

POUND CIVIL JUSTICE INSTITUTE 2008 FORUM FOR STATE COURT JUDGES

FACULTY BIOGRAPHIES

Paper Presenters

Arthur R. Miller is University Professor at New York University School of Law, and was formerly Bruce Bromley Professor of Law at Harvard Law School. He received his undergraduate degree from the University of Rochester and his law degree from Harvard Law School. He is the author or co-author of more than forty books, including Wright and Miller's *Federal Practice and Procedure* treatise and a civil procedure casebook with Professors Jack H. Friedenthal, Mary Kay Kane, and Helen Hershkoff. He has also written numerous articles on other subjects, including copyright and privacy issues. He maintains an active law practice, particularly in the federal appellate courts, and has served as a member and reporter for the Advisory Committee on Civil Rules of the Judicial Conference of the United States, as the Reporter for the American Law Institute's Project on Complex Litigation, and as a Commissioner on the United States Commission on New Technological Uses of Copyrighted Works. Outside of the classroom, Professor Miller has had a parallel career as a media commentator on legal matters. He hosted the "Miller's Court" television series for eight years, served as legal editor of ABC's "Good Morning America" program, hosted Court TV's weekly "Miller's Law" series, and moderated several programs in the PBS Socratic dialogue series, "The Constitution: That Delicate Balance." Professor Miller currently hosts a series of legal help videos through the rocketlawyer.com Web site, and, in his role as University Professor, is developing an interdisciplinary seminar titled "Dialogues on Law, Society, and the Future" with NYU's School of Continuing and Professional Studies.

Georgene M. Vairo is Professor of Law and William M. Rains Fellow at Loyola Law School, Los Angeles. She received her undergraduate degree from Sweet Briar College, a master's degree in social studies from the University of Virginia, and her law degree from Fordham University. She practiced antitrust law in New York City before beginning her teaching career. She chaired the Board of Trustees of the Dalkon Shield Claimants Trust, which administered damage claims from 1988 until its closing in 2000. Professor Vairo has written numerous articles on mass tort litigation, federal practice and jurisdiction, and has written and edited several books, including *Rule 11 Sanctions, Third Edition: Case Law, Perspectives and Preventive Measures* (ABA 2004) and the *Moore's Federal Practice* chapters on removal jurisdiction, venue, change of venue and multidistrict litigation. She serves on the editorial boards of *Moore's Federal Practice* and several other journals on litigation and dispute resolution. She also writes a bi-monthly column for the *National Law Journal* on forum selection issues, and the "Civil Discourse" column in the *Los Angeles Daily Journal*. She is a member of the American Law Institute and an Overseer of the Rand Institute for Civil Justice. Professor Vairo is also an accomplished Master's bicycle racer, having won the Road Race and Criterium National Championships in 2005.

Panelists

Honorable John C. Bouck is a retired justice of the Supreme Court of British Columbia (a general jurisdiction trial court). He received both his undergraduate and law degrees from the University of British Columbia. While maintaining a private law practice before his appointment to the bench in 1974, he flew jet fighter aircraft as a reservist with the Royal Canadian Air Force. He is the founding author of *British Columbia Annual Practice* and of other treatises on Canadian criminal and civil jury instructions that are used by judges and lawyers across Canada. Following his retirement from the bench he published

Exploding the Myths: An Insider's Look at Canada's Justice Systems (Juriliber, 2006), and, in July 2007, he opened Bouckslawblog.com, a Weblog devoted to Canada's justice systems. Justice Bouck's posting on May 15, 2008, discusses problems he has observed with British Columbia's civil procedure Rule 18A, which provides for "summary trial" and has, he argues, led to "a lost generation of trial lawyers." Justice Bouck is the author of numerous other articles and seminar papers on civil and criminal litigation, evidence, jury trials and jury instructions, technology issues for courts, and legal reform. He is well acquainted with both the Canadian and U.S. justice systems, having served both as a director of the Canadian Judges Conference and as a governor of the American Judges Association.

Richard W. Ellis is a partner in the law firm of Ellis and Winters in Raleigh, North Carolina. He received his undergraduate and law degrees from the University of North Carolina at Chapel Hill. He is a Fellow of the American College of Trial Lawyers and a member of the Defense Research Institute and the International Association of Defense Counsel. He represents clients in complex litigation, including business and commercial disputes and the defense of medical malpractice and product liability litigation. He also has represented major public entities, including the North Carolina Low Level Radioactive Waste Management Authority, which built and operated a regional radioactive waste disposal facility for eight states, and the North Carolina Phase II Tobacco Certification Entity, which managed the allocation to North Carolina tobacco farmers of money from the Phase II settlement with the major tobacco companies.

