

Class Actions, Mass Torts, and MDLs

The Next 50 Years



Nov. 1-2, 2019 | Lewis & Clark Law School

An Academic Symposium

Faculty Biographies



Jennie Lee Anderson is President of the Pound Civil Justice Institute, and a founding partner of the San Francisco law firm of Andrus Anderson LLP. Ms. Anderson exclusively represents plaintiffs in a variety of class and complex cases in both state and federal court, including consumer, antitrust, employment and product liability matters. Ms. Anderson has served as lead counsel, liaison counsel and on the plaintiffs' steering committee in multiple state and nationwide class or mass actions. She lectures frequently across the country on a variety of issues relating to class and complex litigation. Ms. Anderson also serves on the American Association for Justice Board of Governors and is the past Chair of the AAJ Class Action Litigation Group, Antitrust Litigation Group and Business Torts Section. Ms. Anderson is active in the American Bar Association, Consumer Attorneys of California, Public Justice and the San Francisco Trial Lawyers Association. She also serves on the Board of Directors for Legal Aid at Work.



Lori E. Andrus is a founding partner of the San Francisco law firm of Andrus Anderson LLP. She prosecutes class actions and complex litigation in state and federal courts across the country, representing individuals who have been harmed by dangerous pharmaceuticals or medical devices, defrauded or discriminated against by large corporations, or sold defective products. A recognized leader in mass torts, Ms. Andrus has also maintained a long-term commitment to diversifying leadership in complex legal matters, and co-chaired Duke Law School's 2017 and 2018 symposia on increasing diversity in legal leadership positions. Ms. Andrus is Parliamentarian of the American Association for Justice (AAJ), and is a Past Chair of its Women Trial Lawyers' Caucus. She is a governor of Consumer Attorneys of California, and is a member of numerous other legal organizations. A graduate of Boston University and Duke University School of Law, she is admitted to practice in California, the District of Columbia, and New York.



Lynn A. Baker holds the Frederick M. Baron Chair in Law at the University of Texas School of Law in Austin, Texas. Professor Baker's wide-ranging scholarly and teaching interests include Professional Responsibility (especially issues involving aggregate litigation and group settlements), attorney fees, mass tort litigation, and Large settlements. Her scholarship and teaching are informed by having served as an expert and consultant to lawyers throughout the country on dozens of large-dollar, large-group, mass tort settlements and having been a court-appointed allocation Special Master in mass tort settlements. A graduate of Yale Law School, Yale College, and Oxford University (Marshall Scholar), she was a Law Clerk to the Hon. Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit. She is an elected Member of the American Law Institute. In her spare time, she enjoys tournament bridge, and is a two-time world champion.

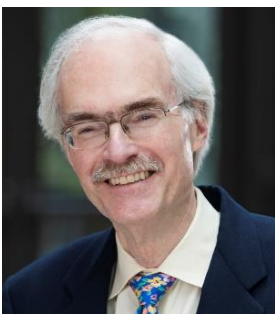


Thomas A. Balmer has served on the Oregon Supreme Court since 2001 and was Chief Justice from 2012 to 2018. A graduate of Oberlin College and the University of Chicago Law School, he practiced with law firms in Boston and Washington, D.C., and worked in the Antitrust Division of the U.S. Department of Justice before returning to his hometown of Portland in the 1980s. In private practice in Oregon, he handled primarily business litigation, appeals, and antitrust and regulatory matters. From 1993 to 1997, he was Oregon's Deputy Attorney General, advising the Attorney General and other statewide elected officials on constitutional and administrative law issues. He also argued election and constitutional law cases in the U.S. Supreme Court, the Ninth Circuit, and state trial and appellate courts. As Chief Justice, Justice Balmer oversaw the Oregon judiciary's successful implementation of eCourt, an integrated software and hardware project for electronic filing and service and digital case and document management, including interactive digital forms to assist self-represented litigants. He worked with the Oregon legislature to increase judicial

compensation, add new judges, and obtain state assistance to replace or renovate inadequate courthouses across the state. During his term as Chief Justice, Justice Balmer chaired the Conference of Chief Justices Civil Justice Improvements Committee and led a two-year effort that resulted in a report, *Call to Action: Achieving Civil Justice for All* (2016), with wide-ranging recommendations for reducing cost and delay in civil cases in state courts. He is a member of the American Law Institute, has written widely on antitrust, state constitutional law, and legal history, and has been an adjunct professor of law (antitrust) and an adjunct professor of political science.



