



Tom Trunnell '05, Tad Layton '03, Brette Hakt '05, William Burris '06 and Nicholas Purify '05

## First Advocate in Residence



Sean O'Brien was the first Advocate in Residence at Washburn Law, April 18-22, 2005. O'Brien spoke on the following topics which were open to the public: The Advocate as Storyteller; The Need for Pro Bono Work and Faces of the Death Penalty. He also gave a demonstration on Closing Argument from the

*White Case*. Students were able to work with O'Brien on an upcoming capital case where he will be an expert witness. Students were so enthused that some continued to work with O'Brien even after his time was up at the law school.

O'Brien has been defending people in death penalty trial, appeal and postconviction cases since 1983. He served as the Chief Public Defender in Kansas City, Missouri, from 1985 through 1989. He was appointed Executive Director of the Missouri Capital Punishment Resource Center (now the Public Interest Litigation Clinic) in 1989 and represents clients in capital trial, appeal and postconviction cases.

O'Brien's Supreme Court cases include *Schlup v. Delo*, 115 S. Ct. 861 (1995), which preserves the right of habeas corpus review for innocent prisoners, and *Stewart v. Martinez-Villareal*, 118 S. Ct. 1618 (1998), which preserves Eighth Amendment protection for death row prisoners who become insane while awaiting execution. He was honored as Missouri Lawyers Weekly 2003 Lawyer of the Year for his work in the exoneration of death row inmate Joseph Amrine.

Summer 2005

## Trial Ad Team

The Washburn University School of Law Trial Advocacy Team of William Burris '06, Brette Hart '05, Nicholas Purify '05, and Thomas Trunnell '05 finished as a semi-finalist at the 2005 Association of Trial Lawyers of America National Student Trial Advocacy Finals Competition (ATLA STAC) held in West Palm Beach, Florida, from April 7-10, 2005. In finishing as one of the top four trial advocacy teams in the nation the Washburn Law team received great respect and praise from the tournament coordinators, local attorneys and judges, and other competitors and their coaches.

The ATLA STAC is the premier civil trial competition in the United States. Mock trials began in February in 14 cities where 223 teams from 138 schools faced each other in regional competition. The top team from each region advanced to the finals.

In the three preliminary rounds of trials, Washburn Law defeated Loyola University Chicago School of Law, 2000 National Champion Samford University Cumberland School of Law, and the University of Buffalo Law School, and emerged with Baylor Law School and the University of North Carolina School of Law as the only undefeated teams. Washburn faced Cumberland again in the quarter-finals, sweeping them 3-0 and advanced to the semi-finals as the number one seed (Baylor was seeded number two, Barry University School of Law number three, and St. Johns University School of Law number four). The Washburn Law team was defeated in the semi-final round by just one ballot (2 points out of 90) by St. Johns. Baylor defeated St. Johns to win the 2005 National Finals Competition.

Washburn's national finals team earned the right to compete in Florida only after defeating the other Washburn Law Trial Advocacy Team of John (Todd) Hiatt '05, Christina Waugh '05, Michael Burbach '05, and Brandi Studer '06 in the Denver Regional. These students continued practicing with the winning team and are a major factor in overall success of the Washburn Law program.

The Washburn Law Trial Advocacy teams participate under the direction of Professor Michael Kaye, Director of the Washburn Law Center for Excellence in Advocacy. The teams were coached by Washburn Law graduate Tad Layton '03 and Bill Ossmann '77.



## David Ryan – Topeka Metro Transit

### Foulston Siefkin Lecture

Professor Erwin Chemerinsky, Duke University School of Law, presented the 27th Annual Foulston Siefkin Lecture on Friday, March 4, 2005. Chemerinsky's lecture "Civil Liberties and the War on Terror" will appear as the lead article in the first issue of volume 45 of the *Washburn Law Journal* in Fall 2005.

Chemerinsky argued in his lecture that the United States' security policies since 9/11 are impairing constitutional freedoms, but are not making us any safer. He addressed how the Bush administration has used "enemy combatant" status to detain hundreds of suspected terrorists for several years while not charging them with a crime.

Chemerinsky asserted the war on terror has spawned an unprecedented level of secrecy, from the government's refusal to reveal how many people it has detained, to holding secret criminal trials of suspected terrorists. He criticized the USA PATRIOT Act, which allows federal agents to subpoena personal information, conduct electronic eavesdropping, and issue roving wiretap warrants without probable cause.

In closing, Chemerinsky noted that no freedoms are absolute. If abridging individual freedoms is essential for national security and less-restrictive means are not available, then the government should be free to take appropriate measures to defend the nation. However, Chemerinsky noted that recent security policies are too restrictive and do not make the United States safer.

Chemerinsky is the Alston & Bird Professor of Law at Duke University School of Law. He graduated with honors from Northwestern University

Professor David Ryan was honored by Topeka Metropolitan Transit Authority by naming its bus facility after him. Professor Ryan is one of the founders of the Transit. The naming was unveiled on February 4, 2005. Ryan was selected in the early '70s to study the feasibility of purchasing an existing transit provider. His committee convinced voters to approve a tax base for the public transit system which passed in 1973. Ryan has served as an integral part of the transit authority ever since. He was the first Chairman of the Transit's Board of Directors and served five years on the board. He then became General Counsel for the Transit, a volunteer position which he held for twenty-six years.

A ceremony was held at the Transit Authority bus facility where current and previous board members along with other high ranking Topeka officials and a federal representative from the Transit Authority shared memories of Ryan and gave him special thanks for his many years of dedication and service.

with a B.S. in 1975, and Harvard Law School with a J.D. in 1978. He was a trial attorney at the United States Department of Justice in Washington, D.C. and an attorney at Dobrovir, Oakes, and Gebhardt, in Washington, D.C. He has taught at DePaul, Duke, Loyola of Los Angeles, and UCLA Law Schools.

Since 1978, the Foulston Siefkin Lecture has been sponsored by the Wichita law firm of Foulston Siefkin LLP to enrich the quality of education at Washburn University School of Law. This lecture series brings a prominent legal scholar to Washburn Law to challenge and enhance the legal thinking of our students, faculty, and the *Washburn Law Journal* readership. Articles derived from the Foulston Siefkin Lecture are published in the *Washburn Law Journal*.

# Foulston Siefkin Lecture



**L to R:** Ryan Vincent, Andrea Walker, Court Kennedy, Dionna Mitchell, Scott Grosskreutz, Prof. Erwin Chemerinsky, Ed Robinson, Sara Shipman, Nick Brady, Prof. Alex Glausser and Alison Lee

