



Washburn Law Clinic  
WASHBURN UNIVERSITY SCHOOL OF LAW™



*The Pathway To Practice*

SPRING 2016

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

## *National Jurist Selects Pilgrim as a Top 5 Law Student of the Year*

Last fall when *the National Jurist* announced its call for nominations for “Law Students of the Year,” one student/Clinic intern came to mind. The publication was looking for students who demonstrated service to their law school or local community as a legal advocate and **Robert “Joe” Pilgrim, JD Candidate ’16**, fit that description.

Although Dean Thomas J. Romig officially nominated Pilgrim for this recognition, several professors wrote in support, including Professor of Law and Interim Co-Director of the Law Clinic John J. Francis; Associate Professor of Law and Assistant Dean for Accommodation Lynette F. Petty; Visiting Associate Professor of Law Curtis J. Waugh; and Visiting Associate Professor of Law Joseph E. McKinney.

“Pilgrim is one of five inspiring law students from across the nation featured in the spring issue of *the National Jurist* magazine,” according to the article. Pilgrim, a Navy veteran, was described by faculty as “one in a million.” His exceptional understanding of veterans’ needs made him instrumental in helping to organize the Veterans Legal Assistance Clinic. He ramped



Robert “Joe” Pilgrim

up student involvement and provided insight into how to approach those who have served in the military.

“One thing that continues to push me when I feel tired, frustrated, or I wonder if I’m really making a difference is this: I’m glad the veteran I’m providing legal services to did not give up when he or she may have felt the same way while defending our country,” Pilgrim is quoted in the article.

After receiving news of the recognition, Pilgrim said, “I would like to humbly thank everyone who nominated me for *the National Jurist* recognition,

the faculty and staff at Washburn University School of Law for their support, and the Washburn Law Clinic for their undying encouragement and guidance. Washburn’s approach to guided instruction focuses not only on the practice of law but also on the personal development of the students.”

The nomination reads:

Robert “Joe” Pilgrim, 3L, is Washburn University School of Law’s nominee for *the National Jurists’* “Law Students of the Year.”

*Pilgrim - continued on page 2*



## *Pilgrim* (continued from page 1)

Pilgrim represented clients in the Washburn Law Clinic during the summer of 2015 as a clinic intern, then continued into the fall as a directed intern. He practiced in the litigation clinic, representing clients in civil and criminal matters. In both his criminal defense and civil work, Pilgrim has consistently shown the skills recognized and celebrated by the profession. Pilgrim earned the Irvine E. Ungerman Award for Excellence in Legal Education for his work in the Washburn Law Clinic. This award is given twice a year to a clinic intern who has distinguished himself by providing highly competent representation to clients. Pilgrim demonstrated a sense of the special responsibility for the quality of justice and has exhibited commitment to promoting justice, fairness, and morality in daily law practice. (See story on page 5.)

Pilgrim's civil work was centered on a complex case in which he represented a non-profit organization that is fighting to keep an historic Santa Fe locomotive and tender. The case, which includes the City of Topeka and the Kansas attorney general as co-defendants, has involved extensive discovery and motion practice. Pilgrim's work on this case has been exemplary. He has prepared and responded to discovery; worked on motions and responses to motions; conducted fact and legal research; and generated ideas and strategies. Throughout the ongoing litigation, Pilgrim took the lead in understanding the policy and political issues at stake, while providing sound professional advice and counsel to the client.

"One thing that continues to push me when I feel tired, frustrated, or I wonder if I'm really making a difference is this: I'm glad the veteran I'm providing legal services to did not give up when he or she may have felt the same way while defending our country."

*Robert "Joe" Pilgrim, JD Candidate '16*

Pilgrim's criminal defense work was punctuated by patient and insightful client counseling. He represented clients in state and tribal courts. This work involved analytical case and theory development, and tactful communications and negotiations with people involved in these cases.

Pilgrim's extracurricular activities included serving as president of the Veterans' Legal Association of Washburn (VLAW) during the 2014–15 academic year. Pilgrim revived this student group during the fall 2014 semester; and when he stepped down as president during the fall 2015 semester, he turned over an active program and continues to be involved in community and school activities.

