

Washburn Law

CLINIC

ERIN BRUCE AND LARRY CROW EARN THE SPRING 2009 IRVINE E. UNGERMAN AWARD FOR EXCELLENCE IN CLINICAL PRACTICE



Erin Bruce

Larry Crow

The Irvine E. Ungerman Award for Excellence in Clinical Practice is awarded twice yearly to legal interns who have distinguished themselves by providing highly competent representation to clients in a manner exemplifying the ideals of our profession: “pursuit of the learned art in the spirit of a public service.”

Two students in the Small Business and Transactional Clinic shed an unusual amount of blood, sweat, and tears in order to prepare and file a federal tax-exempt application for a client. On the positive side, the client, a civil war reenactment group, was made up of a great group of men who love to portray Union soldiers from the civil war period. On the not-so-positive side, they had been operating for almost 5 years before coming to us to seek a federal tax exemption (the target window for applying for the exemption is about 2.5 years). In normal circumstances this can be a prolonged and very exacting process. In this case, it took all of the fall 2008 semester for one lead student, Erin Bruce, to start untangling a web of facts. A second lead student, Larry Crow, continued the untangling process during the spring 2009 semester, while Bruce (a directed intern) reviewed and deciphered mounds of tax information that had to be resolved before the application could be submitted.

During the fall 2008 semester Bruce worked under the supervision of **Professor Joe McKinney, '75**, who has described her as one of the most enthusiastic students

he has had — “a real go-getter” in his words. While she continued her work on the tax matters, with Professor McKinney’s invaluable guidance, Crow worked under the supervision of Professor Janet Thompson Jackson during the spring 2009 semester and did a superb job of getting up to speed on this project and taking it to the finish line. But they couldn’t have accomplished this without working as a team.

The Irvine E. Ungerman Award for Excellence in Clinical Practice is sponsored by the law office of Ellis, Zolotor & Peters of Spring Hill, Kan., and Mark Iola and Randall Iola, grandsons of **Irvine E. Ungerman, '30**.

SWEARING-IN CEREMONY FOR SUMMER INTERNS

The Swearing-In Ceremony for the summer 2009 interns was held in the Shawnee County District Courthouse. **The Honorable Cheryl Rios Kingfisher, '93**, presided over the ceremony and administered the oath. Judge Kingfisher, in her address to the interns, underscored the need for attorneys and legal interns to conduct themselves in a professional, ethical manner. She also discussed the importance of providing legal services to people with limited means so that all will have access to justice. Judge Kingfisher is a Law Clinic alumna and expressed to the interns what a great decision they made to enroll in Clinic.

CHIEF JUSTICE ROBERT E. DAVIS PRESIDES OVER FALL SWEARING-IN CEREMONY

On August 27, the Law Clinic held its Swearing-In Ceremony for interns. Presiding over the ceremony and administering the oath to the interns was Chief Justice Robert E. Davis of the Kansas Supreme Court. Davis, who has been on the Supreme Court since 1993, became Chief Justice earlier this year.

Chief Justice Davis called the Swearing-In Ceremony a momentous event for the interns, second only to being sworn into practice after passing the bar. Davis also

reminded the interns that representing clients through the Law Clinic is an invaluable service not only to their clients but to themselves as well. Washburn University School of Law has always focused on practical learning, not just theory, and Chief Justice Davis congratulated the interns on their decision to obtain their student practice license. The Law Clinic is very fortunate to have had such a prominent member of the Kansas legal community preside over the ceremony.

HAVING IT ALL IN A SMALL TOWN



*Steven Ellis, '06, Marlea James, '06,
Erin Riffey, '03, and Paul Kitzke, '05*

During the fall 2009 semester, the Law Clinic, in connection with the Professional Development Office, hosted a luncheon entitled “Having It All In A Small Town.”

Panelists from Kansas communities included **Steven Ellis**, Spring Hill; **Marlea James**, Belleville; **Paul Kitzke**, Hugoton; and **Erin Riffey**, Concordia. After brief introductions and an explanation of their practice areas and locations, the panelists fielded questions from students. Many students were interested in learning what the social life is like in a small community and if there is enough work to make a living. The panelists agreed it is possible to “have it all” in a smaller community, but networking and getting involved in the community is a must.

CUTTING EDGE CRIMINAL APPELLATE ADVOCACY

Last spring, **Ashley Oppenheim, '09**, a student in the advanced topic section of Criminal Appeal Advocacy, was assigned an appeal involving a drug conviction stemming from a car stop and subsequent search incident to arrest. On April 21, after Ashley had been working on the brief a few weeks, the United States Supreme Court

decided *Arizona v. Gant*, which substantially limited law enforcement officers from making searches incident to arrest and fishing for evidence that was unrelated to the arrest. Suddenly, Oppenheim’s case looked like a clear winner. The facts of her case and *Gant* were almost exactly on point. In fact, when the state filed its response, it admitted that the search violated the Fourth Amendment.

But the state did not concede that the conviction should be reversed. Citing a post-*Gant* Tenth Circuit case, the state argued that the exclusionary rule should not apply in Ashley’s case. Because of the importance of the issue, the case has been transferred to the Kansas Supreme Court and will be argued by Professor Randall Hodgkinson this December. Other courts, notably the Ninth Circuit, have disagreed with the Tenth Circuit’s rationale and the issue seems likely to be taken up by the United States Supreme Court to resolve the conflict. This is a prime example of a real case with a real client being decided based on United States Supreme Court case law developing even as the student worked on the brief.

A PRACTITIONER’S PERSPECTIVE



*Cody Robertson, '07, Mike Heptig, '07,
Martha Ortiz, '98, and Scott Taddiken, '03*

The Law Clinic welcomed alumni **Mike Heptig**, **Martha Ortiz**, **Cody Robertson**, and **Scott Taddiken** as panelists during a large group class. The alumni discussed their practice areas, how they balance personal and professional life, and how they handle certain difficult circumstances when working with opposing counsel and clients. Interns learned that their reputation as attorneys begins on their first day of practice.