SUCCESS AT BOALT HALL: MOCK TRIAL IN 2009 - 2010

2009-10 was another great year for mock trial at Boalt Hall. We competed in 5 external tournaments, winning one of them, and advancing to regional finals and semi-finals in two others. We also held the 2nd Annual internal Bales Trial Competition, with 50 competitors vying for the Boalt Hall championship.

But our season produced more than objective results. In 2009-10, we grew in camaraderie and commitment to the program.

We started off the year with a reception in the Steinhart Courtyard as well as a four-week trial advocacy lecture/workshop series for all 24 trial competition team members. These events pulled the program together into one cohesive unit like never before (don’t worry — it’s standard practice now).

During the season, our veteran trial team members instituted a peer-feedback routine for each team as it prepared for competition. In the last weeks before going to compete, when a team was in the midst of running scrimmages, our veteran trial team members had other mock trial students not competing in that particular tournament watch the scrimmage and offer feedback.

The feedback routine worked. Turnout was strong, and our teams shared ideas and trial techniques by performing and offering feedback. The result was cross-pollination of trial advocacy skills between teams that were previously isolated. As a result, we were better prepared for competition and more connected to our program’s success.

We finished off the year with our 4th Annual year-end celebration at Jupiter in Berkeley. We had 40-45 students on hand, and plenty of reason to celebrate.

Having explained all this, the most impressive part of our program is the palpable excitement among the students. Our program is on the road to national prominence, and our students can’t wait to get us there!

Please enjoy this year’s Trial Advocate. If it captures even a fraction of our program’s energy, it will be a great success.
San Diego Defense Attorneys Trial Competition

Our season started off with a bang this year. After working hard in practice, particularly in the weeks right before competition, our four-member team went to San Diego and won the tournament. It was a fantastic start to the year, and the first time Boalt won this tournament in 19 years.

Our championship San Diego team included Jonah Lalas, ’12, Chase Ensign, ’10, Jerome Price, ’11, and Maeve Granzin, ’10. Their coach was Melinda Derish, ’03, of Walkup, Melodia, Kelly & Schoenberger.

The San Diego competition’s fact pattern was a particularly complicated medical malpractice case involving a missed dermatological diagnosis. Our students not only had to master trial techniques and methods, but also had to put in long hours understanding how a dermatologist should evaluate, diagnose, and treat patients. With Ms. Derish’s help (who practiced medicine before attending Boalt Hall), and with the support and guidance of several senior Boalt trial team members, the San Diego team matched substance with style, and won the tournament. Congratulations!

San Francisco Trial Lawyers Association Trial Competition

We had another strong showing at the San Francisco Trial Lawyers (SFTLA) Trial Competition last Fall. This tournament is a shootout among local law schools, with the entire competition compressed into one day. The only thing predictable about the tournament is that it will be unpredictable.

Josh Russ, ’10, and Gui Raza, ’10, assisted by witnesses Jennifer Goldman, ’11, and James Rapoee, ’11, made an excellent team. Their coach was Spencer Pahlke, ’07, of Walkup, Melodia.

Our SFTLA team’s pre-trial preparation was—as always—impeccable. Before competition, Mr. Russ and Ms. Raza ran through 4 full-length practice rounds, following several weeks of practicing multiple times a week.

At the competition, Ms. Raza’s closing argument and Mr. Russ’s cross examinations were our shining moments. Ms. Raza’s hallmark cool confidence and Mr. Russ’s natural witness control did Boalt Hall proud.

In the end, after a hard-fought competition, we had a strong 3rd-place finish.

Texas Young Lawyers Association - National Trial Competition

After the Winter break, our first competition in 2010 was the TYLA-NTC regional tournament, held this year at Stanford. We got off to a fast start, coming within one vote of qualifying for the national tournament.

Boalt’s contingent consisted of two three-person teams, along with two coaches: Aaron Laycook, ’10, Stephanie Clark, ’11, and Toni Camacho, ’11, with coach Emily Wecht of Walkup, Melodia, and Krista Khatriya, ’10, Jade Jurdi, ’10, and Sarah Ruby, ’10, with coach Spencer Pahlke, ’07.

The NTC-TYLA competition is interesting every year because the teams do not bring witnesses. Instead, they are provided by the competition. Thanks to support provided by Boalt Hall through Boalt Lecturer William Fernholz, ’93, this year’s competition had some of the most prepared witnesses we have seen. But even with well-prepared witnesses, it is nerve-wracking to meet the person you will direct examine just 15 minutes before trial starts.

Team Laycook-Clark-Camacho rolled through the preliminary rounds, and qualified for the semifinals. In semi-finals, our plaintiff’s side team of Mr. Laycook and Ms. Clark faced off against an excellent Stanford team, defeating them on a 3-0 decision by the judging panel. In the regional final round, they met another Stanford team, and again were on the plaintiff’s side. After an exceptionally close trial, Stanford ended up advancing to the national competition on a 2-1 decision. Though the loss was heartbreaking, the final round was an excellent show of trial advocacy (incidentally, the Stanford team that won ended up in 2nd place nationally).

