



Foulston Siefkin Lecture

Jeffrey Rosen, professor of law at The George Washington University Law School and legal affairs editor of *The New Republic*, gave the 29th Foulston Siefkin Lecture at Washburn Law, April 13, 2007. His presentation was titled, “The Supreme Court: Judicial Temperament and the Democratic Ideal.”

Rosen received his A.B., *summa cum laude*, from Harvard University, a B.A. as a Marshall Scholar at Oxford University, and his J.D. from Yale.

Rosen has been called “The nation’s most widely read and influential legal commentator,” as well as “One of the ten best magazine journalists in America.” Rosen has authored numerous law review articles as well as four books, including *The Most Democratic Branch: How the Courts Serve America*; *The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age*, which was named one of the best books of the year by the *San Francisco Chronicle*; and *The Unwanted Gaze: The Destruction of Privacy in America*, which *The New York Times* called “The definitive text on privacy perils in the digital age.” His most recent book, *The Supreme Court: The Personalities and Rivalries that Defined America*, has been called “[a]n illuminating look at the human side of the highest court.” Rosen’s countless essays and commentaries have appeared in *The New York Times* magazine, *The Atlantic Monthly*, *The Washington Post*, *The New Republic*, on National Public Radio, and in *The New Yorker*, where he has served as a staff writer.

Foulston Siefkin L.L.P. has sponsored the Foulston Siefkin Lecture at the School of Law since 1978.

This lecture series brings a prominent legal scholar to Washburn University School of Law to challenge and enhance the legal thinking of students and faculty and to enrich the quality of education at Washburn Law. Articles derived from the lectures are published by the *Washburn Law Journal*. ♦



Legal Analysis, Research, and Writing Program Recognized Nationally

The Legal Analysis, Research, and Writing (LARW) Program at Washburn University School of Law has been recognized as a leading legal writing program, ranking in the top 25 out of a field of 184 accredited law schools in the *U.S. News & World Report’s* 2008 edition of *America’s Best Graduate Schools*.

Professor J. Lyn Entrikin Goering, director of Washburn’s LARW Program, credits the program’s success to the foresight and leadership of the Law School faculty, who recognized the need to establish a strong legal writing program long before she joined the Washburn faculty.

“The success of the LARW program rests on the commitment and support of the entire faculty. It was our law faculty who voted in favor of my proposal to devote the necessary resources to establish positions for full-time, tenure-track legal writing professors for our program,” Goering said. That vote took place in October 2004, and Goering has been building the program ever since.



Rankings for the legal writing programs are based solely on votes by law faculty listed in the AALS Directory of Law Teachers as teaching in the field, or by directors of legal writing programs. Each ballot recipient was asked to vote for up to 15 legal writing programs considered the most highly regarded among those who specialize in the legal writing field.

“The results therefore reflect the evaluation of our program by other faculty members across the country who are experienced in teaching legal writing,” said Goering.

Raising the national visibility of Washburn’s legal writing program has been one of Goering’s goals. In addition to sponsoring a legal writing symposium in March, the law school recently began hosting DIRCON, the listserv for the Association of Legal Writing Directors. ♦



Writing to Win Symposium and CLE

The Center for Excellence in Advocacy sponsored the “Writing to Win: The Art of Advocacy” symposium March 9-10, 2007. The symposium was organized by Professor J. Lyn Entrikin Goering, director of the Legal Analysis, Research and Writing Program at Washburn Law, and Professor Michael Kaye, director of the Center for Excellence in Advocacy. The symposium offered valuable information to

litigators who need to write persuasively for trial and appellate court audiences and served to highlight Washburn Law’s special commitment to effective legal writing. Attendees included practicing lawyers, judges, faculty members and law students. More than 55 people attended the symposium on Friday and more than 50 attended the Saturday CLE. Washburn Law faculty joined panel discussions during the symposium as participants and moderators. Following the symposium members of the Legal Analysis, Research and Writing Program presented a CLE program on persuasive writing techniques, focusing on presentation of factual statements, effective issue formulation and other brief writing skills.

The symposium followed the visit of the 10th Circuit Court of Appeals. Members of the appeals court participated in the symposium’s opening panel. The panel, moderated by Kansas Court of Appeals Judge Nancy Caplinger ‘85, included Deanell Reece Tacha, Chief Judge, U.S. Court of Appeals, Tenth Circuit, and Tenth Circuit judges Mary Beck Briscoe and Neil Gorsuch and Eighth Circuit Judge Duane Benton.

