

Business and Transactional LAW CENTER

BUSINESS LAW WINE AND CHEESE SOCIAL

Successful businesses plan for the future by instituting succession strategies to ensure smooth transitions in times of leadership change. C. David Rouner, third-year law student, recognized that need within the Washburn Business Law Society (WBLS), a student organization affiliated with the Business and Transactional Law Center, and one he has served in various capacities since his first year. His term as president of WBLS expires December 2010.

“By the time students become 3Ls there are greater demands on their time outside of school. They are focusing on their job search and completing bar applications; consequently they become less involved in these student organizations,” Rouner explained.

This can create a gap in student leadership for the organizations, something Rouner wants to help Washburn Law avoid in the future. He said involvement in the organizations offers many benefits to students, including opportunities to travel, learn about real-world law transactions, earn scholarships, and garner contacts for future employment success. An important by-product of the organizations’ activities, he said, is the recognition of Washburn Law in the broader legal community. “Washburn Law students are fortunate to have a continued presence at ABA Business Law conferences, which shows Washburn’s commitment to its law students’ future,” Rouner said.

At a March 2010 WBLS board meeting, student officers Brian Bina, Craig Jackson, and Jacob Porter discussed the need to get first- and second-year students involved in the student organizations so when third-year students begin transitioning to their future after law school,



Officers of the Washburn Business Law Society are Craig Jackson, Brian Bina, C. David Rouner, and Jacob Porter.

these organizations would continue running smoothly with leadership succession plans in place. The students decided the first step would be to bring law students together to learn more about the organizations and the benefits of participating.

As part of that effort, the WBLS decided to host a social event. The WBLS met with five other

law school organizations: Environmental Law Society, Intellectual Property Society, Real Estate Law Society, Rocky Mountain Mineral Law Foundation, and the Tax and Estate Planning Association. Together they hosted the first ever Business Law Student Reception on Sept. 16.

All law students were invited to attend, and officers and members from the host organizations discussed scholarship opportunities, field trips, membership, and events, including Lunch and Learn opportunities. Students also got the opportunity to talk with Professor Amy Deen Westbrook, who is director of the Business and Transactional Law Center, and **Shawn Leisinger, '99**, executive director of the Centers for Excellence.

Though Rouner is in his final year of law school, he is interested in assuring the Business and Transactional Law student organizations continue to play a role in the lives of Washburn Law students.

“Our initiative was to help the students recognize the value these student organizations provide through contacts, scholarships, travel, and lasting business relationships,” he said.

WASHBURN LAW PARTNERS WITH KANSAS SECURITIES COMMISSION



Terence Oben



ReAnne Utemark
Wentz



Jonathan Voegeli

In 2011, the Kansas Securities Commission will celebrate the 100th anniversary of the passage of the Kansas Securities Act. In 1911, Kansas became the first authority, state or federal, to regulate the securities industry. The Kansas law was a result of the efforts of Joseph N. Dolley, Kansas banking commissioner from 1911 to 1913. He created a department within the bank commission to protect Kansans from unscrupulous salesmen selling worthless stock in fly-by-night companies. Subsequent laws became known as blue sky laws in reference to security sales that Dolley reportedly described as having only the substance of a few feet of Kansas blue sky. To this day, state laws regulating securities are known throughout the industry as blue sky laws.

Marc S. Wilson, Kansas Securities Commissioner, contacted Washburn Law to partner with the agency to celebrate the milestone. Under the direction of Amy Deen Westbrook, director of the Business and Transactional Law Center, three Washburn Law students are researching historical information in celebration of the act's accomplishments. Terence Oben, ReAnne Utemark Wentz, and Jonathan Voegeli are gathering historical background of the act, tracking the act's amendments in its 100-year history, researching prosecutions under the act, and reviewing some of the Kansas companies involved in securities fraud. These findings will be used for presentations at the North American Securities Administrators Association 2011 meeting in Wichita, and for a commemorative website the Kansas Securities Commission will host.

DISTINGUISHED PRACTITIONERS IN RESIDENCE

NOVEMBER 12-13, 2009

Efrain Soto, '04, the senior tax advisor at SFX Baseball Group in Chicago, spoke to students in an International Business Transactions class about the nature and cross-border aspects of his practice.



Soto also gave a lunchtime presentation, "A Successful Profession: Transitioning from Law School to a Legal Career" where he described his practice and the substantive issues on which he advises clients. He gave examples of possible conflicts of interest when working with professional athletes, and how best to resolve these dilemmas.

APRIL 15, 2010

Nelson Spear, '90, Midland, Texas, has been an active practitioner and an owner and operator of a group of oil and gas exploration companies with holdings throughout the United States. He began his legal career as an assistant district attorney, prosecuting criminal cases ranging from misdemeanors to capital murder and first-degree felonies. Spear also served as an assistant U.S. attorney prosecuting federal criminal offenses. He has tried more than 70 cases to a jury determination. Spear evaluates new investment opportunities, supervises day-to-day operations, performs audits, and provides general land and legal support to these ventures.



LUNCH AND LEARN

The following events were hosted by the Business and Transactional Law Center. Presentations are open to all students and qualify as "Extracurricular Course of Study" for students interested in obtaining a Certificate of Concentration.

NOVEMBER 4, 2010

Big Business Real Estate Development: Solving the Toughest Problems with Design, Implementation and Financing

David Fenley, '79, co-chairman and partner at Husch Blackwell LLP in Kansas City, Mo., is a leading business and civic participant in commercial real estate development and economic development strategies in the Kansas City area. During Fenley's 25 years of experience in commercial real estate development and financing incentives, he has guided developers, lending institutions and governmental agencies in the design, implementation and financing of many of Kansas City's high-profile private/public partnerships for urban core development and redevelopment. He has been a Missouri CPA since 1980 and is also an expert in negotiating financing structures that combine state and local tax incentive programs.



