hawkinson, Sarah Nolting, Jas Dhillon,
Dan Reynolds (not pictured: Maryann Hon)*

Interns represent clients in general civil cases such as consumer, landlord/tenant, contract, and elder law issues.

Small Business and Transactional Clinic



*Andrew Clark, Sarah Washburn,
Maggie Robertson, Darin McCollum*

In the Small Business and Transactional Clinic, interns provide business and legal assistance to small businesses and nonprofit organizations in Topeka and surrounding areas. ■

What are current interns saying about Law Clinic?

Andrew Clark, Class of 2010

“The Washburn Law Clinic gives students the hands on experience necessary to compete in today’s job market. While all law students receive a similar legal education, the students enrolled in Law Clinic have the added experience of working on actual cases from an educational environment. I know that my clinic experience will be invaluable to me throughout my career.”



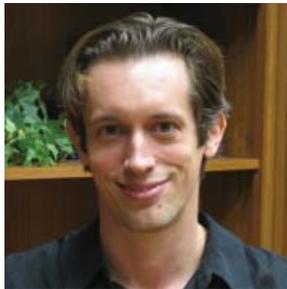
Zach Coble, Class of 2010

“The Law Clinic has been one of my best experiences in law school. It has given me the confidence that I will be able to competently practice law in the future. It has been great to see the law come alive to help people and not just get talked about in classrooms.”



Bryan L. Walker, Class of 2010

“The practice of law can be like walking a tightrope in the beginning, and Clinic provides a safety net for students as they learn. Clinic students are often the last hope for clients who have nowhere else to turn. The rewards and the responsibility are far greater than anything else a student can do in law school.”



Maryann Hon, Class of 2010

“I enrolled in Washburn Law Clinic to gain experience before I graduated. So far, the Washburn Law Clinic has provided me the opportunity to interview clients, attend hearings, investigate leads, write legal documents, conduct legal research and much more. It’s amazing what I have done so far, and I still have half of the semester to go.”



Ijeoma Wogu, Class of 2010

“The Law Clinic has given me my legal wings and has shaped my law career. The valuable experience and guidance from my supervising attorney is priceless. I highly recommend the Clinic because it is one of the best law school experiences.”



Laura Younker, Class of 2010

“One of the reasons I came to Washburn Law was to participate in the Children and Family Law Clinic. Clinic is the ideal capstone for my family law certificate. In Clinic I am able to use the law I have learned over the past 2.5 years in a practical and meaningful way. Clinic has given me the confidence to practice law in the future and to know that I am serving my clients well.” ■



Directed Interns

Directed interns were asked to fill in the blanks of the sentence: “Before enrolling in Clinic, _____, but now I _____.” Here are their responses:

Mike McClure, Class of 2010

“Before enrolling in Clinic, I always did what the associate told me had to be done, but now I get to work directly with the client to determine what needs to be done.”



Rosa Phifer, Class of 2010

“Before enrolling in Clinic, I struggled with the idea of standing before a judge representing a real client, but now I am confident when in the courtroom and with my abilities to represent real clients.”



Jamey Critchlow, Class of 2010

“Before enrolling in Clinic, the idea of practicing law without practical experience terrified me, but now Clinic has given me the confidence that I need to deal with whatever situation may arise in my legal career or in other aspects of my life.”



Meara Smith, Class of 2010

“Before enrolling in Clinic, I was ignorant to the legal process from the attorney’s standpoint, but now I am comfortable advising clients, negotiating with prosecutors and speaking in court.”



Teresa A. Mata, Class of 2010

“Before enrolling in Clinic, I had never negotiated and settled a case, but now I have done it and cannot wait to do it again.”



Dan Heinz, Class of 2010

“Before enrolling in Clinic, I had never dealt with a real client, but now I have handled a case from start to finish.” ■



Law Clinic Took on Issue Ahead of its Time

More than eight years ago, Teri Canfield-Eye, a Clinic intern at the time, argued a complex and ground breaking legal matter to the Kansas Supreme Court on behalf of a Law Clinic client. The matter addressed an issue at the intersection of criminal procedure and immigration law. In its decision on the case, *State v. Muriithi*, 273 Kan. 952 (2002), the Court ruled against the Clinic client, holding that defense counsel's failure to advise a criminal defendant that he could be deported following a plea of no contest to domestic battery did not amount to ineffective assistance of counsel. The court reasoned that advice on deportation was not necessary because deportation is a collateral consequence of a criminal conviction.

Muriithi had broad reaching consequences. Since its issuance, it has been cited in over 120 reported cases and over 20 secondary sources. It was also referenced in an *amicus* brief to the United States Supreme Court in the case of *Padilla v. Kentucky*. Addressing the very issue central to *Muriithi*, the United States Supreme Court announced its ruling in *Padilla v. Kentucky*, (No. 08-651) on March 31, 2010. The U.S. Supreme Court resolved the issue differently than the Kansas Supreme Court, holding that deportation is intimately related to criminal proceed-

ings, making it difficult to classify as either a direct or collateral matter. As such, the Court concluded that "when the deportation consequence is truly clear....the duty [of defense counsel] to give correct advice is equally clear." *Id.* at p. 12.

Canfield-Eye had argued more than eight years ago that the severity and certainty of deportation made it unlike other collateral consequences of criminal convictions, urging the Kansas high court to require attorneys to advise defendants of deportation consequences. At the time of the argument, the memory of the September 11, 2001 terror attacks was still fresh in everyone's minds. While the position advocated by Canfield-Eye (and her Clinic colleagues on the brief, Keith Whiteford and Rebecca Hestand) was not successful in 2002, the essence of that position carried the day in our nation's high court in 2010. Although the Clinic's position was ahead of its time, it is now the law of the land.

As a footnote to this piece of Clinic history, even though Canfield-Eye didn't prevail in the argument to the Kansas Supreme Court, her advocacy clearly impressed someone. Upon passing the bar, Canfield-Eye was hired as a research attorney with the Kansas high court. ■



1700 SW College • Topeka, KS 66621
(785) 670-1191 • clinic@washburnlaw.edu
