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Spring 2019

## **The Exhibit, the Litigation Center Newsletter - Spring 2019**

Golden Gate University School of Law

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# THE EXHIBIT

Golden Gate University School of Law's Litigation Center Newsletter

## EXCITING NEWS IN THE GGU LITIGATION CENTER

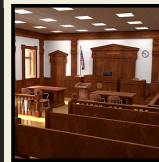
By Kaelyn J Romey, Director GGU Litigation Center



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### Upcoming Spring Events



**A Day in the Life of a Prosecutor & a Public Defender**  
March 25 5:00-7:00 PM

**Professionalism: Prepare for Your Summer Internship**  
April 2 12:00-1:00 PM



**Queen's Bench Bar Association Judicial Panel**  
April 3 5:00-6:30 PM

**Evidence at Trial: Admitting Body Cam Footage**  
April 18 5:00-6:00 PM



### WELCOME NEW LITIGATION FACULTY

#### Professor Benjamin Mains

Professor Mains is senior counsel at Long & Levit where his practice focuses on defending harassment, discrimination, and wrongful termination claims, and representing judges, law firms and individual attorneys in ethics and malpractice cases. Prof. Mains is currently co-teaching the "Introduction to Litigation" course this Spring and will be teaching Trial Evidence & Advocacy this summer.

#### Professor Chris Martiniak

Professor Martiniak has 40 years of litigation experience and has taken and defended depositions for state and federal court, the International Trade Commission, and other administrative agencies here in the US and in China, Korea, England, and Germany as well. Prof. Martiniak will be teaching "Introduction to Depositions" this summer.

#### Professor Louie Castoria

Professor Castoria is a co-chair of Kauffman, Dolowich & Voluck's firm-wide Professional Liability Practice Group. He is Chairman Emeritus of the Board of Directors of the Insurance Educational Association, and a member of the Board of the Professional Liability Defense Federation. Prof. Castoria will teach "Civil Litigation" in fall 2019.

#### Professor Brian Feinberg

Professor Feinberg, a GGU alum, is a DA with the Contra Costa County District Attorney's Office. On top of his DA duties in Contra Costa, Prof. Feinberg runs the Prosecutor Academy - a week-long immersive course for aspiring litigation students. He is teaching the "Introduction to Litigation" course this Spring and "Criminal Litigation" this fall.

### WELCOME HONORS SUMMER LITIGATION STUDENTS

Spring is off to a great start! GGU 1L students are excelling in the Introduction to Litigation elective and preparing for the Honors Summer Trial & Evidence Program (1st STEP). Our 2019 visiting Immersion Week faculty includes Carlos Conception (Puerto Rico), Geoff Hansen (Hastings), Sean Kiley (former DA), and Rachel Brockl (Napa DA and GGU alum). Come volunteer as a witness for the May 24 trials.

### NEW GGU LITIGATION COURSES

You asked for it, and the Litigation Center brought in talented adjunct professors to increase our criminal law Summer & Fall litigation course offerings. Check the schedule for two new criminal law courses, and join us for criminal law presentations during our summer seminar series.

### NEW GGU LITIGATION CENTER WEBSITE

Visit our new website for easier access to litigation center resources and upcoming events. Keep track of all upcoming trainings on our new homepage calendar. <http://www.ggulitigation.com/>

A HUGE thank you to Zeke Bottorff for his technological expertise.

### GOOD LUCK GGU MOCK TRIAL TEAMS!

Good luck to all of our spring traveling mock trial teams! Chicago, D.C., and the new Kansas City Jury Selection Team. I would like to thank our Spring coaches for their expertise and mentorship to GGU students. And a special thanks to our Baxter Fellows, Ashley & Crystal, for everything they do to support our litigation students.

**In Vino Veritas**  
October 17-20, 2019



**Watch the Teaser Trailer Now!**  
[ggulitigation.com/in-vino/](http://ggulitigation.com/in-vino/)

### LITIGATION CENTER 2019 AWARDS BANQUET



**April 18**  
**6:00-8:00**

# GGU NATIONAL MOCK TRIAL TEAM

## 2018/2019 MOCK TRIAL CO-CHAIRS

### MACKENZIE PARKER



Mackenzie Parker has competed consistently on the GGU National Trial Team throughout law school. Mackenzie has excelled at every competition including San Francisco Trial Lawyers Association (1st place), California Attorneys for the Criminal Justice (1st place), and Texas Young Lawyers Association (semi-finalist). Mackenzie will also compete in Chicago this Spring.