Also, in fall 2014, the Washburn Law Clinic enhanced its services to those who have served in the military by initiating the Veterans Legal Assistance Clinic (VLAC). Pilgrim was instrumental in organizing this effort and a driving force in securing student involvement. Because Pilgrim served in the Navy, he provided insight for the best way to approach others who have served in the military and used his connections to help publicize VLAC events. When faced with challenges in getting the word out to people in the

beginning, Pilgrim's dedication to this cause never wavered. The success of the program and continued enthusiasm of the student body for this project are a direct result of Pilgrim's dedication and organizational skills.

After learning that Pilgrim was a Navy veteran, Professor Joe McKinney explained to him that he taught a course at Washburn Law that involves representing military veterans. Specifically, students help represent veterans whose service-connected disability claims had been denied by the Department of Veterans Affairs (DVA), with their job to appeal such claims to the United States Court of Appeals for Veterans Claims. McKinney expressed the frustration common to veterans' lawyers, complaining that veterans generally must navigate the system's byzantine complexity without the assistance of lawyers. Why? Because a law of Civil War vintage prevents lawyers from charging a fee in excess of \$10 for filing a veteran's disability claim. Many decisions thus resulted in claim denials because the claimant veteran failed to properly present required proof of supporting material facts. This necessitated many "do-overs," delaying the legal process for what could be many years.

*Pilgrim - continued on page 3*



## Kent Earns KAJ's Raymond Spring Award

Written by Professor Janet Jackson

**Janay Kent, '15**, received the Kansas Association for Justice's Raymond Spring Award for 2015. The award is given annually in the spring semester to the Washburn Law Clinic intern who has demonstrated the highest commitment to providing legal services to clients in need.

Kent was a student intern in the Small Business & Nonprofit Transactional Law Clinic during the spring 2015 semester. Early in the semester, I was impressed with Kent's ability to build rapport with her clients and to foster confidence and trust as she advised them. She worked well with all clients assigned to her, but I particularly remember her representation of a client who was starting a nonprofit organization.



Professor Janet Jackson and Janay Kent, '15 at the Center for Excellence in Advocacy's Award Ceremony.

Kent was familiar with the type of charitable work the client wanted to do because of her own work in that area. She spent a significant amount of time counseling the client and was able to recognize when the client's

own passion for the work blinded the objectivity needed to complete the project. Kent was able to navigate that sensitive issue with the client in a way that far exceeded her experience as a student intern.

Kent's commitment to providing legal services to people in need, particularly women who have experienced domestic violence, was evident while she was in Law School and continues through her work at the Family Peace Initiative. It was a pleasure to teach Kent in Clinic and help her develop as a lawyer. She is highly deserving of this award.



*Kent is a Batterer Intervention Program group facilitator and assessor at the Family Peace Initiative in Topeka.*

## Pilgrim *(continued from page 2)*

Pilgrim thought that veterans deserved better from the country they had served and became an advocate for veterans. His help was a godsend not only for veterans but also for McKinney, whose course he took. He served as an example to the many other students whom he recruited to help represent veterans. He became an inspiration not only to his fellow students but also to McKinney. Teachers, too, can be wearied by the endless parade of study and complexity that is the lawyer's fate.

"When I saw what he was doing," McKinney said, "I thought, if Pilgrim can do it for veterans, so can I — and I picked up another file or read another inscrutable statute or parsed another

incomprehensible regulation. Students like Pilgrim supply the fuel to keep people like me going. I am grateful to him."

The experience gained as a directed intern builds the confidence necessary to combine competent, vigorous representation with the compassion necessary to become a lawyer who truly makes a positive impact on the profession. Pilgrim proved his ability to make not only a positive impact on the profession but also with his clients through his skilled counseling.

Pilgrim is a "one in a million" law student. His untiring "can do" attitude and his courteous nature make him a

favorite of his clients, the community, and Washburn Law staff and faculty. Pilgrim has served his country and his law school in a fashion that will be remembered and cherished.



*Pilgrim will graduate in May and plans to sit for the Missouri bar exam in July. To read the complete article in the National Jurist, visit [nationaljurist.com/content/law-students-year](http://nationaljurist.com/content/law-students-year).*



## Professor Petty: A Lifetime of Learning and Teaching

On July 1, **Professor Lynette Petty, '87**, will start the next chapter in a life that has been filled with a love for teaching and learning. Petty's retirement will take her from the halls of Washburn Law to the fields of her family farm in rural Douglas County, Kansas.

