

PROFESSOR LINDA S. MULLENIX
BIOGRAPHICAL PROFILE



LINDA S. MULLENIX holds the Rita and Morris Atlas Chair in Advocacy at the University of Texas School of Law, and from 1991-2001 was the Bernard J. Ward Centennial Professor of Law. Professor Mullenix is the author of ten books including *STATE CLASS ACTION PRACTICE AND PROCEDURE* (CCH 2000), *UNDERSTANDING FEDERAL COURTS* (Matthew Bender 1998, 2007), *MASS TORT LITIGATION* (West Group 1996, 2008), *FEDERAL COURTS IN THE TWENTY-FIRST CENTURY* (Lexis/Nexis 1996, 2002), and *MOORE'S FEDERAL PRACTICE* (2d and 3d Eds.). She teaches federal civil procedure, mass tort litigation, current issues in class action litigation, class action litigation in a global context, and state class action procedure. She has been a college and law professor since 1974, and has taught complex litigation, federal courts, conflicts, professional responsibility, and civil justice reform.

Professor Mullenix graduated Phi Beta Kappa from the City College of New York and holds masters and Ph.D. degrees from Columbia University in political science. She received her law degree from Georgetown University Law Center and practiced in Washington, D.C. During 1989-90 she was a Judicial Fellow at the Federal Judicial Center. Professor Mullenix has been a visiting professor at Harvard, Michigan, and Southern Methodist law schools, the Reuschlein Distinguished Visiting Chair at Villanova law school, and the Katherine Ryan Distinguished Professor at St. Mary's Institute on World Legal Problems in Innsbruck, Austria. In 2002 she was a scholar-in-residence at the Rockefeller Foundation Bellagio Study and Conference Center in Bellagio, Italy. During spring 2007 she held the Fulbright Senior Distinguished Chair in Law, in Trento, Italy.

Professor Mullenix is a contributing editor and writer for *Preview of Supreme Court Cases* and a regular columnist on class action litigation for the *National Law Journal*. She is a member of the American Law Institute, Associate Reporter for the *Restatement of the Law Governing Lawyers*, a consultative member of the *Transnational Rules of Civil Procedure*, and the *Complex Litigation Project*, an elected Fellow of the Texas Bar Foundation, and an elected member of the International Association of Procedural Law. Professor Mullenix has written hundreds of articles relating to class action litigation and procedural law, published in *The Chicago Legal Forum*, *Cornell Law Review*, *Georgetown University Law Journal*, *Harvard Law Review*, *Michigan Law Review*, *Minnesota Law Review*, *Stanford Law Review*, *University of Pennsylvania Law Review*, *Northwestern Law Review*, *Texas Law Review*, and *Vanderbilt Law Review*, as well as numerous other journals.

Professor Mullenix served as Reporter for an ABA Task Force on Class Actions (1995-97), Reporter for the Southern District of Texas, 1990 Civil Justice Reform Act, Reporter for the National Conference of Federal-State Judicial Relationships (1992), Advisor, Texas Class Action Rules Subcommittee (1998), and Advisor, National Center for State Courts, *Study on Civil Discovery* (1990-92). As a consequence of her experience in complex litigation and class action practice, Professor Mullenix has been an invited participant, and delivered papers and presentations, at the Conference on the Future of Class Action Litigation in America, sponsored by the American Bar Association (Boston 2003); Symposium on Cutting Edge Issues in Class Action Litigation, The Legal Forum, University of Chicago (2002); Class Action Conference,

Judicial Conference Committee on Rules of Practice and Procedure (2001); the Gulf States Class Action Symposium (2000)(Tulane University Law School); the University of Pennsylvania Symposium: Mass Torts (1999), the ABA Class Action Institute (1999, 2000, 2004, 2005); the Mass Tort Working Group, Judicial Conference Committee on Rules of Practice and Procedure (1999-98); the Special Study Conference on Federal Rules Governing Attorney Conduct, Judicial Conference Committee on Rules of Practice and Procedure (1996-2001); the Research Conference on Class Actions, Institute for Judicial Administration and N.Y.U. (1995); the Conference on Civil Procedure and the Future of the Federal Rules, Southwest Legal Foundation and S.M.U. University (1995); and the National Mass Tort Litigation Conference (1994). She also has served as a faculty member for the Annual Conference on Complex Litigation and Resolution of Class Action Litigation, sponsored by Glasser and Thomson LegalWorks (2003, 2005, 2006)(New York, San Francisco). She has delivered lectures and papers relating to class action litigation in Austria, Germany, Italy, Switzerland, and Brazil.

