

2020 Annual Bench Bar Conference

November 11, 2020

Total of 3.25 CLE Credits: 2.25 Law & Legal and 1.00 Ethics

Agenda

0:00:00-0:04:11 Welcoming Remarks & Salute to Veterans

Hon. Jim Rogers, King County Superior Court, Presiding Judge
John McKay, KCBA President

0:04:11-1:20:47 The Court and COVID The Role of the Court in Race Equity

John McKay, KCBA President
Hon. Willie J. Gregory, Seattle Municipal Court, Presiding Judge
Hon. Susan L. Mahoney, King County District Court, Chief Presiding Judge
Hon. David S. Mann, Washington State Court of Appeals, Div. I, Chief Judge
Hon. Ricardo S. Martinez, U.S. District Court, West. Dist. Washington, Chief Judge
Hon. Jim Rogers, King County Superior Court, Presiding Judge

1:20:47-2:20:52 Ethics in the Time of COVID-19

Dr. Kaustuv M. Das, KCBA First Vice President
Hon. Matthew W. Williams, King County Superior Court
Carl E. Forsberg, Forsberg & Umlauf P.S.
Angela J. Kaake, King County Prosecutor's Office, Criminal Division
Ann H. Rosato, Peterson Wampold Rosato Feldman Luna
Kristin D. Shotwell, King County Dept. of Public Defense, TDA Division

2:20:52-3:20:41 COVID-19 Remote Trials – Lessons Learned

Carl E. Forsberg, KCBA Second Vice President
Hon. Regina Cahan, King County Superior Court, Chief Civil Judge
Hon. Gregg H. Hirakawa, King County District Court, West Division
Hon. Sean P. O'Donnell, King County Superior Court
Isham M. Reavis, Aoki Law PLLC
Michael S. Wampold, Peterson Wampold Rosato Feldman Luna
Coreen Wilson, Wieck Wilson PLLC

DISTINGUISHED FACULTY

PANEL 1

The Court and COVID

The Role of the Court in Race Equity

JOHN MCKAY

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JOHN MCKAY leads the firm's government investigations and crisis management group. He represents clients in complex civil, criminal, and government investigative matters. A highly accomplished trial lawyer and dedicated public servant, John was the U.S. Attorney for the Western District of Washington for six years, representing the government in all criminal and civil matters. Most recently, he has worked as a professor of law at Seattle University School of Law, and directed a U.S. State Department rule of law project in Palestine. With over three decades of service in the public and private legal sectors, John brings a wealth of consulting and leadership experience to the firm.

HON. WILLIE J. GREGORY
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JUDGE GREGORY is the current Presiding Judge. He received his Juris Doctorate degree from the Seattle University School of Law in 1989. He was elected to the Seattle Municipal Court and began his first term in January 2011. Judge Gregory currently presides over Veterans Treatment Court and a General Trial court; previously he presided over Community and Mental Health Courts.

Judge Gregory developed an interest in law when serving in the U.S. Air Force as a Security Police Officer. He joined the U. S. Air Force as an airman basic and was honorably discharged as a staff sergeant at which time he pursued his bachelor's degree and then a Juris Doctorate. He started his legal career as a public defender with Associated Counsel for the Accused (ACA). During his 14 years at ACA, he developed experience as both a staff attorney and as a supervising attorney. As a supervisor, he trained and managed the attorneys and staff in the Seattle Municipal Court, King County District Court, the Misdemeanor Appeals and the Juvenile Court units. Judge Gregory left ACA to start his own firm, where he worked until 2010.

Judge Gregory is a member of a number of community legal organizations including the Washington State Bar Association, the King County Bar Association, the Loren Miller Bar Association, and the District and Municipal Court Judges Association, serving on the Bylaws and Long-range Planning committees, and is the chair of the Diversity Committee. He is one of several judges who participates in the Crime Solvers program held at the Pacific Science Center.