Previously, she worked at the California Appellate Project, the San Mateo District Attorney's Office, and the San Francisco District Attorney's Office. Currently, she is working for GGU's Veteran Legal Advocacy Center. Mackenzie has also participated in San Diego Comic Fest's Mock Trial Competition where she prosecuted both Frankenstein (the monster) and Dr. Frankenstein (the scientist) in 2018 and is defending Harvey Dent (aka Two-Face) this spring!

"I love mock trial! The friendships and personal growth make all the hard work worthwhile. Each week you work to perfect direct examinations, crosses, and jury addresses with your teammates. With the help of your coaches you learn to put together a strong case. This mentoring occurs in a way that you can't get it anywhere else! Every day during national mock trial team season your hard work improves your litigation skills."

### NICHOLAS BILOF



As a graduate of GGU's Summer Honors Trial and Evidence Program, Nicholas spent his first law-school summer studying the Rules of Evidence, then applying them in intensive trial-skills simulations. By Fall semester, Nicolas had prepared and executed two full mock trials. This momentum continued the following

semesters, as Nicholas competed in an intra-school appellate moot-court competition, and represented GGU as a member of its National Trial Team, competing against law schools from across the U.S. at competitions in Chicago, Florida, and this year: Washington D.C. His internships at the Office of the Federal Defender in Sacramento and the Alameda County Public Defender in Fremont gave Nicholas opportunities to apply and strengthen his advocacy skills by working alongside experienced defense attorneys to represent clients facing felony and misdemeanor charges. At GGU's Environmental Law and Justice Clinic, Nicholas had a chance to work on the civil side, as he continued to develop his advocacy skills. Finally, as an extern for the chambers of U.S. District Court Judge Jon S. Tigar, Nicholas had a glance behind the curtain into the judicial decision-making process. Nicholas' aim is to work as a public defender, to fight against the machinations of mass incarceration and protect the rights of America's indigent class.



**Team TYLA:** Jessica Juarez (2L), Jason Schmaltz (3L), Christina Evangelista (2L), John Adams (3L), Angelina Austin (2L), Zeke Bottorff (3L)

Coaches: Keydon Levy and Alyssa Fielding



**Team CAPITOL CITY CHALLENGE:** Christine De Leo (3L), Nicholas Bilof (3L), Clodagh Martin (2L), William Lippencott (2L)

Coaches: Melissa Demetral and Sylvia Nguyen



**Team CHICAGO:** Mackenzie Parker (3L), Sabine Wakim (3L), Naila Khan (2L), Roxana Araujo (3L)

Coach: Butch Ford



**Team JURY PICKING:** Lauren Hauck (2L), Samantha Gatten (2L), Adam Rivera (2L)

Coaches: Tiffany Hanssen and Alex Jakel

## Golden Griffin Challenge 2019

Are you interested in trying out for the GGU National Trial Team? The 2nd annual GOLDEN GRIFFIN CHALLENGE is coming up **August 23rd, 2019**. The challenge is an intra-school competition as well as try-outs for the National Trial Team for the 2019-2020 season! Teams of two argue a cross examination and a closing argument from a fact pattern that is available August 1, 2019.



# SOCIETY OF LITIGATORS CROSS & CLOSE 2019

By: Lauren Hauck



On January 11, 2019, the Society of Litigators hosted the annual Bernie L. Segal Cross and Close Competition for first-year law students. Two-person teams were tasked with conducting a cross-examination of an eye-witness and a closing argument in effort the defend the fictional GGU student Christopher Bullock against charges of battery. The teams used their litigation skills and quick wit to sort through the provided evidence to present their strongest case. While hard work and dedication was noticeable in all the teams, a huge congratulations goes to the following teams and individuals:



- 1st Place - Olivia Wheat and Katelyn Bourdo
- 2nd Place - Victor Gonzalez, Jr. and Alva Ogletree
- Best Cross (Final Round) - Olivia Wheat
- Best Close (Final Round) - Kristina Kousherian
- Best Cross (Preliminaries) - Steven Hayes
- Best Close (Preliminaries) - Dana Oviedo
- Teamwork - Haesl Jackson & Kris Smith
- Professionalism - Keenan Webb and Kristina Kousherian
- Best Theme - Tina Bandalan and Trisha Mejia



## A NOTE FROM THE BAXTER OFFICE

### APPLY TO BE A BAXTER FELLOW TODAY!

The Judge Lee Baxter Fellowship in Litigation is an opportunity for a law graduate to work with the GGU Litigation Center and litigation professors, as well as guide students by teaching litigation skills and working with the National Trial Team. The Baxter Fellowship trains graduates who aspire to expand their practical litigation skills by working with GGU students. Come and help GGU students build the basic trial skills needed to become great trial attorneys in the legal community!