A second panel of judges presented the views of trial judges on written advocacy. This panel was moderated by Kansas Court of Appeals Judge Stephen D. Hill ‘75, and included U.S. District Court Judge J. Thomas Marten ‘76, Shawnee County District Court Presiding Judge Nancy Parrish ‘85, Johnson County District Court Judge Janice Russell and Crawford County District Court Judge Donald Noland ‘76.

The symposium featured the Center’s first Advocacy Writing Scholar in Residence, Professor Mary Beth Beazley, from the Michael E. Moritz College of Law, Ohio State University. In addition to providing the symposium’s keynote address, Beazley taught a writing class, conducted a faculty professional development session and gave a luncheon presentation on organizing and presenting winning briefs.

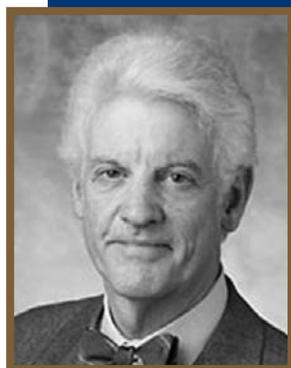
Several Washburn Law students joined faculty on symposium panels. One panel discussed student and faculty work on an *amicus curiae*

brief filed in a death penalty case argued twice last year in the U.S. Supreme Court. The panel also discussed an amicus brief in a Kansas case involving parental rights of sperm donors, which is currently pending in the Kansas Supreme Court. The latter amicus brief received international attention. Professor Sean O'Brien, University of Missouri at Kansas City School of Law and Professor Linda Elrod, lead lawyers on the death penalty and parental rights briefs, were joined by law students Claudia Weaver '07, Andrea Rusche '07, and Dr. Milford (Bud) Dale '09.

Students and faculty also shared a panel to offer insights about the writing skills learned in moot court brief writing and discussed how that experience relates to brief writing in law practice. Third-year students and national Moot Court award winners Matthew Ballard '07, Kelly Kauffman '07, and Karen Quintelier '07, joined Professors Jeffrey Jackson and Tonya Kowalski on the panel.

Other symposium speakers included Stan Sexton, partner, Shook, Hardy & Bacon, Kansas City, Mo., who explored whether law schools should teach multimedia advocacy and discussed using electronic technology to produce the persuasive high-tech brief; Professor Sean O'Brien, who lectured on storytelling techniques in appellate work; and Rebecca Woodman '87, Kansas Appellate Defender's Office and counsel for respondent in *Kansas v. Marsh* in the United States Supreme Court, who talked about persuasive themes and narrative techniques in appeal briefs in criminal cases.

The Saturday afternoon continuing legal education program featured presentations by Washburn Law Legal Analysis, Research and Writing Program faculty. These included: Jeffrey D. Jackson, "Just the Facts: Writing a Persuasive Fact Statement"; Tonya Kowalski, "Better Advocacy Through Persuasive Issues and Point Headers"; Aida Alaka, "Writing with Clarity and Strength: Maximizing Advocacy with Best Writing Practices"; and J. Lyn Entrikin Goering, "Winning Fair and Square: Ethics in Advocacy Writing." ♦



ABA President-Elect speaks at Washburn Law

William H. Neukom, president-elect, American Bar Association, spoke to students and faculty at Washburn Law, April 12, 2007, about "The Rule of Law." Neukom was the first in-house counsel for Microsoft. During his 17 years as lead counsel for Microsoft, Neukom led the company's efforts to establish, distribute, and protect intellectual property rights around the world. He was instrumental in securing the landmark legal victory in *Apple Computer v. Microsoft Corporation*, which spanned 1988–1995. He also led Microsoft's defense of antitrust claims brought by the U.S. Federal Trade Commission, U.S. Department of Justice and the European Union, which culminated in consent decrees in 1994 and in 2001. Under his direction, Microsoft's community affairs program initiated a number of key corporate giving strategies, including the Microsoft Giving Campaign, the Microsoft Matching Gifts program, the Microsoft Volunteer Program, and several national scale projects, including Libraries on Line. Prior to joining Microsoft, Neukom was a partner of Preston Gates & Ellis LLP, where he had a general practice with emphasis on litigation, commercial law, and nonprofit organizations. He rejoined the firm in the fall of 2002 from his position as executive vice president of law and corporate affairs at Microsoft. ♦

Advocate in Residence

Carol Cline was this year's Advocate in Residence. Cline is a Johnson County

deputy public defender, an instructor in the Washburn Law Intensive Trial Advocacy Program, and has served as a team member for the Washburn Law Public Service Lawyers Outreach program. She recently served as the acting chief public defender in Garden City. Cline is a graduate of the University of South Dakota Law School and holds a Masters in Education Administration from the University of South Dakota. Prior to becoming a lawyer, she taught school for 12 years.