Honorable Henry Kantor has served as a judge in Portland, Oregon, since 1995, and now sits on the Multnomah County Circuit Court. He received his undergraduate degree from the University of Pennsylvania and his law degree from the Northwestern School of Law of Lewis and Clark College, and was in private practice from 1979 to 1995. He received the Northwestern School of Law Distinguished Graduate award in 2006. He regularly writes and speaks on a variety of subjects to legal organizations, and is active in judging mock trials and moot courts at the middle school, high school, college, and law school levels. He has served as an Oregon Judicial Conference delegate to the ABA Judicial Division since 2006.

Frank C. Morris, Jr., is a member of the firm of Epstein, Becker and Green, P.C., where he serves as co-chair of the firm's Disability Law Group and heads the Labor and Employment Practice in the Washington, D.C., office. He received his undergraduate degree from Northwestern University and his law degree from the University of Virginia. He is the author of *Current Trends in the Use (and Misuse) of Statistics in Employment Discrimination Litigation*, as well as articles on a number of employment-related issues such as disability, equal employment, Sarbanes-Oxley, benefits, and labor topics. He co-chairs the annual ALI-ABA course "Current Developments in Employment Law" and ALI-ABA's monthly teleseminar/webinar series on current employment law and litigation topics. Mr. Morris is an adjunct professor of law at George Washington University Law School, where he teaches Discrimination Law and Claims and Litigation.

Honorable John R. Padova has served as United States District Judge for the Eastern District of Pennsylvania since 1992. He assumed senior status in 2008. He received his undergraduate degree from Villanova University and his law degree from Temple Law School. Prior to becoming a judge, he was in private practice concentrating in civil litigation, and was certified as a civil trial advocacy specialist by the National Board of Trial Advocacy. Judge Padova has served as a faculty member of the National Institute for Trial Advocacy and as a lecturer at Temple Law School, and from 1999 through 2002 he was a member of the federal courts' Advisory Committee on Civil Rules. He chaired the Committee that proposed and introduced the Pennsylvania Rules of Professional Conduct adopted by the Supreme Court of Pennsylvania in 1987. He is a past co-chair of the Third Circuit Death Penalty Task Force and a past chair of the Jury Selection Committee of the United States District Court for the Eastern District of Pennsylvania. He currently chairs the court's Disciplinary Panel.

Honorable Lee H. Rosenthal has been a United States District Court Judge for the Southern District of Texas, Houston Division, since 1992. Since 2007, she has chaired the federal courts' Committee on the Rules of Practice and Procedure, which coordinates the work of the Advisory Committees for the Civil, Criminal, Evidence, Appellate, and Bankruptcy Rules. Before that, she was a member, then chair, of the Judicial Conference Advisory Committee on Civil Rules and chair of its Class Actions subcommittee. Judge Rosenthal is a member of the American Law Institute, where she serves as an advisor for the Aggregate Litigation project, and was an advisor for the Transnational Rules of Civil Procedure project. She was elected to the ALI Council in 2007. She received her undergraduate and law degrees from the University of Chicago.

Richard T. Seymour practices law in Washington, D.C., specializing in civil rights and employment class actions. He received his undergraduate degree from Aquinas College and his law degree from Harvard Law School. Mr. Seymour is co-author of *Equal Employment Law Update* (Bureau of National Affairs) and of *Analysis, Implications, and Text of the Class Action Fairness Act 2005* (LexisNexis, 2005), and has published numerous book chapters and articles on employment and civil rights litigation, class action practice, damages, and mediation and settlement. He is a member of the Council of the ABA's Section of Labor and Employment Law, served on the ABA's Class Action Task Force in 2002-04, and is a trustee of the Lawyers' Committee for Civil Rights Under Law. For the American Association of Justice, he chairs the committee that oversees the organization's 18 sections and 70 litigation groups.

Morgan "Chip" Welch is a partner in the firm of Welch and Kitchens in Little Rock, Arkansas. He litigates in the areas of medical malpractice, products liability, commercial litigation, insurance bad faith, civil rights, and employment discrimination. He received his undergraduate degree from Westminster College and his law degree from the University of Arkansas at Fayetteville. Mr. Welch has served as president of the Arkansas Trial Lawyers Association and as a governor of the American Association for Justice.

