Welcome to the inaugural edition of Berkeley Law School’s Negotiator Newsletter.

The ADR and Transactional Negotiations team at Berkeley Law has had a truly incredible year, sending teams to six different competitions across the United States. In everything from entertainment to environment, IP to mediation, these students proved that they could negotiate anywhere, anytime, about anything.

One of our students even said he used the skills he learned on the team to negotiate a reduction in his rent! If THOSE aren’t real-world skills (those are Bay Area rents, mind you), nothing is.

Being on the ADR team is a year-long commitment, and when one competition is done, those competitors stay on to train the next team for their chance at the gold. Each team goes through multiple negotiations here at Berkeley in preparation for heading out to the actual competition. At these practices, students try different tactics and styles while learning best practices for negotiations in competition and in practice.

Several students have remarked that these practices are more challenging and educational than even the competitions themselves. This speaks to the high quality, the team spirit, and the dedication of these students in training and encouraging each other to be the best they can be.

We hope you enjoy this season-ending edition of the newsletter. We have many reasons to be proud.

Bill Fernholz, Competitions Program Director
Anne Gordon, Advocacy Fellow
Barbara Andersen, Competitions Coordinator

Pictured above, left to right, are Valerie Ramos ’15, Chris Hammond ’15, Will Schildknecht ’15, and student coach and ADR Co-Chair David Updegrove ’14, pictured here winning the IP LawMeet.

Boalt Hall ADR
’13 - ’14 First Issue
The first team to compete in the 2013-2014 school year was the Southwestern Entertainment Law Negotiation Competition team. Ariel Hsiung ‘15, Cindy Zapata ‘15, Toby Howard ‘14, and Kevin Meil ‘14 and coach Ryne Posey ‘14 traveled to Los Angeles from October 5-6, 2013. This competition provides the opportunity for law school students from around the country to develop their negotiation skills, gain competitive experience, and build team dynamics. These skills and experience are important for all lawyers, no matter what area of practice is pursued, as they relate to effective communication and the ability to quickly assess the interests of a client and adversary. The competition also provides a great opportunity for law students specifically interested in pursuing a career in entertainment law to network and experience Los Angeles and Hollywood, the heart of the entertainment industry.

The final round problem involved the (fictional) "Vox Studios" making a film that used two of the same characters that were going to be featured in a "Stark Studios" film. "LA Comics" owned the rights to the characters and had inadvertently granted exclusive licenses for the use of the characters to both studios. To complicate matters further, the directors for each of the studios had creative control over the use and look of characters. A dispute arose over who was going to use the characters and how the characters were going to be portrayed.

Teams from UC Berkeley, UC Davis, UC Hastings, Pepperdine, Thomas Jefferson, Cal Western, University of Georgia, University of Mississippi, Texas Tech, Texas Wesleyan, La Verne, Liberty, Cardozo, Western State, Tulane, William and Mary, Chapman, and University of South Dakota participated in this year's competition. Berkeley’s team did not advance, but they had a great experience, and many of them will be returning for another round next year. Thanks to the Berkeley Center for Law and Technology for sponsoring this fantastic team!
ABA Mediation Competition

*Boise, ID*

A rapidly growing competition is the American Bar Association Representation in Mediation Competition, which allows students to flex their advocacy muscles within the mediation process. The growth of this competition mirrors the ever-growing expectation of clients to utilize mediation as a cost-effective alternative to trial. In this year’s competition, Berkeley was ably represented by two teams: Page Robinson ‘14 and Libby Hadzima ’15, and Patrick Metz ’14 and Anne Hilby ’14. In each team of two, one competitor plays the role of the attorney, and the other acts as the client. Two teams meet in the presence of a mediator and work towards resolution of their difficulties. Each round involves a mediation period and an opportunity to self-critique. Students are evaluated on their ability to negotiate in a mediation setting and their balancing of the roles of client and attorney. With help from their teammates, Page and Libby finished the competition in 2nd place overall in the West region! Thanks also to David Bluhm ’82 and Jeslyn Miller ’10 from Munger Tolles & Olson for supporting and coaching the team back in Berkeley.

The ABA Mediation Team at right, left to right, are Page Robinson ’14, Libby Hadzima ’15, Patrick Metz ’14, student coach and ADR Co-Chair David Updegrove ’14, and Anne Hilby ’14.