Jennifer Bennett is a Staff Attorney at Public Justice, where she focuses on appellate and Supreme Court litigation. Jennifer litigates precedent-setting appeals on a wide range of issues, including civil rights, workers' rights, consumer protection, and government transparency. Her recent work includes a unanimous Supreme Court victory on behalf of transportation workers fighting forced arbitration, a Fifth Circuit victory on behalf of a father killed by Texas jailers, and a Ninth Circuit victory vindicating the public's right to access court records. Jennifer earned her J.D. from Yale Law School and her B.A. summa cum laude from Yale University. She clerked for the Honorable Marsha Berzon of the U.S. Court of Appeals for the Ninth Circuit, the Honorable Jesse Furman of the U.S. District Court for the Southern District of New York, and the Honorable Vince Chhabria of the U.S. District Court for the Northern District of California.



Robert Bone is Professor of Law and holds the G. Rollie White Excellence in Teaching Chair at The University of Texas School of Law. He joined the UT faculty in January 2010. Previously he was the Robert Kent Professor in Civil Procedure at Boston University School of Law. Professor Bone received his B.A. degree from Stanford University in 1973 and his J.D. from Harvard Law School in 1978. Following law school, he clerked for United States District Court Judge W. Arthur Garrity, Jr. and served as an associate at the Boston law firm of Hill & Barlow, before joining the University of Southern California law faculty in 1983. Professor Bone became a member of the BU Law School faculty in 1987, where he served before moving to UT Law School in 2010. He was also a Visiting Professor at Columbia Law School for the fall term 1998 and at Harvard Law School for the fall term 2001. Professor Bone is a leading scholar in the fields of civil procedure, complex

litigation, and intellectual property. He has published numerous articles in leading law journals, a book entitled *THE ECONOMICS OF CIVIL PROCEDURE*, and several essays in other books. He is also a co-author of the second edition of a complex litigation casebook, *THE LAW OF CLASS ACTIONS AND OTHER AGGREGATE LITIGATION*.



Elizabeth Cabraser is a senior partner of Lief Cabraser Heimann & Bernstein, LLP, one of the country's largest law firms serving plaintiffs seeking redress for financial and consumer fraud, anti-competitive practices, harmful drugs and products, and public health and environmental disasters. Since 1978, she has served as court-appointed lead and class counsel in scores of federal class actions, multi-district and state coordinated proceedings. These multi-state cases have included tobacco, the *Exxon Valdez* disaster, Breast Implants, Fen-Phen (Diet Drugs), Vioxx, Toyota sudden acceleration, numerous securities and investment fraud cases, the national opioids litigation, and the historic Holocaust human rights litigation. Ms. Cabraser's recent work includes the negotiation, drafting, approval and implementation of major class action settlements, including

the vehicle buyback and restitution program in the VW "clean diesel" Litigation and the economic loss class settlement in the *Deepwater Horizon* oil spill litigation, that undertake delivery of billions of dollars in recoveries to consumers, businesses, and employees in innovative ways. Ms. Cabraser served on the Federal Civil Rules Advisory Committee from 2010-2017 and on its Rule 23 subcommittee.



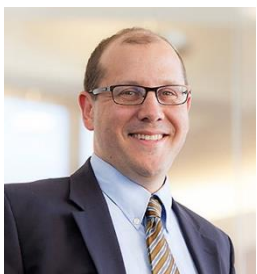
Zachary D. Clopton is Professor of Law at Northwestern Pritzker School of Law. His research and teaching interests include civil procedure, complex litigation, international litigation, and national security law. Clopton clerked for the Honorable Diane P. Wood of the United States Court of Appeals for the Seventh Circuit. He served as an Assistant United States Attorney in Chicago and he worked in the national security group at Wilmer Hale in Washington, D.C. Prior to joining Northwestern, Clopton was as an Associate Professor of Law at Cornell Law School. He also was a Public Law Fellow at the University of Chicago Law School. Clopton earned a BA from Yale University, an MPhil in International Relations from Cambridge University, where he was a Gates Foundation Scholar, and a JD from Harvard Law School.



