

37th Annual
*National Trial
Competition*



*Championship
Rounds*

*Austin, Texas
March 21-24, 2012*

*Hosted by
Texas Young Lawyers Association and
American College of Trial Lawyers*



Welcome

Welcome to the 37th Annual National Trial Competition hosted by the Texas Young Lawyers Association. As this year's Regional Champions, you have joined the ranks of those national competitors who have exhibited exceptional talent for trial advocacy. We congratulate you in becoming part of this tradition and hope it will provide you with an educational and memorable experience.

The National Trial Competition was established in 1975 to encourage and strengthen students' advocacy skills through quality competition and valuable interaction with members of the bench and bar. The program is designed to expose law students to the nature of trial practice and to serve as a supplement to their education. It is the Texas Young Lawyers Association's intent to provide a meaningful contribution to the development of future trial lawyers. Past winners of the competition have shared their memories of competing and one similar theme resonates: The experience has given them assurance of their abilities and valuable professional contacts. We hope that your experience will be just as meaningful and that your success will follow you as an attorney.

TYLA wants to especially thank the American College of Trial Lawyers for their continued sponsorship. The competition could not exist without their commitment.

Finally, we wish to thank both the regional host schools for taking on the task of holding regional competitions and the many judges, lawyers, witnesses and other participants contributing their time and energy to make the regional and national competitions a reality. Without the dedication of these individuals this competition would not be possible.

Good luck in the National Championship rounds and we hope you enjoy your stay in Austin.

TYLA National Trial Competition Committee Chairs,

Clint Harbour
Co-Chair

Chike Okpara
Co-Chair

Thea Whalen
Co-Chair



BE AN UNCOMMON LEADER.®

The National Trial Competition

Sponsored by:

The Texas Young Lawyers Association

The American College of Trial Lawyers

NATIONAL TRIAL COMPETITION COMMITTEE

Clint Harbour, *Co-Chair*

Chike Okpara, *Co-Chair*

Thea Whalen, *Co-Chair*

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C.E. Rhodes, *President-Elect*

Alyssa J. Long, *Chair-Elect*

Jennifer Evans Morris, *Immediate Past President*

Special Recognition

This Competition would not be possible without the efforts of the following people and organizations:

Thomas H. Tounge

President, American College of Trial Lawyers

Honorable T. John Ward

NTC Committee Chair, American College of Trial Lawyers

Marvin W. Jones – Author of the Regional Problem, *Stockard v. Murphy* and the National Problem, *Pamela Mackey Acker v. Tom Tongue Grocery Empire, Inc.*

Cori Sorensen, Court Reporting Institute of Houston

Joyce Kussad, Kussad Institute of Court Reporting

Schedule of Events

WEDNESDAY, MARCH 21

- 4:00 – 6:00 p.m. **TEAM REGISTRATION AND
TYLA WELCOME RECEPTION**
Hyatt Regency Hotel, Big Bend Ballroom & Foyer (1st floor)
- 6:00 – 7:00 p.m. **COACHES MEETING**
Hyatt Regency Hotel, Hill Country C&D

THURSDAY, MARCH 22

- 6:30 – 8:00 a.m. Breakfast – Hyatt Regency Hotel, Hill Country B–D
- 7:15 – 7:45 a.m. Buses shuttle from hotel to Capitol for NTC teams.
- 8:00 a.m. Teams, Witnesses, Court Reporters, and Bailiffs check-in
at the Capitol
- 8:30 a.m. Judges check-in at the Capitol
- 9:00 a.m. **PRELIMINARY ROUND I**
- 12:30 – 1:30 p.m. Lunch – Capitol Grill, 1st Floor of Capitol Extension (E1.002)
- 1:00 p.m. Teams, Witnesses, Court Reporters, and Bailiffs check-in
at the Capitol
- 1:30 p.m. Judges check-in at the Capitol
- 2:00 **PRELIMINARY ROUND II**
- 5:00 p.m. Bus departs from the Capitol to the Hyatt Regency Hotel
- 6:30 – 8:30 p.m. **AMERICAN COLLEGE OF TRIAL LAWYERS RECEPTION**
Hyatt Regency Hotel, Foothills Ballroom
- 8:30 p.m. Hospitality Suite open

FRIDAY, MARCH 23

- 6:30 – 8:00 a.m. Breakfast – Hyatt Regency Hotel, Hill Country B–D
- 7:15 – 7:45 a.m. Buses shuttle from hotel to Capitol for NTC teams.
- 8:00 a.m. Teams, Witnesses, Court Reporters, and Bailiffs check-in
at the Capitol
- 8:30 a.m. Judges check-in at the Capitol

9:00 a.m.	PRELIMINARY ROUND III
12:30 – 1:30 p.m.	Lunch – Capitol Grill, 1st Floor of Capitol Extension (E1.002)
1:00 p.m.	Meeting to announce Quarter-Finalists (Coaches only)
1:00 p.m.	Bus departs from the Capitol to the Hyatt Regency Hotel
1:00 p.m. at the	Teams, Witnesses, Court Reporters, and Bailiffs check-in at the Capitol
1:30 p.m.	Judges check-in at the Capitol
2:00 p.m.	QUARTER-FINAL ROUNDS
5:00 p.m.	Bus departs from the Capitol to the Hyatt Regency Hotel
7:00 p.m.	NTC CELEBRATION DINNER Announcement of Semi finalists Uncle Billy’s Brew & Que

