Greetings again from your Berkeley Law Trial Competition Program! We had a wonderful Spring season, including success in external competitions, another excellent internal Bales Trial Competition, and the inauguration of an internal competition for our trial team members, called the MINT.

This Spring started with the regional National Trial Competition, hosted by Santa Clara University's law school. As in prior years, both of our teams advanced to the elimination rounds, making us proud in the process.

A few weeks earlier, we hosted the first-ever MINT—Mini Internal Tournament. It was a combination of a tune-up for the National Trial Competition, as well as an opportunity for our Fall competitors to get more experience. Christine Chan and Janice Lu, both 2Ls in the class of 2015, emerged victorious in a very close competition.

Our next tournament was the annual American Association for Justice (AAJ) regional competition, held for the first year in San Francisco. After an exhaustive preparation period, during which our students met with leading practitioners and a medical expert, one of our teams advanced to the semi-finals—the 5th year in a row that Berkeley has accomplished this feat.

We next attended the National Criminal Justice Trial Competition, hosted by John Marshall Law School in Chicago. In our first year attending this tournament, we had a wonderful time, and advanced to the elimination rounds of the competition.

Our final competition this Spring was a return trip to Baylor University’s amazing Top Gun Trial Competition, in which advocates from the country’s top 16 trial advocacy schools are invited to compete. This year, Salah Hawkins, Roxana Guidero, Jordan Kahler, and Christine Chan tried out for the first- and second-chair trial counsel positions. In the end, Ms. Chan attended as our first-chair trial counsel and Mr. Kahler as our second chair. The competition, as usual, was stiff, but Ms. Chan and Mr. Kahler were impeccable, competing successfully against the country’s best teams.

As you can see, we were fortunate to have another wonderful semester of trial advocacy at Berkeley Law. I hope you enjoy reading about our exploits, adventures, and successes!

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

Pictured above, are many members of our trial advocacy program, enjoying dinner and drinks the evening after our first-ever internal trial competition for our trial team members.

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Boalt Hall | Trial Advocacy
’13 - ’14
Following our tradition, we had two NTC teams this year. One team consisted of Sara Haji, '14, Nicole White, '14, and David Moakley, '15. This team’s coaches were Kayla Delgado, '14, Ciara Mittan, '13, and first-time coach, Reid Mullen, '08. Our other team had students Collin Tierney, '14, Nedo Khoshkoo, '15, and Sophia Goren, '15. Their coaches were veteran coach Stephanie Clark, '11, and first-time coach Corey LaPlante, '13. Mr. LaPlante also served as the first-ever remote coach in our program, dialing in to work with the team from Los Angeles.

This year’s NTC problem involved a civil case, in which an employee of an oil pipeline company died while on the job. The circumstances of his death were very strange, at least to a layperson, given that he was frozen to death in the warm summer sun of the fictitious town of Armadillo, in the state of Lone Star—which bears a considerable resemblance to Texas.

Defendant Pipe-Test, Inc., employed the worker who died, Benjammen White-Hill. Pipe-Test operates in the oil and gas industry, helping companies that own pipelines test for and find leaks. Its method for testing involved emptying a pipeline of its petroleum products, pumping water into a segment of the pipeline, then affixing an external collar around the outside of the pipe. The company then runs liquid nitrogen into the collar, freezing the water within the collar into something called a “plug.” The plug serves as a temporary block, allowing Pipe-Test to pump water against it to see if there are leaks in sub-segments of the line.

When Mr. White-Hill attempted to place a collar, it leaked, freezing and killing him in short order.

In the case, the plaintiff developed evidence that Pipe-Test had poorly trained its employees and that its equipment may have been in poor condition. The defense countered with a very strong argument that Mr. White-Hill himself was to blame on a comparative fault basis, and that he had a strange and unexplained puncture wound in his back. Perhaps there was foul play? The defense had facts to argue that Mr. White-Hill’s wife and his co-worker had previously been intimate.

