With this season coming to a close, I am happy again to report on many successes.

While the tangible results were clear from our performance in competition, what makes me most proud following the 2012-13 season is the increasing commitment to our program from our strong core of alumni. This season saw the ranks of the coaching staff increase to 15 total, up from two coaches just five years ago.

Without our expanded coaching staff, many of those things we take for granted as the “Berkeley Way” simply would be impossible to achieve. So thank you coaches!

In the courtroom, we got off to a fast start in our Spring semester, attending the National Trial Competition regional tournament in San Francisco. After getting to nationals last year, we again made it this year, finishing in the top 10 teams of more than 300 across the country.

For the annual American Association for Justice competition, we were invited to the Los Angeles regional tournament instead of our usual home in Seattle. Despite this being our first appearance at this regional tournament in several years, both of our teams advanced to semi-final rounds—making it to the top 4 of 18 teams.

We then made a return trip to McGeorge’s National Ethics Trial Competition, after a 2-year hiatus. With the support of returning coach Tatiana Cottam, ’11, and new coach Jonathan Lee, we were successful in our return, having an excellent tournament.

We finished the season on a very high note—our first national championship. Representing Berkeley Law, our very own Collin Tierney, ’14, beat the top advocates at the top trial schools in the country at the exclusive Baylor Top Gun National Tournament.

We also held tryouts for next year’s team and were fortunate to have an overabundance of excellent students try out for a limited number of spots. I am already looking forward to writing about their successes in next year’s editions of the Trial Advocate!

For now, I hope you enjoy this season-ending edition of the newsletter. We once again have many reasons to be proud.

Spencer Pahlke, ’07
Walkup, Melodia, Kelly & Schoenberger
Director of Boalt Trial Competition Teams

Pictured above, at center, is Collin Tierney, ’14, winner of this year’s Baylor Top Gun National Tournament, surrounded by the judging panel and his competitor from Hofstra University.
National Trial Competition / Texas Young Lawyers Association

 Regional Tournament

We started off our Spring season with regionals for the National Trial Competition, hosted by Hastings College of the Law in San Francisco. Following our usual practice, we sent two teams, each with three people to the tournament.

The teams included students Vassi Illiadis, '13, Aaron Spolin, '13, and Sara Haji, '14, with coaches Spencer Pahlke, '07, and Valerie Rose, '10, and students Ciara Mittan, '13, Collin Tierney, '14, and Amanda Rogers, '14, with coaches Stephanie Clark, '11, and Aaron Laycock, '10.

NTC always presents an interesting challenge. It switches back and forth between civil and criminal problems each year. The tournament provides the witnesses, meaning our trial advocates meet their witnesses for the first time 15 minutes before the trial starts. To add to the complication, NTC has different problems at regionals and nationals.

This year being a criminal-problem year, the regional case involved the prosecution of John Drath for the murder of Stevie Walker. The state argued that the motive was that Mr. Drath saw Walker holding hands with his daughter the day of the murder; became angry, went to Walker's house that night and killed him. While the motive was thin, the physical evidence placed Mr. Drath directly in the crosshairs. The defense therefore was permitted to argue that Mr. Drath was not guilty by reason of insanity.

Despite the challenges of the competition and the unusual problem, both of our teams made us proud.

On team Illiadis-Spolin-Haji, Ms. Illiadis and Ms. Haji handled the closing arguments, one for the prosecution and the other for the defense, while Mr. Spolin gave both opening statements. The competitors then shared the examinations of the witnesses, with each having one cross and one direct examination.

Mr. Spolin distinguished himself with rock-solid opening statements, no matter which side of the case the team was on. In typical fashion, Ms. Illiadis owned the courtroom with powerful cross examination and authoritative closing arguments. Ms. Haji, joining the program as a 2L, was a perfect example of what our program takes pride in: transforming raw talent into skilled advocacy. After many hours of practice—with the team, with the coaches, and by herself—Ms. Haji unleashed her natural skills with cross examination that impressed coaches and competitors alike.

