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Golden Gate University School of Law

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EXHIBIT

Golden Gate University School of Law's Litigation Center Newsletter

2021 IN VINO VERITAS NATIONAL MOCK TRIAL COMPETITION GOES OFF WITHOUT A HITCH!

By Rachel R. Brockl, Director of the Litigation Center

This year's In Vino competition felt more streamlined than the last - 2020 was our first year running the competition virtually, and tech issues and team protests on rule violations were plentiful. This time around, we had no tech issues running the competition and *not one protest*! Recruiting volunteer attorneys and judges to evaluate the trials was more difficult, but we skated by with just enough for each round.

The biggest challenge we faced for this event was learning that a competing team had to drop due to unforeseen circumstances about one week before the competition. As any trial director knows, this stirs up all the worst fears: not finding a replacement team, having to hold more trials and find more volunteers, etc. Luckily, four of our GGU Mock Trial Team members stepped up to the challenge without batting an eye: Rachel Clift, Christopher Wong, Monique Ramirez, and Christina Robinson. With only one week and four practices to fine tune their cases, they showed up ready to fight and did well considering they had limited time to prepare. It was also a big help that the head coach from the team that dropped offered to be a judge for several trials - big thanks to all! I am relieved that this competition went so well in the face of new issues and I look forward to seeing how next year's competition unfolds.



Judge Dorothy Chou Proudfoot

The final trial was presided over by the Honorable Judge Dorothy Chou Proudfoot who has been a judge for Mock Trial and Moot Court competitions for 12 years. She has a diverse work history, having started as a civil litigator then becoming a Deputy District Attorney in Marin County for 16 years, plus one year as a federal prosecutor. She currently presides as an Administrative Law Judge at the San Francisco Rent Board where she has sat since 2018. Judge Proudfoot has held many leadership roles on various committees, such as the Earl Warren American Inn of Court,

Administrative Law Judges Committee of the California Asian Pacific American Judges Association, Queen's Bench Bar Association, LGBTQ Committees of the National Association of Women Judges, just to name a few. Notably, in 2017, she was elected the first Asian-American President of the Marin County Bar Association.

INSIDE THIS ISSUE

Baxter Office Updates	Pg. 2
National Mock Trial Team	Pg. 3
Society of Litigators	Pg. 4
Seminar Series Overview	Pg. 5
Students Recap Seminar Series	Pg. 6
Student Recaps Contd.	Pg. 7
Student Recaps Contd.	Pg. 8
Professors in Action: Part I	Pg. 9
Professors in Action: Part II	Pg. 10
Professors in Action: Part II	Pg. 11
Student Achievements	Pg. 12
Spring 2022 Classes	Pg. 13
Spring 2022 Classes contd.	Pg. 14
In Vino Veritas 2021	Pg. 15
In Vino Veritas Thank You	Pg. 16

UPCOMING EVENTS

The Society of Litigators Presents

CROSS & CLOSE COMPETITION

Friday, January 21

The Litigation Center
Presents

How to Handle
Bullies in the
Workplace
TBD, 2022





1ST PLACE University of Denver Sturm College of Law



2ND PLACE Loyola University Chicago School of Law



Best Overall Advocate Lindsey Hanselman University of Denver

BAXTER OFFICE UPDATES

UPDATES FROM THE DIRECTOR AND BAXTER FELLOW WITH A WARM WELCOME TO A NEW PROFESSOR!



"Looking back at this semester has given me more optimism for the future! With more folks getting vaccinated, the possibilities of being together again in the same room are becoming more realistic.

Our mock trial teams worked hard this semester. I dropped in to visit at least one of each teams' practices and their competitions, and the personal growth of each student was incredible. I am so honored to be working with such amazing talent and I can't wait to see what 2022 holds for them!

Claudia Wu was chosen as the Research Assistant for a special project that Professor Briggs and I are working on: connecting Victims with Defendants prior to sentencing. This is a cutting edge topic that has not been accomplished in California. Claudia has done an excellent job and we are hopeful that we can succeed with this project to give more people peace in wake of tragedy.

After overcoming some personal struggles with family issues this semester, it made me realize how important having a community is, and I am glad that GGU is my

"Looking back at this semester community. I look forward to strengthening these current has given me more optimism connections with all of you as we move into the new year."

-Professor Brockl, Director of Litigation



"The past semester has been an absolute whirlwind. Following the completion of the Summer Trial & Evidence Program (STEP), we dove headfirst into completing the case file for the In Vino Veritas Competition. As soon

as the competition problem was completed and sent out to the teams, mock trial season was underway! The highlights of my semester were taking on a bigger role in drafting the In Vino Veritas competition problem, and returning for a second season as a coach for one of GGU's Nation Trial Teams. The past few months also brought about a lot of personal growth. My husband and I just purchased our first home. We can't wait to make more memories there with our daughter, Capri. I am eager to see what the spring semester will bring!"

-Clodagh Mauchline, Baxter Fellow

WELCOME, NEW PROFESSOR!



Paula Vielman-Reeves joins Golden Gate's Litigation Center this spring to teach Advanced Trial Advocacy. Professor Vielman-Reeves graduated from GGU Law in 2012 in the top 4% of her class. While in school, she obtaining her Litigation Specialization Certificate, and top awards in Criminal Law, Civil Procedure, and Community Property. During law school, she interned at the Family Law Violence Center assisting victims with domestic violence restraining orders and safety planning. Professor Vielman-Reeves then interned at the San Francisco and San Mateo District Attorney's Offices and became a Deputy District Attorney for the County of San Mateo in 2013.

Professor Vielman-Reeves has dedicated her career to helping victims of crime, with a specialization in domestic violence cases. Throughout her career, she has conducted hundreds of evidentiary hearings, over 20 jury trials, and several appellate arguments. Professor Vielman-Reeves left the District Attorney's Office in 2020 to work as a civil law attorney, representing domestic violence and sex assault victims in restraining order and civil litigations. In her new position, Professor Vielman-Reeves is also providing training and education to civil attorneys on courtroom skills and evidence issues. Teaching has also become one of the common themes throughout her career. As a prosecutor, she put on several training events for law enforcement officers to aid in their investigations. She is also a part-time instructor at the South Bay Regional Public Safety Training Consortium and volunteers to teach Criminal Law classes to Police Explorer Academies.