SATURDAY, MARCH 24

7:15 – 7:45 a.m.	Buses shuttle from hotel to courthouse for NTC teams.
8:00 a.m.	Teams, Witnesses, Court Reporters, and Bailiffs check-in at courthouse
8:30 a.m.	Judges check-in at courthouse
9:00 a.m.	SEMI FINAL ROUNDS
12:00 p.m. – 1:30 p.m.	Lunch for teams advancing to the Final Round
1:00 p.m.	Teams, Witnesses, Court Reporters, and Bailiffs check-in at courthouse
1:30 p.m.	Judges check-in at courthouse
2:00 p.m.	FINAL ROUND
5:00 p.m.	Bus departs from courthouse to the Hyatt Regency Hotel
6:30 – 7:30 p.m.	COCKTAIL RECEPTION Hyatt Regency Hotel, Texas Ballroom
7:30 – 9:30 p.m.	AWARDS BANQUET Hyatt Regency Hotel, Texas Ballroom

National Finalists

REGION 1

Yale Law School (Two Teams)
New Haven, CT

REGION 2

Hofstra University School of Law
Hempstead, NY
Coaches: Brendan M. Ahern, Lee Bergstein, Gerard McCloskey and Jared R. Rosenblatt

St. John's University School of Law
Queens, NY
Coaches: Brian Hughes and Kirk Sendlein

REGION 3

Drexel University Earle Mack School of Law
Philadelphia, PA
Coaches: Dave Inscho and Royce Smith

Temple University Beasley School of Law
Philadelphia, PA
Coaches: Alexander Gosfield, Sara Jacobson and Edward D. Ohlbaum

REGION 4

Georgetown University Law Center
Washington, DC
Coach: Tara Kelly

University of Maryland Francis King Carey School of Law
Baltimore, MD
Coaches: A.J. Bellido de Luna and Scott Richman

REGION 5

University of Georgia
Athens, GA
Coach: Amer Ahmad, Jeff Reilly, and Elizabeth Stell

Wake Forest University School of Law
Winston Salem, NC
Coaches: Mack Boyton and Stephanie L. Reece

REGION 6

Samford University Cumberland School of Law
Birmingham, AL
Coaches: Hon. Jim Roberts and Sara Williams

Barry University, Dwayne O. Andreas School of Law
Orlando, FL
Coaches: Margaret Garner and Denise Kim

REGION 7

University of Cincinnati College of Law
Cincinnati, OH
Coach: Dan Donnellon

University of Louisville School of Law
Louisville, KY
Coaches: Kimberly Ballard and Robert A. Riley

REGION 8

Chicago-Kent College of Law
Chicago, IL

Coaches: Joseph Carlasare, Hon. David A. Erickson, Joshua Jones, David Lavin, Alexandra Molesky, and Rachel Remke

John Marshall Law School
Chicago, IL
Coach: Meredith Shane

REGION 9

Saint Louis University School of Law
St. Louis, MO

Coaches: Molly Henshaw Frances and Patrick L. Mickey

Washington University School of Law
St. Louis, MO

Coaches: Jennifer Hofman, Prof. Michael H. Koby, Hon. David C. Mason, and Mark Rudder

REGION 10

Baylor University School of Law (Two Teams)
Waco, TX

Coach: Robert Little

REGION 11

University of Denver Sturm College of Law (Two Teams)
Denver, CO

Coaches: David C. Schott and Gamik Storgaard

REGION 12

Creighton University School of Law
Omaha, NE

Coach: Richard Collin Mangrum

University of Montana School of Law
Missoula, MT

Coaches: Randy J. Cox, Kathleen L. DeSoto and Hon. Karen S. Townsend

REGION 13

University of the Pacific, McGeorge School of Law
Sacramento, CA

Coaches: Tim Balcom, Cary Bricker and David Wiksell

University of California, Berkeley School of Law
Berkeley, CA

Coaches: Spencer J. Pahlke and Valerie Rose

REGION 14

Loyola Law School, Los Angeles
Los Angeles, CA

Coaches: Shiba Etemadian and Susan Poehls

National Trial Participants

Bahareh Aghajani
Barrett Anderson
Charles D. Austin
Michael Benz
Kevin M. Birkenmeier
Christopher S. Bloom
Glenn Bridgman
Katherine Bruce
Kyler Burgi
Cory Campbell
Alex Carlson
Justin Cole
Samantha B. Constantine
Anthony Ian Danielson
Andrea J. Davidson
Andi Dorfman
Andrew Doyle
Joshua Dunyon
Scott Eren
Kaitlyn Flynn
Lauren Forgie
Zach Franz
Christine Galt
Lindsay Gephardt
Catherine Grech
Monica Gutowski
Gretchen Hafeman
Andrew Hahn
Allina Hightower
Juan Higuera
Emily Homel
Lars Hulsebus
Vassi Iliadis
Kunal Jain
Jason A. Julien
Whitney Keltch
Allison Kendall
Laura Kitchen
Katelyn Konecny
Jennifer J. Lindeke
Steven Lopez
Morgan McCall
Jesse McClain
Mathew McClellan
Kaitlin McTague
Stacy Merritt
George Michel, IV
Patrick Moroney
Ashley Opfer
Jordan Ostroff
Danny Patterson
Lena Paxos
Brian Poulter
Holly Raines
Jennifer Reynolds
Alex Rodger
Anthony Scotti
Aaron Spolin
Thomas E. Stevens
Daniel Theveny
Joel Towner
Chambers Waller
Chaille Graft Walraven
Mark Walraven
Michelle Trigger
Margaret Wheltle
Heather Widell
Chris Wilcox
Erik Wilson
Grace Witte
Eric Wojnicki

**MEMBERS OF THE NATIONAL TRIAL COMPETITION
COMMITTEE OF THE AMERICAN COLLEGE OF TRIAL
LAWYERS JUDGING THE FINAL ROUNDS**

RODNEY ACKER:

Mr. Acker, of Dallas, Texas, graduated with honors (Texas Tech Law Review and Order of the Coif) from Texas Tech Law School in 1974. He initially clerked for a federal district judge, and for the past thirty-seven years has been a commercial litigator. He has handled cases in over twenty states in a practice that has scanned a wide range of corporate issues with an emphasis on securities and antitrust cases. He is a partner in the firm of Fulbright & Jaworski L.L.P. In addition to being a Fellow in the American College of Trial Lawyers, he is a Fellow of the International Academy of Trial Lawyers; The International Society of Barristers; American Board of Trial Advocates; The Patrick Higginbotham American Inn of Court; is listed in Best Lawyers in America as well as Texas Super Lawyers and was named one of the Top 15 "Defenders" by the *Dallas Business Journal* in 2007 and 2008; is a Fellow of the American, Texas and Dallas Bar Foundations; and is a former director of Texas Appleseed Foundation. Mr. Acker is listed among *Chamber's American Leading Lawyers in Business*, and in the *Law Dragon* 3000. Mr. Acker currently serves as a Regent of the American College of Trial Lawyers and is a former Chair of the National Trial Competition Committee.

