



**2020 FORUM FOR STATE APPELLATE COURT JUDGES**  
**DANGEROUS SECRETS: CONFRONTING CONFIDENTIALITY IN OUR PUBLIC COURTS**  
Saturday, July 11, 2020

**FACULTY BIOGRAPHIES**

**PAPER WRITERS AND SPEAKERS**

*(In order of appearance)*



**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. She has served as lead counsel, liaison counsel and as a member of the plaintiffs' steering committees 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, its Antitrust Litigation Group, and its Business Torts Section. She is active in the American Bar Association, the Consumer Attorneys of California, Public Justice, and the San Francisco Trial Lawyers Association. She also serves on the Board of Directors of Legal Aid at Work.



**The Honorable John R. Fisher** was Appointed to the District of Columbia Court of Appeals in 2005 by President George W. Bush. He received his A.B. degree from Harvard College, then served as an enlisted man in the U.S. Army, spending one year in South Vietnam. He received his J.D. degree from Harvard Law School. Following law school, he served in the United States Attorney's Offices in Washington, DC and the Southern District of Ohio, then entered private practice, specializing in complex civil litigation. He served as Chief of the Appellate Division of the United States Attorney's Office in DC for over sixteen years, supervising criminal appeals and managing the work of a forty-five person division. Judge Fisher has served on numerous bar committees dealing with legal ethics. Among other recognitions, he received the Harold Sullivan Award from the Assistant United States Attorneys Association, a Director's Award for Executive Achievement from the Director of the Executive Office for U.S. Attorneys, and the John Marshall Award for Outstanding Legal Achievement for Handling of Appeals from the Attorney General of the United States.



**Professor Dustin Benham** teaches and studies civil procedure and evidence at Texas Tech University School of Law. He devotes his time to improving the civil-litigation system. He has written numerous articles regarding the importance of transparency in civil courts. This work appears in prominent law journals and has been cited by scholars, lawyers, and courts across the country. Professor Benham is also an award-winning law teacher and serves as Chair-Elect of the Teaching Methods Section of the Association of American Law Schools. He is regularly invited to speak on court transparency and other litigation topics at national conferences and legal-education events.



**Professor Sergio Campos** teaches at the University of Miami School of Law faculty. Prior to joining the faculty in 2009, he was Charles Hamilton Houston Fellow at Harvard Law School and was in private practice. He clerked for the Honorable Juan R. Torruella of the United States Court of Appeals for the First Circuit and the Honorable Patti B. Saris of the United States District Court for the District of Massachusetts. His teaching and research interests include civil procedure, federal courts, and remedies.



**Bruce H. Stern** practices law in Lawrenceville, NJ, concentrating his practice in the area of trucking and construction litigation, brain and spinal cord injuries, and wrongful death. He is certified as a Certified Civil Trial Attorney by both the New Jersey Supreme Court and the National Board of Trial Advocacy. He graduated cum laude from Duke University in 1977, and from Rutgers School of Law-Camden in 1981. Mr. Stern presently serves as President of the American Association for Justice. He is a past president of the New Jersey Association for Justice and a recipient of its highest award, the Gold Medal for Distinguished Service. He also received the Trial Bar Award for distinguished service in the cause of justice from the Trial Attorneys of New Jersey. He is a member of the International Society of Barristers and the International Academy of Trial Lawyers.



**Dan Levine** has covered the U.S. judicial system for 15 years, the last ten of them at Reuters. He is one of the primary reporters behind *Hidden Injustice*, the 2019 Reuters series about court secrecy, which has received several top journalism honors including the ABA's Silver Gavel award. Other investigations involved Coronavirus testing, the death penalty, and a story which led to a new California law to help immigrant crime victims who cooperate with law enforcement. His beat reporting has included President Trump's travel ban, tech privacy, and intellectual property. He is based in San Francisco.

### **PANELISTS**

*(In order of appearance)*



**Professor Seth Katsuya Endo** is an Assistant Professor at the University of Florida Levin College of Law. His scholarship and teaching focus on civil procedure and professional responsibility. His recent articles on discovery have appeared in the U.C. DAVIS LAW REVIEW and the BOSTON COLLEGE LAW REVIEW. Professor Endo's practice experience includes time at Cleary Gottlieb and Demos, a public policy research and advocacy organization. He also clerked for several judges, including the Honorable Rosemary Barkett, then-Circuit Judge of the United States Court of Appeals for the Eleventh Circuit. He received his B.A. from the University of Chicago and his J.D. from NYU School of Law.