Sarah Crooks, a partner in the Business Litigation department of Perkins Coie in Portland, focuses her practice on navigating clients through complex business litigation, class action lawsuits and attorney general investigations across a variety of industry sectors, including the telecommunications, food and restaurant, childcare and education and real estate sectors. Sarah also has extensive experience representing clients in the areas of consumer protection, securities litigation, fraudulent transfer litigation and will contests. Sarah dedicates a significant portion of her time to pro bono work and volunteer efforts to serve the legal community. Since 2002, she has served as a volunteer attorney for Legal Aid Services of Oregon, representing victims of domestic violence in obtaining restraining orders. Sarah is also involved with the American Bar Association, the Multnomah Bar Association (past President), and Oregon Women Lawyers (past President). In 2012, the Oregon Bench & Bar Commission on Professionalism recognized Sarah with the Justice Edwin J. Peterson Professionalism Award for consistently demonstrating the highest standards of conduct toward the bench, bar and public. In 2010, Sarah was recognized for her unrelenting commitment to the promotion of women in the legal profession as a recipient of the Oregon Women Lawyers Justice Betty Roberts Award.



Sindhu S. Daniel is a shareholder at Baron & Budd and manages the firm's Pharmaceutical Litigation Group. She has been handling pharmaceutical drug and device cases for the past 20 years. She has served in leadership positions in multiple MDLs and currently serves on the PSCs for the 3M Combat Arms Earplug Products Liability Litigation, the Talc and PPI MDLs, and the Essure JCCP. She has extensive experience in many issues common to mass tort cases, such as bellwether selection, core discovery, electronic fact sheets, and settlement negotiation and administration. She has negotiated numerous settlements and works on analyzing data and information to create matrices for the best outcome for all clients.



Joshua Paul Davis is Professor, Director of the Center for Law and Ethics, and Dean's Circle Scholar at the University of San Francisco School of Law. Davis was the School of Law's associate dean for academic affairs from 2013-2017, during which he oversaw the law school's academic programs and was responsible for curricular and program developments and implementation. Davis focuses his scholarly research on complex litigation, ethics, and the interplay between the two. As Director of the Center for Law and Ethics, he leads panels, organizes symposia, and undertakes research exploring these topics. Davis is active in law reform, serving from 2001 to 2004 as the reporter for the committee that drafted California Supreme Court Rules 964 to 967 on multi-jurisdictional practice and testifying before United States Congress regarding the pleading standard in federal court. Davis also writes extensively about antitrust and free speech law, and is on the board of the American Antitrust Institute.



Brian Devine is a founding partner at Seeger Salvas & Devine LLP. His practice focuses on complex product liability and class action litigation. Brian's experience with product liability litigation stems from his years working in-house in the medical device industry and defending medical device manufacturers at a large defense firm. For the last 17 years, Brian has used that experience to represent plaintiffs in complex litigation involving medical devices and pharmaceuticals.



Robert M. Dow, Jr. has served as a United States District Judge for the Northern District of Illinois since December 2007. Since 2013, he has been a member of the Judicial Conference Advisory Committee on Civil Rules and the Chair of its Rule 23 and MDL Rules Subcommittees. From 2010 to 2013 he served as a member of the Advisory Committee on Appellate Rules. Judge Dow recently completed two terms (2012-2018) as Chair of the Advisory Committee on Circuit Rules for the Seventh Circuit and remains on the Rules Committee for the Northern District of Illinois. He has sat by designation on the United States Courts of Appeals for the Sixth and Seventh Circuits and is a member of the American Law Institute.



Brian Fitzpatrick is Professor of Law at Vanderbilt Law School. His research focuses on class action litigation. His work has appeared in many law reviews and popular media outlets, but he is best known for publishing comprehensive empirical studies of class actions, including *An Empirical Study of Class Action Settlements and Their Fee Awards*, 7 J. Empirical Leg. Stud. 841 (2010). His most recent work is *THE CONSERVATIVE CASE FOR CLASS ACTIONS* (University of Chicago Press, 2019). Professor Fitzpatrick joined Vanderbilt's law faculty in 2007 after serving as the John M. Olin Fellow at New York University School of Law. He graduated first in his class from Harvard Law School and went on to clerk for Judge Diarmuid O'Scannlain on the U.S. Court of Appeals for the Ninth Circuit and Justice Antonin Scalia on the U.S. Supreme Court. After his clerkships, Professor

Fitzpatrick practiced commercial and appellate litigation for several years at Sidley Austin in Washington, D.C., and served as Special Counsel for Supreme Court Nominations to U.S. Senator John Cornyn.