Courts throughout the United States have cited Professor Mullenix's articles on procedure and complex litigation, including the United States Supreme Court, the United States Courts of Appeals for the First, Third, Fourth, Fifth, Seventh, and Eighth Judicial Circuits; federal district courts for the Middle District of Alabama, Northern District of Georgia, the District of Massachusetts, the District of Minnesota, the Western District of Missouri, the District of New Mexico, the Eastern and Southern Districts of New York, the Eastern District of Pennsylvania, the District of South Carolina, and the United States Bankruptcy Court for the Eastern District of Michigan. In addition, she has been cited by the Supreme Courts of Louisiana, Minnesota, Mississippi, Oregon, Texas, Vermont, West Virginia, and Wisconsin; and appellate courts in Missouri and Texas. Professor Mullenix has appeared as a radio commentator on National Public Radio, discussing class action litigation. The *New York Times*, the *Wall Street Journal*, the *National Law Journal*, and other media publications frequently have quoted her as an expert on complex litigation and class action litigation.

Professor Mullenix has worked with plaintiffs, defendants, and objectors on numerous prominent federal and state class action cases, including the reported cases of *Cimino v. Raymark*, *Georgine v. Amchem*, *Ahearn v. Fibreboard*, *In the Matter of Rhone-Poulenc*, *Castano v. American Tobacco Co.*, *Bolin v. Sears Roebuck*, *In the Matter of Bridgestone/Firestone, Inc.*, *Falise v. American Tobacco Co.*, the *Simon II* litigation, *In re Mexican Money Transfer Litigation*, *Hayden v. Atochem*, and the Alabama MDL 1130 "Non-Filing Insurance" Fee Litigation. In Texas, she has worked on the reported cases *Ford Motor Company v. Sheldon*, *Wagner & Brown v. Horwood*, *Samuelson v. United Health Care Corp.*, *Dairyland Mutual v. Casburg*, *Leonard v. Farmers Ins. Co.*, *Rowe v. National Western Life Ins. Co.*, *Bolanos v. Citizens Ins. Co.*, and *Capital One Bank v. Rollins*. During the past decade, she has worked on more than seventy state class action cases in numerous Texas venues. She has been involved with state class actions in Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Louisiana, Maryland, Missouri, New Mexico, New York, New Jersey, Ohio, Oklahoma, Oregon, Texas, Utah, and Washington. In addition, Professor Mullenix has worked on Canadian class actions in Ontario and British Columbia, class action litigation under the Brazilian Consumer Protection Act, London arbitrations relating to settlement of mass tort claims, and has been an adviser regarding proposed Swedish and Finnish class action legislation. Her experience in class action litigation includes breast implant, pacemaker lead, fen-phen, Baycol, medical monitoring, employment discrimination, securities, insurance, oil and gas, RICO, and consumer class actions. Her involvement includes pre-petition planning, development of pleadings, motions, discovery, certification hearings, notice, settlement, fairness hearings, fee petitions, and appellate briefing.

PROFESSOR LINDA S. MULLENIX

RESIDENCE:
722 CRYSTAL CREEK DRIVE
AUSTIN, TEXAS 78746
PHONE: (512) 263-9330
lmullenix@hotmail.com

UNIVERSITY:
727 EAST DEAN KEETON ST.
AUSTIN, TEXAS 78705
PHONE: 512-232-1375
lmullenix@mail.law.utexas.edu

UNIVERSITY OF TEXAS SCHOOL OF LAW
RITA AND MORRIS ATLAS CHAIR IN ADVOCACY
WARD CENTENNIAL PROFESSOR 1991–2001

COURSES: Civil Procedure; Complex Litigation; Mass Tort Litigation; Civil Justice Reform (seminar); Current Issues in Class Action Litigation (seminar); Class Action Litigation in a Global Context; (seminar); State Class Action Practice and Procedure (seminar)