**The Honorable Erin A. Nowell** has been a Justice of the Fifth District Court of Appeals in Dallas, Texas, since 2019. She earned her B.A. from Wake Forest University and her J.D. from the University of Texas School of Law in Austin. She spent time in private practice as a litigator. Justice Nowell has held numerous leadership positions in the Dallas Bar Association, has received its Presidential Citation, and is a Fellow of the Dallas Bar Foundation. She is a Past President of the J.L. Turner Legal Association (the African-American bar association of Dallas), and has been a leader of the Dallas Branch of the NAACP. Justice Nowell has also been a leader of the Minority Caucus of the American Association for Justice (AAJ), and is a Barrister of the Patrick E.

Higginbotham Inn of Court. She has made numerous presentations at conferences of local and national bar associations.



**Emily G. Coughlin** is the founding partner of the Boston firm of Coughlin Betke LLP, and is President-Elect of DRI—The Voice of the Defense Bar. She has held numerous other positions in DRI, and is also a Past President of the Massachusetts Defense Lawyers Association. She tries cases and handles appeals in all State and Federal Courts in the Commonwealth of Massachusetts. Emily’s practice concentration includes over 25 years of broad-ranging civil litigation experience, representing businesses and insurers in construction, premises liability, products liability, and professional liability litigation. She has given numerous seminars to the insurance industry on handling construction-related accidents, the allocation and avoidance of risk in construction litigation, and the intricacies of additional insureds and contractual indemnity as they relate to the construction industry. Emily is an active member of the American and Massachusetts Bar Associations and the International Association of Defense Counsel.



**Jennifer Bennett** is a principal at Gupta Wessler PLLC, where she heads the firm’s new San Francisco office and focuses on cutting-edge public interest and plaintiffs-side appellate litigation. Her practice covers a wide range of issues including civil rights, consumer protection, constitutional law, workers rights, and government transparency. Jennifer has been lead counsel or co-counsel in several significant plaintiff-side cases before the U.S. Supreme Court, including recently arguing and winning a landmark victory on behalf of transportation workers challenging forced arbitration in *New Prime Inc. v. Oliveira* in 2019—the first case in over a decade in which the Supreme Court ruled in favor of a party challenging arbitration. In addition to her U.S. Supreme Court litigation, Jennifer regularly handles appeals in both state and federal court on behalf of workers and consumers fighting against forced arbitration and other barriers to access to justice. She frequently represents journalists, media organizations, and nonprofits challenging government secrecy, recently winning a groundbreaking case in the Ninth Circuit vindicating the public’s right to access court records. And she regularly represents plaintiffs in civil rights cases involving difficult or novel legal issues. Ms. Bennett 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. She earned her J.D. from Yale Law School.



**Professor Minna J. Kotkin** teaches employment discrimination law and sexual harassment issues at Brooklyn Law School, and directs its Employment Law Clinic. She has also taught civil procedure, administrative law, civil rights law, and interviewing and counseling. Professor Kotkin has written and lectured extensively on issues of employment discrimination, with a particular emphasis on sexual harassment and confidentiality, and on clinical legal education. She has been a visiting scholar at New York University School of Law, the University of East London, and the University of Cape Town. Among many other positions, she has served as the chair of the Association of American Law Schools' Section on Litigation and on its Section on Clinical Legal Education. Before joining the Brooklyn faculty, Professor Kotkin was the litigation director of New York Lawyers for the Public Interest and a litigation associate at Proskauer Rose. She graduated from Barnard College and from Rutgers University Law School, where she was Editor-in-Chief of the law review.



**The Honorable John Cannon Few** is a Justice on the Supreme Court of South Carolina. He attended college at Duke University, where he served as Duke's athletic mascot—the Blue Devil—during his junior year. He received his A.B. degree from Duke, and then attended the University of South Carolina School of Law, where he was a member of The Order of Wig and Robe and The Order of the Coif. He also served as Student Works Editor of the SOUTH CAROLINA LAW REVIEW. Justice Few began his career as a law clerk to a federal district judge, and then became a trial lawyer, a trial judge, and the Chief Judge of the South Carolina Court of Appeals. Justice Few has been active in teaching law. He served on the faculty at the National Judicial College in Reno from 2005 to 2009. He has been an Adjunct Professor of Law since 2008, and now teaches

Advanced Evidence as an Adjunct Professor at the University of South Carolina School of Law.