The Baxter Fellowship includes: working with the National Trial Team, hosting lunchtime lectures to teach basic skills, teaching trial and evidence skills during the Honors Summer Litigation Program, organizing the *In Vino Veritas* mock trial competition and so much more!

The Litigation Center is now accepting applications for the 2019/2020 school year. Applicants must be a recent GGU law graduate with demonstrated academic success and a proven commitment to the Litigation Center.

Email [baxterfellow@ggu.edu](mailto:baxterfellow@ggu.edu) for an application.

### Thank You Crystal!

The Litigation Center sends a heartfelt thank you to 2019 Baxter Fellow Crystal Mendoza-Velarde for her time working in the Baxter Office. During Spring semester, Crystal managed the Lunchtime Litigation Series, organized MCLE events, mentored litigation students, worked on *In Vino Veritas*, and co-taught the Introduction to Litigation 1L elective. Thank you and good luck on all your future endeavors Crystal!



### How to Apply For the BAXTER FELLOWSHIP

- (1) Download application from the Litigation Center Website
- (2) Fill out the application, include your resume, personal statement, and references
- (3) Submit to the Baxter Office or to Prof. Romey's mailbox by April 1, 2019

## SUMMER LITIGATION COURSES

### Honors Summer Litigation 1st STEP

#### Immersion Week (May 20-24)

Professor Romey   Professor Concepcion   Professor Luzadas  
 Professor Kiley   Professor Scott   Professor Hansen  
 Rachel Brockl   Julia Levitskaia



**Director  
Romey**

#### Trial Advocacy & Evidence in the Courtroom

Students learn practical trial skills necessary to succeed in court; including conducting witness examinations, laying foundation for and introducing documents and physical evidence, making and answering objections, and preparing opening statements and closing arguments. Additionally, students learn how arguments under the rules of evidence and evidentiary rulings play out in the courtroom.



**Professor  
Mains**

#### Professional Presentation & Persuasion

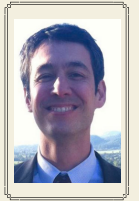
Whether in the courtroom, working with colleagues, or spending time with clients, as a lawyer you must be able to communicate and present your ideas in a compelling manner that moves others to action. Eliminate nervous tics and self-consciousness when speaking in public, learn to think on your feet and capture the attention of all your listeners.



**Professor  
Scott**

#### Evidence

This course is a required bar course and includes a survey of the principles of law and rules governing the admissibility of proof at criminal or civil trials, including direct and cross-examination of witnesses, impeachment of credibility, expert testimony, hearsay, privileged communication, and documentary proof.



**Professor  
Morehead**

#### Effective Brief Writing & Motion Advocacy

A judge's first impression of a lawyer is often based on the quality of his or her papers. That impression must be a good one. This course, taught by a superior court judge, teaches students how to effectively draft motions and argue them in a real-world setting. Utilizing a variety of fact patterns, students will develop a portfolio of written work and will receive feedback aimed at building confidence in courtroom advocacy.



**Judge  
Torpoco**

#### Evidence

**Judge Steckler**

This course is a survey of the principles of law and rules governing the admissibility of proof at criminal or civil trials, including direct and cross-examination of witnesses, impeachment of credibility, expert testimony, hearsay, privileged communication, and documentary proof.



#### Introduction to Depositions

**Professor Martiniak**

Most civil lawsuits are won and lost in discovery. Develop a strong foundation for one of the most critical phases of civil pretrial discovery – the deposition. Learn techniques and strategies developed to maximize your time during a deposition and to get at the heart of the other side's case. Prepare, defend, and effectively use exhibits.



# FALL 2019 LITIGATION COURSES

## Introduction to Depositions

Wednesday 6:30-9:10  
Professor Romey



Most civil lawsuits are won and lost in discovery. Develop a strong foundation for one of the most critical phases of civil pretrial discovery – the deposition. Learn techniques and strategies developed to maximize your time during a deposition and to get at the heart of the other side’s case. Prepare, defend, and effectively use exhibits during the deposition.

## Introduction to Written Discovery

Tuesday 3:30-6:10  
Professor Stubbs



Learn the secrets, shortcuts and pitfalls from an experienced litigator. Gain hands-on experience and outsmart your opponents while avoiding discovery sanctions. You will practice draft and defend written discovery.

## Introduction to Criminal Litigation

Friday AM  
Professor Feinberg  
Professor Wagner



Apply the skills learned in Trial Advocacy in the context of a criminal case. The class is divided into trial teams assigned to prosecution or defense. The class begins with the staging of a mock crime, it is reported, a suspect is arrested, charges are filed, and the prosecution commences. The class proceeds through major phases of a criminal trial.