Judge Gregory has served on a number of Boards for organizations such as SouthEast Effective Development, Rainier Scholars Parent Advisory Council, Compass Housing Alliance, and the Seattle University's Law Alumni Board.

HON SUSAN L. MAHONEY
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JUDGE MAHONEY was first elected to the King County District Court in 2010 and currently serves as its Chief Presiding Judge. She graduated from the Seattle University School of Law in 1991 and began her legal career in the criminal division of the King County Prosecutor's Office where she served until 2000. In 2000 she joined a small personal injury firm and eventually opened her own practice focusing on personal injury, family law, and criminal defense cases. In 2008 she joined the City Attorney's Office for the City of Des Moines representing and advising the city in civil, labor, and municipal matters. Since joining the bench, she has presided over the Domestic Violence Court and has served on the Executive Committee for the court since 2017. She has also served on the DCMJA Legislative and Therapeutic Courts Committees and the King County Regional Law and Justice Committee. She is a strong advocate of therapeutic courts and is committed to increasing their availability within the King County District Court system.

HON. DAVID MANN
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JUDGE MANN was appointed to the Court of Appeals effective August 16, 2016 by Governor Jay Inslee, and retained by election in November, 2017. He began serving as Acting Chief Judge for Division 1 in April 2018, and will become Chief Judge in April 2020. Judge Mann also serves on the Board of Judicial Administration.

Judge Mann received a degree in geophysics from the University of California, Santa Barbara, and worked as a professional geophysicist for 6 years before attending Law School. Judge Mann received his JD with honors from the Northwestern School of Law at Lewis and Clark College in Portland in 1991 and moved directly to Seattle. For 26 years before his appointment Judge Mann had a statewide practice as a trial and appellate lawyer with an emphasis on state and federal environmental, land-use, real property, administrative law, and access to public records.

Judge Mann lives with two rescue mutts in Seattle's Ravenna neighborhood. A reformed long-time track bicycle racer, Mann currently enjoys trail running, hiking, backpacking, travel, and building arts and crafts furniture.

THE HONORABLE RICARDO S. MARTINEZ
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JUDGE MARTINEZ was born in Mercedes, Texas, and raised in Whatcom County, Washington, where he graduated from Lynden High School. He received a Bachelor of Science degree from the University of Washington in 1975 and a Juris Doctor from the University of Washington School of Law in 1980. He was an Assistant Prosecutor with the King County Prosecuting Attorney's Office in King County, Washington, from 1980 to 1990.

Judge Martinez was a judge on the King County Superior Court from 1990 to 1998. From 1998 to 2004, he served as a United States Magistrate Judge of the United States District Court for the Western District of Washington.

On October 14, 2003, Martinez was nominated by President George W. Bush to a new seat on the United States District Court for the Western District of Washington established by 104 Stat. 5089. Martinez was confirmed by the United States Senate on June 15, 2004, receiving his commission on June 16, 2004. He is the first Latino judge in the Western District of Washington. He became Chief Judge on February 6, 2016.

HON. JIM ROGERS
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JUDGE ROGERS is the Presiding Judge for King County Superior Court. He has presided over cases of all types since his election in 2005. He also served in Superior Court administration as the Assistant Presiding Judge from 2016-2018 and the Chief Criminal Judge from 2014-15.

He is a fourth generation Washingtonian and third generation Husky. He was a Peace Corps Volunteer (Sierra Leone 1982-84); earned his law degree at Georgetown; clerked for Federal Judge Robert J. Bryan from 1988-9; worked in civil practice at the Riddell Williams law firm (now Fox Rothschild) from 1989-94; and the King County Prosecutor's Office, largely in sex crimes and homicide, from 1994-2004. He currently serves on the Washington Pattern Instruction Committee (WPI Committee) and the Freedom Education Project Puget Sound Board (provides college education and re-entry assistance to women incarcerated in prison). Prior Committees/Boards/volunteer include Washington State Board of Judicial Administration; Sex Offender Policy Board; University Heights Community Center Board; Skills, Inc.; and his children's softball and soccer teams. Awarded Pro Bono Service Award, King County Bar Association 1991; American Board of Trial Advocates Judge of the Year 2019. Judge Rogers and his extended family hike, bike, ski, visit each other and breweries in the Pacific Northwest and Montana.

