Orrin G. Hatch

Distinguished Trial Lawyer Lecture Series

November 7–8, 2008 • Moot Courtroom, 303 JRCB
Orrin G. Hatch Distinguished Trial Lawyer

Lecture Series Mission Statement

To expose law students to the finest trial lawyers in America with the goal to teach, inspire, and motivate the next generation of trial advocates.

Chair: James W. Parkinson | Vice Chair: Justice Douglas P. Miller
Director: Judge Dee V. Benson | Assistant Director: Magistrate Judge Paul M. Warner
Friday, November 7, 2008

11:30–1:00 Lunch (by invitation)
1:00–1:15 Opening Remarks: Dean James D. Gordon III, James W. Parkinson
1:15–2:15 Keynote Address: “Why I’m a Trial Lawyer” | Andrea Razell Leavitt
2:15–2:30 Break and Refreshments
2:30–4:00 “Is Justice for Sale: Can We Preserve Impartial Courts?”
   PANEL: Chief Justice Christine M. Durham, Justice Ming W. Chin,
   Judge Dorothy W. Colom, Professor Lisa Grow Sun
   Justice Douglas P. Miller will moderate a discussion on the increasing influence of partisan politics and campaign donations in judicial elections. The discussion will include the impact on the public’s perception of judicial impartiality and what can be done to alleviate the adverse impacts.

GRAND AMERICA EVENTS (by invitation)
7:00–7:30 Reception
7:30–9:00 Dinner and Speaker: Justice Ming W. Chin, Associate Justice, California Supreme Court

Saturday, November 8, 2008

7:30–8:30 Continental Breakfast
   A presentation on jury selection and voir dire.
9:30–10:30 “Direct and Cross Examination of an Expert Witness” | Kirk R. Harrison; Piotr D. Moncarz, PhD, PE, SCPM
   Panelists will discuss the importance of properly preparing an expert witness and how to conduct a persuasive direct examination. The presentation will include a demonstration of a direct and cross-examination of an expert witness.
10:30–10:45 Break and Refreshments
10:45–11:45 “Family Law and Domestic Violence” | Judge Sherrill Ellsworth, Riverside County Superior Court; Judge Jeffery S. Bostwick, San Diego Superior Court
   Panelists will discuss the dynamics of the family in the context of family law, focusing on domestic violence and the importance of balancing advocacy and ethics.
   Panelists will discuss the strategies and persuasion skills utilized in an effective closing argument. The presentation will include a demonstration of a closing argument.
Ronald F. Beaton
Mr. Beaton is a sociologist with an MBA from the University of California, Berkeley. For 21 years Mr. Beaton has consulted with attorneys on over 1,000 cases and aided in the selection of over 350 juries. In these consultations, he utilizes pretrial jury research to provide clients with feedback on the cases’ themes, strategies, evidence, and witnesses. These services include focus groups and mock trials for case evaluation and community attitude surveys for the construction of jury selection profiles. Mr. Beaton has special expertise in complex civil litigation matters. The article “The Limits of Sympathy: Denial Attribution and Blame Among Jurors” details his insights into jury selection.

Jeffrey S. Bostwick
Mr. Bostwick is a superior court judge at San Diego County Superior Court. He graduated from the University of California, Davis, and received his JD from the University of San Diego School of Law. He is the current chair of the California Judicial Education and Research Family Law Education Committee. He worked in private practice for 19 years and has taught at the University of San Diego for 10 years. He specializes in family law, domestic violence, child support, and other related areas. Judge Bostwick has received the San Diego County Bar Association Special Presidential Recognition for Civility, Integrity, and Professionalism in 2008.

Ming W. Chin
The Honorable Ming W. Chin was appointed to the California Supreme Court in March 1996. He chairs the Judicial Council of California’s Court Technology Advisory Committee, as well as the California Commission for Impartial Courts. He frequently lectures on DNA, genetics, and the courts before the American Bar Association’s Judicial Division, the State of California’s Center for Judicial Education and Research, and the National College of Probate Judges. He serves on the National Academies’ Committee on the Development of the Third Edition of the Reference Manual on Scientific Evidence. He is an author of California Practice Guide: Employment Litigation.