2021-2022 GGU NATIONAL TRIAL TEAM

Fall 2021 Competitions



<u>King Competition (Virtual):</u>
Yzabel Tinga, Fatima Khan,
Mahtab Hajibabaei, Khuong Do
Coaches: Dustin Cameron & Mackenzie Parker



<u>SFTLA Competition (Live):</u>
Christina Stout, Elias Hernandez,
Gwendolyn West, Piper Wheeler
Coach: Butch Ford

2nd Place!

Quarter-Finalists & Best Advocate Award: Claudia Wu!

Stetson Competition (Virtual):

Chris Wong, Claudia Wu, Christina Robinson, Edward Mora Coaches: Ashley Lotti & Michael Sly



King of the Hill (Virtual):

Monique Ramirez, Rachel Clift, Kate Sumser, David Lima Coaches: Zach Porter & Clodagh Mauchline



Spring 2022 Competitions

Texas Young Lawyers Association - February 4 - 6, 2022 (Las Vegas)

The Texas Young Lawyers Association hosts a National Mock Trial Competition every Spring. Over 150 law schools across the country compete for a chance to win this highly prestigious mock trial competition. If successful in the regional competition, teams will move on and compete in the national competition.

AAJ Student Trial Advocacy Competition - March 11 - 13, 2022 (Virtual)

AAJ's mock trial fact patterns are civil cases and tend to deal with products liability, personal injury, or medical malpractice/negligence issues. Teams will be judged on their skills in case preparation, opening statements, use of facts, the examination of lay and expert witnesses, and closing arguments. If successful in the regional competition, teams will move on and compete in the national competition.

SOCIETY OF LITIGATORS A WORD FROM THE PRESIDENT

My name is Vidhi Bhatia and I am the President of the Society of Litigators this year. This semester, we hosted a number of workshops in our Lunchtime Litigation series. We had workshops on Closing, Opening, Direct Examinations, Cross Examinations, Refresh Recollection and Impeachments. I hope those of you that attended got a great first look into how litigation works, both in real life and in the realm of mock trial.

Early next semester, we will be hosting our annual 1L Cross & Close competition! This competition is open to all 1L students that want to participate. You and a partner will write a cross examination and closing statement from facts in a closed universe fact pattern. This year, the winners of the



competition will be given top priority when they apply to GGU's National Mock Trial Team! This is an excellent opportunity to show off your skills and get on the Litigation Center's radar. Sign-ups will open during the first week of next semester and the competition date is tentatively set for January 21, 2022.



Lastly, I am both sad and happy to see our Vice President, Mahtab Hajibabaei, graduate this semester! Mahtab and I participated in Cross & Close together and I remember her being a fierce advocate from the beginning. We have all been in awe of her amazing litigation skills and wish her the best for the upcoming bar exam. I am sure we will all see her excel even further and become one of the best litigators out there!

1L Student Highlight



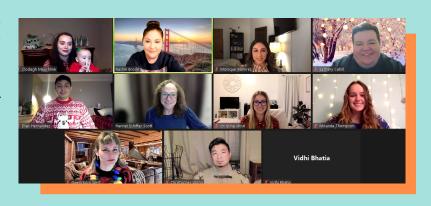
My name is Amelia Zurbriggen and I am one of the 1L representatives for Society of Litigators. I moved here from Phoenix, Arizona after having worked at a personal injury firm for many months. Over that time, I grew a rapid appreciation for litigation and knew I wanted to find like-minded people at Golden Gate. While I was able to watch the attorney I worked for in court, I admittedly had no grasp of the complexities of litigating. While it has only been one semester, I have learned so much about the operations of the courtroom and how I can best present myself as an attorney. Since attending the Society of Litigators meetings, I have learned the basics of closing arguments, cross examinations, and more. In my short time participating in the SORG, I am certain that it will help me in my future

endeavors. I am so grateful for the knowledge I have gained and the connections I have made thus far, and I look forward to what is ahead. I would urge anyone who wants to expand their litigation knowledge and gain courtroom confidence to attend the meetings!

LITIGATION CENTER ANNUAL HOLIDAY PARTY!

On Friday, November 19th, the Litigation Center held its annual Holiday Party over Zoom. It was a fun evening for students and faculty to debrief after the past semester, catch up with friends, and play interactive games where students had the opportunity to win prizes. Here are our winners!

- Gwendolyn West \$25 Lyft gift card
- Christopher Wong \$25 Starbucks gift card
- Christina Stout \$25 Chipotle gift card
- Elias Hernandez \$25 Visa gift card



FALL SEMINAR SERIES



"How to Tell a Story Jurors Can Feel" featuring Brian Panish

The Litigation Center welcomed the legendary Brian Panish on Wednesday, September 8, 2021. Mr. Panish is one of the most successful civil trial attorneys in the United States. He has obtained jury verdicts in the billions for his clients in personal injury, wrongful death, and product liability cases. Mr. Panish is the President of the prestigious Inner Circle of Advocates, which is comprised of the country's

top 100 plaintiffs' lawyers. He has been recognized by numerous publications and organizations as being among the top trial attorneys in the nation. During this inspiring Zoom presentation, Mr. Panish shared the story of how he worked his way up the ladder to become the legendary trial attorney he is today. Mr. Panish also revealed techniques that he uses to persuade jurors and offered candid advice for students aspiring to get into top civil litigation law firms and pursue a career in litigation.

"Psychology of the Courtroom" featuring Melissa Gomez

On Monday, September 20, 2021, the Litigation Center welcomed nationally known jury consultant, Dr. Melissa Gomez, to address the psychological issues that impact jury trials. The discussion took place via Zoom and addressed public attitudes, media trends, political climate, witnesses, attorney behavior, jurors' sense of "fairness", and more. Dr. Gomez holds a PhD in Psychology, and a Master of Science in Education. Over the past 20 years, she has consulted on close to 1000 criminal and civil



cases and has spoken about jury-related topics at the local and national level. Dr. Gomez is widely published on the topics of witness preparation, jury research, and juror perspectives. Exploring the impact of psychology on jury trial dynamics was a fascinating and thought provoking discussion!