Petty's résumé includes a B.S. from Southwestern University in Georgetown, Texas; an M.A. from the University of Texas at San Antonio; and a Juris Doctor from Washburn Law. Her first career was as an elementary school teacher. Next, Petty started her legal career as an attorney with Kansas Legal Aid before she settled into 24 years at Washburn Law, all of which have included teaching in the Washburn Law Clinic. "I feel fortunate to have had that kind of variety in my life and I'm looking forward to the next chapter," she said.

Petty points out that professors in the Clinic get to see so much quick student growth and make a profound effect on their learning in one semester. "It's interesting," reflected



Petty, "that over the 24 years, and the 71 sets of students, the constant is seeing the [Clinic] students evolve. It's such a sharp learning curve." And in her experience, the students become more like colleagues by the end of the semester.

"I'm one of the luckiest people in the world to have a job that's been so good to me and my family, and that I've enjoyed so much," said Petty. "It's amazing how much I'm looking forward to retirement given how much I've always loved my job."

"Because of the impact Professor Petty has had on students and clients alike, her diligent work and presence will be greatly missed at the Clinic

upon retirement." said **Rachel Fisher, JD Candidate '16**.

"Professor Petty has been a mainstay of the Washburn Law Clinic for over two decades," said Professor John Francis. "She built a thriving family law clinical practice that transitioned many of today's lawyers from being students into their practices. At the same time, Petty's representation and case supervision helped countless people in Shawnee County. Her dedication to helping children in the court system is well-known. When some of her cases developed immigration issues, Petty courageously expanded her practice area into the field of Immigration Law, learning the substance and methods of representing people in that highly specialized area.

"Professor Petty has consistently been an example of professionalism as she's guided her students into being effective advocates for their clients," added Francis. "She is a gifted clinical professor, a superb lawyer, a kind and wise mentor, and tremendous

*Petty - continued on page 5*

## "Atomic Veteran" Awarded a Remand

Professor Joe McKinney's Veterans' Claims Directed Research course is now two-for-two on receiving remands for its clients. The "atomic veteran" we introduced you to in the Summer/Fall 2015 issue of this newsletter has recently been awarded a remand. After consideration by the U.S. Court of Appeals for Veterans Claims, a remand was awarded based on the fact that the proper channels were not followed by the Veterans

Administration (VA) when it initially denied benefits. Through a collective effort, students found the mistake by the VA (along with several other mistakes), and were able to capitalize on the error. The veteran/client will now get another chance at receiving benefits.

"It's a privilege to work under the direction of Professor McKinney to assist these veterans who have

already given so much. Being able to provide them with the possibility of one day receiving benefits for their injuries is priceless," said **Suzanne Lueker, JD Candidate '17**.



*Veteran - continued on page 5*

## Pilgrim Receives Ungerman Award



In fall 2015, the Washburn Law Clinic selected **Robert “Joe” Pilgrim, JD Candidate ’16**, as the

recipient of the Irvine E. Ungerman Award for Excellence in Clinical Practice. This award is given twice a year to a Clinic intern who has distinguished him/herself by providing highly competent representation to clients.

Pilgrim represented clients in the Clinic during the summer of 2015 as a Clinic intern, then continued into the fall as a directed intern. He practiced in the Litigation Clinic, representing clients in civil and criminal matters. In both his criminal defense and civil work, Pilgrim consistently demonstrated the skills recognized and celebrated by the profession. Pilgrim demonstrated a sense of the special responsibility required for the

*This award was established to honor one of Washburn Law’s outstanding alumni, Irvine E. Ungerman, who practiced law in Tulsa, Okla., 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.*

quality of justice and has exhibited commitment to promoting justice, fairness, and morality in daily law practice.

Pilgrim’s civil work was centered on a complex case in which he represented a non-profit organization that is fighting to keep an historic Santa Fe locomotive and tender in Topeka. The case, which includes the City of Topeka and the Kansas attorney general as co-defendants, has involved extensive discovery

a partial remand, or deny the appeal entirely. It will be months before a decision is made and the parties are notified.