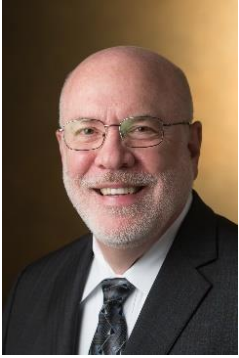
Robert B. Freedman retired from the bench in 2017 after 21 years of service on the Superior Court of California, County of Alameda (and previously on the Oakland-Piedmont-Emerlyville Municipal Court). While on the bench Judge Freedman presided in one of the court's two complex litigation departments. In this assignment he presided over numerous Judicial Council Coordination Proceedings (the California equivalent of an MDL). In 1998 he received the Alameda County Trial Judge of The Year award from the Alameda-Contra-Costa Trial Lawyers Association and, in 2012, received the Distinguished Judicial Service Award from the San Francisco Trial Lawyers Association. He has served as a member of advisory committees to the Judicial Council of California, including the Civil and Small Claims Advisory Committee, the Information Technology Advisory Committee (formerly the Court Technology Advisory Committee). Before his appointment to the bench, Judge Freedman was a member of a general civil litigation firm in Oakland and served as the President of the Alameda County Bar Association (1988). Judge Freedman is a member of the Board of Governors of the Northern California Chapter of the Association of Business Trial Lawyers and the Governing Board of the California Judges Association. Following retirement from the court, Judge Freedman joined JAMS where he serves as an arbitrator, mediator and referee in a broad range of cases. Judge Freedman received his B.A. from UCLA, and his J.D. University of California, Berkeley Law.



Stephanie Garlock is a third-year J.D. candidate at Yale Law School, where she serves as a student director of the Liman Public Interest Program and represents homeowners in foreclosure through the school's Housing Clinic. Before law school, Stephanie worked as a legal assistant and office manager at the public interest law firm Gupta Wessler PLLC and as a journalist covering urban policy for CityLab. She graduated from Harvard College magna cum laude with a degree in history.



Steve Herman practices with Herman, Herman & Katz, in New Orleans, Louisiana. He is Vice President of the Pound Civil Justice Institute. The author of *AMERICA AND THE LAW: CHALLENGES FOR THE 21ST CENTURY* (1998), Herman teaches an advanced torts seminar on class actions at Loyola Law School and an advanced civil procedure course in complex litigation at Tulane. He is a past president of the Louisiana Association for Justice and a fellow of both the International Academy of Trial Lawyers and the Litigation Counsel of America. Herman served for six years as a Lawyer Chair for one of the Louisiana Disciplinary Board Hearing Committees and currently serves on the LSBA's standing Rules of Professional Conduct Committee. For the past nine years, he has served as Co-Liaison / Co-Lead Class Counsel for Plaintiffs in the *Deepwater Horizon*/BP oil spill litigation.



David R. Herndon became a United States District Judge for the Southern District of Illinois in 1998. He served in that district until January 7, 2019 when he retired from the bench. During his tenure on the district court Herndon served as Chief Judge from 2007-2014 and served on the Judicial Conference of the United States committee for Judicial Security from 2011 through 2018, chairing the committee during the last three years of his committee service. Prior to his federal tenure, Herndon served as an Associate Judge in the Third Judicial Circuit, Bond and Madison Counties, Illinois. His service there included a major civil docket. His career as a trial lawyer, spanning fourteen years prior to taking his seat on the bench, was spent largely in the representation of plaintiff FELA claimants. During Judge Herndon's service on the federal bench he was assigned a number of MDL cases, class actions and mass actions.



