

Marilyn Berger Professor of Law

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Teaches Civil Procedure; Film and the Law, Gender and Justice

B.S. Cornell University 1965. J.D. University of California/Berkeley 1970: Moot Court, A.
Reginald Heber Smith Community Lawyer fellow.

Professor Berger has been a visiting professor of law at South Bank Polytechnic, London, and at Kyoto University, Japan, and a scholar-in-residence at the University of London and Washington University in St. Louis. Professor Berger established the Films For Justice Institute in 1996. Through the Institute, Professor Berger produced three educational documentary films in the series, *Lessons from Woburn*. "The Untold Stories" with Henry Wigglesworth (2000), "The Rules of Procedure" (2002), and "Conduct and Settlement" (2002). These documentaries are about a lawsuit brought by families in Woburn, MA, alleging contamination of their drinking water. The original participants appear in the documentary, based on the lawsuit, *Anderson v. W.R. Grace*, the book by Jonathan Harr, *A Civil Action*, and the Hollywood movie by the same name. The films are used in 100+ law schools.

Professor Berger is the Director of the Comprehensive Trial Advocacy Program and also the Director of Films for Justice Institute at Seattle University School of Law.

Professor Berger is co-author (with Professors John Mitchell, Ronald Clark, and Monique Leahy) of *Pretrial Advocacy: Planning, Analysis, and Strategy* (2nd Ed, 2007) and *Trial Advocacy: Planning, Analysis, and Strategy* (1989), which is being revised.

Professor Berger lectures and writes in the areas of gender, film and the law, and advocacy, exploring issues about the relationship of storytelling and its intersection with law.

She is currently directing and producing the documentary, *Out of the Ashes: 9-11* which is about 9-11 families and their experiences with the Victim Compensation Fund and litigation. Eleven days after the terrorist attack, the federal government put in place the largest public entitlement program: The Victim Compensation Fund. It distributed seven billion dollars to over 5,500 families. *Out of the Ashes: 9-11* highlights the stories of seven families and provides an unprecedented window into the psychology of harm and justice. The documentary explores key legal and societal issues such as: *Was giving the claimants money a misguided failure or a lifeline to survival? Did the Fund undermine our legal system, or did it offer 9-11 families justice by avoiding lawsuits?*

Publications

Books

Trial Advocacy: Planning, Analysis and Strategy (2d ed., Aspen, forthcoming 2008) (with John B. Mitchell and Ronald H. Clark).

Pretrial Advocacy: Planning, Analysis and Strategy (2d ed., Aspen 2007) (with John B. Mitchell, Ronald H. Clark, and Monique Leahy).

Student Coursebook for Lessons from Woburn (2002).

Trial Advocacy: Planning, Analysis, and Strategy (Little, Brown 1989) (with John B. Mitchell and Ronald H. Clark).

Pre-trial Advocacy: Planning, Analysis and Strategy (Little, Brown 1988) (with John Mitchell).

Articles

Letters and Postcards We Wished We Had Sent to Gary Bellow and Bea Moulton, 10 *Clinical Law Review*, 157 (2003) (with John Mitchell).

Gender Bias in the American Bar Association Journal: Impact on the Legal Profession, 13 [Wis. Women's L.J.](#) 75 (1998) (with Kari A. Robinson).

Woman's Ghetto Within the Legal Profession, 8 [Wis. Women's L.J.](#) 71 (1993) (with Kari A. Robinson).

Rethinking Advocacy Training, 16 *Am. J. Trial Advoc.* 821 (1993) (with John Mitchell).

Secrecy in Civil Litigation and Alternative Dispute Resolution in the United States, printed in *Wege Zum Japanischen Recht, Festschrift für Zentaro Kitagawa*, (April 1992).

Meishi, *Kyoto Comparative Newsletter*, (June 1990).

Alternative Dispute Resolution in the United States, No. 913 *Jurist* 109, (April 1990).

A Comparative Study of British Barristers and American Legal Practice and Education, 5 [Nw. J. Int'l L. & Bus.](#) 540 (1983).

Acquiring In Personam Jurisdiction in Federal Question Cases: Procedural Frustration Under Federal Rule of Civil Procedure 4, 1982 *Utah L. Rev.* 285 (1982).

Videos

Berger and Holt Productions, *Out of the Ashes: 9-11* (forthcoming 2009).

Lessons from Woburn: Conduct and Settlement (2002).

Lessons from Woburn: Rules of Procedure (2002).

Lessons from Woburn: Untold Stories (2000) (with Henry Wigglesworth).