OCTOBER 14, 2010

Current Federal and Kansas Developments Affecting Real Estate

William Prugh is a shareholder at Polsinelli Shughart, Kansas City, Mo., and represents clients in federal and state courts and before state administrative agencies in federal, state and local income, sales and use, property, and excise tax matters. He has advised clients concerning tax planning to reduce, avoid, or minimize tax liabilities and resolve tax controversies.



OCTOBER 1, 2010

The Dodd-Frank Financial Protection Act and Its Impact on Community Banks

Professor Roger A. McEowen is the Leonard Dolezal Professor in Agricultural Law at Iowa State University in Ames, Iowa. He is also the director of the ISU Center for Agricultural Law and Taxation. He is a visiting professor at Washburn Law during the fall 2010 semester, teaching Real Estate Transactions. At Iowa State, McEowen oversees an educational program in agricultural law and policy and is responsible for



developing the curriculum and instructional program for the Iowa Farm Income Tax Schools.

SEPTEMBER 30, 2010

What You Might Not Know about a Mutual Fund: the (Very) Basics

Amanda Kiefer, '03, reviewed pooled investment arrangements, provided an overview of mutual funds and a fund's board of directors' responsibilities, and explained the relationship between a mutual fund and the typical service providers. Kiefer also covered the primary requirements imposed by the federal securities laws, specifically the Investment Company Act of 1940. Kiefer graduated from Washburn Law *cum laude* where she was a member of the *Washburn Law Journal*. After graduation, she clerked for Kansas Supreme Court Justice Carol A. Beier and then joined the Topeka law firm Fisher, Patterson, Sayler & Smith. Kiefer is assistant counsel for Finance and Administration at Security Benefit Corporation. She serves on the board of directors of the Topeka Bar Association and received its 2006 Outstanding Young Lawyer award.



SEPTEMBER 23, 2010

Eminent Domain for Private Gain



John R. Hamilton, '65, (photographed in center) is managing partner of Hamilton, Laughlin, Barker, Johnson & Watson, Topeka. He authored "Eminent Domain-Practice and Procedure," chapter, *Kansas Real Estate Practice and Procedure Handbook*, Kansas Bar Association, 2009, and co-authored the Kansas Chapter "Law and Procedure of Eminent Domain in the 50 States," *Condemnation Land Use and Zoning*

FINAL HEARING IN KINDER-MORGAN CASE HEARD AT WASHBURN LAW

Washburn Law hosted the final settlement hearing in Kinder-Morgan, Inc. Shareholders' Litigation, Case No. 06-C-801, on Nov. 12 in the Robinson Courtroom and Bianchino Technology Center. The class action lawsuit focused on whether shareholders were paid enough for their stock by Kinder Morgan Inc. The hearing was a rare opportunity for law students to observe the end of a lengthy legal process.

"These don't happen very often," said **Shawn Leisinger, '99**, executive director of the Centers for

Excellence. "Students could watch and see how a complex litigation process ends. To have a judge offer this is a wonderful opportunity."

Shawnee County District Court Judge David E. Bruns, '84, who also is an adjunct at Washburn Law teaching complex litigation, requested and received approval from the Kansas Supreme Court and both parties to conduct the final settlement hearing at the law school after receiving a stipulation of settlement in the case.

Committee, Litigation Section, American Bar Association (2009). He is a member of the Topeka and American bar associations, Owners Counsel of America, and American Board of Trial Advocates. His practice areas include Eminent Domain, Condemnation, and Trial Practice.

SEPTEMBER 16, 2010

The Art and Science of Drafting Property Conveyances

Professor David Pierce, '77, introduced students to the art and science of drafting, illustrating how basic property law principles are put into practice through the drafting process.



SEPTEMBER 9, 2010

Preparing for Business Practice: Classes, Clients, and Conflicts

Paul R. Hoferer, '75, former vice president and general counsel for BNSF Railway Co., outlined three important business strategies attorneys should keep in mind: know your client; be brief; and remember that litigation and legal matters interfere with a company's operations.



Hoferer remind students that they have a civic duty as attorneys to help out in their communities. He also suggested that the students maintain a positive attitude and enjoy the journey.

Hoferer is of counsel at Lathrop & Gage in Kansas City, Mo. He was the 2009 School of Law Alumni Fellow and is currently vice-president of the Washburn University School of Law Alumni Association.

APRIL 22, 2010

Starting Your Own Law Firm

Rep. Bob Brookens, '78, has been in private practice since 1996 at Brookens & Collett in Marion and Hillsboro, Kan. He ran for Kansas House of Representatives in 2008 and is now serving his second term as a representative for the 70th District.



FEBRUARY 18, 2010

Labor Relations

John Yeary, '95, director of Labor Relations for the State of Kansas, Department of Administration, discussed application of the Kansas Public Employer-Employee Relations Act. Yeary said that his legal background, while not a prerequisite, is beneficial in his current position.



FEBRUARY 13, 2010

Panel Discussion: The Evolution of the Business Lawyer

The Business and Transactional Law Center presented a panel discussion at the ABA Law Student Division 10th Circuit Spring Meeting and Governor Election. Panelists included **Paul R. Hoferer, '75**, of counsel with Lathrop & Gage in Kansas City, Mo.; Professor Amy Deen Westbrook; **Angela Madathil, '09**, Withers, Gough, Pike, Pfaff and Peterson LLC in Wichita, and former president of the Washburn Business Law Society; and C. David Rouner, law student and president of the Washburn Business Law Society.