PANEL 2
Ethics in the Time of COVID-19

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KAUSTUV M. DAS is a Director, IP Attorney at Intellectual Ventures where he works on all aspects of patent prosecution and patent monetization across IV's funds. He focuses on global portfolio development and management and often speaks on issues related to patent and technology law. Prior to joining IV, Kaustuv was in private practice with a focus on patent and trade secret litigation and worked as in-house counsel for Micron Technology, Inc. Kaustuv is also an Adjunct Professor at Seattle University School of Law where he has taught patent law for the last eight years and is the First Vice President of the King County Bar Association. Kaustuv was admitted to the Washington State Bar in 2003 and is admitted to practice before the U.S. Supreme Court, the USPTO, the Courts of Appeal for the Federal and Ninth Circuits, and various federal district courts throughout the country.

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CARL FORSBERG is a Shareholder with Forsberg & Umlauf, P.S. His defense litigation practice emphasizes general liability defense, analysis and counseling insurers on first and third-party coverage issues, also the defense of alleged insurance bad faith matters. Carl obtained his undergraduate degree from Gonzaga University and his law degree from Pepperdine University School of Law. Carl enjoys teaching and regularly participates as an instructor for the National Institute of Trial Advocacy, in their trial practice and deposition skills training seminars. After teaching for several years, he is now a guest Lecturer teaching trial practice at the University of Washington School of Law and Seattle University School of Law. In 2011, Carl was invited to teach trial advocacy skills with Justice Advocacy Africa, in Nairobi, at the Kenya School of Law.

For the past 20(+) years, Carl has served on the King County Bar Association's Judicial Screening, Judicial Conference and Judicial Selection Committees. Carl is the current Chair of KCBA's Judicial Evaluation Committee. In 2010, Carl received recognition as the Washington Defense Trial Lawyers, Defense Attorney of the Year, in 2013 he received King County Bar Association's Outstanding Lawyer award and in 2018 he received King County Bar Association's President's Award. He has been AV Preeminent Rated for the past 35(+) years and has been named to Washington's "Super Lawyer's" list the past 17 years and to Washington's "Top 100" attorneys list in 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.

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ANGELA KAAKE graduated from Seattle University School of Law in 2000, and has been with the King County Prosecutor's Office since February 2001. She has been the Vice Chair of the Domestic Violence Unit at the Maleng Regional Justice Center in Kent since December 2016, supervising all felony domestic violence cases in South King County, and misdemeanor domestic violence cases occurring in unincorporated King County. In addition to the Domestic Violence Unit, she has also previously served as a trial prosecutor in the Special Assault Unit, Violent Crimes Unit, Drug Unit, District Court, and Juvenile Unit. She has tried approximately 75 cases, including homicides, sexual assaults against adults and children, domestic violence cases, violent crimes, and drug crimes. In her free time, she enjoys travel, sports, and camping.

ANN H. ROSATO
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ANN ROSATO is a shareholder at Peterson Wampold Rosato Feldman Luna in Seattle, Washington. She began her law career at an insurance defense firm and transitioned to plaintiff's trial work in 2005. Her practice focuses on litigation and trial work in the areas of personal injury, construction accidents, medical and dental negligence, and insurance bad faith. Ann is a former President of the Washington State Association for Justice and has been repeatedly named a Super Lawyer, Top 50 Women Super Lawyers, and Top 100 Super Lawyers in Washington. Ann grew up in Gig Harbor, Washington, and attended the University of Washington followed by Seattle University School of Law. Following college, she traveled extensively through Europe, North Africa and the Middle East. She now lives in Mercer Island with her husband, Michael, a patent attorney in Seattle, and their three sons.