Cline presented a professional development talk to law school faculty titled "Taking Politics out of the Prosecutor's Office." She also attended criminal procedure classes and taught a workshop open to all law students on effective opening statements at trial that included hands-on skills exercises. She addressed students on careers in trial work and met with students informally for lunch and breakfast. ♦



10th Circuit Court of Appeals

Washburn University School of Law and the Center for Excellence in Advocacy hosted the United States Court of Appeals for the Tenth Circuit March 7-9, 2007. Arguments were held in the Robinson Courtroom and Bianchino Technology Center. The court heard 6 arguments each day for a total of 18 arguments over the course of three days. All first-year students were required to attend one oral argument. Second and third-year students were

encouraged to attend arguments as well. In addition, the Tenth Circuit judges held question and answer sessions on several days for the law school students.

Judges from the 10th Circuit Court of Appeals who heard arguments at Washburn Law were: Chief Judge Deanell Reece Tacha and judges Bobby R. Baldock, Mary Beck Briscoe, Neil M. Gorsuch, Robert H. Henry, Jerome A. Holmes, Paul J. Kelly, J. Thomas Marten, and Michael W. McConnell. ♦

New Board Members

The following Washburn Law alumni were elected to serve a two-year term on the Washburn University School of Law Alumni Association Board of Governors. Their term will be effective July 1, 2007 to June 30, 2009.



Marck R. Cobb received a B.S. from the U.S. Air Force Academy in 1970, a master's from the Naval Postgraduate School in 1977, and his J.D. from Washburn Law in 1989. Cobb is a former pilot and retired as deputy chief, Long-Range Planning Division, HQ Air Force, with the rank of Lieutenant Colonel in 1990. He served as general counsel and secretary/treasurer for Woodmen of the World, an insurance organization, until 1997. From 1997-2000 he served as senior manager, Financial Services for Royal Neighbors of America in Rock Island, Ill. Cobb now manages the family ranch in Galva, Kan. and performs legal mediation. Cobb has endowed the Marck R. Cobb Law Scholarship at the School of Law.



Stephen Martino graduated with dean's honors in 2002 from Washburn Law, where he served as staff writer for the *Washburn Law Journal*. Martino serves as executive director of the Kansas Racing and Gaming Commission. From 2002-2005, he was an attorney with Foulston Siefkin in Topeka. He served as deputy campaign manager for Sebelius for Governor in 2002.



Manuel B. Mendoza graduated from Washburn Law in 1958. In 2001, he retired as senior counsel from State Farm Mutual Automobile Insurance Company after 43 years. “Manny” Mendoza and his wife Margot reside in Bloomington, Ill. They have three children, two having graduated from Washburn Law.



Linda Parks graduated *cum laude* from Washburn Law in 1983 and was a member of the *Washburn Law Journal*. Parks is managing partner at Hite, Fanning & Honeyman L.L.P. in Wichita, Kan., where she has practiced since 2000. Prior to that, she was with Kahrs, Nelson, Fanning, Hite & Kellogg, Wichita, from 1983 to 2000. Parks is a member of the American, Kansas, and Wichita Bar Associations, the National Conference of Women’s Bar Associations and the Kansas and Wichita Women Attorneys Associations. She is currently serving as president of the Kansas Bar Association.



Calvin Williams graduated in 1978 from Washburn Law and is a sole practitioner in Colby, Kan. For 25 years Williams had a general practice, but he recently limited his practice to criminal defense. He also served as county attorney and part-time SRS child support attorney. He is involved in the Intensive Trial Advocacy and the National Institute of Trial Advocacy programs at Washburn Law.

Current board members re-elected to serve another two-year term from July 1, 2007 to June 30, 2009 were: Rita Bicknell '95, Pittsburg, Kan.; Richmond Enochs '63, Olathe, Kan.; Terry Mann '86, Wichita, Kan.; Gary McCallister '75, Chicago, Ill.; and Carol Duffy McDowell '75, Topeka, Kan. ♦

Kuether Memorial Golf Tournament

The annual John F. Kuether Memorial Golf Tournament, sponsored by the Washburn Student Bar Association, was held March 31, 2007, at Lake Shawnee Golf Course, Topeka,



Kan. One hundred fourteen students, alumni, and friends of Washburn Law played in the tournament which was followed by lunch, socializing and awarding of prizes. Net proceeds totaling over \$3,500 were contributed to the John F. Kuether Memorial Endowed Scholarship fund, which provides assistance to students at Washburn Law.

