



UNIVERSITY OF THE  
**PACIFIC**  
McGeorge School of Law

## PACIFIC McGEORGE CENTER FOR ADVOCACY & DISPUTE RESOLUTION

### FALL 2011 NEWSLETTER

[Advocacy Team Successes in Mock Trial and Moot Court Programs](#)

[Distinguished Advocate and Author in Residence, John Osborn](#)

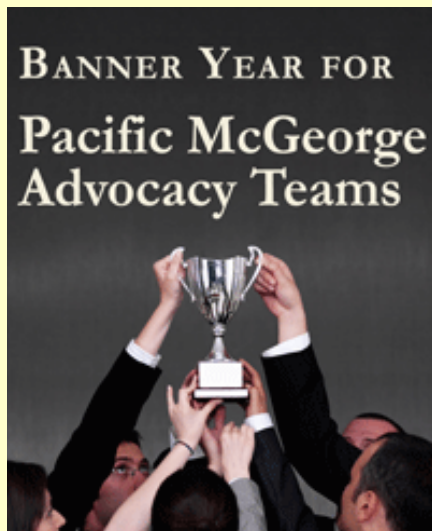
[Symposium on Marijuana and the Law](#)

[Ethics Workshop](#)

[Global Lawyering Skills Final Four Competition](#)

[National Ethics Trial Competition](#)

[National Advocacy Practice Survey](#)



Once again, the **Pacific McGeorge Mock Trial** and **Moot Court** teams demonstrated in 2010-2011 why the law school is consistently ranked among the top law schools in the United States for its Advocacy program. Our student teams won awards throughout the school year in many different competitions.

#### Mock Trial

Pacific McGeorge School of Law's [number five rating in Trial Advocacy](#)

As the Director of [Pacific McGeorge's Center for Advocacy & Dispute Resolution](#), I believe that the programs and curriculum housed within the Center equip our students with the requisite skills needed to excel as advocates.

As advocates, our students go on to represent clients in an array of legal specialties. The skills that our advocacy programs teach students provide them with the preparation that they need to succeed in the contemporary legal world. How students fare as they enter the practice of law, and over time, is of great interest to me as I evaluate the programs available to students.

Two years ago I began a study of what our alumni and law alumni from other schools do in their day-to-day practice. [I invite you to join me in collecting data about the way in which your alums practice law.](#) Please read further in this newsletter to learn what we are doing at our Advocacy Center and to learn about our [National Advocacy Practice Survey](#).

I know you are as committed as I am to measure and improve how we prepare our students for success in the law. And I hope that you will join us at Pacific McGeorge's Advocacy breakfast at the [2012 AALS meeting](#) in Washington D.C.

**[Michael Vitiello](#)**

Director, [Pacific McGeorge Center for Advocacy & Dispute Resolution](#)



**John Osborn**, author of *The Paper Chase*, a 1970 novel that was turned into an award-winning movie in 1973 and a television series in 1978, served as Pacific McGeorge's first distinguished author/advocate in residence in February, during which time he [delivered the 40th Annual Lou Ashe Symposium Lecture](#). Osborn's stay at Pacific McGeorge was sponsored by the Center for Advocacy & Dispute Resolution.

[in the 2010 issue of U.S News and World Report](#) is due, in large measure, to our excellent Mock Trial program. The combination of student talent and commitment and arduous practice schedules set by our trial team coaches, results in students ready to take on their adversaries in competitions throughout the country, and to handle complex litigation in court once they become members of the Bar. [Cary Bricker](#) is the Coordinator of Trial Teams, while our individual coaches are top notch trials lawyers who were all successful members of the Pacific McGeorge Mock Trial team when students at the school.

Among the team's achievements last year, in November, second-year student [Shani Roark won the award for Best Closing Argument at the Buffalo Niagara Trial Competition](#). In Shani's first completion as a team member, she was recognized as the best of 128 students who were eligible for this award.

In February, the team of students [Nikole McQuillan and Diane Coderniz were finalists in the National Trial Competition regional in Sacramento](#), finally falling to a team from Stanford by one point. Pacific McGeorge and U.C. Davis co-hosted the event at the Robert T. Matsui Courthouse.

Students [Steven Redd, April Matsinger, Sydne Christianson and Venessa Hunter advanced to the semi-final round of the American Association of Justice mock trial competition](#) held in Seattle during March. The team defeated teams from the University of Washington, Stanford and U.C. Berkeley before falling to another U.C. Berkeley team.

