



## 2010 Forum for State Appellate Court Judges

### *Back to the Future: Pleading Again in the Age of Dickens?*

## FACULTY BIOGRAPHIES

### Paper Presenters

**A. Benjamin Spencer** has taught at Washington and Lee University School of Law since 2008. He is a member of the West Publishing Company Law School Advisory Board, and in 2007 he received the Virginia State Council of Higher Education “Rising Star” award, given to the most promising junior faculty member among all academic fields at all colleges and universities in Virginia. He was the first law professor to receive this award. Professor Spencer has authored two widely-used textbooks in the area of civil procedure: *ACING CIVIL PROCEDURE*, and *CIVIL PROCEDURE: A CONTEMPORARY APPROACH*. He also operates two legal blogs, the [Federal Civil Practice Bulletin](#) and [Split Circuits](#). Prior to joining the Washington and Lee faculty, Professor Spencer taught at the University of Richmond School of Law, worked as an Associate in the law firm of Shearman & Sterling, and served as a Law Clerk to Judge Judith W. Rogers of the U.S. Court of Appeals for the D.C. Circuit. Professor Spencer holds a B.A. from Morehouse College (1996), an M.Sc. from the London School of Economics (1997), and a J.D. from Harvard Law School (2001), where he was Articles Editor of the *Harvard Law Review*.

**Stephen B. Burbank**, the David Berger Professor for the Administration of Justice at the University of Pennsylvania Law School, is the author of definitive works on federal court rulemaking, interjurisdictional preclusion, litigation sanctions, and judicial independence and accountability. He has served as reporter of judicial discipline rules for the Third Circuit and of that circuit’s task force to study Rule 11; has been invited to testify before congressional committees on numerous occasions; was appointed by the Speaker of the U.S. House of Representatives to serve as a member of the National Commission on Judicial Discipline and Removal; and was a principal author of the Commission’s Report. He is a Life Member of the American Law Institute and for many years served on the Board and Executive Committee of the American Judicature Society and chaired the AJS Editorial Committee. Professor Burbank has also served as Chair of the Board of the American Academy of Political and Social Science. He is currently a Trustee of the American Academy in Berlin and Special Master of the National Football League.

### Panelists

**J. Douglas Richards** is the Managing Partner of the New York office of Cohen Milstein Sellers & Toll PLLC, and a member of the firm’s antitrust practice group. Prior to joining the firm, he specialized in antitrust class actions for approximately ten years, and served as Deputy General Counsel of the Commodity Futures Trading Commission in 1997-2000. He has broad experience with the litigation of antitrust and trade regulation matters at the trial and appellate levels, especially antitrust class actions. Mr. Richards has argued more than

twenty-five appeals in the federal and state courts of appeals, including the oral argument to the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). He is a member of the Board of Directors of the Appleseed Foundation, a non-profit network of 16 public interest justice centers in the United States and Mexico. He is a graduate of the University of Chicago (A.B. 1977) and Harvard Law School (J.D. 1981).

**The Honorable Ellen F. Rosenblum** has been a Judge of the Oregon Court of Appeals since June 2005. Before joining the Court of Appeals, she served as a circuit judge for Multnomah County Circuit Court (1989-2005). She was in private practice in Eugene, Oregon from 1975-80, and spent eight years as a federal prosecutor. In Oregon, Judge Rosenblum chaired the Oregon Judicial Conference Judicial Conduct Committee for 9 years, co-authored a chapter of *THE ETHICAL OREGON LAWYER* on judicial ethics, writes a regular column for the Oregon Women Lawyers quarterly publication, and has been active in the Owen M. Panner American Inn of Court and the Girl Scouts Beyond Bars program in Oregon. Nationally, Judge Rosenblum has been very active with the American Bar Association, serving in its House of Delegates since 1988, as a Life Fellow of the American Bar Foundation and Chair-Elect of the Fellows program, and as Secretary of the ABA (2002-05). She has also advised a commission that is revising the ABA Model Code of Judicial Conduct (the first major review since 1990), and has served as Special Advisor to the ABA Standing Committee on Judicial Independence. She is a graduate of the University of Oregon (B.A. 1971) and the University of Oregon School of Law (J.D. 1975).

**Jonathan L. Rubin** was a partner at Patton Boggs, LLP, in Washington, D.C., 2006-2010. Prior to that he was a Senior Fellow at the American Antitrust Institute, Washington, D.C., 2002-2006. He is the author of *Procedural Defenses Short of Trial* (Chapter 8) in *INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW*, Edward Elgar (forthcoming 2010); "Patents, Competition, and Interoperability," in *THE STANDARDS EDGE*, Bolin, S., ed., (September 2007); and "Patents, Antitrust, and Rivalry in Standard-Setting," 38 *RUTGERS LAW JOURNAL* 509 (2006). He testified on the Open Access to the Courts Act of 2009 before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Courts and Competition Policy, in December, 2009, and on "Small Business Competition Policy: Are Markets Open for Entrepreneurs?" before the U.S. House of Representatives, Committee on Small Business, September 23, 2008. Mr. Rubin holds a B.S. from the University of Wisconsin at Madison in Biological Science (1975), a J.D. from the University of Florida Levin College of Law (1980), an M.A. from Florida Atlantic University in Economics (1993), and a Ph.D. from the University of Copenhagen Institute of Economics (1998).