Dorothy W. Colom
Ms. Colom is the senior judge for the Fourteenth Chancery Court District of Mississippi, where she has served since 1995. Judge Colom is a graduate of Roanoke College in Virginia and Antioch College School of Law. From 1979 to taking the bench, she was in private practice and served part-time for periods as special youth court referee and city court judge. Judge Colom has been a regular presenter for CLE programs within the state and an active member of service groups within her community.

Christine M. Durham
Justice Durham has been on the Utah Supreme Court since 1982 and has served as chief justice and chair of the Utah Judicial Council since 2002. She received her AB with honors from Wellesley College and a JD from Duke University. Currently she serves on the Board of Directors for the National Center for State Courts and on the American Bar Association’s Council on Legal Education and Admissions to the Bar. Justice Durham was a founder of the Leadership Institute in Judicial Education. She has received honorary degrees from four Utah universities and has been recognized nationally for her work in judicial education and efforts to improve the administration of justice. In 2007 she received the William H. Rehnquist Award for Judicial Excellence.

Sherrill Ellsworth
Ms. Ellsworth has served as supervising judge of the Riverside Superior Court’s Mid-County Region since January 2007 and is currently presiding over a family law calendar. Judge Ellsworth lectures and educates judicial officers on issues of domestic violence, alcohol abuse and other substance abuse, family law, complex child custody cases, pro se litigants, and judicial ethics. She is the recipient of the Impact Council Outstanding Business Women of the Year for her judicial leadership in family law including innovations such as dedicated self-represented litigant calendars and settlement fairs. Sherrill Ellsworth was named the American Business Woman’s Association Woman of the Year in 1999 for judicial leadership.
James D. Gordon III
Mr. James D. Gordon III is interim dean and Marion B. and Rulon A. Earl Professor of Law at the J. Reuben Clark Law School. He received a BA in political science at Brigham Young University in 1977 and a JD at the University of California, Berkeley, in 1980. He clerked for Judge Monroe G. McKay of the U.S. Tenth Circuit Court of Appeals and then practiced law in Salt Lake City. He joined the BYU law faculty in 1984. He has served as associate academic vice president for faculty at BYU. Dean Gordon teaches Contracts and Professional Seminar.

Kirk R. Harrison
Mr. Harrison is an experienced litigator and mediator. As a litigator he specialized in technically complex multiparty litigation—primarily commercial and public works construction disputes. He has been lead counsel in numerous jury trials, bench trials, and arbitrations. He was a member of the Supreme Court of Nevada Jury Improvement Commission. He has been mediating cases since 1991 and has limited his practice exclusively to mediations since the beginning of 2006. As the mediator of choice for major disputes in Nevada, Mr. Harrison was selected as one of the Lawdragon 500 Leading Judges in America in 2006 and was named a Super Lawyer in Alternative Dispute Resolution in 2007 and 2008.

Orrin G. Hatch
Senator Hatch earned a bachelor's degree in history from Brigham Young University and a law degree from the University of Pittsburgh. He served as an attorney in Pittsburgh from 1962 to 1969 and with various firms in Salt Lake City from 1969 to 1976. As a statesman, Orrin Hatch is perhaps best known for his chairmanship of the Judiciary Committee, a position in which he served from 1995 to 2001 and again from 2003 to 2005. He has also been chair of the Labor and Human Resources Committee (now called the Health, Education, Labor and Pensions committee), serving from 1981 to 1987. Hatch is Utah's longest-serving senator, in office since 1977.

L. Rich Humpherys
Mr. Humpherys is president of the law firm of Christensen & Jensen, PC, in Salt Lake City. His litigation practice emphasizes insurance and tort law. He has represented plaintiffs in significant insurance and punitive damage cases, including Campbell v. State Farm, 65 P.3d 1134 (Utah 2001), reversed in part, 538 U.S. 408 (2003), on remand, 98 P.3d 409 (Utah 2004). He obtained his JD degree from the J. Reuben Clark Law School. He has been awarded the UTLA Excellence in Advocacy Award, the American Bar Association Pursuit of Justice Award, and the Utah Trial Lawyer of the Year Award. He has been named in Best Lawyers in America, Super Lawyers, Outstanding Lawyers of America, and Utah Legal Elite.

