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LOANER

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A promising young litigator at Akin Gump gains trial experience by volunteering to be a misdemeanor prosecutor at the Dallas DA's Office.

BY JOHN COUNCIL

AT THE TENDER AGE OF 31, DALLAS LAWYER KENDREA TANNIS already has an impressive resume that most of her fellow civil litigators would envy, including stops at two of Texas' largest civil firms and a stint as a college administrator.

But what the young commercial litigator doesn't have is trial experience. And in order to get it, she's departed her nice white shoe law office at Akin Gump Strauss & Feld for a desk in a cramped workroom inside Dallas County's Frank Crowley Criminal Courthouse for what's known as the "Lawyer on Loan" program.

For three months, Akin Gump will continue paying Tannis her salary as she works as a line misdemeanor prosecutor in the Dallas County District Attorney's Office, trying as many cases as possible to sharpen her skills until her time is up in December. The unusual private-public partnership between the Dallas DA's office and the city's downtown civil law firms gives young associates real-world trial experience while helping county prosecutors move a never ending stream of minor criminal cases.

So far, Tannis is fitting right in as the third prosecutor assigned to Dallas County Criminal Court No. 4. Three weeks into the program, Tannis already was serving as lead prosecutor in a simple assault case, calmly and clearly—while a more experienced lawyer sat next to her—making her opening statement by describing a fight between neighbors that left one victim with a beat-up face and another with a cut hand.

"They may tease me a little bit about being a corporate lawyer, but it's all in fun," Tannis said of her new colleagues at the DA's office.

Misdemeanor courts are staffed by young prosecutors who must learn quickly, as they constantly battle a docket with hundreds of cases. The quick pace and pressures of her new job have forced Tannis to learn some valuable lessons about what makes a good courtroom lawyer.

"I think one of the biggest lessons I've learned so far is, as an attorney, you will not have all of the time in the world to prepare to speak in court. And that's OK," Tannis said. "You get comfortable

with that, building your muscles, and that you can do this. I've seen people who have two days to prepare a case. You can't get hung up on what you can't do but focus on what you can do."

Scott Barnard, partner in charge of the Dallas office of Akin Gump, said he chose Tannis to participate in the program specifically because she already has shown great aptitude for the courtroom. Tannis has a gift for public speaking and a presence in the courtroom, he said. She also earned the firm's associate pro bono award in 2016 for representing asylum-seekers from Somalia and El Salvador before U.S. Immigration Courts.

"The deal about it is, Kendrea is already an outstanding stand-up lawyer," Barnard said. "But she will get infinitely better spending time down there."

Barnard is selective about who he allows to participate in the Lawyer on Loan program because it is, without a doubt, the most popular pro bono project at Akin Gump. He even mentions the program when trying to entice young aspiring litigators to join the firm's Dallas office.

"This has been a huge help for us as a recruiting tool. When we talk to students at law schools, they're always interested in this program," Barnard said. "Everyone wants to do it. Virtually everyone has come to me and say 'Hey, I want to do this!'"

Barnard knows the value of the program firsthand because in 2000 he was one of the first of Akin Gump's associates to become a Lawyer on Loan. He stayed at the DA's office for six months and left with 26 jury trials and more than 40 bench trials under his belt.

"It was the most fun I ever had as a lawyer," he said. "It's like going back to college, in a way, because they're training lawyers on the fundamentals of misdemeanor trials."

Barnard learned how to try a DWI case at a moment's notice, as well as how to read a jury. In the case of domestic violence assaults, he learned how to prove a case when witnesses refuse to testify. At



KENDREA TANNIS

one point, he even got to wave a chainsaw around before a jury in the trial of a man who was tried for stealing the tool from the bed of a pickup truck.

"You would try different things and find out what worked and wouldn't work," Barnard said, recalling the chainsaw theft trial. "I still remember seeing the lead juror come in from deliberation, smile, and knowing that I'd won."

The Lawyers on Loan program began in 1999 under then-Dallas DA Bill Hill, who had practiced for a year in the office of Dallas' Haynes and Boone before running for DA in 1998. He proposed what was then a first-of-its-kind partnership between a big city Texas DA's office and civil law firms by asking civil associates work for free as prosecutors for six months to help move cases. In exchange, law firms including Akin Gump, Baker Botts, Fish & Richardson



MARK GRAHAM

KENDREA TANNIS IN COURT

and Thompson & Knight began sending over dozens of their best aspiring litigators to get invaluable trial experience they'd never get by working on civil cases at their own firms.

The program went into a dormant phase after Hill left office in 2007, partly because the participating law firms were more reluctant to spare associates earning six-figure salaries during the economic downturn.

The Lawyer on Loan program returned three years ago in a more-abbreviated form as leaders for Dallas' civil firms remained enthusiastic about the program and wanted it to continue. Current Dallas DA Faith Johnson has embraced the program and now uses at least two Lawyers on Loan attorneys a year who each commit to handling misdemeanor cases for three months.

"They do everything from reviewing a case, putting in a sentencing recommendation, interviewing witnesses, routing cases for trial, preparing motions, voir dire—all of it," said Stephanie Martin, a veteran Dallas County assistant DA who used to supervise the program. "They are, for all intents and purposes, a prosecutor."

And there's a common quality among all of the Lawyer on Loan attorneys—they are always brilliant and promising trial lawyers, Martin said.

"Think about it: The law firm is investing three months in this person, with no benefit, other than getting trial experience," Martin said. "Everyone I have seen or worked with has been wonderful."

Justin McCants, chief of the misdemeanor division of the Dallas County DA's office who currently supervises the Lawyers on Loan

program, notes that most civil litigators who enter the program are far from green lawyers. He makes sure of that when works when he seeks new recruits from firms.

"What I see is firms sending over lawyers that are within four to six years of experience, and it seems like the firm is ready for them to make that next jump into trials. They have some litigation experience and life experience," McCants said. "We can provide the trial part and trial skills. And they are able to provide another body for the public who is able to make phone calls to witnesses and make sure cases are tried."

While senior prosecutors coach Tannis on the finer details of trial preparation, she's also sought the critique of Nancy Mulder, the judge who presides over misdemeanor court, where she's assigned. Mulder has 20 years of trial experience, 12 as a prosecutor, and gives tips to young prosecutors when asked.

"She's obviously very poised and is obviously an experienced attorney," Mulder said. "But the criminal courthouse is where trial lawyers are made, not the civil courthouse" noting that mandatory mediation and arbitration is where most civil cases are resolved.

"She did a very good job picking a jury last week, and she's very talented. But she made the same errors that any young prosecutor would make by not quite understanding the pitfalls of commitment questions," Mulder noted.

Mulder explained to Tannis that, during voir dire in Texas criminal courts, lawyers may not ask questions that may lead potential jurors to prejudge the case they may be selected to hear.

"You walk a fine line in asking a juror how they feel about your case without asking them to commit to a specific set of facts. And this is something that lawyers with 20 years of experience will still have trouble with," Mulder said.

Tannis took notes and listened to Mulder's advice. And Mulder said she wishes Tannis could stay longer in her courtroom for learning purposes.

"I think she'll be a fine trial lawyer," Mulder said. "We may convince her to leave Akin Gump and come on down to Crowley to work as a prosecutor—where the real fun is." ■