Tournament winners included: Championship Flight: Zac Kolich '04, Jeff Scott, George Regan, and Carl Perkins. 1st Flight: Michael Scaletty '07, Adam Peer '07, Chris Roberts, and Ryan Knutson. 2nd Flight: James Garrison '08, Kendall McVay '06, Karan Thadani '06, and Mike Sheridan '06. Closest to the pin, Dave Platt '77; longest drive, Tracy Fisher; and farthest from the pin, David Batchelder '09. Event organizers were Monica Boydston '08, and Kevin O'Keefe '08. Other student volunteers included Kimberly Lynch '09, Megan Fluharty '08, Julia Mowers '08, Angela Carlon '09, and Cory Gallagher '09. ♦

Washburn Tax Law Colloquium

Washburn University School of Law hosted a tax law colloquium, Feb. 9, 2007, at the law school. The following scholars presented and discussed papers: Kristin Hickman, University of Minnesota Law School, “Responding to Treasury’s (Lack of) Adherence to APA Rulemaking Requirements: Remedies, Standing, Sovereign Immunity, and Pre-Enforcement Judicial Review;”



Erik Jensen, Case Law School, "Taxation and Doing Business in Indian Country;" Brant Hellwig, University of South Carolina School of Law, "The Section 1031 Qualified Use Requirement;" Steven Dean, Brooklyn Law School, "Tax Shelters and the Code: Navigating Between Text and Intent" (co-author: Larry Solan); and Brad Borden, Washburn University School of Law, "The Section 761 Election and Qualified Partnerships."

Professor Brad Borden, who organized the colloquium said, "The Tax Law Colloquium brings leading tax scholars to Washburn to discuss various doctrinal, policy, and theoretical tax topics. The discussion allows participants to share knowledge and insight regarding the discussion topics. Inviting top tax scholars to Washburn exposes our faculty and students to thought leaders in the profession and allows us to share our contributions to the body of knowledge on tax topics." ♦

Humanizing Legal Education Symposium



Professor Michael Hunter Schwartz

On October 19 and 20, Washburn hosted a conference and symposium entitled "Humanizing Legal Education." The Humanizing Legal Education movement, which was recently granted

status as a section by the American Association of Law Schools called "Balance in Legal Education", takes its lead from recent studies suggesting that, while all graduate students, including law students, come to school with similar levels of depression, anxiety and substance abuse, law students, in comparison to all other graduate students, are the most depressed and the most anxious and have the highest levels of substance abuse by the end of their first year of graduate school.

While the evidence that there is a problem is fairly well-developed, law schools still are struggling to determine the causes of the problem and possible solutions. The Humanizing Legal Education movement responds to these issues. Presenters and conference attendees explored the causes

of these problems and ideas and ways to improve student experiences. More than 30 speakers presented ideas on this topic. Some of the speakers will be featured in the *Washburn Law Journal*.

This conference is the first at any American law school to explore the contours of the problem and to begin working towards solutions. Speakers include national leaders in the movement, including Larry Krieger, Florida State University College of Law; Gerry Hess, Gonzaga School of Law; Susan Daicoff, Florida Coastal School of Law; Daisy Floyd, Dean, Mercer University School of Law; Barbara Glesner-Fines, UMKC School of Law; Paula Lustbader, Seattle University School of Law; and Bruce Winick, University of Miami School of Law. Legal educators from around the country came to Washburn for this ground-breaking conference.

Full details regarding the conference can be found on the law school web site at <http://www.washburnlaw.edu/humanizinglegaleducation/> ♦

Online Chats Added to Law School Admissions Recruiting Process

The Washburn University School of Law Office of Admissions hosted a series of live online chats for admitted students this spring. During the chats, admitted students asked questions online in real time of representatives from Washburn Law faculty, admissions staff, financial aid representatives, career planning, library staff, and current law students.

A bank of computers was assembled at the law school where the Washburn Law representatives together responded to questions about law school programs and policies, scholarships, student life, curriculum and academic programs, and related admissions questions. Approximately 20 admitted students participated in each of the five online chats.

Response was positive from participating students who were evaluating law schools upon admission. ♦