Discussion Group Moderators

Sharon J. Arkin is the principal of The Arkin Law Firm, specializing in appellate and law and motion support for plaintiff law firms throughout the country. She received her undergraduate degree from the University of California, Riverside, and her law degree from Western State University School of Law. Ms. Arkin is certified as an appellate specialist by the California State Bar Legal Specialization program. She is a past president of the Consumer Attorneys of California (CAOC), and served as Editor-in-Chief of the CAOC *Forum*, and chair of the CAOC Amicus Curiae Committee. She is a Fellow of the American Bar Foundation and a Fellow and past Trustee of the Pound Civil Justice Institute. In 2007, she received the American Bar Association's "Pursuit of Justice" award, which is presented to ABA members whose careers reflect outstanding merit and dedication to the principle of access to justice.

Janet Ward Black is the principal of Ward Black Law, a personal injury firm in Greensboro, North Carolina. She received her undergraduate degree from Davidson College and her law degree from Duke University School of Law. She is the immediate past president of the North Carolina Bar Association and a former president of the North Carolina Academy of Trial Lawyers. She has served as a governor of the American Association for Justice and is a Fellow and Trustee of the Pound Civil Justice Institute.

Kathryn C. 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, a master's

degree from Portland State University, and her law degree from the Northwestern School of Law of Lewis and Clark College. She served as president of the Oregon Trial Lawyers Association in 1995-96, and is a governor of the Association of Trial Lawyers of America and a Fellow of the Roscoe Pound Institute.

David Wm. Boone is a partner in the firm of Boone and Stone in Atlanta, Georgia. His practice includes personal injury and business torts litigation. He received his undergraduate degree from the University of Central Florida and his law degree from Cumberland School of Law. He is a past president of the Georgia Trial Lawyers Association, and has served as President of the Georgia Civil Justice Foundation—a nonprofit corporation founded by the Georgia Supreme Court for the purpose of educating consumers and preserving the United States civil justice system. In addition to his law practice, Mr. Boone is an avid pilot with over 7,000 hours of general aviation flying, and is an officer of two corporations that lease aircraft and provide air taxi service.

Mark S. Davis is a partner in the Honolulu, Hawaii, firm of Davis Levin Livingston, specializing in personal injury and medical malpractice litigation. He has also been active in civil rights litigation throughout the State of Hawaii, representing clients in numerous First Amendment, discrimination, and equal rights cases and serving on the National Board of Directors of the American Civil Liberties Union. He received his undergraduate degree from Tulane University and his law degree from Washington University, and has served as an adjunct professor at the University of Hawaii Law School. He is a member of the American College of Trial Lawyers, the International Academy of Trial Lawyers, the International Society of Barristers, and the American Board of Trial Advocates. He is a governor of the American Association for Justice and a Fellow and Trustee of the Roscoe Pound Institute.

William A. Gaylord is a shareholder in the Portland, Oregon, law firm of Gaylord, Eyerman and Bradley, P.C., specializing in major products liability and medical negligence litigation. He received his undergraduate degree from Oregon State University and his law degree from the Northwestern School of Law of Lewis and Clark College. He has chaired the Oregon Uniform Trial Court Rules Committee and the Oregon Council on Court Procedures, and has served on the Multnomah Bar Association Committee on Professionalism and the Multnomah County Arbitration Commission. Mr. Gaylord is a past president and current governor of the Oregon Trial Lawyers Association, a governor of the American Association for Justice, and a Fellow of the Pound Civil Justice Institute.

Ellen Relkin is of counsel to Weitz and Luxenberg, P.C., in New York City, where she represents plaintiffs in pharmaceutical products liability, toxic torts, and medical malpractice litigation. She received her B.A. from Cornell University and her J.D. from Rutgers University, where she served as executive editor of the *Women's Rights Law Reporter*. Ms. Relkin is an elected member of the American Law Institute and a Fellow of the Pound Civil Justice Institute.

Larry A. Tawwater practices law in Oklahoma City, specializing in products liability, insurance bad faith, medical negligence, and major vehicle accidents. He received both his undergraduate and law degrees from the University of Oklahoma. He has served as president of the Oklahoma Association for Justice and as a governor of the American Association for Justice. He has been a member of several committees created by the Oklahoma Legislature, Governor, or Supreme Court to oversee liability insurance rates, workers' compensation, and court rules, and he served on the Oklahoma Temporary Court of Appeals. Mr. Tawwater is a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, the International Society of Barristers, and the Pound Civil Justice Institute.