KRISTIN D. SHOTWELL
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KRISTIN SHOTWELL has been a social worker and lawyer in public defense since 2001. She supervises a felony unit in Kent for the Department of Public Defense. Kristin has a B.A. in Psychology from Yale, an M.S.W. from the University of Washington, and earned her JD from the University of Hawaii.

HON. MATTHEW W. WILLIAMS
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JUDGE WILLIAMS is a Superior Court Judge for the State of Washington. He was elected to the Superior Court in 2016. Prior to serving on the Superior Court, Judge Williams served six years as a District Court Judge.

He serves as member of Washington State Superior Court Judges Association (SCJA) Ethics and Education Committees. He served as a Special Disciplinary (Ethics) Counsel for the Washington State Bar Association and on the Enforcement of Lawyer Conduct (ELC) task force.

Judge Williams began his legal career with the Attorneys General of Nebraska, Iowa, and Washington State. He handled death penalty and criminal appeals matters as well as complex commercial and tax litigation. Subsequently, he supervised Federal drug, weapons, and aviation enforcement. He served as the Supervising Attorney for the City of Seattle's major litigation unit and as the Managing Attorney of a large law office based in Tacoma, Washington. From 2003 to 2010 he served as a General Manager with a national insurance carrier where he managed multiple business units across the nation while implementing best practices and data driven decision making.

Since 1985 Judge Williams has been developing programs and training judges, advocates and law enforcement personnel in such diverse areas as judicial case-management, forensics, collision reconstruction, effective management/personnel strategies, negotiation, and culturally specific trial advocacy.

Since 1991 he has taught Trial Advocacy at Seattle University School of Law (University of Puget Sound). He served as a Director of the National Institute of Trial Advocacy (NITA) Trial, Deposition, and Public Service Programs. He has also served many terms as faculty team leader for the renowned Kessler-Eidson Trial Techniques Program at Emory School of Law in Atlanta, Georgia. He serves on the faculty of the Washington State Judicial College. Judge Williams is a frequent trainer before the SCJA and the District and Municipal Court Judges Association (DMCJA).

Almost all of his time off the bench is devoted to Rule of Law and Anti-Corruption Initiatives in pre/post conflict nations and emerging democracies around the world. He has led such initiatives in Central Asia, South America, Africa, the Middle East, and within the former Soviet Republics.

Judge Williams received a Bachelor of Science in Economics from the University of Nebraska (1980), and a Juris Doctorate from the University of Nebraska School of Law (1983). He holds the rank of Black Belt in Tae Kwon Do and has served as a martial arts

and personal defense instructor. As a pilot he has logged over a thousand hours of pilot-in-command hours throughout the United States.

PANEL 3
COVID-19 Remote Trials – Lessons Learned

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CARL FORSBERG is a Shareholder with Forsberg & Umlauf, P.S. His defense litigation practice emphasizes general liability defense, analysis and counseling insurers on first and third-party coverage issues, also the defense of alleged insurance bad faith matters. Carl obtained his undergraduate degree from Gonzaga University and his law degree from Pepperdine University School of Law. Carl enjoys teaching and regularly participates as an instructor for the National Institute of Trial Advocacy, in their trial practice and deposition skills training seminars. After teaching for several years, he is now a guest Lecturer teaching trial practice at the University of Washington School of Law and Seattle University School of Law. In 2011, Carl was invited to teach trial advocacy skills with Justice Advocacy Africa, in Nairobi, at the Kenya School of Law.

For the past 20(+) years, Carl has served on the King County Bar Association's Judicial Screening, Judicial Conference and Judicial Selection Committees. Carl is the current Chair of KCBA's Judicial Evaluation Committee. In 2010, Carl received recognition as the Washington Defense Trial Lawyers, Defense Attorney of the Year, in 2013 he received King County Bar Association's Outstanding Lawyer award and in 2018 he received King County Bar Association's President's Award. He has been AV Preeminent Rated for the past 35(+) years and has been named to Washington's "Super Lawyer's" list the past 17 years and to Washington's "Top 100" attorneys list in 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.