Andrea Razel Leavitt
Ms. Leavitt is in solo practice in San Diego. She has been a trial lawyer for 20 years, first as a prosecutor. Before going to law school, she coauthored and argued the first zoning law in the country restricting pedophile treatment centers’ proximity to elementary schools. Her criminal and civil cases have made precedent, including barring forced referrals to outside discovery referees. She was a member of a small group of attorneys who shepherded 1,000 childhood sexual abuse victims’ cases against the Catholic Church. That litigation culminated in the largest pro-rata awards in the world against the church.

Douglas P. Miller
Justice Miller was born in Whittier, California. He attended Brigham Young University, graduating in 1975. He was awarded his juris doctor in 1978 from Pepperdine University School of Law. He practiced law at the law offices of Thomas T. Anderson in Indio, California, from 1978 to 1995. In 1995 Justice Miller was appointed to the Riverside Superior Court, where he served as the presiding judge from January 1, 2003, to December 31, 2004. In June of 2006 Justice Miller was appointed to the Fourth District Court of Appeal, Division Two.
Piotr D. Moncarz
Dr. Moncarz is the corporate vice president and principal engineer at Exponent, an engineering and scientific consulting firm. For over 15 years he has worked on projects associated with energy. He leads Exponent’s Energy Initiative Program with an emphasis on Liquefied Natural Gas (LNG), oil, natural gas, and renewable resources. Dr. Moncarz is a Stanford certified project manager skilled in means and methods on complex projects and program organization and management. Dr. Moncarz serves as a consulting professor in the Civil Engineering Department of Stanford University. He is also chair of the U.S.-Polish Trade Council of Silicon Valley and serves on the Board of Directors of the San Francisco Global Trade Council.

James W. Parkinson
Mr. Parkinson received his law degree in 1976 from Brigham Young University. Mr. Parkinson is a member of numerous professional associations and has been a recipient of a number of awards, including the Trial Lawyers of America Citation of Excellence. Mr. Parkinson was the J. Reuben Clark Law School Honored Alumnus in 2007. Along with his coauthor, Lee Benson, Mr. Parkinson was awarded the Author of the Year by Naval Institute Press in 2006 for their book Soldier Slaves, Abandoned by the White House, Courts and Congress. Jim lives in California where he is in private practice.

Lisa Grow Sun
Ms. Sun is an associate professor at the J. Reuben Clark Law School. Professor Sun majored in chemistry at the University of Utah. She graduated summa cum laude from Harvard Law School, where she was the notes chair of the Harvard Law Review. Professor Sun clerked for Judge J. Michael Luttig of the U.S. Fourth Circuit Court of Appeals and then for Justice Anthony M. Kennedy. Professor Sun was a lecturer in law at Stanford Law School. She spent two years in Beijing, China, where she taught civil procedure to Chinese judges, lawyers, and administrative officials at the Temple/Tsinghua University Masters in Law Program.

Paul M. Warner
Following graduation from the BYU Law School, Judge Warner served as a trial lawyer in the Judge Advocate General Corps of the U.S. Navy. He later returned to Utah, where his work eventually led him to join the U.S. Attorney’s Office for the District of Utah. In 1998 President Clinton appointed Judge Warner to be U.S. attorney for the Utah District. He was reappointed to this office by President George W. Bush but eventually resigned after being appointed to the federal bench in Utah as a U.S. magistrate judge.

Ronald J. Yengich
Mr. Yengich is a senior partner at Yengich, Rich & Xaiz in Salt Lake City, specializing in criminal defense. He graduated from Bellarmine College in history and received his JD from the University of Utah College of Law. He is an adjunct professor in the University of Utah Political Science Department. He has authored multiple articles, has coauthored a book, and was a columnist for Private Eye Newspaper for seven years. He was a presenter in "Dialogue on Freedom," a PBS production that aired July 2002. He has served on multiple committees throughout the past 28 years, including the Utah Association of Criminal Defense Lawyers as the legislative coordinator, 1991–2001. He is currently a fellow of the International Society for the Reform of Criminal Law.