"How to Bring a Case to the Supreme Court and Win" featuring Louie Castoria

On October 5th, 2021, the Litigation Center hosted a virtual panel featuring our very own, GGU professor, Louie Castoria. Very few cases reach the U.S. Supreme Court--only 64 were decided in the recent-ended term. Professor Castoria was fresh off his Supreme Court win from the 64th case that vindicated First Amendment rights: Thomas More Law Center v. Bonta. Professor Castoria

discussed how the Thomas More case came about. He revealed the major steps and missteps along the way. He explained how a threatening letter gave rise to the federal case, which was then reversed on appeal, and ultimately culminated in a successful petition for certiorari to the Supreme Court, resulting in a decision that protects the right of anonymous advocacy. "You never know what groundbreaking case may walk through your door." - Louie Castoria

Raffle Winners!

The Litigation Center sponsors raffles at each event where attendees have the opportunity to win prizes that are relevant to the panel topics. Here are this semester's winners!

Hard Copy Edition of Best Lawyers magazine featuring Brian Panish

> Sana Alam Estefani Munive

Hard Copy of Jury Trials
Outside In: Leveraging
Psychology from Discovery to
Decision (NITA) by Dr. Melissa
Gomez

Michael Funk

The Supreme Court: An
Essential History by Peter Hoffer
Christina Robinson

SCOTUS playing cards

Dave Bertini
Signed SCOTUS brief

Signed SCOTUS brief
Gabe Flesher



How to Find Information About the Litigation Center



Visit www.ggulitigation.com to find activities, events, competitions, the STEP application, Litigation Specialization Certificate, In Vino Veritas sign-ups, newsletters, and more! Visit the Baxter Fellow YouTube channel to watch recordings of past seminars. Subscribe and click the notification bell to receive alerts when new videos are posted.

STUDENT RECAP ON THE EVENT "HOW TO TELL A STORY JURORS CAN FEEL"

Telling a story begins with trust. Mr. Panish gave exceptional advice to GGU students on how to use expert testimony and demonstrative evidence, all so that we can "Tell a Story Jurors Can Feel". Mr. Panish's anecdotes and lessons learned in practice demonstrated that the best way to tell a story that jurors will feel is to be trustworthy. I observed three principles that seemed to guide Mr. Panish's own trustworthiness: Passion, Credibility, Integrity. It is hard to imagine that anyone could be a successful advocate without these three things. Passion, in the way that he approaches each case - he loves fighting for an underdog and he loves winning. Credibility, in how he has built his reputation as a renowned trial attorney, one who is capable of winning multi-million-dollar verdicts.



Integrity, in the way he holds corporations and agencies accountable, from General Motors to the LA County Metropolitan Transportation Authority (LACMTA). In Cuthbertson v. LACMTA, Mr. Panish successfully litigated a wrongful death case. Mr. Panish's advocacy demanded that the LACMTA eliminate their discriminatory safety practices that directly contributed to the death of a blind man. This is one of many cases that demonstrates Mr. Panish's passion, credibility, and integrity.

Mr. Panish's successes and principles easily translated into advice for us up-and-coming attorneys. Passion. "Find the area [of law] that you're most passionate about. Unless you like what you do as a lawyer, it's a very hard job." Part of being a successful attorney means actually enjoying the job. When you enjoy your work, you do better work. Credibility. Building credibility takes time. That is why it is so important to find an area of law that you are passionate about. Once you do, work hard. Credibility comes with time, but it starts now. Integrity. Practice integrity with others and with yourself. Check your motivations. Be true to your own guiding principles. Do you want to practice personal injury law? Do you want to support the rights of the undocumented? Maybe you want to see companies engage in equitable employment practices. Whatever area of law you may want to practice, remember that success is more than how much money you make and how many arguments you can win. Consider what Mr. Panish said, "If you do it for the money, you're never gonna like it." So, you want to be a successful advocate? Be trustworthy. If you want to be trustworthy, be passionate, maintain credibility, and practice integrity. - Alexandra Ferris, 2L



Mr. Panish, one of the country's leading trial attorneys, walked us through one of the most important aspects of a trial, telling your client's story. Mr. Panish has obtained some of the most significant jury verdicts in the United States history, including a \$4.9 billion record verdict, he has been so successful throughout his career because of his exceptional storytelling abilities. A key concept that he mentioned about being a great storyteller is being able to take complicated concepts and break them down to ordinary language for jurors. He explained how the best way to really connect with your jurors is to incorporate our five senses into your storytelling: touch, taste, sight, smell, and sound. I found this to be such a great tool to think about when writing an opening or closing statement.

A moment that really resonated with me was when Mr. Panish discussed a few of his past cases and how much passion he had when talking about how he was able to tell his client's story. Mr. Panish explained that the best way to be able to tell a compelling story is by getting to know who your client is or was, by looking at photographs, social media, yearbooks, and talking with your client's family & friends. He told us that by taking your clients words and using them during trial you can convey and persuade your client's story in a more meaningful way. Mr. Panish also encouraged us to use demonstratives to tell their story. He explained that visuals help tell a bigger picture than just talking about it. My biggest takeaway was: if you want to connect with your jurors, you need to first connect with your client, because that is who this is all about. I learned so much from Mr. Panish. He was very engaging with all the students and answered everyone's questions with such enthusiasm. It was clear that he really loves what he does. - Christina Stout, 3L

STUDENT RECAP ON THE EVENT "PSYCHOLOGY OF THE COURTROOM"

Trial preparation is more than understanding the facts of a case, it also requires considering a juror's experiences and how that ultimately influences their perception of a client's story. On September 20, 2021, Dr. Melissa Gomez gave a presentation on that very topic as she addressed the psychological issues that impact jury trials. Dr. Gomez is an accomplished academic, holding a PhD in Psychology and a Master of Science in Education. In addition, Dr. Gomez has consulted on close to 1000 criminal and civil cases, as well as speaking on jury-related topics at both the local and national level.



The biggest lesson I took away from Dr. Gomez's presentation is that the world doesn't stop on our

account, it's an ever-spinning globe of unfolding events that influences a jurors perception. For example, Dr. Gomez pointed out that COVID-19 had a definite impact on how people perceive our healthcare system and other aspects of health and safety. A products liability case may require a rethinking of old themes such as "people over profits," because of the continuing debate over whether to have mask and vaccination mandates.

Fears over COVID-19 have also exposed issues like xenophobia being amplified on cable new shows, which shapes public perception. Dr. Gomez points out that in this political climate a litigator must be conscious of the questions they ask in order to elicit someone's bias during the jury selection process. For example, Dr. Gomez notes that asking about products made by foreign companies can help bring out that bias in a juror rather than directly asking about their views on people from other countries. It was interesting to learn how even crafting a question for a juror must factor in the times we live in.