HON. REGINA S. CAHAN
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JUDGE CAHAN was elected to the King County Superior Court bench on October 1, 2008. She currently holds the position of Chief Civil. She chairs the King County Superior Court Personnel Committee and is a member of the Executive Committee. Judge Cahan began her legal career in a small civil rights firm in Madison, Wisconsin. She joined the King County Prosecuting Attorney's Office in 1989, where she spent nearly a decade in the criminal division handling homicide, sex crime, and domestic violence cases. In 1999, she transferred to the civil division, where she spent approximately nine years working as a labor and employment law attorney for King County.

Judge Cahan earned a bachelor's degree from the University of Illinois and both a master's degree in social work and her law degree from the University of Wisconsin. As a practitioner, Judge Cahan was an active member of her community, volunteering for a variety of organizations.

HON. GREGG H. HIRAKAWA
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JUDGE HIRAKAWA was elected as Assistant Chief Presiding Judge in 2020. He is a former King County deputy prosecutor and public defense lawyer. In private practice, he worked with vulnerable adults and children in guardianship and estate matters, and successfully defended numerous elderly and disabled individuals who were being financially exploited by family members and dishonest professionals.

Prior to taking the bench, Judge Hirakawa served regularly as a judge pro tempore on the King County District Court, hearing civil and criminal matters. He also served on numerous regulatory commissions and advisory boards.

In addition, Judge Hirakawa had previously served as counsel to the Washington Supreme Court's Pattern Jury Instruction Committee, and upon taking the bench was elevated to a committee member. The court's Pattern Jury Instruction Committee drafts materials assisting jurors to better understand legal matters at issue during trial.

Judge Hirakawa continues to advocate for a court that reflects the community it serves, thereby instilling greater confidence in the justice system. He works with judges statewide to provide greater opportunities for attorneys from underserved communities to gain the experience and training needed to serve the court.

When not hearing cases, Judge Hirakawa is a musician who performs regularly with jazz, orchestral, and theater groups around the region. He has lived in Seattle's Queen Anne neighborhood for more than 25 years and enjoys skiing, cycling, sailing, and the active Pacific Northwest outdoor lifestyle.

HON. SEAN P. O'DONNELL
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JUDGE O'DONNELL is a past President of the Superior Court Judges' Association, a statewide organization representing the 192 trial judges across Washington. He currently co-chairs the Association's Legislative Committee. Judge O'Donnell attended Georgetown University and Seattle University School of Law. Before being elected to the bench in 2013, Judge O'Donnell was as a senior deputy prosecuting attorney for King County. He was a member of the 'Green River Task Force,' which oversaw the investigation and prosecution of serial killer Gary L. Ridgway. Judge O'Donnell also served as a special assistant United States Attorney for the Western District of Washington in the Terrorism and Violent Crimes Unit.

While a prosecutor, Judge O'Donnell successfully tried the state's first human trafficking case and first commercial sexual abuse of a minor case. He completed rotations on the Special Assault Unit and was a member of the 'Most Dangerous Offenders Project,' a specialized group of prosecutors responsible for all homicide cases within the county. Judge O'Donnell was also a Chief Trainer for the National Association of Attorneys General for human trafficking.

Since joining the bench, Judge O'Donnell has served rotations on the court's family law, civil and criminal dockets. He has presided over complex civil cases involving insurance bad faith claims, medical malpractice claims, wrongful death claims, and claims involving the theft of corporate trade secrets. Judge O'Donnell as served on the Court's core leadership committees, including the budget, personnel and executive committees. He completed a two year term in 2019 as Chief Criminal judge.

During his term as president of the Superior Court Judge's Association, Judge O'Donnell focused on improvements to courthouse security and worked to reform the Association's by-laws, with a particular focus on increasing diversity in the Association's leadership positions. He has co-chaired three statewide judicial branch task forces, one focused on securing adequate funding for interpreter services, another analyzing Washington's bail practices, and one dedicated to courthouse security.

