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GROWING A GREAT LAW SCHOOL

Murder Trial Puts Clinic Students to the Test

By Elizabeth Grote

An intense trial can put classroom theory, practical experience and gut feeling to the test. For student lawyers in Drake Law School’s Criminal Defense Program, it’s a test that requires more than preparation.

“You have plans, but once you meet the opposing side, you have to make decisions on the spot,” said Patrick Dillon, a second-year law student and reservist captain in the Army.

For Dillon and two other Drake law students, the Travis Wolfkill murder trial taught them what it really meant to make on-the-spot decisions.

As participants in the Law School’s Criminal Defense Program at the Drake Legal Clinic, Dillon, Bobby Rehkemper, Matt Lindholm and Erin Parmelee were part of the defense team for Travis Wolfkill. Twenty-year-old Wolfkill was charged with first-degree murder for stabbing his grandmother, Shirley Wilson, on March 1, 2002.

Professor Robert Rigg, director of the Criminal Defense Program, said Wolfkill’s uncle called the Clinic seeking legal representation for Wolfkill prior to the arrest. Rigg accepted the case and selected students in the advanced clinic program to assist him.

“Throughout the entire process I tried to choose seasoned student attorneys who would be able to help me investigate and research and would not be overwhelmed by the nature of the case,” said Rigg.

Preparing for trial

Investigating and researching was how the students prepared for trial. In the beginning, Lindholm spent the bulk of his time working on client interviews, developing a timeline for the night in question, and recording statements from witnesses.

With more than 800 pages of police reports to review, each of the students was involved in carefully examining specific sections. Rigg also reviewed the entire report and held strategy sessions with the students to discuss important points and begin developing a defense strategy.

“It’s a set of checks,” Rigg said. “The students are actually doing the same things I do, just double-checking.”

Parmelee said the resounding lesson she learned from this process was to go with her gut. “I would read interviews and things would jump out in my mind, but at the time I wouldn’t think they were important,” she said. “Then I would go over my notes with Bob [Rigg], and a lot of those things would come up again.”

From classroom to courtroom

Lectures and textbooks may not be as exciting as the hands-on experience of being involved in a real trial, but the foundations built in the classroom are necessary for student attorneys to be successful.

“Having taken legal research and writing gave me a lot of confidence. I understood the concepts, so I was able to get right in and hack away at it,” said Dillon.

Parmelee agreed that the writing program at Drake gave her a strong foundation, and she proved this when the defense won a motion to suppress a brief she had written.

Devising a strategy

One of the most challenging tasks for the student attorneys was explaining the processes and strategic approach to Wolfkill and the witnesses. Rigg relied on the students to help him keep track of more than 60 witnesses for their defense.

“It was difficult to deal with witnesses who care about Travis,” explained Lindholm. “It’s not easy to explain that there’s a possibility that he could be locked up for the rest of his life.”

For Lindholm, the most challenging part of the case was working with DNA evidence when a “Hemo-trace test” found the victim’s hemoglobin on the
A Message from the Director

As we finish up the academic year and head into the summer, I look back on all that we have accomplished in the past few months. In addition to representing hundreds of clients in a variety of matters, students in the Criminal Defense Program assisted Professor Bob Rigg with a felony murder trial; elder law students collaborated with lawyers in the County Attorney’s office to assist victims of financial exploitation; clients in the Children’s Rights Clinic were assigned to multidisciplinary teams that included graduate students from Drake’s School of Education, law students and a student in the Masters of Social Work program at the University of Iowa who all advocated on their clients’ behalf; and students in the General Civil Practice Clinic were given the opportunity to assist Professor Sally Frank with several First Amendment cases.

In addition to direct client representation, the Clinic was host to numerous conferences and forums, including the Criminal Defense Advocacy course; the 6th Annual Issues in Juvenile Justice Conference co-sponsored with the Iowa Court Improvement Project; a National Institute for Trial Advocacy course for public service attorneys; and sponsored several community forums so that community advocates could hear about, discuss and participate in the state’s revisioning and restructuring of the child welfare system.

Our courtroom’s technology upgrades are complete, making the Clinic’s courtroom one of the most technologically advanced in the country. We also have been home to the Volunteer Lawyer Project’s Continuing Legal Education seminars and work days, have had Truancy Court held in our courtroom, and continue to provide a forum for many community forums throughout the year.

I’m proud to say that the Clinic continues to fulfill an important mission: to provide a unique educational experience for students, as well as quality representation for clients, while offering meeting and educational opportunities to the Bar and the community.

Suzanne J. Levitt, Executive Director, Drake Legal Clinic

knee of Wolfkill’s pants. Rigg and the students immediately retained a DNA expert in California and worked together to research the implications of the test.

“The results had come back positive for hemoglobin, and everyone knows that blood has hemoglobin. But hemoglobin is also found in saliva, urine, sweat, feces, and so on,” said Lindholm.

Rigg and Lindholm not only discovered that there are numerous sources of hemoglobin, they also found that hemoglobin is easily transferable. Rigg used this evidence in his closing arguments and explained to the jury that the hemoglobin could have easily been transferred to Wolfkill’s pants through the washing machine.

Lindholm admitted that there are still many intricacies of DNA evidence he does not fully understand, but is grateful he had the opportunity to obtain some general knowledge and experience with DNA that may help him in future cases.

TRIAL AND TRIBULATIONS
During the trial, Lindholm and Dillon were able to sit at the defense table with Rigg. This provided them with the opportunity to gain realistic courtroom experience, while teaching them an important lesson about legal defense.

“You need to remember that things don’t always go how you expect them to,” said Lindholm. “When you’re preparing for a trial, you anticipate what’s going to happen—you formulate arguments and questions, and present evidence based on your assumptions. But throughout the trial you constantly reframe your arguments and re-strategize how to conduct the case.”

Dillon also gained knowledge about the quick decisions and strategic shifts necessary during trials. He thought it was interesting to watch the prosecutors react to the defense’s line of questioning, and vice versa. “There’s so much interplay and no script,” he said.

VICTORY DESPITE DEFEAT
Despite the efforts of his defense team, on Jan. 24, 2003, Wolfkill was convicted of first-degree murder. However, the lessons learned and experiences the student lawyers gained from working on an actual case illustrate how clinical legal education at Drake serves students, the legal system, and future clients.

“Seeing a murder trial from beginning to end gives you an excellent picture of how all trials are conducted,” said Lindholm. “This could be one of the most demanding trials I will ever take part in; the opportunity was invaluable.”

For Dillon, the practical experience enhanced his legal education. “It was great to see the professionalism of Bob Rigg and the prosecutor, and to see the choices they made during the trial,” he said.

But it’s not only the students who learned from this trial. For Professor Rigg, every case he tries, he learns something new. “Practicing law is a good term—that’s what we’re doing—practicing,” Rigg said. “Nobody is perfect. The more experience you get, the better lawyer you become.”

Elizabeth Grote is a 2003 Public Relations graduate of Drake.