MICHAEL P. ANGELINI:

Michael P. Angelini graduated from Duke University School of Law. He has been a partner of the firm Bowditch & Dewey since 1973. He was the firm's Managing Partner from 1990 to 1996 and became the firm's Chairman in 1997. Mr. Angelini practices as a trial and business lawyer from the firm's Worcester, Massachusetts office. He is also Chairman of the Board of Directors of the Hanover Insurance Group. He was President of the Worcester County Bar Association in 1983 and 1984. Mr. Angelini regularly lectures on trial-related topics. He has served as a member of the Criminal Justice Act Board for the Federal District of Massachusetts and as a special prosecutor for the Massachusetts Commission on Judicial Conduct. He served as Co-Chair of Governor-elect Deval Patrick's Transition Committee and in a variety of leadership positions for various community, charitable and professional organizations.

EMERSON BANACK, JR. ("BUDDY"):

Mr. Banack graduated from the University of Texas, School of Law in 1965. Since that time he has been a member of what is now Langley & Banack, Inc. as a trial lawyer. He was admitted to the American College of Trial Lawyers in 1984. Mr. Banack has been listed as a Texas Super Lawyer in excess of ten years in a row as well as being named one of the best lawyers in Texas in excess of ten years. Mr. Banack had previously served as the Texas State Chair of the American College of Trial Lawyers.

HONORABLE PAMELA S. BASKERVILL:

Judge Pamela S. Baskervill, a fellow of the American College of Trial Lawyers, received her J.D. degree from University of Richmond, T.C. Williams School of Law, in 1978. Prior to becoming a judge of the 11th Judicial Circuit in Virginia, a trial court of general jurisdiction, she practiced law in Petersburg, Virginia, for twenty-three years. Her litigation career included cases in the fields of personal injury, condemnation, insurance coverage, wills and estates, and equitable distribution. Since her appointment to the bench, she has served on the faculties of the Virginia State Bar Professional Course and the pre-bench orientation program for new judges for the state, teaching on docket management and relationships between judges and lawyers. She is also a member of the Boyd Graves Conference, a group of lawyers and judges who meet by invitation to propose to the Supreme Court or legislature changes to the rules and procedures applicable to the trial of civil cases in Virginia state courts. She was appointed by the Chief Justice of the Virginia Supreme Court to serve as a member of the Commission on the Virginia Courts in the 21st Century.

E. LEON CARTER:

Leon Carter is a partner with Munck Carter in Dallas, Texas. He previously served as a Dallas County Assistant District Attorney and as an Assistant Attorney General for the State of Texas. Mr. Carter was also previously a partner with Jackson Walker. His experience includes representing plaintiffs and defendants in the areas of patent litigation, products liability, First Amendment issues, labor and employment, and toxic tort litigation. Mr. Carter is a Fellow of the American College of Trial Lawyers, an Advocate of the American Board of Trial Advocates, and is a member of both the Patrick E Higginbotham and John T. Ward Inns of Court. Mr. Carter has served on the Judiciary Committee of the Dallas Bar Association and currently serves on the Executive Committee of the State Bar of Texas. Mr. Carter has also been recognized as a Texas Super Lawyer, is listed in the *The Best Lawyers in Texas*, and has been selected by the *Dallas Business Journal* as one of the Top 15 Business Defense Lawyers in the Dallas/Ft. Worth metropolitan area.

MICHAEL W. CLANCY:

Mr. Clancy is a partner with Clancy Law. Mr. Clancy concentrates his practice in personal injury, medical malpractice and wrongful death litigation and mediation. He is a Fellow of the American College of Trial Lawyers, the Litigation Counsel of America, and an invited member of the American Board of Trial Advocates. He is a past member of the Illinois State Bar Association's Board of Governors. He received his mediation training at the Center for Conflict Resolution in Chicago in 2006.

N. KAREN (KAY) DEMING:

N. Karen (Kay) Deming is a partner in the Litigation Section at Troutman Sanders LLP in Atlanta, Georgia, where her practice is concentrated primarily in the defense of product liability actions, a practice which has involved, among other subjects, mass toxic tort litigation and defense of pharmaceutical, asbestos, and food supplement cases, serving not only as local counsel, but also as regional and national litigation counsel for certain of her pharmaceutical clients and on national trial teams for other such clients. She received her law degree from the University of Georgia in 1978, where she served on the Georgia Law Review and was a member of the Order of the Coif. In addition to being a Fellow in the American College of Trial Lawyers, she is a member of the Defense Research Institute, serving on the Steering Committee for the Drug & Device section, and is a Master in the Lumpkin Inn of Court serving as a member of its Executive Board. She is a former Chair of the Products Liability Section of the Georgia State Bar, and has been recognized in *Best Lawyers in America and International Who's Who of Products Liability Defense Lawyers*.