Team Kshatriya-Jurdi-Ruby had one of the most difficult preliminary-round draws seen in recent years. During prelims, they competed against two teams that advanced to the elimination rounds, one of which received a bid to the national tournament. In spite of the difficult draw, the team’s performance was solid. Ms. Kshatriya’s closing argument made textbook use of the other team’s visual aids, turning their own tools against them. Mr. Jurdi’s confident style stood up well against competition whose flair for the dramatic bordered on melodrama. And Ms. Ruby’s masterful control of her performance was a model of calm.

Our teams continued a series of successes for Boalt Hall at the TYLA-NTC tournament. Great work!

A Partnership in Trial Advocacy: Walkup + Boalt

Boalt Hall’s trial teams thank Walkup, Melodia, Kelly & Schoenberger for the generous, ongoing support it provides our trial program.

Walkup is a boutique trial lawyer practice in San Francisco that focuses on catastrophic plaintiffs’ personal injury and wrongful death cases. It also seems to specialize in supporting trial advocacy at Boalt Hall. This year, four of its associates offered countless hours of coaching, Mike Kelly and Rich Schoenberger gave trial advocacy lectures, and Khaldoun Baghdadi taught Evidence Advocacy. The firm also provided generous financial support, ranging from sponsoring team-building dinners and events to sending our coaches to out-of-state competitions.

Thank you, Walkup.

Finding Our History

What is the history of trial advocacy at Boalt? Who competed in what tournaments? What classes and professors focused on trying cases? One problem with a 3-year law school curriculum is the difficulty it creates in building institutional history.

If you have any information (no matter how insignificant it may seem) about the history of trial advocacy at Boalt Hall, please send Spencer Pahlke, ’07, (spahlke@walkuplawoffice.com) an email. We are trying to compile the history of our program, and your help is crucial!

Thank you, coaches!

Last season, we had 2 coaches. This year, as part of our goal of growing and expanding the program, we had 5. Many thanks go out to Melinda Derish, ’03, Emily Wecht, Sara Peters, Spencer Pahlke, ’07, and Bruce Budner.

Their time and commitment is the perfect complement to such a talented, driven community of Boalt Hall trial advocacy students.
American Association of Justice Trial Tournament

At the end of February, we sent two four-person teams to the AAJ Regional Mock Trial Tournament in Seattle, Washington. One team included Valerie Rose, ’10, Jennifer Middleton, ’10, Jennifer Goldman, ’11, and Edward Piper, ’12. Their coach was Spencer Pahike, ’07. Our other team included Aubrie Dillon, ’11, Farraz Kahn, ’11, James Rapore, ’11, and Justin Chou, ’11, who were coached by Sara Peters. Both teams did an excellent job.

The fact pattern involved a complicated medical malpractice case in which the plaintiff alleged that her husband’s primary care physician failed to diagnose coronary artery disease that led to a fatal heart attack. Again, our teams’ preparation was admirable. It involved consulting with multiple medical professionals, including a UCSF cardiac surgeon. Both teams also got in four scrimmages before the tournament.

In Seattle, Team Rose-Middleton-Goldman-Piper was undefeated during the 3 preliminary rounds. Shining performances were turned in by each team member. Ms. Rose’s cross examination was described by one judge as “withering.” Ms. Middleton proved equally tenacious in cross examination. Mr. Piper’s opening statements always set the right tone, and Ms. Goldman’s closing arguments were both articulate and tailored to the facts proven at trial. This team advanced to the semi-final round, where it competed against Barry University. After a spirited trial, Barry barely advanced, with a split 2-1 decision. The points, tabulated off the judge’s ballots, were even closer: 72-71. Barry then beat Stanford, and advanced to nationals.

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Team Dillon-Kahn-Rapore-Chou also did Boalt proud. After a difficult round against Barry (the same team that advanced to nationals), this team came back and beat Stanford in the next preliminary round. Ms. Dillon’s and Mr. Chou’s cross examinations were pitch perfect, Mr. Kahn excelled in direct examination, and Mr. Rapore’s closing arguments were masterful.

Great job, AAJ team members!

Where Are They Now?

Josh Templet, ’09

Josh Templet
- Class: ’09
- TYLA-NTC: ’08, ’09
- Regional Finalist
- Bales Judge (2010)
- Marin County DA (2009-10)
- Skadden

“It was a pleasure to judge a round of the Bales Trial Competition this year. The students I observed—all 1Ls—were well prepared, comfortable on their feet, and amazingly well polished. During the competition, I recognized a lot of the trial techniques that John Steele, the partners at Walkup Melodia, and Spencer Pahike had taught me as a 2L and 3L. In fact, this year’s 1L students seemed to be as accomplished as many of the seasoned competitors in my class. This is an encouraging trend. Boalt’s mock trial program is thriving, and the Bales competition is due much credit.