In addition to student excellence, another measure of the success of the Pacific McGeorge Mock Trial program is the unique trial competition we created and host each spring: the **National Ethics Trial Competition** in the Eastern District Federal Courthouse. Next March, Program Coordinator and case-file author, [Jay Leach](#) will oversee the competition, bringing in federal and state judges and Sacramento's leading lawyers to watch

Osborn, a Harvard Law School graduate whose book chronicled the experience of a student struggling through the first year of law school, spoke on the topic "Does Law School Really Have to Be *Bleak House* - or, Why Do We Still Teach *Jarndyce v. Jarndyce*?" His remarks focused on how literary critics and law professors view *Bleak House* differently. Literary critics see the Charles Dickens' novel as a story about a young woman who must learn to trust her own voice. Law professors see it as about a 100-year lawsuit and "miss the point that we must learn our own narratives." Although a law professor himself for nearly three decades, Osborn believes that many law professors fail to listen to their own students in the law school classroom, thus missing the fact that these students often have stories of their own that are relevant to the study of the law.



John Osborn

A former law professor at the University of Miami, University of California at Berkeley, Cardozo University, and the University of San Francisco, Osborn also visited several advocacy classes during his week as distinguished author/advocate, and during that time he spoke at length in informal faculty gatherings.

The Lou Ashe Symposium is named for the late Lou Ashe, a partner in the San Francisco law firm of Belli, Ashe & Choulos, whose pioneering work in the 1956 Cutter polio vaccine case set the precedent for strict liability in defective drug cases. In 1972, Ashe founded the annual Lou Ashe Practical Legal Symposium at Pacific McGeorge and guided it over a 10-year period until his death. His many friends and colleagues established a memorial fund to help underwrite expenses of an annual lecture in his honor. Over the years, well-known presenters in the series have included Gloria Allred, Robert Shapiro, Marvin Mitchelson, Richard Haynes, Vincent Bugliosi, Pierce O'Donnell and Tony Serra. In July 1995, Ashe was inducted into the American Trial Lawyers Association Hall of Fame.



## Pacific McGeorge Law Review's Symposium on Marijuana and the Law

The [Pacific McGeorge Law Review's symposium on marijuana and the law](#), held on April 15, attracted a large crowd of interested attorneys and members of the general public to the Pacific McGeorge campus. "The Road to Legitimizing Marijuana: What Benefit at What Cost?" featured some of the leading legal scholars in the country on the subject, including the event's lead organizer, Professor [Michael Vitiello](#). While originally planned for approximately 60



Michael Vitiello

teams from around the country. The NETC is the only completion in the country that scores points for ethical and professional conduct in the courtroom.

### Moot Court

This year, the Pacific McGeorge Moot Court program again established itself as one of the finest in the country, [placing in the top ten in the two national rankings that are widely recognized](#). The program is run by an all-student Honors Board under the direction of Professor [Ed Telfeyan](#).

The highlight of the year was a [second-place finish nationally in the ABA National Appellate Advocate competition](#) held last spring in Chicago. Starting at the competition's regional round held during February in San Francisco, two McGeorge teams outdid themselves by winning multiple awards. In the 32-team regional competition, both teams won all of their rounds and advanced to the national rounds in Chicago. Out of 96 competitors in San Francisco, Pacific McGeorge student **Kim Bowman** won the award for Best Oralist, with **Leo Moniz** named as the 4<sup>th</sup> best oralist and **Conness Thompson** the 9<sup>th</sup>. The team of **Leo Moniz, Jill Larrabee** and **Caitlin Christian** won the Best Brief award, and the team of **Conness Thompson, Kim Bowman** and **Jeremy Ehrlich** had the 6<sup>th</sup> Best Brief.

Proving that the success at the regional was not a fluke, the team of **Conness Thompson, Kim Bowman** and **Jeremy Ehrlich** advanced undefeated in Chicago through the preliminary and advanced rounds to the championship round, finally losing narrowly to a team from Duke University. In addition, the regional award-winning brief written by **Leo Moniz, Jill Larrabee** and **Caitlin Christian** also won the award for Best Brief at the national round. A total of 217 teams competed nationally in this competition.

The performance by Pacific McGeorge at the ABA competition was merely the highlight of a dazzling string of successes throughout the academic year. Beginning in October 2010, McGeorge students **Etan Zaitso** and **Catherine Mariano** were [runners-up at the regional round of the Thomas Tang Moot Court Competition](#), dealing

attendees, the event was moved to a larger venue when twice as many people showed up. [View videos of the event's six panels](#).

