

# JOHN J. FRANCIS

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## ACADEMIC EXPERIENCE

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### Washburn University School of Law, Topeka, Kansas

<i>Professor of Law</i>	<i>July 2005 - Present</i>
<i>Associate Dean for Academic Affairs</i>	<i>July 2021 - June 2022</i>
<i>Interim Co-Director of Law Clinic</i>	<i>July 2015 - June 2019</i>
<i>Director of Law Clinic</i>	<i>July 1999 - July 2011</i>
<i>Associate Professor of Law</i>	<i>July 1999 - June 2005</i>

### *Administration*

As Associate Dean for Academic Affairs, was responsible for administration of academic policies in the law school: oversaw implementation, assessment and evaluation of the curriculum, provided leadership to the faculty regarding law school policies and academic matters, and managed processes through which teaching is administered. Worked with faculty members regarding creation of new courses, implementation of certificates of excellence, teaching schedules, committee assignments, and compliance with ABA policies. Created academic calendar, course schedules, and examination schedules. Provided curricular guidance and counseling to students, and supervised course registration; administered the honor code and academic rules; reviewed requests for transfer credits; oversaw exam accommodations and student course evaluations; monitored compliance with graduation requirements. Notified and advised students who were in danger of academic dismissal, and notified students who were academically dismissed. Recruited, hired, and provided training for and evaluation of adjunct faculty members.

### *Law Clinic*

As Clinic Director, led and maintained administrative oversight for programmatic and curricular aspects of Washburn's clinical legal education program. As a professor in the Clinic, provide direct supervision and guidance to law students enrolled in the live-client law clinic. Taught lawyering and advocacy skills; prepared interns for court appearances; supervised students engaged in jury trials, bench trials, evidentiary hearings and appellate arguments; guide students' development of case strategies. Conducted seminars on a variety of issues including interviewing/counseling techniques, case theory development, negotiation strategies, and advocacy skills. Primarily supervised in the area of criminal law and tribal court criminal defense.

### *Doctrinal/Classroom Teaching*

- Criminal Law
- Criminal Procedure I
- Pretrial Advocacy: Criminal. (Developed simulation materials and designed the course.)
- Pretrial Advocacy: Civil
- Faculty Colloquium on Law and Technology, 2008
- Comparative Criminal Law and Procedure (Washburn-Utrecht Summer Law Program in the Netherlands; Co-Director of program during Summer, 2005.)

*Service to the law school and university*

- Law School committee work includes chairing the Admissions Committee, 2022-23, 2023-24; chairing the Curriculum Committee 2018-21 (work included development of Third Year Anywhere program); chairing the Strategic Planning Committee, 2014-16; Curriculum Committee 2009-10, 2010-11; chairing the Faculty Recruitment Committee, 2006-07, 2007-08; chairing the Dean Search Committee, 2002-03; serving on the Law School Facilities Committee (to assess the need for a new building) 2010-11.
- University committee work includes chairing University Faculty Appeals Committee, 2020-21; serving on University Program Review, 2021-23; Faculty Senate, 2013-15; University Promotion and Tenure Committee 2013-17; University Internal Review Board 2016-18; University Faculty Affairs Committee 2016-17.
- Planned and hosted 2005 Annual Midwest Conference on Clinical Legal Education, held at Washburn University School of Law.

**Hofstra University School of Law, Hempstead, New York**

*Supervising Attorney - Criminal Justice Clinic and Housing Rights Clinic Aug. 1994 - June 1999*

Directly supervised students representing clients in a clinic focusing on trial level representation. Co-designed intensive orientation program for new clinic interns. Expanded the practice of the Criminal Justice Clinic to include the Criminal Courts of New York City.

**PRACTICE EXPERIENCE**

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**Legal Aid Society, Criminal Defense Division, Queens, New York**

*Staff Attorney Sept. 1989 - Aug. 1994*

Provided continuous legal representation to indigent defendants from arraignment through disposition. Experience includes: jury and non-jury trials; evidentiary hearings; grand jury representation; client counseling; field investigations; research and writing of motions and memoranda of law; pre-trial plea negotiations; daily court appearances.

**Noble and Lipstein, P.A., Clinton, MD.**

*Law Clerk May 1987- May 1989*

**EDUCATION**

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**The American University, Washington College of Law, Washington, D.C.**

**Juris Doctor, May, 1989**

- Top 25% of class
- Semi-finalist, First Year Moot Court Competition
- Jerome Prince Invitational Evidence Moot Court Competition participant
- President, Thomas More Society, 1987-88 academic year
- Criminal Justice Clinic Student, 1988-89 academic year
- Judicial Intern for Judge Frosh, Circuit Court of Montgomery County, MD, fall 1987

Lafayette College, Easton, PA.