CHARLES H. DICK, JR.:

Charles Dick is a Senior Partner in the San Diego Office of Baker & McKenzie, where his practice includes a broad range of commercial dispute resolution matters for business clients. His client engagements encompass civil trial practice in state and federal courts as well as commercial arbitration, with a particular emphasis on international business disputes, and he serves as a Commercial Arbitrator. Mr. Dick received his undergraduate and law degrees from the University of Iowa, being graduated as a member of the Order of the Coif and Managing Editor of the Iowa Law Review. He first was admitted to bar in 1967, and was on active duty in the Judge Advocate General Corps of the U.S. Navy for three years; he began the private practice of trial law in 1970, and with the exception of a two years service as an Assistant United States Attorney, he has practiced as a trial lawyer since that date. In addition to being a Fellow of the American College of Trial Lawyers, for which he served as a Member of its Board of Regents, he has been elected a member of the American Board of Trial Advocates and the International Association of Defense Counsel. Mr. Dick is a Senior Master in the Lewis Welsh American Inn of Court and has served as a National Trustee for the American Inns of Court Foundation. He is the author of the chapter on Trial and Post-Trial Motions in the American Bar Association's treatise, *Business and Commercial Litigation in the Federal Courts*.

JOHN DRATH:

Mr. Drath graduated from the University of San Francisco School of Law in 1969, and is currently a shareholder in Bishop | Barry | Drath in Emeryville, California. His practice consists of the defense of tort litigation, with an emphasis on professional liability. His extensive trial experience includes the defense of toxic tort, products liability, medical malpractice and legal malpractice claims. He has argued cases before the Appellate and Supreme Courts in California, and has presided over jury trials as a Judge Pro Tem. In addition to being a Fellow in the American College of Trial Lawyers, he has been a member of the American Board of Trial Advocates since 1983 and is listed as among California's "Super Lawyers." He is a member of the Northern California Association of Defense Counsel (past president), the Defense Research Institute, the Federation of Defense and Corporate Counsel, and the Association of Defense Trial Attorneys.

MAURICE B. GRAHAM:

Maurice Graham is President of Gray, Ritter & Graham, P.C., in St. Louis, Missouri, and concentrates his practice in the areas of business litigation and catastrophic injury and death cases. He is a frequent speaker and author on litigation. Mr. Graham was educated at Central Methodist University and the University of Missouri-Columbia, where he received his B.A. degree and his J.D. degree in 1962. He was President of The Missouri Bar in 1988-89. Mr. Graham was a member of the ABA House of Delegates from 1990-1994. He is a Fellow of the American College of Trial Lawyers, the International Society of Barristers, the International Academy of Trial Lawyers, and the Missouri Association of Trial Attorneys. Mr. Graham was selected by *Missouri Lawyers Weekly* as Lawyer of the Year in 2001. He is listed in *Best Lawyers in America*, and was selected as one of Missouri's top three litigators by Best Lawyers in America in both 2007 and 2008, and in 2009 was named "Best Company Litigator of the Year" for St. Louis. He has also been selected as one of the Top 10 Lawyers in Missouri and Kansas for 2008-2011. Mr. Graham was the 2010 recipient of the Award of Honor presented by the Lawyers Association of St. Louis.

PAUL D. GUTIERREZ:

Mr. Gutierrez graduated from Harvard Law School and has been a civil trial lawyer for over 35 years. He is the founder of Gutierrez & Associates in San Francisco. Mr. Gutierrez serves on the faculty of "Advocacy Skills Workshop" at Stanford Law School and has also served as faculty of the "Intensive Advocacy Program" at the University of San Francisco Law School. He was a member of the faculty of St. Mary's College where he taught Employment Law. His trial experience has included antitrust, commercial, product liability, employment and real property litigation. In addition, he serves as a Judge Pro Tem of the San Francisco Superior Court presiding over commercial jury trials. He is also an arbitrator and mediator in private practice and on behalf of California Superior Courts of San Francisco and Marin Counties. He also serves on the ADR Panel of the Financial Industry Regulatory Agency (FINRA) handling securities and employment disputes. He has lectured extensively on a wide range of legal subjects and is the author of numerous publications addressing various aspects of California law. Mr. Gutierrez was the co-author of the legal treatise "*California Premises Liability*". In addition to being a Fellow of the American College of Trial Lawyers, Mr. Gutierrez is a member of the American Board of Trial Advocates. He has served on the Boards of Dominican University, the Mexican Museum, the Bar Association of San Francisco, the Lawyers Club of San Francisco, the San Francisco La Raza Lawyers Association and the Mexican American Legal Defense and Educational Fund MALDEF.

TIMOTHY J. HELFRICH:

Mr. Helfrich received his J.D. from the University of Oregon School of Law in 1976. He has been engaged exclusively in trial practice throughout his career. He is a partner in the firm of Yturri Rose LLP in Ontario, Oregon, and tries cases in the federal and state courts of Oregon and Idaho. He has tried over 80 jury cases to verdict. Mr. Helfrich has handled both plaintiff and defense cases involving wrongful death, personal injury, medical malpractice and commercial disputes. He is a Fellow in the American College of Trial Lawyers and a member of the American Board of Trial Advocates.

HONORABLE BRIAN A. JACKSON:

Judge Brian A. Jackson received his J.D. degree from Southern University School of Law, where he served as the editor-in-chief of the Southern University Law Review, and his LL.M. from Georgetown University Law Center. Judge Jackson was a member of the U.S. Department of Justice for over 16 years, during which time he practiced law as an Assistant U.S. Attorney, an Associate Deputy Attorney General and as the court-appointed United States Attorney for the Middle District of Louisiana. In 2002, he entered private practice as a partner at the law firm of Liskow & Lewis, where he practiced in the firm's commercial litigation section. He also served as chair of Liskow's white collar defense practice group and a member of the firm's board of directors. In 2010, he was appointed to the U.S. District Court for the Middle District of Louisiana. Judge Jackson is a fellow of the American College of Trial Lawyers. A member of the National Association of Former United States Attorneys and the Federal Judges Association, he also serves on the admissions committee for the Louisiana Supreme Court.