Pictured left, Libby and Page show those other teams a thing or two. Above, Patrick and Anne were apparently so scary that the other team ran out of the room in fright. Right, Libby and Page know that the best work always gets done in pajamas.
LLM International Commercial Arbitration Competition
Washington, DC

Our LLM students have joined the ADR fun, as well. This year, the Center on International Commercial Arbitration hosted the Third LLM International Commercial Arbitration Moot Competition. This event, created specifically for LLM students, seeks to foster the study of international arbitration for the resolution of international business disputes and investment disputes. Seventeen teams competed, and Berkeley sent seven of our LLMs: Sibylle Vieille-Cessay, Sophie Sitter, Chitra Rentala, Evan Whittal-Williams, Anna Maria Galinska, Ziyan Huang, and Willi Kunzli. The problem concerned Ocean Shipping Company, who requested arbitration against the Kingdom of Fairland pursuant to international treaties, based on problems arising out of a construction project. Inattentive bureaucracies, indigenous people’s relations, and environmental standards all had to be discussed during the competition. Against this complicated backdrop, one of our teams advanced to the quarterfinal rounds, and Anna Maria Galinska received the award for Best Oralist in the competition.

Berkeley Law: Boalt Hall ADR
ABA Negotiation Competition  
*Berkeley, CA*  
*Chicago, IL*

Again bringing the best from Berkeley, our ABA Negotiation teams, comprised of **David Updegrove ’14, Meredith Pressfield ’14, Katie Duncan ’14, Ryne Posey ’14, Nina Gupta ’15, and Salmon Hossein ’15** competed in the ABA Negotiation Competition Regional held here at Berkeley Law. After competing all day Friday (with different problems in the morning and afternoon), David and Meredith were one of the top 4 to advance to the final round on Saturday, Nov. 9, and were given a brand NEW problem that they only had overnight to prepare. They got four perfect scores in the first round and near-perfect scores in the second, winning the Regional Championship over 23 other teams!

Then they were off to Chicago, where they faced a multi-day problem filled with multiple fact patterns to master in a short period of time. Due to a mix-up by the competition officials, in the semifinal round they ended up with less than an hour to prepare! Yet despite this compressed timing, they performed flawlessly and ended up as National Semi-Finalists. They got a lot of positive feedback from the judges, and got great deals for their clients. This was truly an all-star team: Meredith also won the CA State Bar Environmental Negotiations Competition as a 2L, in spring 2013, with her partner Joseph Santiesteban ’14, who stayed on to consult with the team this year. Congratulations Dave and Meredith!

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Cal Bar Environmental Negotiations Competition  
*Los Angeles, CA*

With the last competition of the year, the Alternative Dispute Resolution team added to their truly incredible string of victories with 2Ls **Francis Choi ‘15 and Andy Coughlan ‘15** defending Berkeley's title in the California Bar Environmental Negotiations Competition. Eighteen teams of two from law schools across the State competed in this year’s competition at UCLA from March 21, 2014. The students competed in two rounds of negotiations involving fictitious environmental law issues.

Judged by attorney volunteers on several factors related to their negotiation skills, the top four teams after two rounds advanced to a final round. Based on the total score of all three rounds, the Berkeley team was named the first place winner! The team won $1,000, but more than that, the glory of representing Berkeley in yet another successful competition. Frances and Andy performed brilliantly in the final round, representing a developer trying to appease a "save the turtles" advocacy group. Congratulations Francis and Andy and thanks to their coach David Bluhm ‘82!
Coach’s Profile: Jeslyn Miller ‘10

Jeslyn Miller ‘10 is currently a fourth year at the firm Munger, Tolles & Olson in San Francisco. She was a true ADR rock star while at Boalt, where she was a finalist at the ABA Negotiations Competition (having won regionals), the Copenhagen International Negotiation Competition, and won the California Environmental Competition.

We asked her to say a few words about her involvement with the program and why she devotes so much of her time to making our program great:

“When I say that I ‘discovered’ ADR at Boalt, it was discovery in the truest sense of the word. I enrolled in law school wanting to be a trial attorney, and at that time had no idea that ADR was an essential part of trial practice--in fact most federal district courts and the Ninth Circuit require the parties to attempt to mediate before proceeding with trial or appeal.

“My participation in Boalt’s ADR program taught me to be creative, to think on my feet, and to be an effective communicator--the very skills I’ve found most valuable as a junior attorney. For example, I recently represented a start-up in an early mediation over an employment dispute. Our team submitted a mediation brief, which explained why we were likely to prevail on the law (normative and negative leverage) but also that any resolution of the case would be costly and protracted such that settlement was in both sides’ interest (positive leverage). Not only did we get the other side to buy into our position, but being the inherently reasonable party built trust with the mediator that enabled us to settle for a low amount, considered a big victory for our client. Even outside the settlement context, ADR skills come up daily in the practice of a litigator: whether negotiating with opposing counsel over a discovery dispute, navigating interpersonal relationships with a coworker, or setting expectations with a client. In the last three years I’ve become a strong believer that litigation doesn’t have to be a zero sum game, and through ADR and the amicable resolution of disputes, both parties can be better off (the classic win-win solution). I’m excited to be back at Boalt to help teach the ADR skills that are critical to being a successful lawyer in any field, and to hopefully inspire other students to find the same passion for ADR and creative problem solving that I found in law school, and in the practice of law.”

