



## Sara Berry

Associate

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**Sara Berry assists clients in negotiating out of problem situations on appeal, during litigation, and before litigation starts.**

### PRACTICES

Appellate  
Eminent Domain  
Commercial Litigation

### EDUCATION

University of Idaho College of Law, J.D., 2007

*magna cum laude*

*Idaho Law Review*, Managing Editor  
*Idaho Law Review*, Outstanding Editor  
James E. Rogers Law Scholarship recipient

University of New Mexico, B.A., 2002

*summa cum laude*

### BAR ADMISSIONS

Idaho

### COURT ADMISSIONS

U.S. District Court for the District of Idaho  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Supreme Court

She represents clients in state and federal courts, including the Ninth Circuit Court of Appeals and the Idaho Supreme Court. She has shaped her practice to provide the appellate perspective during trial in order to preserve issues and present a fully developed trial record on appeal. Sara applies her unique perspective to benefit clients through motions practice at the trial court. Sara assists local and national clients of all sizes, focusing on complex civil litigation and appeals, including disputes arising from contracts, eminent domain, property use, and products liability.

Prior to joining Holland & Hart, Sara practiced litigation for over four years at Stoel Rives. She served as a law clerk to Judge Stephen S. Trott of the U.S. Court of Appeals for the Ninth Circuit and for Judge Sergio Gutierrez of the Idaho Court of Appeals before entering private practice.

### EXPERIENCE

Sara represents corporations, limited liability companies, and partnerships, including their officers and owners, in the individual and representative capacity. Additionally, she represents governmental entities addressing eminent domain challenges. Sara also performs pro bono work on behalf of immigrants, children under the protection of Health & Welfare, and small businesses.

#### Appellate Practice

- Briefing before the Ninth Circuit Court of Appeals
- Oral argument before the Ninth Circuit Court of Appeals
- Briefing before the Idaho Supreme Court
- Briefing on complex dispositive motions in state and federal courts

#### Commercial Litigation

- Assist clients through every stage of litigation
- Complex discovery coordination, including electronically-stored information
- Advise clients on strategic decisions during litigation
- Motions practice, including dispositive motions
- Hiring and coordination with expert witnesses
- Prepare clients and witnesses for jury or bench trials

- Conduct all stages of trial
- Post-trial briefing and motions for attorney fees

## **CLIENT RESULTS**

### **Appeals**

Successfully defended client's victory before a referee pursuant to the Small Lawsuit Resolution Act and obtained attorney fees on appeal.

Successfully argued appeal of client's victorious claims of improper police conduct and abuse of power. Sara was part of a team that briefed the merits of this case on appeal and opposed a petition for writ of certiorari to the United States Supreme Court.

### **Commercial Contracts**

Second-chaired a week-long court trial regarding the dissolution of a limited liability company, the distribution of the company's assets, and the contracts between the members. Obtained dismissal of all claims for personal liability against my clients.

Second-chaired a three-week jury trial resulting in a favorable jury verdict award of actual and punitive damages on breach of contract, fraud, and breach of fiduciary duty claims. Drafted summary judgment briefs that resulted in the dismissal of all claims against our client.

Drafted early summary judgment motions for lawsuit over commercial contract to sell farm property. Successfully negotiated full dismissal of claims against our client plus all attorney fees.

Participant on the legal team that defended and obtained full dismissal of plaintiffs' multiple claims for breach of contract and breaches of fiduciary duties arising out of an option agreement to acquire a food processing entity.

Participant on the legal team that drafted pleadings, motions, and jury instructions resulting in a full defense verdict against claims for breach of fiduciary duty, fraud, and breach of contract involving a multi-million dollar claim over forward price contracts.

### **Eminent Domain/ Property Use**

Successfully negotiated terms for acquiring commercial and residential property through the government's power of eminent domain.

Second-chaired a jury trial resulting in a jury verdict establishing easement rights for an agricultural business and recovery on an intentional interference claim.

Advised local governmental clients on eminent domain requirements and procedures for large-scale interagency project.

Successfully negotiated a settlement involving the disputed use of an easement after arguments on motion for summary judgment.

## Product Liability

Participated in the trial teams representing and defending a large agriculture products liability case involving over 100 individual plaintiffs and over 100 motions for summary judgment.

## Intellectual Property

Coordinated massive document collection and review for client facing patent-infringement charges.

## PUBLICATIONS

"Things to Know Before You Become a Member of the Quill Club," *The Dynamics of Civil Defense (newsletter of the Idaho Association of Defense Counsel)*, Fall 2017

"Litigants, Beware: Losers May Be On Hook For Winner's Attorney Fees," *Idaho Statesman*, Co-Author, January 2017

"Preservation and Spoliation of Evidence," *DRI Class Action Compendium, Idaho Chapter*, Co-Author, 2016

## SPEAKING ENGAGEMENTS

"Practice from the Amici's Perspective," *Strategies for the Appellate Practitioner, Idaho State Bar Appellate Practice Section Sponsored CLE*, October 4, 2019

"Appellate Ethics," *Idaho State Bar Appellate Practice Section*, Boise, ID, December 2016

"Litigation Hold and Document Production Best Practices," *CLE presentation to Idaho In-House Counsel, Boise, Idaho*, September 2016

"Got a Degree –Your Education is Just Beginning," *Boise Legal Secretary Association*, January 2011

## RECOGNITION

- Mountain States Super Lawyers® Rising Stars, Civil Litigation: Defense, 2014-2019
- Idaho State Bar Denise O'Donnell Day Pro Bono Award, 2017
- *Idaho Business Review*, Accomplished Under 40, 2014
- Idaho State Bar Pro Bono Award for the Fourth District (Founding Member of Immigration Law Network), 2010

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Supreme Court of the State of Idaho, Civil Rules Committee, Appointed Member (2019-2024)
- Idaho State Bar Appellate Section and Litigation Section
- Idaho Women Lawyers
- Idaho Association of Defense Counsel

- DRI
- Idaho Botanical Garden, Immediate Past Board Chair; Board Chair, 2018