At competition, both of our teams acquitted themselves with aplomb. Team Haji-White-Moakley started off facing Santa Clara University Law School and UC Hastings in the preliminary rounds, then advanced to semi-finals to compete against McGeorge. Mr. Moakley served as our “swing” person, working on both sides of the case. Ms. Haji joined him on the plaintiff’s side and Ms. White on the defense. In Mr. Moakley’s first year on the team, he proved to be a powerful speaker, starting each round off with a strong opening, then using precise evidentiary argumentation throughout the presentation of evidence. Ms. White’s closing arguments were deft, particularly her attack on the opposition’s logical inconsistencies. Ms. Haji, on the plaintiff’s side, showed remarkable skill in keeping her witnesses on a tight leash throughout her cross examinations.

Our other team, Team Tierney-Khoshkoo-Goren, faced stiff competition in the preliminary rounds, trying the case against Golden Gate University’s team and then against the University of the Pacific-McGeorge trial team. On the plaintiff’s side, Ms. Goren distinguished herself in the closing argument, providing a satisfying bookend to Mr. Tierney’s opening statement. The result was a 3-0 victory. In the round against the University of the Pacific, Ms. Khoshkoo, a first-time member of our trial team, brought to bear all she had learned in her hard work preparing for the tournament. Pairing up with Mr. Tierney, the two were victorious, assuring a position in the elimination rounds.

In Team Tierney-Khoshkoo-Goren’s final round, they faced an excellent team from Stanford. Despite difficult rulings during trial, and having the difficulty of handling the case on the plaintiff’s side, which brought the inexplicable stab wound to the forefront, our team had an excellent round. In the end, Stanford advanced, and was among the two teams that competed at the national competition.

Great job NTC students and coaches!
The American Association for Justice Competition this year involved a complicated medical malpractice case. The plaintiff in the case was the surviving daughter of Eleanor Roosevelt, an elderly woman who went to Dr. Sotomayor to have her gallbladder removed. During the procedure, Dr. Sotomayor injured a structure nearby the gallbladder, causing internal bleeding. Over the next three days, Dr. Sotomayor was too slow in recognizing that the surgery had resulted in internal bleeding, resulting in Ms. Roosevelt's death.

The problem in this case was unlike those in any other mock trial competition, for the better part of a decade. While the file paled in comparison to what one would encounter in an actual medical malpractice case, it was a few multiples of what is typical for mock trial. It included 6 full-size depositions, many exhibits, and a stack of medical records.

To get our head wrapped around the case, we met with Ralph Lombardi, '70, a leading Bay Area medical malpractice defense attorney. We then had a meeting with a top general surgeon in the Bay Area, to help us understand the medicine. During our set of internal scrimmages, we asked Paul Melodia, '64, a leading plaintiffs’ side medical malpractice attorney, to offer input and serve as a judge.

As usual, we had two teams. One consisted of Jordan Kahler, '15, Yasmin Emrani, '15, Jerel Dawson, '15, and Roxana Guidero, '16, coached by Spencer Pahlke, '07, and Bryan Heckenlively, '09. Our other team included Casey Hultin, '14, Jalem Peguero, '14, Margaret Dreschel, '15, and Jason Wu, '16, coached by Bruce Budner, Suzanne Jaffe, '12, and Kevin Budner, '12.

In the end, our extensive preparations paid off. Team Kahler-Emrani-Dawson-Guidero put on a strong performance in a very tough draw during the tournament's preliminary rounds. The plaintiff's team featured Ms. Emrani handling the opening statement and Mr. Kahler on the closing argument. Ms. Emrani distinguished herself with a clear, patient, and powerful opening statement that laid out the rules the defendant had violated. Throughout trial, both Ms. Emrani and Mr. Kahler then wove these rules—and their violations—into the rest of their case, culminating with Mr. Kahler's closing argument. His much-complimented resonant bass voice, along with exceptional analytical and advocacy skills were a perfect match to Ms. Emrani's, putting together a strong plaintiff's team.

On the defense side, Mr. Dawson handled the opening statement with poise, then perfectly executed a delicate cross examination of the plaintiff. Ms. Guidero cross examined the plaintiff's expert, working the good doctor into several conceptual conundrums, which she then highlighted in an eloquent closing argument.

Team Hultin-Peguero-Dreschel-Wu was equally impressive. Ms. Hultin and Ms. Dreschel handled the plaintiff's side of the case. Ms. Dreschel put on a very strong performance, and was an excellent addition to our program. Ms. Peguero and Mr. Wu handled the defense side of the case. We were very pleased to have Ms. Peguero, who joined the program as a 3L, and acquitted her self well. Handling the closing arguments, Ms. Hultin for the plaintiff and Mr. Wu for the defense, both pulled out strong victories in preliminary rounds—all in aid of their birth to the elimination rounds of the competition.