## Introduction to Jury Selection

Wednesday 6:30-9:10  
Professor Jakel



You've lived with the case for years, immersed in every little detail. But now it's time for trial: what will a jury think? This course will teach you how to think through your case like a juror and prepare it for a lay audience, how to write and conduct effective voir dire to identify (and strike) problematic or biased jurors, and how to strategically select the best jury you can.

## Mock Trial & Advanced Mock Trial - Competition

TEAM PRACTICES

MON/THUR - 6:00-9:00 PM & SATURDAY - 9:00 AM-12:00 PM

INVITATION ONLY

## Civil Litigation

Tuesday/Thursday day  
Professor Castoria



In this course, students handle every aspect of the pretrial preparation of a civil lawsuit. They proceed from the initial client contact, through formulating client representational strategy, to developing a case theory. They draft all the case pleadings as well as motions challenging the sufficiency of the pleadings. The course ends with a pre-trial settlement conference.

## Trial Advocacy & Advanced Advocacy

Day/Evening Classes  
Professor Luzadas  
Professor Mains



Learn the basic skills needed by every lawyer going to court: conducting a direct examination, introducing documents and physical evidence, cross examining witnesses, making and answering objections, and preparing opening statements and closing arguments. The final examination for this course is a full trial.

## Evidence

Day/Evening Classes  
Professor Romey  
Judge Steckler



This required bar course is a survey of the principles of law and rules governing the admissibility of proof at criminal or civil trials, including direct and cross-examination of witnesses, impeachment of credibility, expert testimony, hearsay, privileged communication, and documentary proof.

## Effective Brief Writing & Motion Advocacy

Wednesday 6:00-8:30

Judge Torpoco



A judge's first impression of a lawyer is often based on the quality of his or her papers. That impression had better be a good one. This course, taught by a superior court judge, will teach students how to effectively draft motions and argue them in a real-world setting. Utilizing a variety of fact patterns, students will develop a portfolio of written work and will receive feedback aimed at building confidence in courtroom advocacy.

## Professional Presentation & Persuasion

Wednesday 4:30-6:10

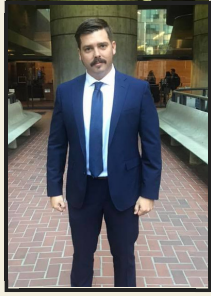
Professor Scott



Whether you are in the courtroom, or working with colleagues or clients, as a lawyer you must communicate and present your ideas in a compelling manner moving others to action. This class will prepare you to excel in the courtroom, eliminate nervous ticks, and to think on your feet and capture the attention of all your listeners.

# LITIGATION TIPS

## WHAT YOU NEED TO KNOW BEFORE TRIAL *by: Keenan Webb*



I recently had the honor of moderating an MCLE entitled “What Every Litigator Must Master Before Their 1st Trial.” Panelists included: Professor Morehead - a Criminal Law Specialist and GGU Adjunct Professor, Professor Romey - Litigation Center Director and Associate Professor of Law, and Rachel Brockl - a District Attorney from Napa County. Each of the panelists started off by giving their own five most important tips before entering the courtroom for trial. Below are some highlights that the panelists emphasized during their presentations.

1. Know your ideal and nightmare jurors. Before trial, voir dire is the first time attorneys will appear before their prospective jurors. It is just as important to leave a good first impression as it is to make sure you weed out problematic jurors.
2. Know your battleground. Have an awareness and prior knowledge of the judge, clerks, courthouse, and general expectations of that particular court. This may require attending a session in that courthouse, or calling a colleague familiar with that particular judge. Being well prepared can establish a positive rapport that can be useful throughout your career and removes any undue stress to allow you to focus on the facts of the case.
3. Know your witnesses and be in contact before trial. Have a plan A, B, and C. Do not schedule witnesses too far apart and leave the judge waiting while you have to call your next witness who may be miles away. Rachel Brockl brought attention to this potential nightmare, where she shared a story about a personal experience involving an unreliable witness.
4. Know the rules and law. Professor Romey emphasized how important it is to know your rules of evidence as well as the law itself. Know how to handle objections, how to correctly enter evidence (laying the foundation) as well as the basic legal argument as to why you are right, and why you should win this case.
5. BE FLEXIBLE. No matter how much you prepare, visualize, and practice, you should always expect a wrench thrown into plans. If you have gained comfort and confidence through practice in the preceding four points, being flexible will come naturally. Always remember to keep your cool!