Judge O'Donnell served as the chair for the School Commission at St. Joseph School in Seattle and is currently a Trustee and Board Officer for the Lakeside School in Seattle. He has been a member of the Green River Community College Criminal Justice Advisory Board and an adjunct faculty member at Seattle University School of Law. Judge O'Donnell is also a member of the Rainier Scholars' Resource Council.

He wife Shelley is a pediatric occupational therapist specializing in therapy for children with autism. They live in Seattle with their two school-aged children in Seattle.

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ISHAM REAVIS practices criminal defense, business litigation, and plaintiff-side personal injury law at Aoki Law PLLC. He also provides discovery-management support in complex federal prosecutions in jurisdictions across the country. He is co-chair of the KCBA Judiciary & Litigation Committee, chairs the WSBA Court Rules and Procedures Committee, is past chair of the WSBA Editorial advisory Committee, and serves as adjunct disciplinary counsel for the WSBA Office of Disciplinary Counsel.

Before joining Aoki Law, Isham interned with the Federal Public Defender and externed for the Federal Trade Commission and the Honorable Marsha J. Pechman of the U.S. District Court for the Western District of Washington. In law school he served as a Managing Editor of the Washington Law Review.

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MIKE WAMPOLD is a Seattle native and graduated from Franklin High School. He attended Yale University where he graduated *magna cum laude* in history. At Yale, Mike won a fellowship from the Yale-China Association, allowing him to spend two years studying Chinese in the People's Republic of China. After returning from China, he attended the University of Washington School of Law, where he was the President of the Moot Court Honor Board. Following law school, Mike became a third-generation trial lawyer. Both his father and grandfather were Seattle lawyers.

Mike has had a successful career to date including numerous multimillion-dollar jury verdicts for injured clients. Mike has received many accolades for his work, including being named the 2016 Washington State Association for Justice Trial Lawyer of the Year, one of the top 40 personal injury attorneys and one of the top 100 attorneys overall in the State of Washington by Washington Law and Politics, invited to join the American College of Trial Lawyers (ACTL), the Damage Attorneys Round Table (DART), the American Board of Trial Advocates (ABOTA), and the Board of Directors of the Mexican American Legal Defense and Educational Fund (MALDEF). Since his days in China, Mike has continued his teaching career as a trial advocacy instructor at the UW School of Law and regularly teaches at legal seminars. In 2012, he received one of the highest awards given by the UW School of Law, the Service Recognition Award. In 2016, Mike was invited to teach trial advocacy in Mombassa, Kenya.

Mike has been an active member of the community as well. The following are just an example of his numerous community activities: King County Bar Association Trustee, 2016-2019; King County Bar Association Judicial Selection Committee, 2002-present (Chair 2008-2009); Executive Committee of the Litigation Section of the WSBA, 2008-2011; University of Washington School of Law Foundation Board, 2012-present; Executive Committee of Washington ABOTA Chapter, 2014-present (President 2018); State Committee of the American College of Trial Lawyers, 2014-present.

Mike is also a devoted husband and father of three children. In his almost non-existent free time, Mike can be seen running marathons including Seattle (3x), Tunnel Marathon (3x), New York (2x), Big Sur, Eugene, Skagit Valley Flats (2x), Malibu, and Chicago (2x). In 2019, Mike qualified for the Boston Marathon with a time of 3:21. In 2020, Mike ran the Boston (virtual) Marathon with a personal record time of 3:18.

COREEN WILSON
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COREEN WILSON is a civil trial lawyer with more than 20 years of experience in the courtroom. She has tried more than forty cases and has litigated thousands more. Coreen has been a NITA instructor since 2008, has published numerous articles in a variety of legal journals, and has presented at various continuing legal education seminars.

She has been recognized as one of the Top Attorneys in Washington State by *Seattle Met Magazine* and was named a Rising Star by *Washington Law & Politics* magazine. She is a member of American Mensa and is highly regarded for her strategic approach to trial advocacy, which has brought much success in the courtroom.