In the semi-final round, Berkeley competed against eventual winner, and perennial powerhouse, Loyola-Los Angeles. In a close-fought round, Loyola emerged victorious, and proved to be the eventual regional champion.

Great job AAJ students! You made us all very proud.
Aspiring prosecutors and defense attorneys flocked to the Windy City to try a good old-fashioned self-defense case at the National Criminal Justice Trial Competition at John Marshall Law School. The Berkeley team, led by coaches Tatiana Cottam '11 and Emily Tienken, '12, was comprised of Daniela Spencer, '15, Neelam Mohammed, '16, Elisabeth Lee, '15, and Janice Lu, '16.

This competition was unique because of its emphasis on the use of technology. In fact, the scores in each round depended on the ability to seamlessly integrate technology into trial presentation. Consequently, pretty PowerPoints and ELMO projectors abounded throughout the tournament, with Berkeley as no exception. However, such technology did not come without its obstacles. In the first round against Barry University, attorneys Janice Lu and Elisabeth Lee hit a few hiccups when photographs failed to materialize and PowerPoints failed to work properly during closing arguments, an unfortunate similarity with the real world.

But this is a true redemption story. In the second round against Arizona State University, attorneys Daniela Spencer and Neelam Mohammed gave a dominating performance, earning plenty of praise from the judges. This was enough to carry Berkeley into Quarterfinals, where Berkeley went against first-seeded Fordham University. After a painfully close round (in fact, Fordham commented that Berkeley was the best team they had encountered for the entire tournament), Berkeley lost, but not before knocking Fordham from first seed to last seed.

It was a weekend of deep dish pizzas, complaints about Chicago weather from the Californians and Texan in the group, and vigorous mock litigation. But most importantly, it was a weekend of a team coming together after much hard work, and a strong showing from Berkeley once again!
We were again privileged this year to receive an invitation to the elite Top Gun trial competition, hosted by Baylor University. The competition is unparalleled in the amount of effort the wonderful Baylor University Law School’s dedicated trial advocacy faculty and staff put into preparation. Each year, preparation for the competition starts about one week after the preceding year’s competition is over. During the preparation period, Baylor creates an entirely unique fact pattern unlike anything seen at other competitions. To make sure the problem is fair to both sides, it tries the case internally multiple times in the weeks and months before Top Gun, then tweaks the case to make sure it is balanced.

At competition, each team gets 24 hours to prepare the case for trial. This makes for one very long day of preparation, when each team goes from entirely unfamiliar with the problem to well-versed in the facts, ready to try the case on both sides. This year, for the first time, Baylor invited each school in attendance to bring another student to serve as second chair during the competition. This turned out to be a crucial role in the tournament because Baylor also introduced a heavy focus on trial technology, permitting the students to use the program “Exhibit View” during trial. The second-chair advocate was also permitted to help prepare witnesses, confer with the first chair throughout each round, and read in testimony as necessary during trial.

At Berkeley, we had substantial interest in trying out for the Top Gun competition. In total, four of our students participated in tryouts: Salah Hawkins, Roxana Guidero, Jordan Kahler, and Christine Chan. To mirror the tournament’s conditions, each advocate was given the entire problem on the day before tryouts, at 4:00 p.m. That evening they had to exchange motions in limine and oppositions, which were ruled on prior to trial the next day at 11:00 a.m. In the end, Christine Chan was the first chair and Jordan Kahler was the second chair.

In competition in Waco, Texas, we got our first look at the problem. It was a copyright case in which the author of a well-known children’s book series featuring Hank the Cow Dog sued another author for copying his work. To pull this off, the Baylor faculty and staff actually wrote and published an entire children’s book—all so the students could try a case as to whether it infringed on the Hank the Cow Dog series.