Dr. Gomez also spoke about how a litigator should consider a juror's mistrust as that can influence their receptiveness to a client's story. Dr. Gomez noted that in preparing for a trial, a litigator may be too well planned in terms of presentation. In other words, a crafted story that just sounds too good to be true or too dramatic may raise a juror's mistrust antenna. It may serve the litigator better to tone back that expertly crafted story in order to gain credibility with the jurors. Ultimately, each case is going to be different, but these are all aspects that a litigator should consider as they prepare for their case.

In listening to Dr. Gomez's discussion of political polarization, I came think about the ongoing impact social media has had in the public discourse and a juror's perception. I took a course called Privacy Law and Technology here at GGU, and we learned how the monetization of a user's personal data has incentivized social media platforms to drive up user engagement. In order to facilitate this, a social media company will often present content to a user that is specifically tailored to their preferences, such as their political views. A juror is not only inundated with a particular narrative on television, but also on their social feed. Thus, the polarization and the obstacle it presents to a litigator, grows ever more. Overall, the presentation by Dr. Gomez on psychology of the courtroom was eye opening and something that each litigator should consider when preparing for trial. - Edward Mora, 2L



Dr. Gomez, Ph.D., is an applied psychologist who focuses on psychology in the courtroom, specifically how people process their involvement in the judicial system. On September 20, 2021, Dr. Gomez discussed the importance of litigators considering the juror's perspective when presenting their case, given their critical role in a case's outcome.

"We don't see things as they are, we see things as we are." - Anais Nin. Dr. Gomez strongly urged litigators to pay close attention to the story they tell when presenting their cases, because life does exist outside the courtroom. Dr. Gomez pointed out that jurors come into the courtroom with their own biases, which develop through several factors. Specifically, Dr. Gomez cautioned litigators to

recognize the influence the media has on a juror's mind, consider any movements or protests happening outside the courtroom, and acknowledge any historical events occurring at the time of a case's presentation. All of these factors ultimately play a crucial role in how a juror will deliberate and vote.

It is essential to recognize that the jury has a mind of its own. It does not matter which story is presented, because it will be interpreted differently in a juror's mind due to what factors have influenced them before coming to court. Given that the jury decides the case's outcome, a litigator must address the outside influences molding a juror's mind and perspective. Therefore, truly understanding the mind of a juror is a critical skill that every litigator needs to develop if they want to become a successful litigator.

STUDENT RECAP ON THE EVENT "HOW TO BRING A CASE TO THE SUPREME COURT AND WIN"

Listening to Professor Louie Castoria share his experience of taking a case to the Supreme Court was a wonderful experience. The way he spoke about the case, and the journey from the beginning up to the case being heard by the Supreme Court, was unlike any other attorney I have heard speak. He speaks with humility and provides a roadmap for how to accomplish large feats like this through teamwork. The legal profession is often framed as an independent experience – a cutthroat, vicious, competitive world. Hearing his experience of working as a team to get the case built up and taken through the entirety of our judicial system was such a refreshing narrative.



Professor Castoria speaks with an ease and conversational manner that makes him deeply relatable. He speaks about this experience, and about himself, as though he remembers what it was like to be a law student, and that he believes in the power of the upcoming generation of new lawyers. He is calm and confident, without the ego often associated with successful lawyers. His personality was clearly present throughout his presentation, and the way he spoke gives me hope that I will be able to have as successful of a career as he has had so far.

- Kate Sumser, 2L





Professor Louie Castoria's October 5, 2021, presentation on how he took a Constitutional rights case to the Supreme Court and won was a rare and illuminating look at the process from beginning to end. The case Professor Castoria litigated, called Americans for Prosperity Foundation v. Bonta, was ultimately decided on July 1, 2021. In listening to his presentation, I was struck by how humble and self-effacing Professor Castoria was given the great feat he had accomplished. Although Professor Castoria assured his audience that he made plenty of mistakes, he had also clearly done many things right.

The case first came to Professor Castoria unexpectedly. It happened that Professor Castoria, an insurance defense attorney, had been given the case because his firm represented a non-profit client, the Thomas More Law Center. The Thomas More Law Center and other 501(c)(3) non-profit organizations were being asked to give the California Attorney General's Office a list of their private donors' information. Yet those non-profit organizations were concerned about the potential "chilling effects" these kinds of disclosures would have on donations, especially given security concerns the organizations had with the Attorney General's "leaky" data storage systems. On researching related cases, Professor Castoria found that another lawsuit had also been filed in the Central District of California by the non-profit organization Americans for Prosperity. Professor Castoria then proceeded to file suit and, after it had been heard unsuccessfully by the Ninth Circuit, appealed the case to the United States Supreme Court.

In addition to putting years of hard work and good lawyering into a single case, Professor Castoria and his team ultimately succeeded because they leveraged good timing, sound strategy, and a little luck. As a starting point, the team wisely cited a case directly on point, which had been earlier decided by the Court. Here, that case was NAACP v. Alabama (1958). Furthermore, the plaintiffs sought to bring their claim to the Court through a "clean vehicle," or a case that comes to the Court with a good (almost perfect) evidentiary record, a clear issue, and a split among the circuits on the question. Professor Castoria had been diligently building the evidentiary record, including citing the testimony of an expert in anonymous non-profit donations. The clear issue, the team decided, would be framed in terms of preserving the First Amendment right to freedom of assembly. Finally, at the time Professor Castoria filed suit, multiple states and circuits had taken the same actions as California, and the circuits were indeed split. The Supreme Court granted certiorari in January to hear the combined cases of the Thomas More Law Center and Americans for Prosperity against the California Attorney General.

Professor Castoria next did some recruiting. He pulled in an experienced attorney who had succeeded all 11 times that he previously argued a case before the Supreme Court. To further strengthen the case, Professor Castoria and his team requested amicus curiae briefs from nonprofits across the country who shared the same concerns. In total, they offered the Court approximately 250 amici from organizations across a range of political and ideological spectra. The Court was ultimately impressed and persuaded as they heard oral arguments via teleconference in April 2021 in Washington D.C. Professor Castoria described the unworldly and awe-inspiring circumstances of hearing the voices of the Justices, Roberts through Barrett, as he and his team sat around a conference table in the nation's capital in their best suits. In July, Professor Castoria was pleased to hear the historic news that he won the case!

