Hello from your Berkeley Law Trial Competition Program! I can't tell you how much I've been looking forward to putting together this Fall's edition of the Trial Advocate. Thanks to the hard work of our students and coaches, we had the best Fall season in Boalt's history!

On top of all of the successes we've enjoyed in the courtroom—which I'll excitedly recount momentarily—I'm happy to report that the trial advocacy community is as strong as ever. Our students and coaches are having fun!

Now on to those successes: A National Championship at the NITA Tournament of Champions, a Regional Championship at the ABA Labor & Employment Competition, a Semi-Final appearance at the National Civil Trial Competition, and an strong showing at the California Association of Criminal Justice competition.

This was a our third year in a row at TOC, and we've proved the old adage true, third time was indeed our charm. This year's tournament was hosted by the wonderful trial advocacy program at Baylor Law School, where the dedication to exceptional trial advocacy is second to none.

The ABA's regional Labor & Employment competition was local, in San Francisco. With another strong field at the competition, we were elated to emerge victorious.

The CACJ Criminal Trial Competition, hosted every year by the UC Hastings College of the Law, was an amazing opportunity for four new advocates in our program to sharpen their skills—which they did, much to their opposition's chagrin.

We closed out the Fall season with our second trip to NCTC, the prestigious trial competition hosted by Loyola Law School in Los Angeles.

Improving greatly on our first invitation to this competition, our team advanced to the Semi-Final round—where we lost one a 2-1 decision where the deciding ballot had a one-point differential. Truly, it could not have been closer.

I always say it, but it's always true: I hope you enjoy reliving the excitement we had this Fall as much as we enjoyed it as it unfolded.

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

Pictured above is our National Championship team, moments after winning NITA’s Tournament of Champions. From left are Coach Justin Chou, ’11, Jordan Kahler, ‘15, Roxana Guidero, ’16, Janice Lu, ’15, Jason Wu, ’16, and Coach Spencer Pahlke, ’07, who forgot to dress up for the final round.
**Tournament of Champions**

We were very excited to receive our third-consecutive invitation to the Tournament of Champions. This is the most elite, exclusive competition in the country, and invitations are based on cumulative performances of a program over time. It is an honor not only for our current students to attend, but a tribute to the successes of those who preceded them.

This year’s team consisted of Jordan Kahler, ’15, Janice Lu, ’15, Roxana Guidero, ’16, and Jason Wu, ’16. Our coaches were Justin Chou, ’11, and Spencer Pahlke,’ 07. The school that won the competition two years before was Baylor University, always serves as the current year’s host. This year that was Royal University, a school with a tradition for academic excellence, along with a recently successful football program. Royal was a member of the Big 12 Conference, and expected to be for many years to come. It believed its football program would continue to gain national prominence, thanks in part to a substantial television contract for the conference.

That all changed when the conference’s major football powerhouse—along with 3 other schools—decided to leave the Great Southwest Conference for the Supreme Conference, all in unison. Soon after, the Great Southwest Conference collapsed, along with Royal’s football—and financial—fortunes.

The fact pattern was an interesting counterfactual that considered what would have happened had the Big 12 football conference imploded a few years ago when it lost prominent programs to other conferences. For a period of time, it appeared likely that not only would the Big 12 cease to exist, but that the country would align into four “super conferences,” each with 16 teams.

At the competition, our students squared off against four exceptional schools in the preliminary rounds. The competition included Georgetown University, Campbell University, Samford University, and Loyola Los Angeles. Each is a national powerhouse, as was the case with the entire field. After four hard-fought rounds, we advanced to the Semi-Final Round with a 3-1 record.

In the semi-final round, we faced fantastic team from Yale. Thanks to an all-around team effort—as well as Ms. Guidero’s deft use of post-it notes on the opposing side’s visual aids—we advanced to the final round.

The Final round was a bit of a grudge match. Our opposition was Campbell, the only school that beat us in the preliminary rounds and the top seed going into elimination rounds. On the plaintiff side, Ms. Guidero and Mr. Wu had an answer for every angle the competition tried—it was a truly fine display of advocacy.

After deliberating, the judges returned with a verdict: A National Championship for Berkeley Law! This was our second win at a national competition, following our win at Top Gun in 2013. Great job team!

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**Death by Sticky Note**

My favorite Roxy moments were her relentless use of sticky notes on the enemy’s demonstratives. In the final round, the three “Does” “Not” “Matter” sticky notes were so brutally dismissive—and correct, in context—that I had to suppress a grin of schadenfreude. It was even harder to see the opposition, walking back to their car with the demonstratives—and they still had her “Does not Matter” message scrawled in yellow over the board. Mercy.