Samuel Issacharoff is the Reiss Professor of Constitutional Law at New York University School of Law. He is the author of *FRAGILE DEMOCRACIES* (2015), and is one of the pioneers in the law of the political process, where his *LAW OF DEMOCRACY* casebook (co-authored with Pam Karlan and Richard Pildes) and dozens of articles have helped shape a new area of constitutional law. He served as the lead reporter for the American Law Institute's *PRINCIPLES OF THE LAW OF AGGREGATE LITIGATION*. Issacharoff is a 1983 graduate of the Yale Law School. He then began his teaching career at the University of Texas in 1989, where he held the Joseph D. Jamail Centennial Chair in Law. In 1999, he moved to Columbia Law School, where he was the Harold R. Medina Professor of Procedural Jurisprudence. In 2005, he moved to NYU. His published articles appear in every leading law review, as well as in leading journals in other fields. Issacharoff is a fellow of the American Academy of Arts and Sciences.



Robert Klonoff is the Jordan D. Schnitzer Professor of Law, Lewis & Clark Law School. He served as Dean of the Lewis & Clark Law School from 2007-2014. His areas of expertise include class action litigation, civil procedure, and appellate litigation. He is the author of a leading casebook on class actions, published by West, and the author of the West Nutshell on class actions, as well as the author of numerous law review articles. He is co-author of a leading text on trial advocacy and co-author of a West Nutshell on federal appellate practice. He has taught and lectured throughout the United States and in several foreign countries on class actions and appellate litigation. He is a member of the American Law Institute (ALI) and served as an Associate Reporter for the ALI's class action project, *PRINCIPLES OF THE LAW OF AGGREGATE LITIGATION*. In 2011, U.S. Supreme Court Chief Justice John G. Roberts, Jr. appointed Professor Klonoff to serve as the academic member of the United States Judicial Conference Advisory Committee on Civil Rules. He was reappointed by Chief Justice Roberts in May 2014 for a second three-year term. Professor Klonoff has argued eight cases before the United States Supreme Court, including *Gentile v. Nevada Bar* and *Kungys v. United States*, and has argued dozens of cases in other federal and state appellate courts throughout the country. He has also tried dozens of cases (primarily jury trials). In addition, he has served as an expert witness on class action issues in numerous federal and state court cases. He has personally represented clients on both the plaintiff and defense side in more than 100 class actions.



Alexandra Lahav is the Ellen Ash Peters Professor of Law and the Matina S. Horner Distinguished Professor at the Radcliffe Institute for Advanced Study at the University of Connecticut School of Law. She teaches civil procedure, torts, complex litigation, professional responsibility, and related subjects. She is a nationally recognized expert on the civil justice system and tort law. In her publication, *In Praise of Litigation* (2017), Lahav argues that lawsuits are good for society and are needed in a healthy democracy. In other recent work on the civil justice system, Professor Lahav has studied the changing win-rate patterns in federal courts, the effects of incentives on judicial decision-making, and the optimal design of procedural systems. She has also studied the role of litigation tactics in changing the law in the antebellum period of American history. Currently, she is spearheading a project on evaluating litigation risk.



Jocelyn Larkin is the Executive Director of the Impact Fund, a legal foundation in Berkeley, California that provides funding, training and representation in support of social justice impact litigation. Her practice focuses on complex employment discrimination and class action practice on behalf of plaintiffs. Ms. Larkin has served as class counsel in many major class actions, including *Dukes v. Wal-Mart Stores*, *Ellis v. Costco Wholesale Corp.*, *Parra v. Bashas' Inc*, *Williams v. City of Antioch*, *Vandell v. Chevron Corporation*, and *Stender v. Lucky Stores*. She co-represented the California respondents in *Amchem Products v. Windsor*, before the United States Supreme Court. She is the co-editor of *Class Action Strategy and Practice Guide*, published by the ABA. Ms. Larkin joined the Impact Fund in 2000. For many years, Ms. Larkin spearheaded the Impact Fund's complex litigation training program, including the development of its Class Action Training Institute and its annual Class Action Conference. She was elevated to Executive Director of the Impact Fund in 2010. Ms. Larkin is the past co-chair of the ABA Litigation Section's Class Actions and Derivative Suits Committee and currently serves on the ABA Federal Practice Task Force. Ms. Larkin served as a Lawyer Representative for the Northern District of California and the Ninth Circuit from 2012–2015.