Not many cases ever make it to the highest court, Professor Castoria explained. Rarer still is winning a case before the Court. So, for any attorney with the opportunity, bringing a case to the Supreme Court and winning is the experience of a lifetime. - Gwendolyn West, 2L

PROFESSORS IN ACTION: PART I

Professor Brockl has been busy this semester! Read on to learn about her speaking engagement, recent articles, podcast interview, and television appearance.



This fall, Professor Brockl was asked to be the moderator and a speaker for a conference panel titled "Mock Trial - Protests, Penalties & Prejudice (Protests that Kill)" in the **2021 Training Advocates Conference: Back to the Future**, which took place on Friday, August 20 over Zoom. Approximately 50 hand-selected trial advocacy directors, litigators, and judges from across the country spoke at this conference to educate attendees on how to navigate the virtual world of competitions and best practices for transitioning back to in-person. Professor Brockl's panel offered experience and advice on how mock trial competition hosts can handle team protests regarding competition violations, including forming protest committees, point deductions, and alternative remedies.

Professor Brockl's, article titled "Know Every Document and Piece of Evidence in Your File" was recently published online in a collaborative piece titled Collective Wisdom - One Bit of Advice through the National Institute for Trial Advocacy (NITA). The goal of the litigators, professors, and judges who contributed to this shared piece was to provide advice on things that lawyers should not do when preparing a case or should/must do that they do too infrequently.

- From the article, "Knowing every document and piece of evidence in your case file is imperative to competent preparation of your case. While this may sound obvious, many attorneys fail to follow this advisement to their own peril. The reasons for knowing your case file in and out are threefold: (1) you want to be the case master, (2) you do not want to be caught off-guard, and (3) your reputation is on the line."
- From Jules Epstein, the Director of Advocacy Programs at Temple Beasley Law School, the lead on this project: "These [Collective Wisdom] articles are joint efforts from listserv/advocacy community members and are widely read and appreciated NITA officials advised me that "we recently pulled data on all our whitepapers, and the three Collective Wisdoms are all in the top 10 most downloaded whitepapers. It's a winning formula, and we appreciate you bringing it to NITA!" You can find Professor Brockl's work by visiting www.nita.org



Just last week, Professor Brockl had a second article published by NITA titled "Closing Argument is for Warriors Who Know How to Have Fun" in a collaborative whitepaper Collective Wisdom - The Closing Argument: Essentials and Advice. In this paper, Professor Brockl discusses three important skills for any trial attorney to utilize in closing arguments: (1) don't talk at your jurors, (2) don't disparage opposing counsel, and (3) have a little fun.

Not only has Professor Brockl been busy speaking and writing, but she has also been featured on a podcast and on TV! In October, she was interviewed by Spencer Pahlke who runs Berkeley Law's Mock Trial Competition and is a Regional Representative of the National Association of Legal Advocacy Educators (NALAE) for his podcast called *Unscripted Direct*,

which he runs with his colleague Justin Bernstein. Professor Brockl was asked about how she came to be the Director of the Litigation Center, the outcome of the In Vino Veritas Competition, and the contributions made by Bernie L. Segal to Golden Gate. You can find her interview in *Episode #12* at the 14 minute and 40 second mark. Professor Brockl was recommended for the interview by Joe Lester, the Associate Director of Advocacy Programs at American University, Washington College of Law. His team competed in In Vino Veritas this year (and many past years) and with the recommendation, he stated: "Your tournament was a big success. Everyone needs to know." Mr. Lester runs his own successful national mock trial competition every year: Capitol City Challenge, which GGU has previously participated in. Professor Brockl's interview can be found here: www.unscripteddirect.com

Lastly, Professor Brockl had a chance to show off her foodie skills on KQED's new series, *Check, Please! You Gotta Try This!* in which she recommended a particular dish to the group found at a North Bay restaurant, then each member went out to try it and report back. You can find her episode at the following link:

PROFESSORS IN ACTION: PART II

Deputy District Attorney, Butch Ford, was assigned to handle the Nia Wilson murder trial.

"This was the most emotionally challenging case I ever had." - ADA Butch Ford

Article by Elias Hernandez

On the morning of July 23, 2018, District Attorney (DA) Butch Ford was assigned to what would become the most emotionally challenging case of his career, the Nia Wilson BART Stabbing Case. Just the night before, around 9:30 P.M., eighteen-year-old Nia Wilson and two of her older sisters were at the Bay Area Rapid Transit (BART) Concord platform, making their way home from a family gathering. At the same time, a man named John Lee Cowell stood on the opposite end of the platform, where his attention became fixated on the



three sisters. As the young girls walked onto the Oakland bound train, Cowell grabbed his backpack, put on his hoodie, and started jogging over to the same train, where he sat down only six to seven feet away from them. After about twenty-four minutes, the train stopped at the MacArthur BART station where the three sisters got up to exit. Simultaneously, Cowell got up and followed the girls onto the platform, where he pulled out a knife which had been concealed in his pants. He then proceeded to stab both Nia Wilson and her older sister, Letifah Wilson, in the neck, as the third sister, Tashiya Wilson, watched in shock. Tragically, Nia Wilson ultimately died as a result.

Butch Ford, the DA who was assigned to this case, is a veteran of about twenty-two years at the Alameda County District Attorney's Office. As of today, he has tried over 80 criminal cases as a DA. Currently, DA Ford is the head of the Felony Trial Team, where he provides guidance to younger attorneys in his office. He also provides guidance to many of the soon-to-be lawyers at Golden Gate University School of Law, where he coaches law students on the school's National Mock Trial Team.

When asked about his initial thoughts on being assigned to this high profile case, DA Ford said that he was honored. Head Alameda County District Attorney, Nancy O'Malley, personally texted DA Ford the next morning asking him to take on the job. It meant a lot to him to be trusted with this important task. At the same time, DA Ford's thoughts immediately jumped to Nia Wilson's family. He was aware that the family would be at his office and that it would be his job to guide them through this tragic case. A sensitive part of that job was to explain to the family how this



Butch Ford stands alongside Nia Wilson's family members.

case would go down.