**Ellen K. Reisman** has devoted her career to representing major pharmaceutical, medical device, and biotech companies in product liability litigation, settling product liability litigation, and taking proactive measures to prevent such litigation. She joined in founding Reisman Karron Greene LLP after nearly 30 years at a major multi-national firm. She also served as Associate General Counsel of American Home Products Corporation and Vice President of Wyeth Pharmaceuticals from 1999-2001. She has litigated some of the largest mass tort matters in history, supervising hundreds of lawyers throughout the country. In 2016, Ms. Reisman was appointed Special Master by several federal and state courts to assist in coordinating settlement discussions among the parties to multiple lawsuits arising from the sale by Syngenta within the United States of corn seed containing genetically modified traits approved in the United States, but not approved by certain foreign countries. Ms. Reisman has mediated individual cases and served as

Special Master to facilitate settlement of ongoing pelvic mesh litigation. She has also worked with pharmaceutical and medical device clients to address US and international regulatory issues that frequently arise in parallel with product liability litigation.



**Christopher Placitella** practices law in Red Bank, NJ. He is one of the country's leading legal authorities on mass torts, class actions, and asbestos-related diseases. He represents individuals injured by defective products and drugs, toxic substances, and environmental damage. Mr. Placitella helped to establish a national asbestos litigation group dedicated to representing individuals suffering from asbestos-related diseases and their families. He volunteers with numerous consumer advocacy groups, including Consumers for Civil Justice, the Veterans Transition Initiative, and Holidays for the Homeless and Underprivileged, Inc.

### DISCUSSION GROUP MODERATORS



**Janet Gilligan Abaray** practices in Cincinnati. She received her BA degree from the University of Cincinnati, and her JD degree from the University of Cincinnati School of Law, where she was Business Manager of the Law Review. She has litigated extensively in the area of pharmaceutical products liability, beginning her career as defense counsel for Merrell Dow Pharmaceuticals, Inc. Since 1987 she has represented plaintiffs in numerous over-the-counter and prescription drug cases, and also represents plaintiffs in insurance and contract disputes. In 2012-2018 she served as a member of the Ohio Constitutional Modernization Commission, established by the Ohio legislature to review and recommend changes to the Ohio Constitution, and chaired the committee on the Judicial Branch and

Administration of Justice. She is an active member of the American Association of Justice, and is a member of its

Legal Affairs Committee. Ms. Abaray has served as a faculty member of the National Institute of Trial Advocacy. She lectures frequently in the areas of products liability litigation, trial techniques, and epidemiology, and has published articles in numerous legal journals. The University of Cincinnati College of Arts and Sciences recognized Ms. Abaray as its Distinguished Alumni for the 2018-2019 academic year.



**David M. Arbogast** practices law in Los Angeles, concentrating in complex and class action litigation. He has been involved with complex litigation matters involving a number of disciplines, including consumer lending, tobacco, antitrust, defective products, and technology-related matters. He received his B.A. degree from Western State College, and his J.D. degree from Thomas Jefferson School of Law. He has been an active member of the American Association for Justice and a governor of Consumer Attorneys of California (“CAOC”).



**Linda Miller Atkinson** is of counsel to the firm of Atkinson, Petruska, Kozma & Hart, with offices in Gaylord and Channing, Michigan. She is licensed in Michigan and Emeritus member of Wisconsin and Georgia bars. A 1963 graduate of Oberlin College, Oberlin, Ohio, and a 1973 graduate of Wayne State University Law School in Detroit, Michigan, she is an author and editor of TORTS: MICHIGAN LAW AND PRACTICE, published by the Institute of Continuing Education since 1994, and of LAWYERS DESK REFERENCE (8<sup>th</sup> edition, Thomson-West), and is author of the “Depositions” chapter of LITIGATING TORT CASES (AAJ Press, published by Thomson-West). She is a past president of the Michigan Association for Justice, a member of the American Association for Justice President’s Club and a Fellow and former Trustee of the Pound Civil Justice Institute. In her life outside the courtroom she teaches

firearm and hunter safety for the Michigan Department of Natural Resources and is in her 25th year with the National Ski Patrol.



**Leslie A. Brueckner** is a Senior Attorney at Public Justice, a national public interest law firm, where she specializes in appellate litigation in the state and federal courts. A 1987 magna cum laude graduate of Harvard Law School, Brueckner’s current areas of practice include class actions, constitutional law, federal preemption, consumer rights, personal jurisdiction, food safety, and combating court secrecy. She just celebrated her 25th anniversary with Public Justice. Among other victories, in 2018 Ms. Brueckner won a landmark ruling from the California Supreme Court in *T.H. v. Novartis*, holding that brand-name prescription drug manufacturers can be sued for failing to warn of the dangers of mislabeled, generic versions of their drugs. She and her co-counsel Ben Siminou were awarded the Pound Institute’s 2018 Appellate Advocacy Award for their work on the case. In addition to her litigation work, Ms. Brueckner has taught appellate

advocacy at American University Law School and Georgetown University School of Law.