David Marcus is Professor of Law at UCLA School of Law. He was previously Professor of Law at the University of Arizona James E. Rogers College of Law, where he was elected "Professor of the Year" by the student body in 2009, 2012, 2017, and 2018. His research focuses on civil procedure, administrative law, federal courts, complex litigation, and legal history. Marcus received his B.A. from Harvard University and studied at the University of Cambridge before earning his J.D. from Yale Law School. After law school, he clerked for the Honorable Allyne R. Ross of the Eastern District of New York in Brooklyn, as well as the Honorable William Fletcher of the Ninth Circuit Court of Appeals in San Francisco. He also represented plaintiffs in class actions at Lieff, Cabraser, Heimann & Bernstein. Marcus's publications have appeared or are forthcoming in the *STANFORD LAW REVIEW*, the *JOURNAL OF LAW, ECONOMICS, AND ORGANIZATION*, the *TEXAS LAW REVIEW*, the *UNIVERSITY OF PENNSYLVANIA LAW REVIEW*, and the *GEORGETOWN LAW JOURNAL*, among others.



Danielle Ward Mason has recently joined Sanders Phillips Grossman as a partner, where she will lead the firm's talcum powder litigation as well as various other mass tort and personal injury cases. Her practice has primarily focused on litigating cases impacting the health and well-being of women, including HRT, TVM, and Talcum Powder Ovarian Cancer cases. She has spent the past four years primarily representing plaintiffs with claims against Johnson & Johnson for the dangers associated with their talcum powder products. Recently, she was honored by the AAJ New Lawyer Division Caucus, which bestowed upon her the American Association for Justice F. Scott Baldwin Award. As part of the talc trial team, Danielle was also nominated as a finalist for the 2016 Public Justice Trial Lawyer of the Year Award in recognition of the team's work on the talcum powder cases. She is an active member of AAJ where she has served as chair of the Talcum Powder/Ovarian Cancer Litigation Group since its inception in 2016, and she was elected last year as the Minority Caucus Representative to the AAJ Board of Governors. She has held numerous leadership positions in Alabama legal organizations, including serving as President of the Alabama Lawyers Assoc. and President of the Montgomery County Assoc. for Justice.



Arthur R. Miller is this nation's leading scholar in the field of civil procedure and is co-author with the late Charles A. Wright and others of *FEDERAL PRACTICE AND PROCEDURE*, the legendary treatise in the field. Professors Miller and Wright are among the most-often cited and well regarded law treatise writers today. Their multi-volume series is an essential reference for judges and lawyers. Arthur Miller is also one of the nation's most distinguished legal scholars in the areas of civil litigation, copyright and unfair competition, and privacy. He is the author of more than 40 books and numerous articles, including *THE ASSAULT ON PRIVACY: COMPUTERS, DATA BANKS, AND DOSSIERS* (1972), the first book warning of the threat to privacy posed by modern information technology. Miller is currently a University Professor at New York University and the NYU School of Continuing and Professional Studies. This professorship is conferred on outstanding scholars in recognition of the interdisciplinary dimension and breadth of their work. Previously, Miller was the Bruce Bromley Professor of Law at Harvard, where he earned his law degree and taught for 36 years.



Alan B. Morrison is the Lerner Family Associate Dean for Public Interest & Public Service at The George Washington University Law School. For most of his career, Mr. Morrison worked for the Public Citizen Litigation Group, which he co-founded with Ralph Nader in 1972 and directed for over 25 years. Among the areas of his focus has been class actions, in particular the representation of absent class members. He has published articles on class actions in the law reviews of NYU, Stanford, and George Washington law schools and regularly comments on proposed changes to Rule 23. He currently teaches civil procedure and constitutional law at GW, having previously taught, mainly on a part-time basis, at Harvard, NYU, Stanford, Hawaii, and American University law schools. He is a graduate of Yale College and Harvard Law School, served as a commissioned officer in the US Navy, and was an Assistant United States Attorney in New York.



David L. Noll is a professor of law at Rutgers Law School in Newark, New Jersey. He teaches and writes in the areas of civil procedure, complex litigation, legislation and regulation, and administrative law. His recent scholarship has appeared or is forthcoming in venues such as the *MICHIGAN LAW REVIEW*, *MINNESOTA LAW REVIEW*, *CALIFORNIA LAW REVIEW*, and *NEW YORK UNIVERSITY LAW REVIEW*, and his popular writing has appeared in venues such as *Slate* and *The New York Law Journal*. Noll is also the co-author of a leading casebook, *LEGISLATION AND THE REGULATORY STATE*, on the federal administrative process.