Team Illiadis-Spolin-Haji had the most difficult draw of the tournament, facing an excellent team from the University of Washington in the first trial, and narrowly losing on a 2-1 decision. After winning the second round, they had a combined record of 1-1. In the field of 22 teams, only 8 advanced. As luck—or bad luck—can sometimes have it in both real and mock trial, Illiadis-Spolin-Haji was the 9th-placed team, one out shy of the elimination rounds.

Team Mittan-Tierney-Rogers performed admirably, facing exceptionally difficult competition in the preliminary rounds. The first trial, against William and Mary University, was a clean round during which the judge let the students try their case without undue interference. Whether it was handling witnesses or argument, the round went without a hiccup and resulted in a 3-0 win. The second round, against a very difficult team from Loyola-Chicago, was the opposite. It was a round during which every moment was contentious, starting with the opening statements. While one response to that tenor of advocacy would be to beat a hasty retreat, Ms. Mittan and Mr. Tierney did the opposite, going blow-for-blow with the competition, but kept their advocacy civil and professional, in classic Berkeley style. After the hard-fought round, we emerged victorious on a 2-1 decision.

Going into the final preliminary round, we were 5-1, having won ballots from all but one of our six scoring judges. Among the 28-team field, this placed us at or near the top of the field.

The third round, against Rutgers, appeared to be our best. Ms. Mittan and Mr. Tierney had an answer for every argument the opposition raised, leaving the casual observer (or the coach) with the impression that the round would result in another Berkeley win. But the mock trial gods are mercurial and unpredictable, and the result was a loss, placing our team on the cusp of advancing to the elimination rounds—but not quite there.

In the end, it was a top-10 finish for Berkeley among a national field of more than 300 teams.

Great job students and coaches—you were awesome!

National Tournament

This year’s national competition was in San Antonio, Texas. The new problem was a modified version of the death of Michael Jackson, changing some facts (and the names) to result in a criminal prosecution of Dr. John Martin for the death of David Kitner, a famed entertainer who started in rap, only to move to “progressive/regressive” country and western music. The prosecution argued that Mr. Kitner died after Dr. Martin injected him with propofol. The defense took the position that Dr. Martin did not inject the drug, but that either Mr. Kitner or his son did.

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Great job students and coaches—you were awesome!
Our second competition in the spring was the annual AAJ tournament. We attended the Santa Monica regional for the first time in several years. It was a great success for our students and coaches, who included Nikki Davenport, '13, Nicole White, '14, Carrie Hall, '14, and Kaloma Cardwell, '14, coached by Bruce Budner and Suzanne Jaffe, '12, on one team, and Aaron Ver, '13, Allina Hightower, '13, Christie Bahna, '13, and Christine Chan, '15, on the other team with coaches, Spencer Pahlke, '07, Jonah Lalas, '12, and Justin Chou, '11.

The AAJ competition takes a different format than NTC, with four students on each team. The case is always a civil problem, and each team must be prepared to try either side of the case. On each side, two students are attorneys and two are witnesses; on the other side, the roles switch so those who were lawyers play witnesses, and vice-versa.

This year’s AAJ problem was modeled on the horrible Penn State child abuse scandal, with facts changed so that the school at issue was Steelton State University, and the sport was baseball. In the AAJ problem, the alleged child abuser was not an assistant coach in the program as was the case with Penn State, but instead the famous head baseball coach, Terry Toledo. The plaintiff developed evidence that the University had reason to know that Mr. Toledo had been abusing children for several years, while the University defended itself on the basis that it never knew specifically what conduct was occurring.