**Paul C. Saunders** is a partner at Cravath, Swaine & Moore LLP in New York City, and a Distinguished Visiting Professor from Practice at Georgetown University Law Center. His practice includes complex litigation and international arbitration. He has written and lectured in the areas of securities law, intellectual property, antitrust and church-state issues. He is a Fellow of the American College of Trial Lawyers, and is currently Chair of its Task Force on Discovery and Civil Justice. He is also Chair of the New York State Judicial Institute on Professionalism in the Law. He is a former Co-Chair of the Lawyers' Committee for Civil Rights Under Law, and has served as a member of the boards of the Legal Aid Society, Office of the Appellate Defender, Volunteers of Legal Service, and The Constitution Project. He graduated from Fordham College in 1963 and from Georgetown University Law Center in 1966, where he was Notes Editor of the *GEORGETOWN LAW JOURNAL*. He served as a Captain in the United States Army Judge Advocate General's Corps, 1967-1971.

**Donald H. Slavik** is a shareholder in the firm of Habush Habush & Rottier, SC, where he handles products liability suits involving electrical products, aircraft, automobiles, industrial machinery and utility negligence. He is a Registered Professional Engineer in the State of Wisconsin and has been a licensed pilot with single, multi-engine and instrument ratings. Prior to law school, Mr. Slavik worked for the Westinghouse Electric Corporation and the Kewaunee Nuclear Power Plant. He has done extensive writing on legal subjects and has spoken before numerous legal and engineering organizations. He holds a B.S. in Nuclear Engineering from the

University of Wisconsin and a J.D. from the University of Wisconsin Law School. He is a Governor of the American Association for Justice (AAJ, formerly ATLA®) and a Fellow of the Pound Civil Justice Institute.

**Geraldine Sumter** practices with the firm of Ferguson Stein Chambers Gresham & Sumter, PA, in Charlotte, NC, where she concentrates on employment litigation. Her other areas of practice include worker compensation, small business, non-profit, and civil rights work, including voting rights and school desegregation. She clerked for The Honorable Charles L. Becton of the North Carolina Court of Appeals, from August 1981 through July 1982, and later worked at Palmetto Legal Services as a Staff Attorney, doing consumer, landlord, and domestic relations work. Ms. Sumter is a member of the bar in both North Carolina and South Carolina. She received a B.A. from Howard University in 1978, and a J.D. from Duke University in 1981, where she served on the 1980 National Winning Team of the Frederick Douglass Moot Court Competition and on the Duke University School of Law Moot Court Board.

**John Vail** is a founding member of the Center for Constitutional Litigation, where he is Vice President and Senior Litigation Counsel. He litigates issues dealing with the right to jury trial and the right of access to courts, appearing in state and federal courts throughout the United States, including the United States Supreme Court, and is a lecturer at the George Washington University Law School. Previously, Mr. Vail worked with legal aid organizations in Tennessee, New Mexico, and North Carolina, as well as with human rights advocates in Eastern Europe. He has been recognized by the legal services community for “inspired vision and outstanding leadership,” and has received the Public Justice Achievement Award from Public Justice for his “outstanding work and success” in preserving the right of access to justice. He is a graduate of the College of the University of Chicago and of Vanderbilt Law School.

**The Honorable Michael A. Wolff** served on the faculty of St. Louis University School of Law for 23 years before being appointed to the Supreme Court of Missouri in August 1998. He was Chief Justice in 2005-07. He worked as a newspaper reporter during law school, and was a federal court law clerk and Legal Services lawyer prior to joining the St. Louis University faculty. He co-authored *Federal Jury Practice and Instructions*, was active in trial practice, and served as chief counsel (1993-94) and special counsel (1994-1998) to the Governor of Missouri. Judge Wolff was named “Lawyer of the Year” by *The Missouri Lawyers’ Weekly* in 2007. He received The Missouri Bar’s Judicial Excellence Award in 2007; the James C. Kirkpatrick Award from the Northwest Missouri Press Association in 2007; the Joseph E. Stevens “Aspire to Excellence” Award from the Kansas City Metropolitan Bar Association in 2006; the President’s Award from the Missouri Association of Probate and Associate Circuit Judges in 2006, and the Clarence Darrow Award from the St. Louis University School of Law Public Interest Law Group in 2004. In addition to his judicial duties, Judge Wolff serves as chair of the Missouri Sentencing Advisory Commission. He holds an A.B. degree from Dartmouth College and a J.D. from the University of Minnesota Law School.