Thank you Ryne Posey and David Updegrove!

When Ryne Posey and David Updegrove graduated this past Saturday, the school truly felt a loss. These two took the ADR team to the most successful year ever, attending nearly every practice, traveling with the teams, serving as sounding boards for strategy, and helping recruit a huge crop of students clamoring to be on next year’s team. They did this by serving as examples of what a well-rounded law student can be like: student-athletes, mentors, and leaders. We at the Board of Advocates wish them all the best in their next endeavors, and hope that their BigLaw firms love and appreciate their hard work and dedication as much as we have. If they don’t, as Bill always says, we’ve got a place for you back here as a 4L! You will be greatly missed by the team, by its advisers and by the entire law school community. Happy Graduation!
Above left, Nina Gupta ’15 and Andy Coughlan ’15 check out the view
Above and right, Ariel Hsiung ’15, Cindy Zapata ’15, Toby Howard ’14, and Ryne Posey ’14 eating and drinking (again).
Left, Jeslyn Miller ’10 and David Updegrove ’14 at the BoA Alumni Night in San Francisco
Below, Nina Gupta, Andy Coughlan, Nahal Bahri, and Francis Choi, all ’15, at the CalBar Environmental Competition
Below left, Patrick Metz and Anne Hilby ’14 double-bill travel and work time.

Above, it’s a little-known fact that a good negotiator must also be able to rock the mike.
Berkeley Law offers one of the best competitive advocacy programs of any law school. This year we will send approximately 20 appellate moot court, mock trial, and negotiations teams to national and international competitions. The law school commits significant time and resources to training these students, who gain skills essential to their eventual law practice. We are proud of our relationships with top local appellate advocates, trial attorneys, negotiators, and mediators, who volunteer their valuable time to help our students excel. Team sponsors have the chance to support some of Berkeley’s best and brightest students as well as connect to our international network of alumni and friends.

We offer various sponsorship levels for firms that wish to participate. Full sponsorship includes all of the benefits listed here:

2. Berkeley Law will acknowledge your sponsorship in team announcements, internal and external newsletters, moot court publications, the BoA website’s donor pages, and team t-shirts.
3. Opportunity to connect with and mentor some of Berkeley’s best and brightest students, including invitation-only recruitment events with Board of Advocates competitors.
4. Opportunity to get your firm involved in the law school and the legal community—alumni, professors, and students—both in California and beyond.
5. Opportunity to host team events at your firm during the school year, including practice moots and social/recruitment events.
6. You may be involved in preparing the team for competition to extent agreed upon by you and Berkeley Law.
7. You may publicize your sponsorship of the team.
8. Berkeley Law will keep you informed of the team’s progress.

For more information, or to schedule a presentation at your firm, please contact Anne Gordon at adgordon@law.berkeley.edu or (510) 666-3783.

The following competitions are currently seeking sponsorship for 2014-2015:

**ADR Competitions:**

**ABA Negotiations Competition:** A competition in negotiation! Students compete to obtain winning results for their clients in simulated negotiations. This is the premier national negotiations competition. Berkeley Law will field two teams. $5,000

**ABA Mediation Competition:** Designed to acquaint law students with advocacy skills in ADR, specifically mediation. Berkeley will send two teams. $5,000

**National IP LawMeet:** The premier lawyering competition for students contemplating a transactional practice focused on Intellectual Property (IP). The competition involves drafting, mark-ups, and negotiations. Berkeley Law will field one team. $8,000

**Transactional LawMeet:** The premier moot court experience for students interested in transactional practice. The teams work on drafting an agreement for a new CEO. Berkeley Law is hoping to send one team. $5,000

**Appellate Competitions:**

**National Appellate Advocacy Competition:** The other of the two most prestigious moot court competitions, usually involving questions of constitutional law. Sponsored by the American Bar Association. Berkeley will field two teams. $6,000

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**Jessup International Law Competition:** The premier international law moot court competition. Hundreds of teams from across the world compete in regional qualifying rounds. Winning teams advance to the international rounds in Washington, D.C. Berkeley Law will field one team. $5,000

**National Environmental Law Moot Court Competition:** Nationally-known environmental law competition. Each team represents a company, an environmental citizens’ group, and the intervening government agency (EPA). Berkeley Law will field one team. $5,000