“Today, I am using the skills I learned from Boalt’s mock trial program to try criminal cases at the Marin County District Attorney’s Office. Two years of competing on our National Trial Competition teams gave me a terrific head start as a rookie prosecutor. My first few trials were still nerve-wracking, but I was much more at ease than I would have been without the library of trial techniques I learned at Boalt. I am grateful for the training and coaching I received—I do not think any other law school class or activity has been more helpful.”

McGeorge National Ethics Trial Competition

Our final competition team of the year was a four-person team we sent to the University of the Pacific - McGeorge Law School’s National Ethics Trial Competition. On our team were Charlie Ainscough, ’10, Tatiana Cottam, ’11, Julia Mehlan, ’12, and Alexandra Stathopoulos, ’12. They were ably coached by new Boalt faculty member and long-time trial attorney Bruce Budner.

In classic Boalt Hall style, our McGeorge team prepared extensively. They met with Prof. Budner multiple times a week, and finished their practice season with a series of scrimmages. (continued on page 4)
Their case was a legal malpractice action in which a filmmaker believed her attorney’s contract writing and later litigation failed to protect her artistic vision. The mistake? Permitting a film distributor to release the filmmaker’s black-and-white movie in color.

In competition, our team tried the case once on the plaintiff’s side and twice on the defense side. While we did not advance to semi-finals, there were several exciting moments. Charlie Ainscough, our 3L team member, ably showed that the defendant attorney’s decision to take the plaintiff’s underlying case to arbitration put the plaintiff in a position where she would lose money—whether she won the arbitration or not.

Julia Mehlman, a 1L and first-time mock trial competitor, showed natural skill in her cross examination of plaintiff’s expert. Alex Stathopoulos and Tatiana Cottam also showed their abilities. Ms. Stathopoulos’s direct and re-direct examinations of the plaintiff’s expert were right on point, and adapted well to the other side’s cross examination. Ms. Cottam deftly wielded several exhibits in her closing arguments, using them to rebut the plaintiff’s arguments in textbook fashion.

Great job, McGeorge competitors! Your hard work and solid performance made us proud!

We Are Excited! Are You?

If the Trial Advocate has conveyed even a hint of the energy in Boalt’s trial advocacy program, it has done its job. But we don’t want the energy to stop at graduation or on campus. We want you to be involved!

No effort is too small. You can support our program and stay involved by judging at the Bales Competition, attending scrimmages, or helping to keep us in contact with our alumni.

If you are interested, please email us at either boaltadvocates@gmail.com or spahlke@walkuplawoffice.com.

This year, both Berkeley Law and our mock trial program were truly privileged to welcome Prof. Bruce Budner as a professor and coach.

Before coming to Berkeley Law, Prof. Budner managed his own private practice in Dallas, Texas for 25 years. In that time, he tried countless cases in both federal and state court, handling business disputes, professional liability cases, and personal injury matters.

In 2001, he transitioned from his firm to Director of Legal Services for the Human Rights Initiative of Northern Texas. Though the rewards to such a practice changed considerably, they were well worth it. As Prof. Budner was quoted as saying, the remuneration for his efforts was simple: “No more rape, no more beatings, no more torture” for his clients. Giving his valuable time to the this legal services organization was truly selfless, and a model to which other practitioners should aspire.

Prof. Budner then came to the Bay Area to serve as Executive Director of the Rockridge Institute, a progressive think tank located in Berkeley. After serving in that position, he has now joined the faculty at Berkeley Law—and our coaching staff.

Thank you, Prof. Budner. We look forward to as much help as you can offer in the future!
Landmark report reveals the complexities behind the reality of a woman-majority workforce. Featuring a Q&A with Maria Shriver.

Alumni in the Obama administration.

How State Senator Joe Simitian ’77 fought to fix California water.

Boalt and Haas faculty strengthen old ties, build new ones.

Pictured here, from left. Aubrie Dillon, ’11, Justin Chou, ’11, James Rapore, ’11, Sara Peters (coach).

In the foreground is Demi Williams, accompanied by co-counsel Mellori Lumpkin, in the Bales Trial Competition.

After their San Diego championship, Mr. Ensign, Ms. Granzin, Mr. Price, and Mr. Lalas, were the focus of an excellent article in Boalt’s semi-annual magazine Transcript. The photo from the article is shown at left, along with the magazine cover.

Above, 1L Rory McHale completes his closing argument in the Bales Trial Competition. Judges from left are Peter Bales, ’07, Ron Wecht, and Spencer Pahlke, ’07. Mr. McHale and teammate Thomas Frampton, ’11, went on to win the 2010 Bales Competition.

At left, John Steele and Bruce Budner at the 2010 BOA Banquet.