

Washburn Law Clinic

With over thirty years of service to the people of Shawnee County, the Law Clinic continues to be a vital institution within the legal community, providing a valuable and unique learning opportunity to third year students at Washburn University School of Law. Operating as a small general practice law office, the Law Clinic affords students the opportunity to apply legal theory learned in the classroom and to hone advocacy skills while representing real clients in the service of justice.

Role of Clinic and Centers

The newly launched Center for Excellence in Advocacy and the Children and Family Law Center will benefit from the Law Clinic's long history of developing outstanding advocates as well as the Clinic's recognized expertise in the practice areas of Family Law and Juvenile Law. Participating students in these Centers will have the opportunity, like all students, to enroll in the Law Clinic and obtain valuable experience handling real cases. No matter what type of cases students handle in the clinic, they will develop important lawyering skills, representing clients and cultivating their talent as advocates. Students who participate in the Family Law concentration in the Clinic represent clients in divorces, paternity actions and adoptions under the guidance of Professor Sheila Reynolds. Students who are interested in Juvenile Law will have the opportunity to conduct hearings in Child in Need of Care cases, under the supervi-

sion of Professor Lynette Petty. Those students who participate in the Criminal Law concentration will advocate at the trial level on behalf of clients charged with misdemeanors or low level felonies, under the direction of Professor John Francis.

Visiting Faculty Member

This fall, Curtis J. Waugh '87, previously from Goodell, Stratton, Edmonds & Palmer, joins the faculty for one year to add his practice experience to that of the rest of the faculty teaching in the Law Clinic. Professor Waugh will supervise students handling civil law cases. The addition of Professor Waugh to the Clinic will provide students with an even broader range of experience, permitting them to represent clients needing help with Landlord/Tenant matters, collections cases and drafting of wills, to name a few areas. Prof. Waugh brings to the Clinic an outstanding reputation in the practice community and expertise in areas of law that create new opportunities for Washburn students.

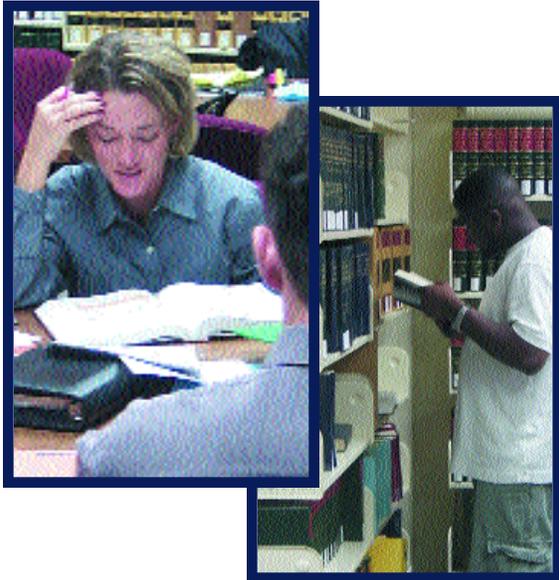
United States Court of Appeals Victory

The Clinic's reputation for outstanding advocacy was furthered with the issuance of an important decision by the United States Court of Appeals for the 10th Circuit. On March 18, 2003, a three judge panel unanimously ordered that the Habeas Corpus petition of clinic client



Professor John Francis





Kenneth Cook be granted. Cook had been serving a sentence of fifteen to life for a 1993 conviction for murder. Clinic students working with Professor Francis filed briefs and argued before the 10th Circuit claiming that Mr. Cook's right to confront his accuser was denied by a trial court's ruling that a key witness was unavailable. Students argued that the finding of unavailability was not founded in light of the prosecution's minimal efforts to locate the witness. During oral argument, clinic students Chanda Feldkamp '02 and Sherri Schuck '02 asserted this was particularly true in light of the prosecution's previously demonstrated ability to locate the witness. This Sixth Amendment violation, the students argued, was no mere technicality because the missing witness' previously recorded testimony was read to the jury in place of live testimony. Moreover, his prior testimony provided the only direct allegations connecting Mr. Cook to the crime. Without the witness' presence at the trial, important facts regarding his testimony could not be explored.

In its decision, the 10th Circuit stated "If the State's feeble exertions in this case can be called a good-faith effort to secure [the witness] for trial, the Sixth Amendment protections embodied in *Ohio v. Roberts* would be toothless." With the granting of the Habeas Corpus petition, Mr. Cook is now awaiting a new trial.

Clinic and Social Work

Beginning this fall, the Law Clinic will have in residence a master's level student from Washburn's School of Social Work. The social work graduate student will offer services to Law Clinic clients as part of the clinical field placement requirement of the master's degree program. The work conducted by the graduate student will be overseen by professors from the School of Social Work as well as the Law Clinic's supervising professors.

This collaborative undertaking between the Law Clinic and the School of Social work will benefit students in both degree programs. Law Clinic interns will learn the value of working with other professionals as well as confront the ethical considerations of such interdisciplinary undertakings. They will be able to draw on the resources and experience of the social work community to assist their clients. Social work students will have the educational experience of serving a client population facing legal dilemmas, sometimes occurring in the shadow of mental health issues or substance abuse problems. Additionally, clients of the Law Clinic will obtain access to community services vital to improving their lives.

Looking to the future, the Law Clinic has more projects developing in the wings. These initiatives will improve access to justice, benefit clients of the clinic and create dynamic learning opportunities for Washburn Law's students, introducing them to the practice of law while still in law school.

For more information on the Law Clinic, contact the director, Professor John Francis at 785-231-1010 ext. 1685 or john.francis@washburn.edu