For a better understanding of the Life Cycle of a VA Appeal, visit [www.bva.va.gov/docs/Appeals101Briefing.pdf](http://www.bva.va.gov/docs/Appeals101Briefing.pdf).

and motion practice. Pilgrim’s work on this case has been exemplary. He has prepared and responded to discovery; worked on motions and responses to motions; conducted fact and legal research; and generated ideas and strategies. Throughout the ongoing litigation, Pilgrim took the lead in understanding the policy and political issues at stake, while providing sound professional advice and counsel to the client.

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### *Petty* (continued from page 4)

colleague. The Law Clinic is a much better place because of the years of Lynette Petty’s dedicated work.”

A city girl who grew up in Dallas, Petty has chosen to leave city life behind. She and husband, Ray, decided to make farming their way of life in retirement and purchased a farm in 2011. During the past five years, they have been learning about no-till sustainable agriculture to be able to grow healthy food and are already raising chickens and hogs. They are sharing their farming experience with their daughter and son-in-law (who both co-own the farm), and two grandsons. “I want to settle in and learn something completely different,” Petty shared.

### *Veteran* (continued from page 4)

Students representing a third veteran filed a brief on his behalf in March. Although this veteran suffers numerous disabilities, only a handful were selected for argument. It was decided that it was best in this case to focus on the issues that are stronger than it is to try to argue for each disability, and the veteran/client agreed. After review of the briefs from both sides, the Court has three options: award a total remand, award



## Shawnee County Veterans Supported at VLAC

During the spring semester, the Veterans Legal Assistance Clinic (VLAC) combined its focus areas of expungements of criminal convictions and advance directives such as wills, living wills, and power of attorney documents into one event. On February 13, 2016, legal interns and law student volunteers worked together to screen and interview potential clients for representation. At the end of the day, 18 veterans were accepted for representation.

Through the VLAC event, Clinic interns represented veterans seeking to have their criminal convictions in Shawnee County expunged. Criminal records revealing convictions of even minor offenses will keep some veterans from being able to



Professor John Francis (center) advises students Vy Nguyen, JD Candidate '17, (left) and Damon Simons, JD Candidate '16, (right).

secure housing or employment. With an expunged criminal record, opportunities missed in the past might emerge again.

The focus on advance directive documents is to help veterans

and their families with end-of-life decisions. Although this topic may not be the most comfortable to think about or discuss, it is one that gives peace of mind to family members. This subject area also gives students a chance to practice interviewing clients regarding a difficult subject matter.

Students **Eric Lindstrom, JD Candidate '17**, and **Suzanne Lueker, JD Candidate '17**, lent their voices to help promote the event by recording public service announcements at the local Cumulus radio network. Lueker and **Robert "Joe" Pilgrim, JD Candidate '16**, appeared on WIBW's Red Couch show with Ralph Hipp to discuss the VLAC event and promote the Veterans' Legal Association of Washburn volunteer work.

## Spring 2016 Clinic Swearing-In Ceremony



Kansas Court of Appeals Judge Kathryn Gardner presided over the Washburn Law Clinic Spring 2016 Swearing-In Ceremony

and administered the oath to clinic interns. Gardner is a past President and longtime Executive Committee member of the Sam A. Crow American Inn of Court, and has been an adjunct professor at Washburn Law, where she taught Writing for Law Practice and Intensive Trial Advocacy.

In her address to the interns, Judge Gardner advised them that there were common traits among lawyers as professionals that are beneficial. "Professionals are competent," she said.

"They are trained at what they do, as well as persons of good character. You have to know the substantive law, the laws of procedure, ethical rules, and the rules of the court you are appearing in. You need to be well prepared. You must be willing to do the preparation it takes to represent your client adequately in court.

"Professionals are reliable. Honesty is a trait of professionals. The first time that you speak to an opposing counsel, your own client, or the court, you are laying a foundation for your reputation in the legal community... You will get a reputation as an honest person or dishonest person and it will follow you from case to case to case. Pay attention to what you say."

The next attribute she mentioned

was integrity — having consistent principles that you follow. This led into respect for others, or "the golden rule".

It is also important to continue to learn, be positive, support others, find a mentor, and give back to the community by volunteering in your area of interest, she said.