LAMONT A. JEFFERSON:

Mr. Jefferson has extensive jury and non-trial experience in various jurisdictions in both state and federal courts in Texas. He has been go-to counsel on some of the most important recent cases in San Antonio, including the 2010 litigation over the multi-billion dollar expansion of the South Texas Nuclear Project; and 2009 litigation over the \$26 billion Clear Channel merger. Jefferson has been lead counsel in more than 60 jury verdicts in all – most recently as co-lead counsel in successfully defending a truck driver in a multi-vehicle collision catastrophic injury case tried to a jury in Decatur, Texas in May 2011. His trial practice focuses on business, insurance, and fiduciary duty litigation. He is also a frequent speaker on litigation tactics. Mr. Jefferson was inducted into the American College of Trial Lawyers in 2004.

CHRISTY D. JONES:

Christy D. Jones is Chair of the Pharmaceutical, Medical Device and Healthcare Industry Department at Butler Snow and has tried product liability cases, including pharmaceutical and medical device cases, in multiple jurisdictions and around the country. She has extensive experience in litigation involving prescription and over the counter medications, medical devices, vaccines and other biologicals, contraceptives, herbicides, pesticides, asbestos and plastics. Ms. Jones is a Phi Beta Kappa graduate of the University of Arkansas, where she received her B.A. in 1974 and was graduated, with *high honors*, from the University of Arkansas School of Law in 1977. As a fellow of the American College of Trial Lawyers, Ms. Jones currently serves as a Regent of the College. She is a member of the American Board of Trial Advocates and is listed in *The Best Lawyers in America*, *Mid-South Super Lawyers* and *Chambers USA: America's Leading Lawyers for Business*. Ms. Jones was recently recognized by Chambers as one of the top seven product liability lawyers in the country.

DAVID KITNER:

David Kitner graduated from the University of Texas, School of Law in 1973 with honors (Order of the Coif and *Texas Law Review*). He has been engaged in a civil trial practice since 1973 during which time he has tried approximately 85 jury cases. He has been a partner in the Dallas law firm of Strasburger & Price, LLP since 1980. He has been a Fellow in the American College of Trial Lawyers since 1999 and is currently the Vice Chair of the Texas State Committee. He has been consistently recognized as a Texas "Super Lawyer" in a state-wide poll conducted by *Texas Monthly* magazine, as well as being listed in *The Best Lawyers in America* ("bet the company" and commercial litigation). He is a Life Fellow of both the Texas and Dallas Bar Foundations and a member of the Defense Research Institute. He serves as his firm's general counsel on legal matters and is chair of the professional liability practice group. He represents clients in civil litigation matters including complex business/commercial disputes and professional liability.

LARRY H. KRANTZ:

Larry H. Krantz is a principal of Krantz & Berman LLP. He regularly represents defendants, targets and witnesses in white collar criminal cases and investigations. He also represents civil litigants, including financial institutions and insurers, involved in regulatory investigations and in complex commercial litigation. He has been an active trial lawyer for over 25 years. Mr. Krantz graduated from Brooklyn Law School in 1980, where he was an Editor of the Brooklyn Law Review. He served as an Assistant United States Attorney in the Criminal Division of the Eastern District of New York from 1983-89, and as a Law Clerk to the Honorable I. Leo Glasser, U.S. District Judge, Eastern District of New York, from 1981-82. Mr. Krantz is a Fellow of the American College of Trial Lawyers, a former Director of the New York Council of Defense Lawyers, a Member of the Federal Bar Council Inn of Court, a Member of the Local Rules Committee for the Southern and Eastern Districts of New York, and the Chair of the Federal Bar Council Special Committee on Prison Reform. He is also listed in the New York Metropolitan and Corporate Counsel editions of *Superlawyers*.

EDWARD M. KRONK:

Mr. Kronk graduated from the University of Michigan Law School with a J.D. in 1971. After practicing for nearly 40 years with the Detroit office of Butzel Long, in 2011 he joined Brooks Wilkins Sharkey & Turco in Birmingham, Michigan. His practice has been devoted principally to litigation with emphasis on product liability defense and commercial matters, including automotive warranty and recall litigation. Mr. Kronk has tried cases to conclusion in state and federal courts in Michigan and several other states and has represented clients in arbitrations before the New York Stock Exchange and the American Arbitration Association. He has been on the faculties of the Michigan Institute for Continuing Legal Education and the National Institute of Trial Advocacy. In addition to being a Fellow of the American College of Trial Lawyers, Mr. Kronk is a past President of the Eastern District of Michigan Chapter of the Federal Bar Association and of the Michigan Defense Trial Counsel. He is listed in *The Best Lawyers in America*, *Michigan Super Lawyers* and *Chambers USA: America's Leading Lawyers for Business*.

HONORABLE RONALD B. LEIGHTON:

Judge Leighton was sworn in as a United States District Court Judge for the Western District of Washington on November 26, 2002. Before becoming a member of the federal judiciary, Judge Leighton had been a trial lawyer for over 25 years with the firm of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, specializing in complex litigation. While he was a practicing lawyer, Judge Leighton was voted by his peers as one of the top 10 trial lawyers in Washington. He is a Past President of the Washington Defense Trial Lawyers and the American Board of Trial Advocates. Judge Leighton is a Fellow of both the American College of Trial Lawyers and the International Society of Barristers.