- Jordan Kahler, ’15

**Kryptonite / Cockroaches**

While Jason and I were traveling back home and waiting at the Waco Airport, I discovered Jason’s super villain weakness: cockroaches. If you want to scare Jason, just suggest that there is a cockroach under his seat.

- Janice Lu, ’15

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**A Team of Champions**

My best memory isn’t a singular event, but the overall level of work we did in every practice. It was humbling to work with people who are smarter than I am. It was a great learning experience to struggle just to keep up with the my brilliant teammates’ minds. I’m better because of it.

- Jason Wu, ’16

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**Teamwork**

During the semi-final round, Jason spent time refreshing a witness’s recollection of the date when there was a meeting to discuss switching conferences. Honestly, I was sitting there thinking c’mon Jason, we’re wasting time! But right before closing, Jordan pointed out how the date mattered to our opposition’s timeline. They argued that the decision to switch conferences was made in mid-January; an early January meeting would obviously negate this! It showed me how important teamwork is and saved my closing.

- Roxana Guidero, ’16
We made our second trip to the excellent CACJ competition, hosted each year by UC Hastings. Our team consisted of four newcomers to our program: Nate Ngerebara, '16, Michael Poon, '16, Hasti Ahangi, '17, and Chaitra Betageri, '17. Our coaches were Keydon Levy, '11, and Charly Weissenbach, '13, both from the Alameda County District Attorney's Office.

During preparation for competition, our coaches arranged for a first in our program's history: they had renowned Assistant District Attorney Butch Ford come try the case against the students—on both sides. It was an wonderful learning experience for our teams, and a training tool we are currently exploring.

This year's problem, State v. Nickson, involved charges of child abuse and manslaughter. The case involved an issue recently in the news: a football player died of heat exhaustion during a hot summer practice.

In the preliminary rounds, we faced teams from Florida State University and from Washington University in St. Louis. The first round was a mock trial coming-of-age event. At the beginning of the trial, none of our students had tried a case before. While that initially translated into some uncertainty, the students grew while the trial progressed.

Both our witnesses offered serious challenges to their cross examiners. Ms. Ahangi, in the role of the distraught mother who lost her child in the case, looked for every opportunity to remind defense counsel—and the jury—how sad her life was with the loss of her son. Mr. Ngerabara, as an expert witness, handled an impeachment with aplomb. Knowing his prior testimony precisely, he drew counsel into a disagreement about the active ingredient in creatine. When opposing counsel attempted to impeach him with his prior statement, she was disappointed to learn that he was correct the entire time. Finally, Ms. Betageri, having an early handle on all of her pieces, shone brightly throughout the trial, deftly handling witnesses and arguments without notes, in true Boalt fashion. Great job CACJ team!

The change in the courtroom was visible. Ms. Ahangi explained it as follows:

About half way through the case, our content was causing frustration for the other side, as they were not prepared for our arguments, and one of their attorneys was showing a lot of the anger on his face. From that point on, our side began gaining momentum and we were becoming more comfortable in the court room.

With the tables turning, the team got that feeling we all love in trial: “At that point, the competition began being fun,” Ms. Changi explained.

In the second round, we were ready for a fight from the beginning. In the Northern District's ceremonial courtroom, we tried the case on the prosecution side. The team felt more at ease, a development that showed in Mr. Poon’s smooth opening statement.

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This year’s Labor & Employment team consisted of Salah Hawkins, ’15, Jerel Dawson, ’15, Stephanie Llanes, ’16, and DeCarol Davis, ’17. Our coaches were Katie Lubin, ’08, and Ivor Samson, ’72. The fact pattern was a class action in which the question was whether workers were employees, and thus protected by the Fair Labor Standards Act. Despite the FLSA seeming a tad bland, the facts were anything but—the matter was Bambi Boots and Randy Rodgers v. High Class Entertainment d/b/a Bottoms Up. In a first, at least to this humble reporter, the putative employees in this year’s problem were strippers. The defendant was its employer, which went by “Bottoms Up.”

On both sides of the case, our team distinguished itself with effective themes. On the plaintiff’s side, the theme was simple and to the point: “If you do the work and follow the rules, you should get paid.” On the defense, we added a little more flare: “You have to pay the cost to be your own boss.” Both worked wonderfully.

In our preliminary rounds, we faced teams from Golden Gate University and UC Davis. Ms. Llanes showed she was an adept hand with evidentiary issues, capitalizing on a last-minute evidentiary discussion with Mr. Hawkins the night before competition. Speaking of Mr. Hawkins, he did a wonderful job of listening to his witness on cross examination and using that to his advantage in the closing. During cross of the plaintiff, he asked her if the contract described her as an independent contractor 7 times. Not wanting to agree with Mr. Hawkins, she said that in fact it was in there 8 times. In closing, he highlighted this crucial moment saying, “Now as you saw from Ms. Boots’ testimony, the contract said independent contractor 7, no wait, I’m sorry, 8 times!”