### **Discussion Group Moderators**

**Sharon J. Arkin** is a certified appellate specialist specializing in plaintiffs’ appeals and law and motion. She received her law degree from Western State University School of Law, and she has been certified by the California State Bar’s Board of Legal Specialization as an appellate specialist since 2001. She has been selected by the Consumer Attorneys Association of Los Angeles as its current Appellate Attorney of the Year. Ms. Arkin is a former President of the Consumer Attorneys of California and has been repeatedly selected as one of the *Daily Journal’s* “Top Women Litigators” in the State of California. Ms. Arkin has been named one of Southern California’s appellate “Super-Lawyers” by *Los Angeles* magazine every year since 2004, and as one of the “Best Lawyers in America” every year since 2005. In 2007, she received the American Bar Association’s “Pursuit of Justice” award. She is a Fellow of the American Bar Foundation and a trustee of the Pound Civil Justice Institute.

**F. Paul Bland, Jr.**, has been a Senior Attorney at Public Justice since 1997, and is responsible for developing, handling, and helping Public Justice’s cooperating attorneys litigate a diverse docket of public interest cases. Before joining Public Justice, he was Chief Nominations Counsel to the U.S. Senate Judiciary Committee, and was in private practice in Baltimore, handling consumer and toxic tort class actions, qui tam suits, and defending libel actions. He has argued cases on behalf of consumers, employees, or whistleblowers in four U.S. Courts of Appeals and six state supreme courts. He was the 2006 Recipient of the National Consumer Law Center’s Vern Countryman Award, which honors the accomplishments of “an exceptional consumer attorney who, through the practice of consumer law, has contributed significantly to the well being of vulnerable consumers.” Mr. Bland is a former co-chair and member of the Board of Directors of the National Association of Consumer Advocates. He holds a B.A. from Georgetown University (1983) and a J.D. from Harvard Law School (1986).

**Kathryn H. Clarke** is an appellate lawyer and complex litigation consultant in Portland, Oregon. She specializes in medical negligence, products liability, punitive damages, and constitutional litigation in both state and federal courts. She received her undergraduate degree from Whitman College, and her law degree from the Northwestern School of Law of Lewis and Clark College. She has served as president of the Oregon Trial Lawyers Association, is a governor of the American Association for Justice (AAJ, formerly ATLA®), and is secretary of the Pound Civil Justice Institute.

**William A. Gaylord** is president of the Pound Civil Justice Institute and a shareholder in the Portland, Oregon, law firm of Gaylord Eyerman Bradley, PC. He has represented plaintiffs in products liability and medical negligence litigation for 36 years and was the lead trial counsel in *Williams v. Philip Morris*, the punitive damages case decided by the U.S. Supreme Court in 2009. He received his undergraduate degree from Oregon State University and his law degree from the Northwestern School of Law of Lewis and Clark College. Mr. Gaylord has chaired the Oregon Uniform Trial Court Rules Committee and the Oregon Council on Court Procedures. He is a past president and current governor of the Oregon Trial Lawyers Association, a former governor of the American Association for Justice (AAJ, formerly ATLA®), a member of AAJ’s Amicus and Legal Affairs committees, and a member of the board of the Public Justice Foundation.

**Christopher T. Nace** is an attorney with the firm of Paulson & Nace in Washington, DC. Prior to that, he practiced in the Intellectual Property Litigation Group of Robins, Kaplan, Miller & Ciresi LLP in Atlanta, representing plaintiffs in complex patent infringement matters, and handling general business and employment liability matters. He holds a B.A. degree from Georgetown University (1998), an MBA from Emory University (2003) and a J.D. from Emory University School of Law (2003), where he served as Editor-in-Chief of the EMORY LAW JOURNAL. While enrolled in Emory’s JD/MBA Program, Mr. Nace was recognized as the Rothfeder Family Scholar and was awarded the Emory School of Law Dean’s Public Service Award. He is a Fellow of the Pound Civil Justice Institute.

**Wayne D. Parsons** practices law in Honolulu, HI, representing personal injury victims and consumers in construction-related cases. He is a founder of the Consumer Lawyers of Hawaii (CLH), the founder of Hawaii’s People’s Law School (a six-week adult education course offering non-lawyers basic legal information), and was President of the Hawaii State Bar Association in 2006. He is a member of several construction-industry organizations, including the Construction Specifications Institute, the American Institute of Architects, the Building Industry Association of Hawaii, and the United States Green Building Council. He holds B.S. and M.S. degrees in engineering and a J.D. from the University of Michigan. He is a Fellow of the Pound Civil Justice Institute.