Speakers included **Robert Weisberg**, director of the Stanford Criminal Justice Center; **Susan Mandiberg**, Lewis & Clark Law School; **Sam Kamin**, University of Denver College of Law; **Dr. Itai Danovitch**, Director of Addiction Psychiatry Clinical Services, Cedars-Sinai Medical Center; Judge **Steven Alm**, First Circuit Court, Hawaii; **Benjamin Wagner**, U.S. Attorney, Eastern District of California, **Antonio Martinez**, former Attorney General, Baja California, Mexico; and Pacific McGeorge professor [Gerald Caplan](#).

Martinez's presentation began with tales of Mexican drug cartel violence. He said that legalization of marijuana in California would curb pot-related violence in Mexico, but he predicted cartels would only increase other forms of drug trafficking and continue their killing spree. Martinez said that if California ever legalizes marijuana for recreational use, Mexico should follow suit and legalize the drug. The state's voters defeated the Proposition 19 marijuana legalization initiative last year, but a similar measure is expected to be on the ballot in 2012.



On April 14-16, the Pacific McGeorge Center for Advocacy and Dispute Resolution sponsored a conference on "[Future Directions in Teaching of Ethics: How to Give Law Students a Real-World View](#)." Eighteen faculty members from law schools around the country, including Indiana, Northwestern, Temple, Stetson, U.C. Davis, University of San Francisco, and Wisconsin, joined colleagues from Pacific McGeorge at the Napa River Inn to exchange ideas and projects about how to bring ethics, professionalism and civility "alive" in the classroom. Law professors from China and aspiring law professors from Ukraine, all of whom were students in the Pacific McGeorge [LL.M. in Experiential Law Teaching](#) program, observed the discussions on Friday.

One group of participants shared ideas and plans for new directions for teaching materials and teaching methods. A second group examined the topic of how to ensure more professional and ethical conduct in intra-school competitions. The second group expects to publish its findings and proposals.



As a requirement in their second year, students at Pacific McGeorge take the unique [Global Lawyering Skills II](#) course. Throughout the year, students work with one case, taking it from the trial court through the appellate court and applying analytical skills to argue their side of

with constitutional law issues and held in San Francisco. Student **Kim Bowman** was recognized as Second Best Oralists at the regional round. The team advanced to the final rounds held in Los Angeles.

Students **Chris Braniff, Gianni Pattas** and **Blaire Sederoff** won the [Best Brief award at the Pepperdine Entertainment Law Moot Court competition](#) in November. This was the third year in a row that a team from Pacific McGeorge won this award in the Pepperdine competition.

Pacific McGeorge also won the [Witkin Award as the first place team in the Roger B. Traynor Moot Court Competition](#). The team of third-year students **Corrie Erickson, Brandon Esraelian**, and second-year student **Brad Coutinho** was recognized for having delivered the second best oral arguments in the competition and for having written the second best brief in the competition. Erickson was also recognized individually as the third best oralist. ***Those collective results garnered the team the overall top award in the competition, making 2011 the second year in the last five that Pacific McGeorge has topped all other California schools in this statewide competition.***

In the international arena, in only the second year that a Pacific McGeorge team has competed in the [International Criminal Court competition](#), third-year students **Krystal Collins, David Magnan, Scott Radcliffe** and second-year student **Susan Booth** were one of two teams from the Americas that advanced from the preliminary rounds in New York to the [final rounds in The Hague, Netherlands](#). The New York rounds were held in January, and at the final rounds in The Hague during April, the team competed well against teams from around the world, including against two of the three teams that made it to the final round.

But the awards and recognition did not stop with these competitions. In the [Niagara International Law Moot Court Competition](#), the Pacific McGeorge team of **Catherine Mariano, Matt Vance**, and **Elyssia Musolino** received the best brief award and advanced to the semi-final rounds. Additionally, Mariano was

the case. In the fall, students write memoranda and present oral arguments on trial motions, and after being instructed on the trial court's decision, they submit an appellate brief and conduct an oral appellate argument in the spring.