## CREATIVE CIVIL LITIGATION STRATEGIES *by: Vanessa Campbell*



Law school teaches us about law and theory, but the real learning takes place in practice. During the Insurance Defense panel, Louie Castoria, Emily Genge, and Dustin Cameron shared their experience as practicing attorneys in the field. Insurance defense involves representing insurance companies against claims brought against their insured. This means representing the insurance company that insures your auto, home, or business whenever someone brings a claim against you.

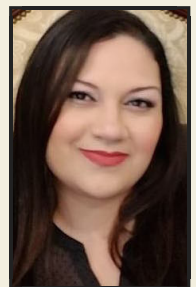
Mr. Castoria stressed the importance of communication. In a world run by technology, more can be done by having a friendly conversation with opposing counsel over the phone, rather than by sending emails. Claims tend to settle a lot quicker when a telephone or face-to-face conversation is involved.



Ms. Genge explained how to increase efficiency in litigation through creative strategies. Creative strategies can be broken down into three layers: 1) Filings of Complaint, Answer, or nearing a Statute of Limitation; 2) Discovery phase – Interrogatories, Depositions, Mediation, or Arbitration and the right option for your client and case; and 3) When to do things – hiring an Independent Medical Examiner prior to taking opposing parties deposition to discover fraud, and deciding when to serve documents on opposing party. The three layers are all strategies to get closer to your client’s goal.



Mr. Cameron discussed his experience and difficulties in a Tri-partite relationship between the insurer, insured, and attorney. He emphasized the importance of communicating effectively and respectfully in order to increase efficiency. Increasing efficiency means not incurring attorneys’ fees when the case could have settled within the \$15k to \$30k policy limits. Keeping track of billable hours is extremely important and an ethical obligation. Knowing when to settle a case instead of litigating is key to staying within the policy limits and working efficiently.



# APPELLATE ADVOCACY AND MOOT COURT BOARD

## GGU STUDENTS SHINE IN 2018-19 MOOT COURT COMPETITIONS!



### GGU PARTICIPATED IN A RECORD SEVEN MOOT COURT COMPETITIONS THIS YEAR!

We are excited to celebrate the success of our IP moot court team at the Saul Lefkowitz Moot Court Competition on February 9. “Team Griffin” won first place among a group of 26 other schools, winning Best Team overall and Best Brief! In March, the team will travel to Washington, DC to participate in the finals. Team members include Kate Christensen (2L), Kyndal Currie (2L), Gianne Nalangan (2L), and Amy Saechao (3L), who were led by IP Adjunct Professor and IP Center Board Member, Tim Cahn.

### CELEBRATING THE HARD WORK OF OUR SPRING COMPETITORS

On February 21-23, two teams competed in the San Francisco Regional Rounds of the ABA National Appellate Advocacy Competition, which is the largest moot court competition nationwide. Team 1 comprised of Maneesha Birdee (3L), Ian Harris (2L), and Corey Timpson (3L), and Team 2 included Mary Pat Butler (2L), Kiara Canales (3L), and Kieli Joplin (3L). Chris Cook (3L) participated in writing Team 2’s brief, and both teams were coached by Adjunct Professor Anita Chu (GGU’ 15). Both teams demonstrated impressive oral arguments in three rounds before a range of judges.



Also on February 21-23, second-year students Lauren Hauck, Jessica Jandura, and Adam Rivera participated in the Jeffrey G. Miller National Environmental Law Moot Court Competition held at Pace University School of Law in White Plains, NY. Jessica won Best Oralist in both rounds that she participated in. The team was coached by Adjunct Professor Kristin Henry and was supported at oral arguments by Adjunct Professor Tyler Sullivan.

### COMING UP WITH THE GGU MOOT COURT TEAMS!

The Moot Court Board will be hosting a year-end Reception on **Monday, April 15** to celebrate all of our competition teams and appellate advocacy programs. MCB Members, current and former App Ad students, and GGU Alums may RSVP to Prof. Dennis at [jdennis@ggu.edu](mailto:jdennis@ggu.edu).

Note: All MCB competition team members are current members of the Moot Court Board and have successfully completed Appellate Advocacy. Questions about joining the Board or any of our competitions should be directed to Prof. Dennis ([jdennis@ggu.edu](mailto:jdennis@ggu.edu)). For additional details about IP Moot Court (trademark law) students should contact Prof. Gallagher ([wgallagher@ggu.edu](mailto:wgallagher@ggu.edu)) and students interested in Environmental Moot Court should contact Prof. Kibel ([pkibel@ggu.edu](mailto:pkibel@ggu.edu)) for more details.