Promoting your profession was the final attribute Judge Gardner mentioned. "Always speak highly of being a lawyer. View your work as a service to other people," she said.

"If you can put some of these attributes into your practice of law in the clinic and thereafter, you can really enjoy being a lawyer," she summarized.

## Spring 2016 Washburn Law Clinic Interns

### CHILDREN AND FAMILY LAW CLINIC



Interns specializing in family law and immigration are under the supervision of Professor Lynette Petty. These interns represent individuals in divorces with minor children of the marriage, paternity, independent adoption, stepparent adoption, Violence Against Women Act, and U-Visas.

Hyemin Byun, Kayla Phillips, Whitney Bolden, Geoff Aubrey, Maggie Luehrs, Erin Hunn, and Stephen Stocks

### CIVIL LITIGATION CLINIC



General civil matters such as landlord/tenant disputes, contract and consumer issues, and estate planning are the focus of this group supervised by Professor Curtis Waugh.

Christopher Mauldin, Benjamin Carmichael, Bryan Kelly, Michael Kitowski, and Damon Simmons

### CRIMINAL DEFENSE CLINIC



Professor John Francis supervises interns concentrating in the area of criminal defense. Interns represent clients in cases such as possession of marijuana, possession of paraphernalia, obstruction, shoplifting, and DUI. Students in this group routinely appear in Topeka Municipal Court, Shawnee County District Court, and Prairie Band Potawatomi Nation Tribal Court.

Brandon Cameron, Merideth Hogan, Steven Wright, Susan Bandy, and Nathaniel Martens

### SMALL BUSINESS & NONPROFIT TRANSACTIONAL LAW CLINIC



Students focusing on Small Business & Nonprofit Transactional Law matters represent entities at the formation stage and in various transactional matters, such as changes in entity status, contract drafting, and copyright and trademark registration. Professor Janet Jackson oversees this clinic.

Blair Loving, Katie Gerth, and Travis Ternes

"Washburn Law Clinic has given me the chance to put into practice the skills I have learned in other classes. Instead of hypotheticals or people acting out ideas, I have been able to interact with real judges, judicial staffers, opposing counsel, and clients. Clinic has given me great insight in to the best way to do the job of a civil litigation attorney, which I plan to use after graduation."

*Bryan Kelly, JD Candidate '16*



## Clinic Faculty

**Janet Thompson Jackson**

Interim Co-Director  
Professor of Law

janet.jackson@washburn.edu  
785.670.1637  
Clinic Room 162

**John J. Francis**

Interim Co-Director  
Professor of Law

john.francis@washburn.edu  
785.670.1685  
Clinic Room 156

**Lynette F. Petty**

Assistant Dean for Accommodation  
Associate Professor of Law

lynette.petty@washburn.edu  
785.670.1681  
Clinic Room 160

**Randall L. Hodgkinson**

Visiting Assistant  
Professor of Law

randall.hodgkinson@washburn.edu  
785.670.1684  
Clinic Room 158

**Curtis J. Waugh**

Visiting Associate Professor of Law

curtis.waugh@washburn.edu  
785.670.1667  
Clinic Room 154

## Clinic Staff

**Debi Schrock**

Managing Director

debi.schrock@washburn.edu  
785.670.1953

**Kerri Pelton**

Senior Administrative Assistant

kerri.pelton@washburn.edu  
785.670.1693

**Jackie Askren**

Senior Administrative Assistant

jackie.askren@washburn.edu  
785.670.1692

"I think Clinic is one of the best experiences a student can get during Law School. Working with clients in a controlled environment with someone to catch your mistakes helps you gain confidence in your abilities and knowledge about your future career as a legal advocate. I plan to work for Judge Atcheson at the Kansas Court of Appeals for one year and then apply to work at a small, general practice firm."

*Merideth Hogan, JD Candidate '16*

"Before taking Small Business & Nonprofit Transactional Law Clinic, I hadn't had the opportunity to actually work with a client and make their dreams of owning and operating their own business come to life. Being a part of such an amazing experience for the clients, and being the person who laid the foundation of something that made them so proud, was incredibly rewarding. Through the experience, I figured out what I liked to do and that I was confident and competent enough to do it."

*Morgan Johnson, JD Candidate '16*