In one of the earlier conversations with Nia Wilson's family, DA Ford explained that the Defendant (Cowell) would not be charged with a Hate Crime enhancement. The early rhetoric from this case classified it as a Hate Crime, due to the fact that the Defendant, a Caucasian male, randomly attacked three young Black women whom he had no connection to. When asked about the decision not to charge a Hate Crime enhancement, DA Ford stated, "The real issue is, as district attorneys, whether we have enough evidence to prove, beyond a reasonable doubt, that it was a hate crime. I did not feel in my expertise that we had enough evidence to prove a Hate Crime.

PROFESSORS IN ACTION: PART II

My thoughts were my thoughts; but that doesn't control what DAs should do. What should control is what we think we can prove." Instead, DA Ford demonstrated to the Wilson family that by succeeding on a Lying in Wait special circumstance charge - alleging that the Defendant attacked the young girls in an ambush-type-manner - Cowell would receive life without the possibility of parole. While the Wilson family maintained that the crime was motivated by race, they were understanding of the situation and believed that justice could still be served under this approach. "They were an absolutely great family," DA Ford commented when reflecting on the Wilson family.

At trial, the Defendant pled not guilty by way of insanity. "There is no dispute that he has a mental health history," commented DA Ford; but the facts of this case show, "this was not a mental health issue." During my discussion with DA Ford, he explained to me that insanity, in criminal law, is about whether the Defendant knew right from wrong and whether the Defendant could comport his behavior to lawful conduct. BART surveillance footage was "of the highest import" at trial for countering the Defendant's insanity theory. In addition to the Defendant's Lying in Wait conduct before the stabbing, BART surveillance also captured the crucial moments after the stabbing, which demonstrated the Defendant's intellectually cunning conduct. Right after the stabbing, footage showed the Defendant wiping the blood off his knife, trying to blend in with bystanders, and even misdirecting police officers away from himself. "He changed his clothes and discarded his backpack so that he would look or appear different than he had on the day of the event. He also was captured on surveillance when he was arrested...his mannerisms, his denial, and his complete act of questioning why he was being stopped, claiming that he did nothing wrong, demonstrated his intellect at that point in time and that he was clearly sane."

Ultimately, a jury convicted the Defendant for the Murder of Nia Wilson, including the Lying in Wait special circumstance charge. Additionally, Defendant was convicted for the Attempted Murder of Letifah Wilson. While DA Ford feels that justice was certainly served, the case truly took a toll on him. It was "the most emotionally challenging case that I ever had." He explained the difficulty having to watch the murder of this young woman who had her whole life ahead of her. "Once you see it, you cannot unsee it," is how DA Ford explained the graphic BART surveillance footage. After prosecuting multiple high profile cases, many of which were homicide cases, it was this case where DA Ford realized that he would need a break from trial work.



When asked how he likes his new assignment as the supervisor of the Felony Trial Team, DA Ford commented that he misses trials and might go back one day. However, he expressed great enjoyment and fulfillment with his current work. "I love my new assignment because I get to help younger lawyers grow as advocates." He also discussed his satisfaction in helping his mock trial students grow as litigators. As a former mock trial student of DA Ford myself, I can personally attest to the passion and enjoyment that DA Ford brings to Golden Gate University's mock trial team. DA Ford's love for young advocates is not limited to lawyers and law students, however. During my discussion with DA Ford, he commented on the strength and advocacy shown by the two surviving Wilson sisters. "Any time I talk about this case, I talk about how those two sisters were strong Black women. I hope that they become community leaders in the city of Oakland, because they would be great at it."

STUDENT ACHIEVEMENTS

Welcome, Captains!



GGU's National Trial Team is proud to present strong, dedicated advocates to represent our law school. Elias Hernandez (3L) and Monique Ramirez (2L) have been selected to lead the National Trial Team as co-captains during the spring 2022 competition season. Elias and Monique are fierce advocates who have shown intense dedication to the craft of litigation. Congratulations!



Golden Griffin Challenge Winners



On Friday, August 27th, 2021 the annual Golden Griffin Challenge took place. The Golden Griffin Challenge is an intra-school, upper-division only, truncated mock trial competition featuring student advocate teams of two conducting a cross examination and presenting a closing argument. The competition also doubles as tryouts for GGU's National Trial Team.

Monique Ramirez and Piper Wheeler, both 2L's and graduates of the 2021 Summer Trial & Evidence Program (STEP), dominated the competition. They used the skills they learned during their time in STEP to prevail over the competition and took home a \$500 prize!

Monique Ramirez (2L) & Piper Wheeler (2L)

Piper shared, "It was an honor to compete against incredibly talented advocates as part of GGU's Golden Griffin Challenge. My partner and I were able to bring all the skills and experiences we gained during the 1st STEP summer program. I'm thrilled to represent GGU Law as a member of the National Mock Trial Team." Monique adds, "I am very humbled and thrilled to have won first place in the Golden Griffin Challenge with my awesome partner! We worked hard leading up to the challenge, spending hours practicing, strategizing, and brainstorming ideas for an effective cross examination and closing argument. I used much of what I learned in the 1st STEP program, and I am very happy to see that all of this summer's hard work is beginning to pay off. All teams competed tenaciously and did not make it easy for us. I loved watching their talent, poise, and fierce advocacy! The atmosphere was motivating, inspiring, and most importantly - FUN! I look forward to competing nationally with all of my talented teammates on this year's National Trial Team!"

STEP Graduates - Where Are They Now?

Ashlev Llamas graduated from the 2021 Summer Trial & Evidence Program (STEP) where she was one of the top-performing students. In terms of her litigation career, she has hit the ground running. Ashley earned herself an internship at the Sonoma County District Attorney's Office. She recently argued her first



opposition to a Serna motion - and won! Ashley told us she was a little nervous, but felt confident in her abilities because of the skills she learned in STEP. She also argued an opposition to DUI Diversion and an opposition to a 1538.5 motion to suppress evidence. In both cases, her argument and evidence triumphed. For the suppression hearing, she was able to direct examine two police officers and enter body camera footage into evidence. "It was so amazing to actually do it outside of the classroom. Again, I was so happy to have already learned those skills from the summer. "



Mengyu Yang is a graduate of the 2020 Summer Trial & Evidence Program (STEP). Since then, she has continued to develop her litigation through her participation on the National Trial Team internships. This fall, Yang handled her first preliminary

hearing on a felony case. After that, she conducted two more preliminary hearings. She has also assisted on five jury trials. Reflecting on her time in STEP, Yang said, "I wouldn't have been able to explore the world of criminal litigation but for the training I received from the STEP program. Thank you again for your hard work to conduct the program online so effectively!" Congratulations, Yang, on all your accomplishments! The Litigation Center is proud to hear that our students are benefitting from the courses we provide.