DONNA MELBY:

Ms. Melby is a business trial lawyer and serves as the Co Chair of Paul, Hastings' Los Angeles Employment Law Department and Chair of Global Diversity Policy and Planning. A nationally recognized jury trial lawyer, Donna Melby has been selected for invitation and induction into America's top trial lawyer organizations. She is a Fellow of the American College of Trial Lawyers, served as the National President of the American Board of Trial Advocates (ABOTA) and remains a member of the National Board of Directors, a Fellow of the International Society of Barristers, Litigation Counsel of America and serves on the Resource Board of the National Association of Women Judges. In recent years, Donna Melby has been recognized as one of California's Top 50 California Employment and Labor Lawyers and Top 100 Lawyers by the Los Angeles Daily Journal, one of America's Top 500 Litigators, one of California's Top Women Litigators by the Los Angeles Daily Journal every year (2002-2011) as well as one of the Top 50 Women Litigators and Super Lawyers by Los Angeles Magazine. In September 2011, Ms. Melby was one of two California trial lawyers presented with the "Champion of Justice" award by Loyola Law School Civil Justice Program for her exemplary service and dedication to the legal profession. She was recently honored by Loyola Law School as the single alumni inducted in 2011 into the prestigious Order of the Coif for professional and scholarly distinction.

CARL RUFUS PENNINGTON III:

Rufus Pennington practices in the small town of Jacksonville Beach, Florida. In addition to his local practice representing various “beach characters” and small businesses, over the last 30+ years, he has also represented plaintiffs and defendants in various types of lawsuits around the country, including claims for misappropriation of intellectual property, multiple death and injury catastrophes, pharmaceutical product liability lawsuits, environmental and permitting disputes, and medical malpractice cases. His pro bono work has included several regional-impact environmental cases in northeastern Florida, as well as representing the Florida plaintiff’s trial bar before the United States Supreme Court and other appellate courts; and he has traveled to Guantanamo and appeared in federal court in the District of Columbia on behalf of a detainee. He received his undergraduate degree from Duke University and his law degree from the University of Florida, where he was Senior Editor of the UF Law Review. In 1985, he co-founded Margol & Pennington, P.A., where he continues to practice today. He is a Board Certified Civil Trial Lawyer (Florida Bar). He is a Fellow of the American College of Trial Lawyers (Florida State Chair 2009-11), the International Academy of Trial Lawyers, and the International Society of Barristers.

KATHLEEN FLYNN PETERSON:

Kathleen Flynn Peterson is a partner with the national law firm of Robins, Kaplan, Miller & Ciresi L.L.P. where she chairs the Personal Injury and Medical Malpractice practice group. Her unique medical/legal background—along with a commitment to courtroom excellence has allowed Kathleen to make an important difference in the lives of the clients she represents. As a result of her outstanding advocacy, Kathleen has earned a national reputation as one of the country’s leading trial lawyers. She has been selected for membership in many prestigious, invitation only trial lawyer organizations and she serves as a fellow of the American College of Trial Attorneys, the American Board of Trial Attorneys, the International Society of Barristers, the International Academy of Trial Lawyers, and the American Bar Foundation. She also is certified as a Civil Trial Specialist by the Civil Litigation Section of the Minnesota State Bar Association and is a frequent, sought after speaker and lecturer on trial litigation strategies. In addition, she has been an active member of the Minnesota Association for Justice, serving as their past president, and the American Association for Justice, formerly the Association of Trial Lawyers of America, the nation’s largest plaintiffs trial bar. In 2007, Kathleen served as the national president of this organization. She has been a member of their Board of Governors for 30 years, has served multiple terms on their Executive Committee, as well chairing the organization’s educational arm for several terms. In 1999, she was honored with the association’s prestigious Lifetime Achievement Award. Kathleen’s leadership skills have been recognized by numerous other organizations and her past professional service includes serving as president of the Minnesota Chapter of the American Board of Trial Attorneys (2005–2006) and chair of the Minnesota State Committee of the American College of Trial Lawyers (2010–2012), Board of Directors International Academy of Trial Lawyers (2009–2012) Board of Directors International Society of Barristers (2012). She has also received numerous recognitions and awards for her contributions to the legal profession, including the inaugural member of Minnesota Lawyer’s 2010 “Circle of Excellence”, honoring the multiple years the publication has named her an “Attorney of the Year.”

JOHN PHILLIPS:

John W. Phillips is a founding partner in the litigation firm of Phillips Parker Orberon & Arnett, P.L.C. in Louisville, Kentucky. He is a Phi Beta Kappa graduate of the University of Kentucky and received his J.D. degree as well from the University of Kentucky in 1981. Mr. Phillips has been a litigator specializing in the field of professional liability defense for nearly thirty years. His extensive trial experience includes the defense of medical, legal and engineering malpractice claims, product liability actions and general insurance defense. He has argued appeals before the Kentucky Court of Appeals and Kentucky Supreme Court and the Sixth Circuit Court of Appeals. Mr. Phillips is a Fellow of the American College of Trial Lawyers and is listed in *The Best Lawyers in America*. He is a member of the Louisville, Kentucky and American Bar Associations, the Kentucky Association of Trial Attorneys and the Defense Research Institute.

THOMAS H. TONGUE:

The current President, is the 61st President of the College. An Oregon lawyer since 1968, Tom was first hired and then mentored by William H. Morrison, a President of the College 1972-73. Tom is the fourth-generation Thomas H. Tongue to practice law in Oregon. President Tongue has practiced continuously with the same Portland, Oregon law firm since 1968. His practice centers around complex litigation and health law. A graduate of the University of Oregon and Wisconsin Law School, Tom served in an Army Jag Reserve Unit from 1968-74. He has been active in the county and state bar of Oregon. At age 32 he was elected President of the Multnomah County Bar, the youngest person ever so elected. A member of the International Association of Defense Counsel since 1983, Tom was President of the Oregon Association of Defense Counsel in 1998. He has tried to verdict well over 100 cases in federal and Oregon state courts in diverse areas such as admiralty, antitrust, breach of fiduciary duty, condemnation, contract, employment, environmental, insurance bad faith, insurance coverage, legal malpractice, medical malpractice, patent infringement, products liability, real estate, securities, trusts and estates, will contests, and wrongful death. He has argued cases before the Oregon Court of Appeals, the Oregon Supreme Court and the Ninth Circuit Court of Appeals.