Bachelor of Arts in Biology, June, 1985

- Minor in English
- Founder and Director of Soup Kitchen Program, Fall 1983, 1984-1985.
- Semester abroad through SEAmester Program - Southampton College of LIU, Spring 1984.

## AWARDS

- Recipient, Warren W. Shaw Distinguished Service Award, Topeka Bar Association, 2019.
- Professor of the Year, Washburn University School of Law, 2009

## ADMITTED TO PRACTICE

- New York
- Kansas
- District of Columbia
- United States District Court for the District of Kansas
- Prairie Band Potawatomi Nation District Court

## SCHOLARLY WRITINGS

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*Prescribing a Cure for Youngblood's Ill Effects on Spoliation of Evidence in Criminal Cases, (work in progress, 2023).*

*When Things Go Wrong in the Clinic: How to Prevent and Respond to Serious Student Misconduct*, 41 U. BALT. L. REV. 441 (2012). (Co-authored with Robert L. Jones and Gerard F. Glynn).

*Reassessing Concurrent Tribal-State-Federal Criminal Jurisdiction in Kansas*, 59 U. KAN. L. REV. 949 (2011). (Co-authored with Stacy L. Leeds, Aliza Organick & Jelani Jefferson Exum).

*Peremptory Challenges, Grutter and Critical Mass: A Means of Reclaiming the Promise of Batson*, 29 VT. L. REV. 297 (2005).

*Failure to Advise Non-Citizens of Immigration Consequences of Criminal Convictions: Should This Be Grounds to Withdraw a Guilty Plea?* 36 U. MICH. J.L. REFORM 691 (2003).

## BOOK CHAPTER

"The Past, Present, and Future of Qualified Immunity" in *Reimagined Policing in the Age of Reform* (Michael Birzer, Lemuel Moore, eds.) (Kendall Hunt Publishing, 2023).

## OTHER PUBLICATIONS

*STATE V. TYLER, A SIMULATED CASE FILE AND RELATED ASSIGNMENTS*

DESIGNED TO TEACH PRETRIAL ADVOCACY SKILLS, (National Institute for Trial Advocacy 2008).

## **PRESENTATIONS**

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*"Qualified Immunity: Friend or Foe," Central States Law School Association, 2022 Annual Scholarship Conference, Washburn University School of Law Topeka, Kansas, September 10, 2022.*

*Co-presenter, "Update: Kansas Criminal Justice Reform Commission Findings and Recommendations," Topeka Bar Association Criminal Law Committee, CLE webinar, January 28, 2022.*

*"Recent Cases and Issues in Criminal Justice," 2020 Selected Topics and Miscellany CLE webinar, Washburn University School of Law, Topeka, Kansas, June 19, 2020.*

*"Should Criminal Courts Borrow Structures and Remedies Used by Civil Courts to Address Spoliation of Evidence?," Association of American Law Schools, 41st Annual Conference on Clinical Legal Education, Chicago, Illinois, May 2, 2018.*

*"Recognizing the Assets and Closing the Gaps in Underserved Communities Through Client-Centered Lawyering," Midwest Clinical Legal Education Conference, University of Kansas School of Law, Lawrence, Kansas, October 13, 2017 (with Janet Thompson Jackson)*

*Work/Life Balance as a Lawyering Skill, Institute for Law Teaching and Learning Summer Conference," Washburn University School of Law, Topeka, Kansas, June 11, 2016 (with Janet Thompson Jackson).*

*Transforming Our Teaching By Engaging with the Global Community, 37th Annual Conference on Clinical Legal Education, The Association of American Law Schools, Chicago, Illinois, April 28, 2014 (with Lisa Radtke Bliss, Georgia State University College of Law).*

*Recent Developments in DUI Law, Selected Topics and Miscellany CLE, Washburn University School of Law, June 28, 2013 (with Karen Wittman).*

*Teaching Law Abroad: Bringing Home Interactive, Student-Centered Learning, Institute for Law Teaching and Learning, Hybrid Law Teaching Conference, Washburn University School of Law, Topeka, Kansas, June 8, 2013 (with Tonya Kowalski).*

*Beyond Angkor Wat and the Killing Fields: Law, Education, and Life in Cambodia, Washburn University Brown Bag International Lecture, Topeka, Kansas, February 8, 2012.*

*From Muriithi to Padilla: A Lawyer's Ethical Duty to Determine the Immigration Status of Clients in Criminal Cases, October 23, 2010, CLE for Washburn Law Clinic 40<sup>th</sup> Anniversary Event.*

*Why Specialty Clinics? - What do Specialty Clinics Add to Legal Education, Clinical Education and the Global Community? Autonomous or Integrated - Is There a Best Practice?, Fourth Annual Indian Law Clinics & Externship Programs Symposium, University of New Mexico, Albuquerque, New Mexico, June 21, 2010 (Panelist with Meetal Jain, Practitioner-in-Residence, American University, Washington College of Law).*

*Substantive Criminal Law in Tribal Court and Tribal Court Practice*, multi-session panels at Introduction to Tribal Court Practice CLE, Prairie Band Potawatomi Nation, Mayetta, Kansas, October 3, 2008 (with Tonya Kowalski and Aliza Organick).