**Kathryn H. Clarke** is a sole practitioner in Portland, Oregon, who specializes in appellate practice and consultation on legal issues in complex tort litigation. She served as President of the Pound Civil Justice Institute from 2011 to 2013. She is a member of the Oregon Trial Lawyers Association, and has been a member of its Board of Governors for over 25 years, served as President from 1995 to 1996, and received that organization’s Distinguished Trial Lawyer award in 2006. She is also a member of the Board of Governors of the American Association for Justice. She was a member of the adjunct faculty at Lewis and Clark Law School, and taught a seminar in advanced torts for several years. In 2008 she served as a member of a work group on Tort Conflicts of Law for the Oregon Law Commission, which resulted in a bill passed by the 2009 legislature. She has served as member and Chair of

Oregon’s Council on Court Procedures, and has been a member of the Oregon State Bar’s Uniform Civil Jury Instructions Committee. In 2016 she was honored by the Pound Institute for her lifetime achievement as an appellate advocate.



**Brenda S. Fulmer** practices law in Florida, where, for the past 25 years, she has specialized in mass tort litigation involving pharmaceuticals and medical devices. She serves on the Board of Governors of the American Association for Justice, and on its Executive Committee and numerous other committees. She is also active in the American Bar Association, the Florida Association for Justice, and in Florida's state and local bar and trial lawyer organizations, and participates in the Duke and Emory Conferences on mass tort litigation. Ms. Fulmer is a frequent lecturer on law office management, drug and medical device litigation, and consumer drug safety issues, and has published numerous articles in legal publications. She received her BS degree from the University of South Florida, and her JD degree Stetson University College of Law, where she was an editor of the *STETSON LAW REVIEW*. Ms. Fulmer is also an active

volunteer with a number of Florida charitable organizations, including Take Stock in Children, the Special Olympics, and the Girl Scouts. She was one of several thousand attorneys who worked with Trial Lawyers Care to provide free legal services to 9/11 victims and others impacted by disasters. She has also volunteered as a foster parent and as an exchange student host parent.



**Eric Gibbs** is a founding partner of the Gibbs Law Group in Oakland, California. He prosecutes consumer protection, antitrust, whistleblower, financial fraud and mass tort matters. He has been appointed to leadership positions in dozens of contested, high profile class actions and coordinated proceedings, and currently serves in leadership positions in *In re Equifax, Inc. Customer Data Security Breach Litigation*, *In re Wells Fargo Auto Insurance Marketing and Sales Practices Litigation*, *In re Risperdal and Invega Product Liability Litigation*, *In re Vizio, Inc., Consumer Privacy Litigation* and *In re Banner Health Data Breach Litigation*.



**Mark Kitrick** practices in Columbus, OH, and is the founder and senior partner of his law firm. He specializes in serious injury and wrongful death cases. He is the author of numerous articles on litigation, legal history, and safety, and has lectured on such diverse topics as intentional torts, jury selection subrogation, emergency room errors, neuroscience and human biases, resort torts, and distracted driving. He is an active member of the Ohio Association for Justice, and has served as its president. He is also an active member of the American Association for Justice (AAJ), and has served on its Board of Governors and on numerous committees. He is an active member of the Ohio State Bar Association and the Columbus Bar Association, is president of Ohio's ABOTA chapter, and is the current president of the Ohio State Bar Foundation, the largest nonprofit, legal foundation in the world. Mark has avocations as a rock climber,

musician with two albums to his credit, a martial arts instructor, and enjoys cross fit training and parkour (free running). He received his B.A. from the University of Cincinnati and his J.D. from the University of Dayton, Dayton.