Tom was selected by his peers to be included in *The Best Lawyers in America* for Commercial Litigation, Bet the Company Litigation, Securities Litigation and Trusts and Estates Litigation (2012 Lawyer of the Year). In 2004-2011, Tom was recognized as a top litigator in Oregon in the Chambers and Partners USA Survey of America's Leading Business Lawyers.

Both the Multnomah County Bar Association and the Oregon State Bar Litigation section have awarded Tom their prestigious Professionalism Awards in recognition of his style of practice as an example to others. In 2011, Tom received the Judge Learned Hand Lifetime Achievement Award from the Oregon Area Jewish Committee, awarded to recipients who embody that which Judge Hand represented: the rights of the individual and the importance of democratic values in an orderly society.

T. JOHN WARD:

Judge T. John Ward received his J.D. degree from Baylor University in 1967 and was a trial lawyer with the firm of Brown, McCarroll & Oaks Hartline, L.L.P., first in its Houston, Texas office, and later in Longview, Texas. He was appointed U.S. District Judge for the Eastern District of Texas in 1999. In addition to being a fellow of the American College of Trial Lawyers, he is a Life Fellow of the Texas Bar Foundation, a member of the Judicial Conference Committee on Court Administration and Court Management, and an Advocate of the American Board of Trial Advocates, served on the Board of Governors of the Fifth Circuit Bar Association from 1987 to 1991 and from 1996 to 1999, and Baylor University Law School named him as the 2004 Baylor Lawyer of the Year. Judge Ward retired from the bench October 1, 2011 to return to the practice of law with his son's firm, Ward & Smith in Longview, Texas.

R. GARY WINTERS:

Mr. Winters is President and Managing Shareholder of McCaslin, Imbus & McCaslin in Cincinnati, Ohio. His practice is concentrated in the fields of school law, employment law, civil rights, product liability and insurance coverage. He is a graduate of the University of Cincinnati, where he obtained his B.A. in 1970, MA. in 1972 and J.D. in 1976. Mr. Winters was admitted to the Ohio Bar in 1976 and to the Kentucky Bar in 1995. He served as law clerk to the Honorable Carl B. Rubin of the United States District Court for the Southern District Ohio. His writings include "Many Questions-Few Answers: Some Thoughts on the Meaning and Reach of *Kerans v. Porter Paint Company*", *Ohio Northern University Law Review*, 1993 and "Congressional and Judicial Limits on Punitive Damages", *For The Defense*, July, 2003. Mr. Winters is a member of the Defense Research Institute, the Ohio Council of School Board Attorneys and the Cincinnati, Ohio and Kentucky Bar Associations. He is also a Fellow of the American College of Trial Lawyers, a Member of the American Board of Trial Advocates, and is listed among Ohio's "Super Lawyers". Mr. Winters has served on the Board of Trustees of the Wyoming Youth Services Bureau and on the City of Wyoming Recreation Commission. He was the President of the Wyoming City School District Board of Education from 2003 to 2006.

Regional Hosts

The National Trial Competition Committee wishes to express its appreciation to the following law schools, law firms, and associations that served as Regional Hosts for this year's Competition. Our special thanks go to the individuals whose names appear below for their hard work and support:

Region 1 (CT, MA, ME, NH, RI, VT)	University of Maine School of Law Portland, ME Amanda Doherty
Region 2 (NY)	Hofstra University School of Law Hempstead, NY Professor Frank Gulino, Jared Rosenblatt and Tom Valet
Region 3 (DE, NJ, PA, WV)	Temple University Beasley School of Law Philadelphia, PA Mary Beth Wilson
Region 4 (MD, VA, D.C.)	George Washington School of Law Washington, D.C. Meredith Dempsey, Dean David Johnson and Ryan O'Connor
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Region 9 (IA, MN, MO, WI)	University of Missouri-Kansas City School of Law Kansas City, MO Dean Jeffrey Berman, S. Rafe Foreman and Charlene Wright
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(AR, CO, KS, NM, OK)

University of Denver Sturm College of Law
Denver, CO
David Schott

Region 12
(ID, MT, NE, ND, OR, SC,
WA, WY)

Gonzaga University School of Law
Spokane, WA
Susan Harmon

Region 13
(NV, No. CA)

University of California, Berkeley School of Law
Berkeley, CA
Barbara Andersen

Region 14
(AZ, So. CA, UT)

Thomas Jefferson School of Law
San Diego, CA
Alexandra O'Neill

Awards

The National Trial Competition rotating Honorable Jerry R. Parker Championship trophy donated by the American College of Trial Lawyers bears the name of the National Championship School and remains in the possession of that school until the next year's National Finals.

Silver bowls are presented to the National Champion, Finalist, Semifinalists, and Quarterfinalists. The bowls are appropriately engraved and remain permanently in the possession of each winning school. Silver bowls are also presented to each member of the Championship Team.

To all winners of the Regional Competitions, the American College of Trial Lawyers presents Lewis Powell Medallions for Excellence in Trial Advocacy.

Each Regional Champion receives a Certificate of Achievement and each Sponsor of a Regional Championship Team receives a Certificate of Appreciation.

The Kraft W. Eidman Award is presented by the American College of Trial Lawyers, and consists of \$10,000 to the winning school and a plaque to each member of the winning team. This very generous contribution is endowed by Fulbright & Jaworski. The firm of Beck, Redden & Secrest presents a \$5,000 award to the second place team. Each semifinalist team is awarded \$1,500 by the firm of Polsinelli Shughart P.C. The Best Oral Advocate is awarded the George A. Spiegelberg Award, donated by Fried, Frank, Harris, Shriver & Jacobson.