Likewise, Mr. Dawson presented a strong closing argument on the plaintiff’s side. When the defense argued it was “suspicious” that two dancers would go see attorneys and come forward with a claim, he jumped on it in rebuttal by arguing, “Suspicious!! There are sixty-three other dancers in this suit! The only thing that’s suspicious is that maybe...they’re right!”

Ms. Davis was a wonderful addition to the team, stepping directly into a starring role as a 1L. She is in a long line of amazing students who joined our program as 1Ls, and went on to long and successful trial advocacy careers. She started her career showing she has a commanding courtroom presence, wonderful energy, and is a quick study.

After a strong performance in the preliminary rounds, we advanced to the final round where we competed against UC Hastings. Before finals, we had to decide which side we would take. Ms. Davis describes the team’s debate as follows:

“After winning and making it to the final round, we were so happy and proud of one another. When asked to decide which team would present during the finals, we simply couldn’t decide. Funny enough, each side made strong arguments in favor of the other side. We ended up flipping a coin. That was intense.”

Shortly thereafter, we won the Labor & Employment Regional Competition for the 4th time! Our students are headed to the National Competition in New Orleans in January 2015.

Great job L&E students and coaches, and good luck!
We were very happy to receive another invitation to this year’s NCTC, hosted every year by Susan Poehls and the Loyola Los Angeles Law School. Much like TOC, receiving an invitation to this tournament is a high honor for our program and our school.

Our competitors were Margi Schierberl, ’15, Sam Sondag, ’15, Colin Jones, ’16, and Simon Mont, ’16. We were very excited to have J.P Cart, ’09, and Kayla Delgado, ’14, serve as coaches. Mr. Cart has recently moved back to the Bay Area, and is working at Schiff Hardin. Ms. Delgado is a trial legend having graduated from our program last year. She is now an associate attorney at Orrick in San Francisco.

The NCTC problem focused on the well-publicized Brian Stowe case. While the team names and parties were changed, this tort case focused on a San Francisco Giant fan who attended an opening day game in which the Giants played their rivals, the Dodgers. The game was in Los Angeles.

In the fact pattern, the plaintiff made no secret of his allegiances—or his love of alcohol. He cheered loudly during the game, drank heavily, and displayed rudeness that drew attention from many unhappy Dodgers fans. After leaving the stadium, local fans trailed him out to the parking lot and assaulted him, causing him serious injuries.

But the hometown Dodgers had their own share of blame. They had recently changed their security staffing policies by reducing the overall amount of personnel present at the games. In its place, they tried to engage fans more by having them report any possibly dangerous situations.

In competition, our team was flawless. During the preliminary rounds, we won two out of three trials. Ms. Sondag distinguished herself during argument on the plaintiff’s side, explaining exactly why her client was entitled to a recovery. Mr. Mont brought rare theatrical skill to his advocacy, giving his unmatched intensity.

Thanks to our team’s strong performance, we advanced to the elimination rounds. After last year’s difficult showing at NCTC, we were overjoyed to advance to the elimination rounds of the competition.

In the semi-final round, we faced an exceptional team from Loyola Los Angeles Law School, also our tournament hosts.

Going on the defense side, Ms. Schierberl and Mr. Jones were exceptional. In her opening statement, Ms. Schierberl set the tone with a smooth, conversational tone, the product of considerable hard work and practice on her part. Mr. Jones served as the perfect bookend in the closing argument, forcefully pulling the defense case together while dismantling the plaintiff’s presentation.

In the end, Loyola escaped with a victory that, by definition, was the most narrow possible. The ballots were split, one for us and two for Loyola; one of those two ballots was decided by a one-point differential. If we got one more of those points, we would have advanced. In the final round, Loyola won, meaning we were one point away. So close!

Great job NCTC team!
Above, a photo of several of our coaches at our summer coaches’ happy hour. In attendance, from left, were Bruce Budner, Kevin Budner (with his wife Mari), ’12, Emily Tienken, ’12, Ciara Mittan, ’13, Stephanie Clark, ’11, Valerie Rose, ’10, Aaron Laycook, ’10, Spencer Pahlke, ’07, and Tatiana Cottam, ’11.

The remaining photos are of our adventures at Tournament of Champions at Baylor in Waco, Texas. Not pictured—because he is the awesome photographer—is coach Justin Chou.

Above right, we are walking up the steps to the school, getting ready to compete. At right, an aerial photograph as we descend on the competition.

Below, Ms. Lu, Mr. Wu, and Ms. Guidero enjoying some lunch and some sunlight.

Below left, Ms. Guidero holding her plaque for winning the Best Advocate award in the final round of competition.

At left, the team enjoying the competition banquet while awaiting results.

More Pictures!