SPRING 2022 LITIGATION COURSES

Civil Litigation: Pre-Trial Practice (live)

TUESDAY 3:00 - 4:40 p.m. Louie Castoria

Students handle every aspect of pretrial preparation of a civil lawsuit, proceeding from the initial client contact, through formulating client representational strategy, to developing a case theory. They draft all the case pleadings and motions challenging the sufficiency of the pleadings, ending the course with a pre-trial settlement conference.



Advanced Communication for Attys (virtual) TUESDAY 4:30 - 6:10 p.m.

Successful attorneys are skilled communicators inside and outside of the courtroom. This course will equip students with effective communication techniques to achieve desired results in real-life situations, such as speaking with partners or work staff, handling difficult work conversations, delivering presentations, client interactions, & more. Students will learn how to assess each scenario and be able to identify the best method to communicate their message with authenticity and confidence. Our focus will include vocal variation, purposeful movement, effective use of technology to enhance in-person and online presence, & other media.



Trial Advocacy (live)

TUESDAY 5:30 - 8:10 p.m. **Edward Torpoco**

This course is taught by a retired judge. Throughout the semester, students will 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. Pre/co-requisite: Evidence.



Mock Trial & Advanced Mock Trial - Competition

TEAM PRACTICES (HYBRID)

MON/THURS 6:00 - 9:00 P.M. & SATURDAY 9:00 A.M. - 12:00 P.M. *INVITATION ONLY*

The National Mock Trial Team competes on a local and national level in mock trial competitions across the country. The Team is invite-only based on your performance in the Annual Golden Griffin Challenge, an intra school mock trial competition open to all upper-classmen who have taken evidence and have taken or are currently taking Trial Advocacy.

Introduction to Depositions (live)

TUESDAY 6:30 - 8:30 p.m. Chris 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. This course will cover how to prepare for a deposition, effectively use documents during a deposition, deal with difficult counsel, and defend against a deposition.



Strategic Jury Persuasion (virtual)

WEDNESDAY 3:00 - 5:00 p.m. Jody Mask

Persuasive storytelling is key to becoming a winning trial lawyer. This advanced "how to" course is for students who want a deeper dive into the science and art of jury persuasion. Students will be introduced to the trial preparation techniques of some of the most successful trial lawyers in the country. Topics will include how to let your story argue for you, successful use of focus groups, combatting juror biases, proper framing, etc. Prerequisite: Trial Advocacy or STEP or permission of the professor.



SPRING 2022 LITIGATION COURSES

Introduction to eDiscovery (virtual)

WEDNESDAY 4:20 - 6:20 p.m. **Justin Myers**

In this class, students explore the tools, common practices & laws that make eDiscovery unique. They will learn to manage the risks associated with identification, preservation, collection, review and production of electronically stored information (ESI). ESI comprises approximately 90%+ of documents produced in a litigation (e.g. emails, network databases, Word, Excel, social media and cellular data), and ESI significantly increases in volume and complexity with each passing year. Leave this course with an understanding of how to best serve your future clients while meeting your discovery obligations under Federal and California law.



Advanced Trial Advocacy (live)

THURSDAY 4:00 - 6:30 p.m. Paula Vielman-Reeves

This course is intended for students interested in pursuing careers in litigation and provides advanced practical techniques while promoting mastery in the courtroom. Utilizing case strategies, students will present simulated trials while effectually utilizing technology. Students will examine expert witnesses, learn witness control, and writing assignments will focus on advanced procedural and evidentiary issues. Prerequisite: Trial Advocacy or STEP or permission of the professor. **Limited Seats Available**



Professional Presentation & Persuasion (live)

THURSDAY 4:30 - 6:10 p.m. **Harriet Schiffer Scott**

This class will develop your presentation skills and give you strategies that will make you more confident and persuasive. You will learn and deliver various styles of presentation, learn specific techniques to deliver presentations without rote memorization, and become an engaging storyteller. Come prepared to eliminate nervous tics and self-consciousness when speaking in public, learn to think on your feet, and capture the attention of all your listeners.



Intro to Criminal Litigation (live) THURSDAY 6:30 - 9:10 p.m. Will Morehead & Jen Redding

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, including discussion and exercises on preliminary hearings.





Evidence (live)

THURSDAY 6:30 - 9:10 p.m. Judge Steckler

This course is taught by a local practicing judge. 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. Prerequisite: Civil Procedure I and corequisite: Civil Procedure II.



Introduction to Litigation (virtual)

FRIDAY 10:00 - 11:50 a.m.

This course will prepare 1st STEP students for their summer trial and evidence program by teaching them basic trial skills necessary to become successful litigators in the courtroom. The course will teach students an overview of litigation, including the differences between civil and criminal law. Students will participate in drafting and arguing a motion, will learn to prepare and be a good witness, and begin the process of reviewing a case file and putting together a trial. Students will end the course presenting jury addresses in a mock-trial setting. The course is designed to provide students with feedback and guidance to prepare them for the intensive summer litigation program. Open only to students accepted into 1st STEP.



Rachel Brockl



2021 IN VINO VERITAS NATIONAL MOCK TRIAL COMPETITION

Phoenix Burns v. Corker Wines & Sidney Corker



The In Vino Veritas Competition problem presented teams with a civil case this year. The fact pattern entailed a wrongful death lawsuit filed by the father of the decedent, Phoenix Burns, against Corker Wines and Sidney Corker individually. In the dispute, Phoenix Burns alleged that Corker Wines improperly trained his son, Charlie Burns, on how to operate a boom lift that was located on the property and which ultimately led to his son's gruesome death by electrocution. However, it is the defense position that Charlie Burns was never employed by Corker Wines and that no one provided any type of training to him. Moreover, the defense asserted that Charlie Burns accessed the boom lift without permission, took the machine for a joyride (possibly under the influence of alcohol and without wearing his contacts), and that the decedent's own negligence was the cause of his untimely death.