**Andre M. Mura** is a partner at the Gibbs Law Group, LLP in Oakland, California, representing plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, drug and medical devices, federal jurisdiction, and constitutional law. In 2019, Andre received a California Lawyer Attorney of the Year (CLAY) Award for his work in *De La Torre v. CashCall*, 5 Cal. 5th 966 (2018), a landmark decision holding that high interest rates could render loans unconscionable under California Law. Previously he was senior litigation counsel at the Center for Constitutional Litigation PC, in Washington, D.C., where he represented plaintiffs in state and federal appellate courts, including the United States Supreme Court. In *Watts v. Lester E. Cox Medical Centers*, 376 S.W.3d 633 (Mo. 2012), Andre successfully argued

that a state law limiting compensatory damages in medical malpractice cases violated his client's constitutional right to trial by jury. Andre is on the Board of the Civil Justice Research Initiative of Berkeley Law and UC Irvine

School of Law, a Fellow of the American Bar Foundation, a member of the Lawyers Committee of the National Center for State Courts, a Trustee of the Pound Civil Justice Institute, Chair of the American Association for Justice's LGBT Caucus, and Trustee of the National College of Advocacy.



**Florence J. Murray** is a partner with the firm of Murray and Murray in Sandusky, Ohio. Her practice centers on civil rights, traumatic brain injury, trucking collisions, maritime law, and railroad law. She holds a BA degree from Saint Ignatius of Loyola University, Baltimore, Maryland, an M.Ed. degree from Ashland University, Ashland, Ohio, an MBA from Case Western Reserve University, and a JD degree from The Ohio State University. She is a member of the Ohio Association for Justice, the Leadership Academy of the American Association for Justice (AAJ), and a Fellow of the Pound Civil Justice Institute. In her non-legal life she assists with Habitat for Humanity projects and is a board member of the Erie County Court Appointed Special Advocates (CASA) for children.



**Christopher T. Nace** is an attorney with Paulson & Nace, PLLC where his practice includes medical malpractice, wrongful death, legal malpractice, and other serious personal injury matters. Chris is a past president of the Trial Lawyers Association of Metropolitan Washington, D.C. He is a member of the American Association for Justice Executive Committee, and sits on the boards of the Public Justice Foundation and Living Classrooms Foundation of the National Capital Region. He is the current Secretary of the Pound Civil Justice Institute and the Secretary of the National College of Advocacy. Mr. Nace was the 2019 Recipient of the American Association for Justice Joe Tonahill Award, which is given in recognition of outstanding and dedicated service to and support of consumers and the trial bar." While in law school, Christopher served as Editor-in-Chief of the Emory Law Journal.



**Gale Pearson** is Senior Counsel with the law firm of Fears Nachawati in Minneapolis. Her practice concentrates on complex litigation, ranging from environmental law to pharmaceutical and medical device litigation to Qui Tam prosecution. She received her bachelor's degree from California State University at Northridge with a major in Laboratory Medicine, Physics and Chemistry, and her law degree from Loyola Law School in Los Angeles. She is a nationally recognized clinical laboratory scientist. She has played pivotal roles in MDL litigations, serving on science committees, or, in the case of a class action against a tobacco company, as lead counsel. In 2003, U.S. Supreme Court Justice Stephen Breyer presented her the Outstanding Pro Bono Service Award for her work with Trial Lawyers Care, which provided free legal assistance for applicants to the September 11th Victim Compensation Fund. Gale is a member of the Minnesota and American Associations for Justice and the American Bar Association, and is a board member for Public Justice. She has served as a speaker for Minnesota's "We the Jury" project, and is a frequent lecturer on topics in science and law.



**Ben Siminou** is the founder and principal of Siminou Appeals in San Diego, specializing in appeals of civil cases. Prior to establishing Siminou Appeals, Ben worked nearly a decade as a trial lawyer, handling all aspects of civil litigation. Ben has handled numerous civil and criminal appeals in the California Supreme Court, the California Court of Appeal, and the Ninth Circuit. In 2018, Ben and his co-counsel Leslie Brueckner won a landmark ruling from the California Supreme Court in *T.H. v. Novartis*, holding that brand-name prescription drug manufacturers can be sued for failing to warn of the dangers of mislabeled, generic versions of their drugs. Ben and Leslie were awarded the Pound Institute's 2018 Appellate Advocacy Award for their work on the case.



**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, Physicians for Human Rights, Public Citizen, Public Justice, Legal Affairs Committee of American Association for Justice, 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.



**Peggy Wedgworth** is a partner with Milberg Phillips Grossman, LLP, in New York City. She is a managing partner and Chair of the Antitrust Practice Group. She has handled numerous securities, commodities, antitrust and whistleblower matters, representing defrauded investors and consumers. She currently represents consumers in contact lens, car dealership, and computer software litigation. Ms. Wedgworth has also litigated antitrust and commodities class actions on many subjects. She is a member of the New York State Bar Association’s Antitrust Committee, the American Bar Association, and the American Association for Justice. She holds a B.A. degree from Auburn University and a J.D. degree from the University of Alabama Law School.