In advance of the regional competition, the head coach for team Ver-Hightower-Bahna-Chan had to try a non-mock trial, requiring first-time assistant coach Jonah Lalas to take on additional responsibility for preparing the team for the regional competition. Because Mr. Lalas could not attend the competition, we relied on our growing alumni network, and one particularly fantastic alum in particular: Justin Chou. About 60 seconds after being asked, by phone, if he could take the end of the week off and travel with the team to Los Angeles for the tournament, the erstwhile Mr. Chou replied: "Yeah! Let's do it!" Though the head coach was very unhappy to miss the tournament, Mr. Chou stepped in perfectly, taking care of the team, helping them out, and guiding them on short notice. We could not ask for more!

With Mr. Chou and Mr. Budner traveling with our teams, we headed to Los Angeles for competition. At AAJ, there are three preliminary rounds, allowing the teams to differentiate themselves from the field of 18 teams, in hopes of making the tight cut to 4 that advance to the elimination rounds.

Matching our feat from the last two years, both of our teams advanced into the elimination rounds—an impressive achievement, meaning that our two teams were among the top four in the entire competition. Both semi-final rounds were painfully close, but in the end we did not advance to the final round. Still, a wonderful accomplishment for two great teams!
McGeorge National Ethics Competition

After a hiatus, we were lucky to again attend the McGeorge Ethics Competition, hosted each year by the McGeorge School of Law in Sacramento. Our team this year was coached by returning coaching Tatiana Cottam, ‘11, and first-time Berkeley Law coach Jonathan Lee of the United States Attorney’s Office for the Northern District of California. Our competing students were Kristal Swope, ’13, Shayne Henry, ’14, Bryn Starbird, ’14, and Michael Johnson, ’14.

True to its name, the problem presents the competitors with ethical dilemmas that have resulted in trial. This year’s problem was a trusts issue in which an attorney representing an elderly woman placed a large portion of her assets in a revocable trust with her daughter serving as the trustee. Greatly complicating things was a romantic relationship the attorney had cultivated with the daughter. While that of course created rather poor optics for the attorney, the defense in the case was that his decision to create an irrevocable trust was actually in the best interests of his client, regardless of his relationship with her daughter.

During the tournament, our students each showed brightly. Ms. Starbird’s opening statements were a highlight each time she gave them. Ms. Swope’s cross examinations were described as “withering” and Mr. Johnson’s closing as “impassioned.” Likewise, Mr. Henry’s closing argument in the second round of the tournament drew praise from each of the judges.

Despite their efforts, our team did not advance to the elimination rounds. As always, though, it was a great experience - nice job!

Berkeley Law: Boalt Hall Trial Advocacy


Above right, Mr. Johnson, Ms. Starbird, Mr. Henry, and Ms. Swope in front of the state capitol in Sacramento.

Left, Ms. Swope pondering the vagaries of trial practice.

Right, Mr. Henry and Ms. Swope during competition.
TOP GUN
National Mock Trial Competition

The 2012-13 season saw some very exciting "first's" for our program. In the Fall, it was our first ever invitation to the Tournament of Champions. In the Spring, we were honored to be invited to Baylor Law School's Top Gun Competition.

This competition is unique in every way. Each year, Baylor sends invitations to the top 16 trial advocacy programs in the nation. Each of those schools then sends one of its advocates to compete. At the competition, we do not receive the fact pattern until 24 hours before the first trial. After the first day of trials, the organizers change the problem and add witnesses. At the conclusion of the second day, for the 4 students of 16 that advance, the organizers have the students take and defend expert depositions, then provide the students with transcripts of those depositions to use on Sunday, the final day of competition. On Sunday, the students can call witnesses adversely and have live expert witnesses. In the final round, the live expert witnesses this year were two psychologists from Baylor's Department of Psychology. To top it all off, the organizers had more tricks up their sleeves just before the championship round, broadcast it live online, and awarded the winner $10,000.

Oh—and one more tiny detail—we won the tournament! It was Berkeley Law's first ever national championship in trial advocacy.

While traveling with our competitor, Collin Tierney, '14, I thought it would be interesting to keep journal entries for use in the Advocate. Without much editing, here's how things happened:

Tuesday, June 4, 2013.