In March, the top students in the course are selected to argue additional elimination rounds, leading to the [Final Four Competition](#), which is held before a panel of real state and federal judges. This year, the Final Four highlighted three judges from Sacramento who are all Pacific McGeorge graduates: presiding judge **Kimberly J. Mueller** from the U.S. District Court, Eastern District of California; **Art Scotland**, former presiding justice of the California Third District Court of Appeal, and **Justice Andrea Hoch**, the newest member of the Third District Court of Appeal.

Student **Michelle Wells**, who earned the Top Oral Advocate Award in the competition, argued with her partner, **Amber Simmons**, for defendants-appellees in the case of *Petrillo v. Yun et al.* Students **Erin Chan-Adams** and **Daniel Taylor** argued for the plaintiff-appellant side. All four students received the Diana P. Scott Prize for outstanding moot court achievement.

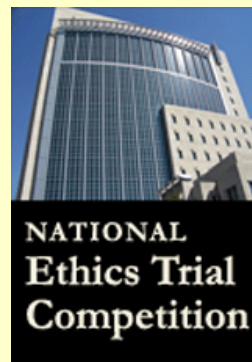
In recognition of their performance in the GLS competition, **Amber Simmons, Erin Chan-Adams, Jason Buscaino**, and **Sara Kim** are serving on moot court teams in the current academic year.

In addition, students **Jason Buscaino, Kellen Crowe, Ginny Ellis** and **Ha "Sara" Kim** were honored with Best Brief awards. Students **William Denis, Harpreet Nakhwal, Caitlin Smith** and **William Whaley** were cited for reaching the "Elite Eight" of the oral competition.

A celebratory dinner following the Final Four competition honored the elevation of Judge Mueller from magistrate judge to district court judge, the appointment of Justice Hoch to the Third DCA, and the retirement of Justice Scotland from that same bench.

The Pacific McGeorge [National Ethics Trial Competition](#) will be held March 15-17, 2012.

This competition provides an opportunity for student trial lawyers to display their knowledge and skills of professional responsibility in trial work. Trials are judged by distinguished members of the bench and bar, including judges of the U.S. District Court for the Eastern District of California and members of the Anthony M. Kennedy and Milton Schwartz Inns of Court. All competition rounds are held at the Robert T. Matsui U.S. Courthouse in Sacramento, California



**You Are Invited: Participate in the**

recognized as the second best oralist in the competition and Vance received the third best oralist award.

And in the big intellectual property [Saul Lefkowitz Moot Court Competition](#), the Pacific McGeorge team of **Gianni Pattas** and **Chris Braniff** placed second overall in the regional tournament. In addition, both Pattas and Braniff were recognized as top oralists in the regional rounds.

And a Pacific McGeorge team received the fourth best brief award in the regional rounds of the [Jessup International Moot Court Competition](#). The team members were **Carrie Stafford**, **Alex Thompson**, **Etan Zautsu**, **Matt Fleming** and **Cassie Shaft**. Stafford also received recognition as one of the top oralists in the competition.

The year was capped by recognition by [Brian Koppen's Law School Advocacy Rankings](#), which placed Pacific McGeorge as the eighth best, and the [Blakely Advocacy Institute](#), which ranked the school as the ninth best in the country. These phenomenal rankings **resulted** in an invitation to send a team to the **National Invitational Moot Court Competition** to be held in Houston, Texas in early 2012.

## National Advocacy Practice Survey

Are litigation and traditional advocacy dead? On life support? Will ADR take over legal practice - or is there still room for excellent litigators to do meaningful work?

These questions prompted Professor Michael Vitiello two years ago to develop the [National Advocacy Practice Survey](#). He invited schools across the country to send the survey to a segment of their alumni, and he presented the collected data at last year's AALS meeting in San Francisco.

Professor Vitiello has now updated the survey for 2011 and invites you to send the survey to your alumni. The survey is completely anonymous - all information is aggregated, with law school name and decade of graduation as the only demographic information collected, primarily for sorting purposes and so we can share your results with you directly.

[Click HERE](#) to opt-in your law school by October 14. Once you have opted in, we will provide clear, easy-to-manage instructions, as well as draft language for the email(s) you will send to your alumni. At no time will anyone other than you contact your alumni as part of this effort.

View the survey [HERE](#).

When concluded, we will send your school's own discrete survey results to you and will review overall findings at the Pacific McGeorge Advocacy Breakfast at this year's AALS Conference in Washington D.C. (details forthcoming).

We hope you will participate in this year's National Advocacy Practice Survey. If you have questions or comments, please contact [Professor Michael Vitiello](#).

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