The fact pattern was filled with difficult evidentiary issues that teams had to navigate in order to persuasively make their case to the jury. Both the plaintiff and defense had an expert witness as one of their three witnesses. The teams had to craft creative direct examinations of these expert witnesses to explain very dense, complicated material about electricity and human factors engineering to the jury in a way that was understandable. Teams also were faced with the hurdle of cross examining witnesses who had an emotional stake in the case. The plaintiff had to cross examine the defendant, Sidney Corker, and the defense had to cross examine the father of the decedent, Phoenix Burns. Teams were provided with the depositions of each witness, which



were filled with character evidence that was designed to be persuasive for each side to submit the jury if they were able to use their mastery of the Federal Rules of Evidence to convince the judge that the evidence should be admitted. Ultimately, it was a wonderful competition weekend. The Competition Committee was incredibly impressed by how much creativity teams displayed in the way that they tried their cases. We are already looking forward to next year's competition!

Competition Results

This year, the Competition Committee awarded individual awards for the preliminary rounds as well as overall competition individual awards. Here are our winners!

Best:	Opening Statement	Direct Examination	Cross Examination	Closing Argument	Overall Advocate
Preliminary	Ben Reyes	Joshua Perry	Brooke Baumgardner	Lindsey Hanselman	Brooke Baumgardner
Rounds	American	Fordham	St. Mary's	Denver	St. Mary's
Overall	Christina Boyle	Judy Kattan	Ian Lindsay	Lindsey Hanselman	Lindsey Hanselman
Competition	Denver	Loyola Chicago	Loyola Chicago	Denver	Denver

1ST PLACE University of Denver Sturm College of Law





2ND PLACE Loyola University Chicago School of Law

In Vino Reception Raffle Winners

Ergo Seat Cushion Trial Pro Account Ring Light HD Webcam Chris Chavarria Dounea Elbroji Shanni Lynch

Laptop Stand

Massage Rollers

DePaul University Joshua Perry

Sleep Well Care Package: Julian Polton & Lindsey Hanselman

Danielle Taylor & Anne Cronin

THANK YOU TO OUR IN VINO VERITAS VOLUNTEERS!

Louie Castoria Dean Pollack Andrew Allen Justin Hedemark Gregg Zywicke Courtney Burris Kate Raven Leland Chan Jim Rockenbach Jessica Guest Brian Ford Erica Treeby Vincent Barrientos Yau Lee Jennifer Babcock **Judge Ruth Samas** Judge Edward Torpoco

Nate Read Kevin Haroff Allison Wang Maria Evangelista Rick Stout Erin Collins Kevin Ballard Jeff Brooks Jen Redding Roxana Araujo Fiona McKenna Kathleen Morris Alex Lemberg Shawn Barnett Charles Carbone Rachel Rosenfeld Alyssa Fielding

Judge Bentrish Satarzadeh



Erik Faussner Daniel Klausner Montana Baker Kamina Richardson Amanda Barreto-Holder Nicholas Baran

Judge Andrew Steckler

Jody Mask Carlos Concepcion Anna Benvenue Shanda Fisher Lindsay Horstman Cavin Lyle

Judge Brendan Conroy

Jason Schmaltz Curtis Briggs Keenan Webb Olivia Wheat Corinna Meissner Christine De Leo Thu Nguyen Andrea Carlisle Dominique Cavalier Patrick McPhilamy III Tiffany Patel Maxwell Louie Colin Crawford Ezekiel Bottorff Monica Mueller Nicole Winget Michael Belter Judge Maria Evangelista

Special thanks: Dustin Cameron and Zach Porter for drafting the fact pattern, Professor Hina Shah for providing our MCLE, Dana Oviedo for hosting the MCLE, Judge Proudfoot for presiding over our final trial, Ashley Llamas for introducing Judge Proudfoot, Ana Fatima Costa for providing live court reporter apprentices (Sierra, Chandler, and Shai) and a transcript, GGU National Trial Team & 1L students for volunteering as timekeepers & bailiffs, Monique Ramirez, Christina Robinson, Rachel Clift, and Christopher Wong for competing as a ghost team, Baxter Fellow Clo Mauchline and Professor Rachel Brockl for coaching the ghost team, IT Services, Dean Crawford for volunteering as an evaluator and providing closing remarks at the reception, and David Schott for donating Trial Pro as one of our raffle prizes.

In Vino Veritas Feedback

"This was my second year competing at In Vino and I can truly say that it was an excellent experience both times. Despite COVID-19 moving tournaments online, I am so thankful that I was able to have this experience and appreciate all the hard work that allowed that to happen, including the dedication of the GGU tournament directors and the preparation of all the talented competitors. After weeks of working on a case, it is always exciting to see it come to life and learn from what the other teams have done. It was a pleasure to meet and compete both, alongside and against, so many amazing futurelitigators."

- Lindsey Hanselman (Overall Best Advocate, Denver)

"Yesterday was the BEST experience I have had in the 13 years that I have been collaborating with law school professors, trial lawyers, and private venues to introduce court reporters into their mock depo and trial educational and competitive events. Everything went smoothly and was handled professionally and respectfully for all. And it was a challenging, rewarding, and positive experience for [Court Reporter Apprentices] Sierra, Chandler, and Shai. I attribute this positive experience to your support and understanding of the importance of court reporters and your introduction of them at the beginning of the trial. Thank you, Rachel. You and your team are amazing!"

- Ana Fatima Costa (Court Reporter Trainer)

"Competing in In Vino Veritas was an amazing experience. The case packet was so rich with details that it made it a lot of fun bringing our case-in-chief to life. It was also such an enriching experience getting to compete against amazing teams from across the country and having wonderful judges give insightful and in-depth feedback. I know that everything that I have learned through competing in this competition will help me be a stronger advocate in the future!"

- Ben Reyes (Best Preliminary Round Opening Statement, American)

"While our SMU team didn't make the break this year, unlike past years, our students are proud of the cases they put on, and we all thought the judges were wonderful. We were defeated by two strong teams. Thank you so much for hosting a wonderful competition with great opposing teams that will surely help better our students' advocacy for their future competitions/real life practice. We very much hope you will have us back next year when we can hopefully meet you [Rachel] and Clodagh in person!" - Tyler Eaton (SMU Coach)

"The In Vino Veritas competition, hosted by Golden Gate University School of Law, ran like a well oiled machine! The competitors were tough and challenged our students, and it was obvious that each team put in a huge amount of effort! It was clear that the judges for each round were well prepared and versed in the rules of the competition! I couldn't have asked for a better competition for my students to participate in! Thank you for hosting a wonderful competition!"

- Misty Deatherage (St. Mary's Coach)