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Profile: Doris Cheng

Passionate advocate for the American jury system takes her message across international borders

BY STEPHEN ELLISON

Passion for the American legal system is hardly a unique characteristic for a plaintiffs' lawyer, but Doris Cheng seems to take that enthusiasm to a higher level. And she makes no bones about it: Her fervor in advocating for the U.S. jury system is genuine and pure, and she considers it a privilege to be a member of the bar.

So it should come as no surprise that Cheng, a senior attorney at Walkup, Melodia, Kelly & Schoenberger in San Francisco, preaches what she practices. Her trial advocacy gospel – a standard part of training at some local law schools – has even crossed international borders.

"I started working with the National Institute for Trial Advocacy, and it really dovetailed with my belief in the American jury system and the rule of law," Cheng explained. "Some things that are interesting and compatible with that passion come from working with the Department of Justice for the Rule of Law Initiative in Macedonia, Kosovo, Belfast and Mexico. Some other practitioners have come from China and Japan to the U.S. for training here, and we've kind of developed these relationships with other countries."

Indeed, Cheng has traveled to Europe the past three years, working with judges and lawyers in various countries there to help them set up training programs for adversarial judicial systems. Their existing judicial systems, she said, did not include cross-examinations or prosecutions in the same way the American system does.

Here in the U.S., Cheng fears there is "disintegrating belief" in that very system and an inclination toward using arbitration and other means that take the jury out of resolving civil disputes. "I understand why the arbitration system exists,



Cheng

and in some ways, it's a less expensive one for litigants, but it can't replace the American jury system," she said. "We can't ever do away with that because in other countries that

I've seen, where things are decided by a single judge, there are a lot of problems with partisanship – it's just too easy. And there are a lot of problems with corruption. In fact, we were specifically addressing concerns about that in these other countries."

Trial advocacy and truth

Among her other advocacy work, Cheng recently finished teaching an American Board of Trial Advocates program in civility at Santa Clara University School of Law. The focus was the professionalism aspect of trial law, she said, but of course, it also broached the subject of the jury system. Similarly, she teaches trial advocacy at UC Berkeley's Boalt Hall and University of San Francisco School of Law.

Cheng also teaches other teachers: As the program director of NITA's Western Region Advocacy Teacher Training Program, Cheng has served as a leader for several trial advocacy programs across the country. Central in Cheng's teachings, no doubt, is preserving and improving the jury system. But she also tackles the all-important issue of finding the truth.

"Believing in your client, that's the foremost thing," Cheng said when asked about what's most important when going to trial. "You advocate for a particular

person. Sometimes it's for a cause, but really it's for a person. It's their case, not yours; it's their damages that you're trying to recover. And if you don't believe in (the case), 12 other people aren't going to believe it either. I think you have to be invested and believe in your clients – what happened to them and how they suffered as a result of it.

"If you take care of the process, the process will take care of the result," Cheng continued. "If you believe in your client and yourself, if you're respectful and diligent of that process that it takes to get them up to that trial period, then everyone is in the best position to make very good decisions, to go forward and achieve the results you seek."

A long odyssey

For her part, Cheng has taken care of the process several times over, achieving multimillion-dollar verdicts and settlements in areas such as catastrophic injury, wrongful death and clergy abuse. One particular case she said will always stay with her involved four sisters in San Diego in their 50s and 60s who were molested as children by the same Catholic priest.

The sisters had come to the U.S. through Catholic Charities after having survived political turmoil in Hungary, Cheng said. They were adopted by a family who belonged to a Catholic church and fell victim to an abusive cleric who molested them when they were between ages six and ten over a period of four years. "It took them some 50 years to come out with their story, and it was made possible by all the other cases that came out at that time," Cheng said, referring to the rash of clergy abuse cases settled in the state between 2004 and 2008. "Our case settled around 2008. It was kind of a long odyssey.

"There were a lot of lawyers and a lot of victims," she continued. "We were very



discreet about the people we picked, and we developed a very personal connection with them.”

Another case in which Cheng developed a deep bond involved a couple in their 70s whose 29-year-old son died of a brain hemorrhage after a surfing accident. The man suffered a skull fracture after being struck on the head by his surfboard, but the emergency room doctor failed to detect the fracture as well as the lacerated artery that eventually bled out and led to his death. “His parents had such a close relationship with him,” Cheng recalled. “Probably because he was their twilight baby. So I think I connected with that feeling because it’s somewhat similar to how I feel about my family.

“At the end of it, there were moments there that were just pure magic for the jury,” she continued, “to be able to see how these parents described their child, their son who died.”

Choosing a path

Despite her many successes, Cheng’s path to law was not necessarily straight and easy. After graduating from UC Davis with a bachelor’s degree in English, she was still in search of a career, and she hadn’t really given much thought to law. When she finally did decide to go to law school, her family was not entirely on board.

“A lot of my mom’s relatives were disappointed and didn’t think that it was a very noble profession,” Cheng said. “They had a perception of it being corrupt, and that may have something to do with their own experiences in China, where it’s a very corrupt system.”

Cheng stuck to her plan, however, and went to USF School of Law, where her social consciousness initially pointed her toward criminal defense. She wanted to do something good, she said, but then couldn’t stomach the idea that the people she would be representing might go to prison. To this day, she has a deep admiration for prosecutors and public defenders for their public service. “You have to have the intestinal fortitude to handle the consequences – it’s a big weight, a big responsibility,” she said.

Leaving criminal defense behind, Cheng then discovered the trial advocacy course at USF and almost immediately became enamored with the hands-on learning in litigation and trial work and enjoyed the exposure to a national program that brought in teaching lawyers from all across the country. One of those instructors introduced her to a member of the Walkup firm, and she eventually landed an interview and then a summer clerk’s job and then a permanent position with the prestigious firm.

When she’s not in the office, in court or in the classroom, Cheng enjoys coaching girls’ basketball at many levels, from fourth grade on up to high school. She has coached in local CYO leagues, Japanese leagues and at schools in the San Francisco Unified School District.

Her playing days may be over, however, after she suffered a serious injury during a pickup game with friends – mostly men – in which she collided with another player, hit the floor and “had a blackout moment” after hitting her head. When she came to, Cheng had a frightening few seconds in which she couldn’t do

anything from the neck down. “Thankfully, all the sensation and feeling came back,” she said.

She went to the hospital and was admitted for a herniated disc. She hasn’t played since. “I think I need to find another sport,” she quipped.

As for her law career, Cheng seems quite content to continue her work at the Walkup firm as well as her resilient battle against a growing conservative quest to close the civil courtsrooms.

“I love what I do, and I am so incredibly blessed to do it at a firm where the partners and lawyers really do like each other,” she said. “Plus there’s still so much work to be done.”

As for the one piece of advice she would offer young, aspiring lawyers, Cheng borrowed a line from a judge that had a significant impact on her: “Do good work, and do good works. In our profession, you have to study your craft, and every day you want to put out a good work product – and not just for your own professional pride. It’s always on behalf of someone else, so you want your work product to be the best it can be and at the highest level.”

And the doing good works part? “Everything we do has an effect on other people and we should have a social consciousness about that,” Cheng continued. “So giving back to the community is important.

There are a lot of good reasons to get up in the morning and do what we do.

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