Theodore Rave is George A. Butler Research Professor and Associate Professor of Law at the University of Houston Law Center. He writes and teaches in the areas of civil procedure, complex litigation, constitutional law, and election law. His scholarship focuses on problems of governance across a range of institutions, and his articles have appeared in leading journals, including the *Harvard Law Review*, the *California Law Review*, the *Duke Law Journal*, and the *Vanderbilt Law Review*, among others. His recent article, "When Peace Is Not the Goal of a Class Action Settlement," was selected for the 2015 Yale/Stanford/Harvard Junior Faculty Forum. A noted expert on class actions, multidistrict litigation, and public fiduciary law, Professor Rave is regularly interviewed in national and local media outlets, including *The Wall Street Journal*, *Financial Times*, *Houston Chronicle*, and NPR. He is a sought-after speaker and has presented papers at Yale, Harvard, NYU, Duke, UCLA, Vanderbilt, and many other schools. In 2018, Professor Rave received the university-wide Teaching Excellence Award, and he was elected a member of the American Law Institute. Professor Rave earned his J.D. from NYU School of Law and his B.A. from Dartmouth College. He served as a law clerk for Judge Leonard B. Sand on U.S. District Court for the Southern District of New York and for Judge Robert A. Katzmann on the U.S. Court of Appeals for the Second Circuit.



Judith Resnik is the Arthur Liman Professor of Law at Yale Law School and the Founding Director of the Liman Center for Public Interest Law. She teaches courses on federalism, procedure, courts, prisons, equality, and citizenship. Her scholarship focuses on the relationship of democratic values to government services such as courts, prisons, and post offices; adjudication in its many forms including the roles of judges, the function of collective redress and class actions, and the impact of mandates to arbitrate; contemporary conflicts over privatization; the relationships of states to citizens and non-citizens; the forms and norms of federalism; and equality and gender. In 2018, Professor Resnik received an Andrew Carnegie Fellowship, a two-year award to enable her to complete research and write a new book, *Impermissible Punishments*, which explores the impact of the 1960s civil rights revolution on the kinds of punishments that governments can impose on people convicted of crimes. In 2018, she was also awarded an honorary doctorate from University College London. Professor Resnik's other books include *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with Dennis Curtis, Yale University Press, 2011); and *Federal Courts Stories* (co-edited with Vicki C. Jackson, Foundation Press, 2010). Recent book chapters and articles include *The Functions of Publicity and of Privatization in Courts and Their Replacements* (from Jeremy Bentham to #MeToo and Google Spain) (Max Planck Institute, Luxembourg, Nomos, 2019); and *Accommodations, Discounts, and Displacement: The Variability of Rights as a Norm of Federalism(s)* (*Jus Politicum*, 2017). Professor Resnik is also an occasional litigator.



Briana Lynn Rosenbaum joined the University of Tennessee in 2013 from Stanford Law School, where she was a Thomas C. Grey Fellow. Rosenbaum received her law degree magna cum laude from Hastings College of the Law. After graduation, Rosenbaum clerked for two federal judges appointed to chair the Judicial Conference Standing Committee on the Rules of Practice and Procedure: Judge David F. Levi of the Eastern District of California and Judge Anthony J. Scirica of the Court of Appeals for the Third Circuit. Following her clerkships, Rosenbaum worked as an associate in the San Francisco office of Bingham McCutchen, where she enjoyed a diverse practice focused on both civil and criminal complex litigation. Rosenbaum primarily teaches courses on procedure, including Evidence, Pretrial Litigation, Class Actions and Complex Litigation, and Civil Procedure. Her research interests are mass and class actions,

access to justice, civil procedure, and structural design. She also has interests in education justice, transgender students, and the law.