Past Recipients of the Spiegelberg Award

1978
Loyola University of
Chicago School of Law
Linda A. Wawzenski

1979
Syracuse University
College of Law
Eileen Cohen

1980
Baylor University
School of Law
Timothy Herron

1981
Samford University
Cumberland
School of Law
Jack W. Stewart

1982
Syracuse University
College of Law
David Abernathy

1983
Washington University of
St. Louis
School of Law
Cathy Gilbert

1984
Samford University
Cumberland
School of Law
Mark Rowe

1985
University of Texas
School of Law
Jerry Galow

1986
Washington University
in St. Louis
School of Law
Mark Lynch

1987
California Western
School of Law
Bruce McDonald

1988
I.I.T./Chicago-Kent,
College of Law
Peter Roskam

1989
Samford University
Cumberland
School of Law
Jay Colling

1990
Stetson University
College of Law
Marie L. DeMarco

1991
University of Texas
School of Law
Greg Reed

1992
Northwestern University
School of Law
Mark Niemeyer

1993
Notre Dame Law School
Frank J. Kros

1994
Stetson University College
of Law
David Paul

1995
Temple University School
of Law
Lucas Reiter

1996
Loyola University-Chicago
School of Law
Jeffrey A. Soble

1997
Northwestern University
School of Law
Jennifer E. Ancel

1998
Temple University School
of Law
Kevin Toth

1999
Loyola Law School
Los Angeles
Margaret P. Stevens

2000
Notre Dame
Law School
Stone Grissom

2001
Stetson University College
of Law
Carl Mitchell

2002
Northwestern
School of Law
Christopher L. LaVigne

2003
St. John's University
School of Law
Kareem R. Vessup

2004
Stetson University College
of Law
Rena Upshaw-Frazier

2005
Loyola Law School
Los Angeles
Melissa Lyons

2006
University of Arkansas
School of Law- Fayetteville
Sach Oliver

2007
Chicago-Kent College
of Law
Keya Rajput

2008
Chicago-Kent College
of Law
Joshua Jones

2009
University of Kentucky
College of Law
Christopher E. Schaefer

2010
Stanford Law School
Rakesh Kilarw

2011
Chicago-Kent College
of Law
Ryan Nolte

Past National Champions

1976

Harvard Law School
Michael Feldberg
Eric Zagrans

1977

**Syracuse University
College of Law**
Brynley James, III
Richard Palumbo
Robert Wales

1978

**Baylor University
School of Law**
David C. Kent
Max A. Sandlin, Jr.
Robert W. Woody

1979

**Syracuse University
College of Law**
Eileen Cohen
Mae D'Agostino
James Priest

1980

**Baylor University
School of Law**
Joseph Norman Johnson, Jr.
Mark Kenneth Patterson

1981

**Samford University
Cumberland School of
Law**
Charles R. Malone
Jack W. Stewart

1982

**Texas Tech University
School of Law**
Charles B. Frye
Murray Hensley
Marty Rowley

1983

**Washington University of
St. Louis School of Law**
Cathy Gilbert
David Mason

1984

**Samford University
Cumberland School
of Law**
Ottie Akers
Mark Rowe
Hill Sewell

1985

**University of Texas
School of Law**
Jerry Galow
Paul Heard
Robert Lapin

1986

**Washington University of
St. Louis School of Law**
Harry Haytayan, Jr.
Mark Lynch

1987

**California Western
School of Law**
Peter Bertling
Bruce McDonald

1988

**I.I.T./Chicago-Kent
College of Law**
Joel Daly
Lauretta Higgins
Peter Roskam

1989

**Stetson University
College of Law**
Carol E. McMurry
Charles A. Samarkos

1990

**Stetson University
College of Law**
Marie L. DeMarco
Jennifer S. Eden
Douglas T. Noah

1991

**University of Texas
School of Law**
Nick Pittman
Greg Reed
Mark Walters

1992

**Northwestern University
School of Law**
Kate Kennelly
Judith Krieg
Mark Niemeyer

1993

Notre Dame Law School
Dominique Comacho
Frank J. Kros
Edward Sullivan

1994

**Stetson University
College of Law**
Angelo M. Patacca, Jr.
Karen A. Williams

1995

**Temple University
School of Law**
Robert E. Kelly
Lukas Reiter

1996

**Loyola University-Chicago
School of Law**
Matthew Scott Miller
Jeffrey A. Soble
Robert D. Sweeney

1997

**Northwestern University
School of Law**
Jennifer E. Ancel
Glen G. McGorty
Dana R. Poole

1998

**Temple University
School of Law**
Bryan Fortay
Kevin Toth

1999

**Temple University
School of Law**
Michael Lovell
Amber Van Hauen

2000

Notre Dame Law School
Shazzie Naseem
Ryan Redmon
Tamara Walker

2001

**Stetson University
College of Law**
Thea Dalkalitsis
Carl Mitchell

2002

**Northwestern
School of Law**
Terra Leigh Brown
William J. Dennison II
Christopher L. LaVigne

2003
**St. John's University
School of Law**
Eon R. Smith
Kareem R. Vessup

2004
**University of Houston
Law Center**
Michelle Benavides
Eddie Berbarie
Julie Gray

2005
**Loyola Law School
Los Angeles**
Melissa Lyons
Kathryn McCann
Brian Ward

2006
**Loyola Law School
Los Angeles**
Mark Drew
Susan Poehls
Jeremy Rawitch

2007
**Chicago-Kent College
of Law**
Joshua Jones
Keya Rajput

2008
**Chicago-Kent College
of Law**
Mark Griffin
Joshua Jones

2009
Baylor Law School
Joel Bailey
Eric Policastro

2010
**Stetson University College
of Law**
Brock Johnson
Katelyn Knallt
Trina Sams

2011
**Northwestern University
School of Law**
Karim Basaria
Andrew Crowder
Clare Diegel

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