12:05 a.m. Collin calls me twice (fortunately failing to wake me up), then judiciously follows up with panicked text messages (that do wake me up), asking if we leave Tuesday morning or Wednesday morning for the competition. Thinking this was important information, I explained that we flew out Wednesday, not Tuesday. Collin cancels his cab for the airport, but is pleased that he has packed his bags 24 hours early.

Wednesday, June 5, 2013.

7:44 a.m. After searching Gate 56B for Collin, I locate him in flip flops and in a bit of a daze. He apparently arrived at the airport at 5:45 a.m. in advance of the 8:10 a.m. flight, perhaps not wanting to be surprised in case the airplane moved the flight up an hour. He seems in good spirits, Collin-like in all respects: expressive of all manner of opinion, no matter the hour of the day.

2:14 p.m. Collin and I enjoy Subway sandwiches. Collin explains that the last time he had Subway he was horribly sick for approximately 6 hours. This was a nice prelude to our lunch, which so far has not left us in a similar predicament. Will update if things change.

9:39 p.m. Prepare for tournament by having beers and playing pool at the Cricket, the local Waco pool hall. Spencer won, 3 games to 2.

Thursday, June 6, 2013.

8:02 a.m. Get problem, start reading 4 depositions, the pleadings, and the law. Playing it cool, Berkeley style. The case is interesting: after an altercation at a bar, one patron is kicked out. He goes out to his Humvee in a drunken stupor, pulls out his handgun, and erratically shoots toward the plaintiff, striking her in the head and leaving her in a permanent vegetative state.

10:09 a.m. Trip to the place where the shooting occurred, the local bar named "George's." Unfortunately, they are not yet serving food or drinks at this hour.

12:57 p.m. Take a break to watch funny cat videos.

11:18 p.m. Leave law school after 15 hours of case preparation. Need Corona before going to bed. All ready for competition the next day, with two openings, two directs, two crosses, and two closings all prepared.

Friday, June 7, 2013.

7:45 a.m. Collin texts me, asking if he can get hair gel from me. As at NTC Nationals, he had opted not to bring any of his own.

7:46 a.m. Collin takes my hair gel.

8:15 a.m. Collin still has my hair gel. But I need it to do my hair. Passive-aggressive text sent to Collin, hair gel promptly returned.

9:45 a.m. Beginning of first round against an advocate from Hofstra University.

12:01 p.m. Collin emerges victorious, winning all three ballots. Despite having received the problem only 24 hours before, Collin performed both the opening and closing entirely without notes and won almost every evidentiary battle showing firm command of the facts and the law.

2:15 p.m. Second round begins, Collin facing competition from Campbell University School of Law in Raleigh, North Carolina. In a very tight round, in which Collin turned the plaintiff's theme in his opening statement, the advocate from Campbell emerged barely ahead, winning the round 2-1. Collin is therefore 1 and 1, having won 4 of 6 ballots—not a bad start.

6:13 p.m. Receive new materials—two new depositions and amended expert reports—and get back to work! Editing our entire case on both sides, plus doing new directs and crosses for the new witnesses.

Saturday, June 8, 2013.

11:42 a.m. Taken from the transcript of Round 3, during Collin's direct examination of an eyewitness:

Opposing Counsel: "Objection! Counsel is using the language directly from the jury charge to question this witness, having the witness answer a question for the jury!"

Collin: "Yes your honor, that's exactly what I'm doing—and I'm allowed to do precisely that."

Judge: "Objection overruled."

6:44 p.m. Just as our chicken-fried steaks at George's are being brought to our table, the announcement is made that Collin advanced to the elimination rounds! This puts Berkeley in the top 4 among the 16 advocates at the competition. Collin ended up 3 and 1, winning 9 ballots out of the 12 available. Very exciting, but before we can eat the organizers send us back to Baylor so Collin can take a deposition of the opposing side's expert witness.

10:11 p.m. Deposition finished! Now to prepare for tomorrow's trial by creating direct and cross examinations for the expert witnesses.