Gerson H. Smoger practices with Smoger & Associates, specializing in toxic tort, personal injury, and consumer class action litigation. In 2012, Dr. Smoger was named national "Trial Lawyer of the Year" for his lead trial role in representing 17 children exposed to lead in Herculaneum, MO, after being a finalist for the award for his role in the Illinois class action *Price v. Philip Morris* involving the fraud of "light" cigarettes. Before the U.S. Supreme Court he argued the rights of absent class members (*Dow v. Stevenson*). He serves on the following boards/committees: Pound Civil Justice Institute (Treasurer), Physicians for Human Rights (Secretary), Public Citizen, Public Justice (past-President), Legal Affairs Committee of American Association for Justice (AAJ) (Chair: 2009-2012 and 2015-2017), Civil Justice Research Initiative, Human Rights Center at U.C. Berkeley, and for many years the Advisory Committee of the American College of Medical

Quality. He co-sponsors a national law school competition under the auspices of Public Citizen (the "Hogan/Smoger Access to Justice Essay Contest"). He has also co-written the musical play, "Some People Hear Thunder."



Adam Steinman Adam Steinman is the University Research Professor of Law at the University of Alabama, where he teaches civil procedure, complex litigation, and international human rights. He is an award-winning teacher and scholar, a member of the American Law Institute, and an author of the Wright & Miller FEDERAL PRACTICE & PROCEDURE treatise. He was previously a professor of law at Seton Hall University and the University of Cincinnati. Prior to becoming a professor, Steinman was an associate at Perkins Coie LLP in Seattle, a supervising attorney at Georgetown University's Appellate Litigation Program, and a law clerk to Chief Judge Jerry Buchmeyer of the Northern District of Texas and Judge Emilio Garza of the Fifth Circuit Court of Appeals. Adam earned his undergraduate degree from Yale University and his J.D. from Yale Law School.



David Sugerman graduated from Lewis & Clark Law School and was admitted to practice in Oregon in 1986. He practices at the Sugerman Law Office in Portland, Oregon, where he focuses on consumer protection class action cases. David has devoted his entire career to representation of people in the civil justice system, and has extensive trial experience, including trials to verdict in class action cases, toxic contamination cases, and product liability cases. In his most noteworthy case, David served as lead counsel in *Scharfstein v. BP West Coast Products, LLC*, a consumer protection class action for a class of two million consumers overcharged at the pump in Oregon. After trial and victory on appeal, the case settled for over \$400 million. Each affected consumer will receive \$185 in the settlement, with a claim rate of 83 percent. The cy pres remainder will result in payments of over \$66 million, divided between Oregon Legal Aid and a newly established non-profit, Oregon Consumer Justice. In addition to his law practice, David has extensive experience in legislative advocacy on class action and cy pres issues. He was recently

appointed as adjunct professor of law in consumer protection litigation at Lewis and Clark Law School. David currently serves on the board of Public Justice and is a member of the American Board of Trial Advocates.



Anne Talcott, of Schwabe, Williamson & Wyatt PC, has over 20 years of complex litigation experience representing manufacturers of a broad range of products. Anne's clients include pharmaceutical, medical device and biologic manufacturers and distributors and manufacturers of automobiles, heavy duty trucks, industrial equipment, forest products, construction and agricultural equipment, recreational vehicles, consumer products, food, supplements, cosmetics and over-the-counter medications. In addition to product liability claims, Anne also defends these clients in unfair trade practice, false advertising, and labeling claims. Applying the knowledge and experience gained in defending hundreds of products, Anne advises Schwabe clients on product warnings, labeling, instructions, recalls, compliance, risk assessments and crisis communications. She also assists clients in navigating governmental investigations.



Beth Thornburg is the Richard R. Lee Endowed Professor of Law at SMU Dedman School of Law. Professor Thornburg writes in the area of civil procedure and courts. Drawing on her experience with civil rights and commercial litigation, her scholarship focuses on the procedural fairness of the litigation process, especially at the pleading, discovery, aggregation, and jury charge stages. She also writes and speaks in the areas of public perception of the courts, judicial ethics, judicial discretion, comparative procedure, the impact of mandatory arbitration, online dispute resolution, and the intersection of law and culture. She says that her publication that is "the most fun" is the book *LAWTALK: THE UNKNOWN STORIES BEHIND FAMILIAR LEGAL EXPRESSIONS* (Yale University Press, 2012). Professor Thornburg teaches civil procedure, conflict of laws, complex litigation,

Texas procedure, remedies, and a seminar on the civil jury. She is a Civil Procedure Fellow for CALI (Computer-Assisted Legal Instruction), and in that capacity is the author of five lessons on discovery.



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