There were many highlights in competition. Among them were Ms. Chan’s cross examination of the author who wrote the allegedly infringing work. In that work, there are several passages that are very similar—almost identical—to passages in one of the Hank the Cow Dog books. Toward the end of her cross examination, Ms. Chan put both passages up on a screen, and read them aloud. She then asked the author: “Which one of those is yours?” After pausing several moments, the author furtively said, “The second one?,” inadvertently making the correct guess. Ms. Chan quickly asked, “Are you sure?” After several more moments of silence, Ms. Chan sat down, “passing the witness”—to use the Texas parlance—in high style.

Mr. Kahler was a crucial part of the team. His assistance during the preparation period was admirable—he summarized both books while reading them both simultaneously, capably pulling out quotes that appeared to be copies. He then learned the entire Exhibit View software suite so he could use it with ease during trial. When one meets Mr. Kahler, a characteristic that quickly proves noticeable is his big, booming, resonant base voice. The team had the chance to use this to its advantage by placing Mr. Kahler on the witness stand to read in testimony. In what sounded much more like the work of a professional radio announcer or Broadway actor, Mr. Kahler received multiple compliments on his presentation, repeatedly being told that he had “the voice of God.”

It was another successful trip to a fine tournament. We were honored to attend, and happy with our results.
At Berkeley Law, new advocates test their mettle in the Bales Mock Trial Competition. While the month of preparations and week of competition offer law students a chance to fight for a cash prize and well-earned acclimation, the competition is designed to offer something much more valuable—a first real chance at courtroom advocacy.

Bales invites first-year law students, and those without prior competitive experience, to try a case while learning the basics of how to conduct a trial. Over three training sessions, students learn how to make opening and closing arguments, elicit testimony from helpful and adverse witnesses, introduce exhibits, and learn the basics of the rules of evidence. The culmination of the training sessions is a practitioner panel comprised of experienced litigators who offer advice about how to survive—and thrive—at trial.

Trial is a collaborative effort, and the new advocates who compete do not have to run the gauntlet alone. 40 competitors are divided into teams of two and assigned a mentor with mock trial experience. The competition directors work hard to pick mentors who are invested in helping their teams succeed. When mentors and competitors work together, they build cohesive cases with strong, clear narratives.

The month of preparation finishes with the competition week. Three preliminary rounds, judged by panels of trial team members and practitioner judges, determine the two teams who will face each other in Booth Auditorium for the final round. Bales invites distinguished guest judges to preside, and an audience of competitors, mentors, faculty, and staff gathers to watch the advocates clash. In past years, the final competitors have commanded the courtroom with a clarity and force that surprised even the experienced trial lawyers who judged the competition.

The best part about Bales is that every year a few competitors come forward and explain that the competition made a meaningful difference in their law school careers. Though they entered Boalt uncertain about what kind of law they wanted to practice, they left Bales knowing they wanted to be trial lawyers. For as long as it remains a Boalt tradition, the competition will remain—for some—the first foray into long and successful careers in the courtroom.
We were very excited this Spring to host the first-ever MINT competition. The “MINT”—Mini Internal Tournament—filled a longstanding need in our program: another trial competition opportunity for our students who were already on the team. With the MINT, we were able to offer our students one external competition and one internal competition, both within the same school year. It was a first, and it was lots of fun.

Our student director was Margi Schierberl, ’15. Ms. Schierberl was absolutely critical in putting the competition together, handling everything from bringing in external witnesses, coordinating rooms, helping teams prepare, and making sure the tournament run smoothly the day of competition. Thank you very much, Margi, this competition could not have happened without you.

Walkup, Melodia, Kelly & Schoenberger, a plaintiff’s personal injury and wrongful death firm in San Francisco (disclosure: and the employer of your author) provided a $1,000 scholarship to the winning team and a $500 scholarship to the second-place team.

The format of the competition was mirrored on the NTC competition, and used the same fact pattern involving Mr. White-Hill’s death. Four of the two-person teams in the competition were competitors at external competitions in the Fall, while our remaining two two-person teams were our actual NTC competition teams. The non-NTC teams were eligible to win the competition.

Prior to competition, Ms. Schierberl contacted local high school and college programs to ask their mock trial competitors to serve as witnesses in our competition. Thanks to her amazing recruiting, and the wonderful generosity of these high school and college coaches and students, we had more than 30 students serve as outside witnesses. It made the competition very realistic, and our students all appreciated it greatly.