11:59 p.m. Head back to the hotel…need to get some sleep!

Sunday, June 9, 2013.

10:24 a.m. During the round with this year's national champion at NTC, Collin writes on the diagram that defense counsel just created during his cross. Awesome!

11:36 a.m. Collin is currently cross examining the manager at George's bar, who is ably being played by the Dean of Baylor Law School. Pretty serious institutional commitment to have the Dean of the law school playing a witness role on a Sunday morning.

12:59 p.m. Collin wins! Off to the final round against an advocate from Hofstra University.

6:24 p.m. COLLIN WINS! Facebook insanity ensues!
We competed against Stanford at the AAJ competition.
Prior to the round, several people came up to me and stated how opposing counsel was a seasoned advocate and had a reputation of winning. Needless to say, the comments were unnerving.

But then, our team came together and realized that we had so much natural talent and personality that we could bring to the courtroom.

Personally, I did not know if we would be successful in the round but I knew I had to trust myself as an advocate. We had the skills, the talent, and had worked hard to put together a solid case. Additionally, we had passion. I think all these factors, and possibly more, contributed to our success in winning the round with all the ballots in our favor.

This situation illustrates the importance of knowing your worth as an advocate no matter how many competitions you have under your belt. Everyone on the trial team brings talent, personality, and uniqueness that no one can replicate. As I stated to others on the team, “Don’t doubt yourself. You are on the team for a reason.”

Allina Hightower, ’13 / AAJ 2013

Pictured above, Aaron Ver, ’13, celebrating his birthday while preparing for trial in Santa Monica.
Left, Vassi Illiadis, ’13, no doubt correcting an inaccuracy or exaggeration by Aaron Spolin, ’13 (someone needs to do it).
This was my first experience with mock trial, and let me just say... I now "get it." I see why everyone on the team adores it and how it can be addictive. A year ago, if you asked me if I could suspend my disbelief for a semester and care about a nonexistent client, I would have shown you the sparkly bead curtain I sometimes refer to as "the door." But after a year with Berkeley’s trial team, I get it.

Participating in AAJ was one of the best things I have done in law school—not only because it was an incredible way to cultivate and sharpen my advocacy skills, but also because I have made incredible friendships with amazingly smart, talented people who have taught me a lot about how to think about/connect with a case and present myself in the most persuasive, effective way possible. After months of a lot of hard work and practice, the tournament itself was simply icing on the cake. My only regret is not joining trial team sooner. THANKS TRIAL TEAM! [Double thumbs up + open-mouthed smile].

Christie Bahna, ’13 / AAJ 2013

Above, from left to right is our NTC team at nationals: Coach Stephanie Clark, ’11, and students Amanda Rogers, ’14, Collin Tierney, ’14, and Ciara Mittan, ’13 (close acquaintance of “Big” Rory McHale,’12).

Left, national champion Collin Tierney, ’14, with shabbily dressed coach, Spencer Pahlke, ’07.
One of the best things about heading off to compete is that you get to see all the hard work your team has invested over the semester really pay off. It’s funny, you’d expect it to be anti-climactic—days and weeks and months of preparation just for a short weekend—but it’s SO NOT. The pay off is one of the things that makes mock trial so much fun.

AAJ with Allina, Aaron, Christie, and Justin was no exception. We were very sad that Spencer couldn’t join us, but were grateful that Justin came in to save the day. Team chemistry was awesome, and it really showed in our rounds. We were prepared, polished, and most importantly, we had fun. Highlight from the trip: beating [our friends at that other school from down the Peninsula] in celebration of Aaron’s 30th birthday! Really sad that all my teammates are graduating, but also looking eagerly forward to next year so I can do it all over again!

Above, stylish Instagram photo and perfectly apt Jay-Z quote thanks to Coach Justin Chou, ’11, showing our AAJ team ready for business.


Below, our first-ever hip hop / trial advocacy practice, with a special private lesson from Bay Area hip hop legend Allan Frias.