*The Worst-Case Scenario: Malpractice and Serious Ethical Breaches by Students*, 2008 Association of American Law Schools Conference on Clinical Legal Education, Tucson, Arizona, May 5, 2008. (Co-presented with Professor Robert L. Jones, Jr., Notre Dame Legal Aid Clinic; and Professor Gerard F. Glynn, Barry University School of Law.)

*Charting the Rocks and Shoals of Immigration Consequences When Representing Non-Citizen Clients in Criminal Cases*. November 15, 2005, Third Judicial District of Kansas Criminal Defense Bar meeting/CLE.

*A Step-by-Step Guide to Batson: Making Miller-El and Johnson Work*, November 11, 2005, The Third Annual Building the Mitigation Case: Advocating for Life, (Co-presented with Christina Swarns.)

*Avoiding Immigration Consequences When Representing Non-Citizen Clients in Criminal Cases*, September 10, 2005, CLE for Washburn Law Clinic 35<sup>th</sup> Anniversary Event.

*Lawyering Skills in the Digital Age*, AALS Conference on Clinical Legal Education, San Diego, CA, May 4, 2004. (Co-presenter, Prof. Conrad Johnson, Columbia University School of Law.)

*Whose Client is it Anyway?* AALS Workshop on Clinical Legal Education, Vancouver, BC, May 2003. (Co-presenters, Professor Douglas Colbert, University of Maryland School of Law and Professor Carol Turowski, Case Western Reserve School of Law.)

*DNA Exonerations and the Death Penalty*, Kansas Coalition Against the Death Penalty, Topeka, KS, November 2000.

*A Comparative Look at Criminal Practice in New York and Kansas*, CLE for the Third Judicial Criminal Defense Bar, Topeka, KS June 2000.

## **SABBATICAL PROJECT**

As a volunteer, taught lawyering skills/advocacy techniques to an English-speaking section of Cambodian law students at the Royal University of Law and Economics in Phnom Penh, Cambodia, September - October, 2011.

## **PROFESSIONAL SERVICE AND MISCELLANEOUS**

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Kansas Criminal Justice Reform Commission member, July 2019 - December 2021 (commissioned by the Kansas Legislature to examine issues in the criminal justice system and make recommendations for reform through legislative action.)

- Subcommittee on Dual Supervision, chair, 2021.
- Subcommittee on Mental Health and Substance Abuse, 2019-20.
- Subcommittee on Race and the Criminal Justice System, 2020-21.

Special Judge for the Tribal District Court of Sac and Fox Nation of Missouri in Kansas and Nebraska, 2017-2019.

AALS Clinical Section Executive Committee member, 2013 - 2017.

Topeka Bar Association, Criminal Law Committee, 2016 - present.

- Committee to update District Court Rules for Criminal cases, 2016.

Planning Committee member for 2008 AALS Conference on Clinical Legal Education.

Administrator of the Lawclinic Listserv, a national internet discussion group for clinical legal educators, August 1999 - July 2011; July 2015 - present.

Member of Board of Directors of Kansas Legal Services, January 2000-January 2004

- Vice President of Board, January 2003-January 2004.

Adult Advisory Committee member, Topeka/Shawnee County Youth Court, 2004 - 2008.

Trial Techniques Program, Hofstra Law School - Faculty Team Leader in a trial skills simulation course based upon the N.I.T.A. model; January 1998.

Intensive Trial Advocacy Program, Widener University School of Law- Volunteer Guest Instructor in a trial skills simulation course, May 1998.

New York City Corporation Counsel's Trial Advocacy Training Program - Instructor in a trial skills course for new attorneys at the N.Y.C. Corporation Counsel, June 1998.

Member, Clinical Legal Education Association, 1995-2019.

Member, Kansas Association for Justice

Member, American Bar Association

## **COMMUNITY INVOLVEMENT**

Topeka JUMP (Justice and Unity Mission Project), network member, 2019-present.

SHAREFEST Topeka, 2022, 2023.

CCD (Catechism) 2<sup>nd</sup> grade class co-teacher, Mater Dei Parish, Topeka, KS, 2009-12.

T-Ball youth team coach, YMCA, Topeka, KS, 2010.