In the end, the champions were Christine Chan, ’15, and Janice Lu, ’15. Our runners up were Ms. Schierberl and Tamila Gresham, ’15.

Congratulations to everyone on what we hope will become a long-time tradition at Berkeley Law!

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Est. 1959
This year we put on our 3rd Continuing Legal Education seminar for young lawyers. After a hiatus last year, we were happy to host the CLE again.

This year’s specific topic was: “The Missing Manual for Your Five Year Plan.” The focus was on how young lawyers, in their first few years of practice, plan for the long term. The idea came to us as we heard more of our law school classmates talking about the next step in their career as the eighth-year gauntlet starts to approach. In a changing legal world, where there seems to be much less certainty, we thought our friends and colleagues would benefit greatly from continuing legal education about how we can serve our clients and our careers at the same time.

This year’s CLE included three different panels: first was “Staying Put: Positioning Yourself for the Long Haul,” second was “Small Moves: Fine Tuning Your Career;” and our third was “Big Moves: Shifting Gears and Changing Your Career Trajectory.” In each panel, we had three to five speakers. In a first, we had criminal attorneys joining us this year, to broaden our appeal to our friends in the criminal bar.

Following three well-attended panels, we had cocktails in our office at Walkup, Melodia, Kelly & Schoenberger. It was great to revive this event again this year, and we hope to keep it as a tradition.

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Above, from left to right are our hosts: Sara Peters, Stanford, ’08, Valerie Rose, ’10, Jen Middleton, ’10, and Spencer Pahlke, ’07.

At left is our program for the day, showing our three panels and our wonderful slate of panelists.

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**The Missing Manual for Your Five Year Plan**

April 4, 2014

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**Registration**

2:00 - 2:15 p.m.

Please proceed to the security desk for check-in. Registration and Conference in Room B2.

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**Staying Put: Positioning Yourself for the Long Haul**

Lisa Devlin, Professional Development Specialist, Nixon Peabody

Chad Gallagher, Shareholder, Miller Starr Regalia

Jewel Kolling Basse, Partner, Gordon Rees Scully Mansukhani LLP

Elgin Lowe, Assistant District Attorney, Alameda County

Sara Peters (moderator), Associate, Walkup, Melodia, Kelly & Schoenberger

2:15 - 3:15 p.m.

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**Small Moves: Fine Tuning Your Career**

Sabrina Adler, Staff Attorney, ChangeLab Solutions

Peter Bales, Associate, Buchalter Nemer

Andy Ferguson, Associate, Irell & Manella LLP

Scott Mollett, Associate, Baker Botts LLP

Valerie Rose (moderator), Associate, Walkup, Melodia, Kelly & Schoenberger

3:15 - 4:45 p.m.

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**Big Moves: Shifting Gears And Changing Your Career Trajectory**

Janaki Gandhi, Special Assistant United States Attorney, Department of Justice

Niki Okeu, General Attorney, AT&T

Frank Riehle, Assistant United States Attorney, Department of Justice

Amanda Rinkoff, Associate Corporate Counsel, Gap Inc.

Jennifer Middleton (moderator), Associate, O’Melveny & Myers LLP

5:00 - 6:00 p.m.

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**Cocktails and Conversation**

6:00 - 7:00 p.m.

Please take the elevator to the offices of Walkup, Melodia, Kelly & Schoenberger on the 26th Floor.
While in Waco for Top Gun, Christine, Jordan, and I had a bunch of fun exploring the local haunts, enjoying some excellent taprooms, and going on a quest for a pair of cowboy boots. We didn’t think it would be fair to keep our adventures from you. Hope you enjoy as much as we did (in no particular order!).

**Above left.** Jordan and Christine closing in on the Boot Barn—walking on a median when we ran out of sidewalk.

**Above,** Christine scaling a fence to get a closer look at the “Cotton Castle.” It is hard to make out Jordan’s head shaking back and forth in this still photo.

**Above right,** the fruits of our journey, Christine’s new boots.

**Right,** exactly what it appears: a large gorilla statue painted in a white and pink sweater.

**Below right,** Jordan posted up at the taxidermist.

**Below left,** a photo I thought was very cool, against the Texas sky (Christine called, and they are open for business!).

**Left,** celebratory drinks at our favorite Waco bar, Cricket’s Grill and Draft House.