COMMITTEES: Advocacy Programs; Appointments (Chair, 1992-93); Budget; Tenure; Capital Campaign Advisory Committee; Voting Procedures; International Studies

SABBATICAL AND RESEARCH APPOINTMENTS

Edward Clark Centennial Professorship in Law (Summer 2000)
F. Scott Baldwin Research Professorship in Law (Summer 1999)
Tom Sealy Centennial Research Professorship in Law (Summer 1998)
Fred & Emily Marshall Wulff Centennial Chair (Summer 1996, 1997)
Fulbright & Jaworski Research Professorship in Law (Summer 1994)
Vinson & Elkins Chair in Law (Fall 1993)
Fred & Emily Marshall Wulff Centennial Chair in Law (Summer 1992)

FULBRIGHT DISTINGUISHED SENIOR CHAIR IN LAW
UNIVERSITY OF TRENTO, ITALY
SPRING 2007

SCHOLAR-IN-RESIDENCE, THE ROCKEFELLER FOUNDATION
BELLAGIO STUDY AND CONFERENCE CENTER
BELLAGIO, ITALY (SUMMER 2002)

DISTINGUISHED VISITING PROFESSORSHIP IN ADVOCACY AND DISPUTE RESOLUTION
The Center for Advocacy and Dispute Resolution
University of Tennessee College of Law, Spring 2001

HAROLD GILL REUSCHLEIN DISTINGUISHED VISITING CHAIR
Villanova University School of Law, Spring 2000
Mass Tort Litigation

UNIVERSITY OF MICHIGAN LAW SCHOOL
Visiting Professor, Fall 1996
Mass Tort Litigation; Civil Justice Reform

HARVARD UNIVERSITY LAW SCHOOL
Visiting Professor, 1994-95
Civil Procedure; Complex Litigation; Mass Tort Litigation

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

Visiting Professor, Spring 1998

Mass Tort Litigation

ST. MARY'S INSTITUTE ON WORLD LEGAL PROBLEMS, INNSBRUCK, AUSTRIA

Katherine Ryan Distinguished Professor, 1997

International Litigation and Arbitration (2002)

Mass Litigation in the European Union (1996, 1997, 1999, 2009)

JUDICIAL FELLOW, Federal Judicial Center, 1989-90

CATHOLIC UNIVERSITY OF AMERICA SCHOOL OF LAW

Professor 1989-91; Associate Professor 1986-1989

Assistant Professor 1984-86; Visiting Assistant Professor 1983-84

COURSES: Civil Procedure; Complex Litigation; Federal Courts;

Conflict of Laws; Trial Advocacy; Estates; Professional Responsibility

COMMITTEES: Admissions; Budget (faculty elected); Curriculum; Dean's
Search Committee, 1986 (faculty elected)

TEACHING HONORS: Graduation Marshal, 1986

LOYOLA OF LOS ANGELES LAW SCHOOL

Visiting Professor, 1982-83

Clinical Professor, 1982; Instructor, 1981

COURSES: Contracts; Wills and Trusts; Community Property;

Civil Procedure Workshop; Legal Methods

PROFESSIONAL ACTIVITIES

AMERICAN BAR ASSOCIATION

Vice-Chair, Civil Procedure & Evidence Committee

Tort and Insurance Practice Section (1997-98)

Reporter, Task Force on Class Actions

Tort and Insurance Practice Section (1995-97)

Robert B. McKay Law Professor Award Committee (1997-98; 1998-99)

Tort and Insurance Practice Section

Contributing Editor, *Preview of Supreme Court Cases*,

Public Education Division of the American Bar Association

AMERICAN LAW INSTITUTE (elected member 1989)

Associate Reporter, RESTATEMENT OF THE LAW THIRD, THE LAW GOVERNING LAWYERS

Consultative Group, COMPLEX LITIGATION PROJECT

Consultative Group, TRANSNATIONAL RULES OF CIVIL PROCEDURE

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Co-Reporter and Legal Advisor, Advisory Group for the United States District Court for the Southern District of Texas, Civil Justice Reform Act (1991-93)

DISTRICT OF COLUMBIA BAR

Member, Special Committee on Ethics, Continuing Legal Education, and The Model Rules of Professional Conduct (1987-89)

NATIONAL CONFERENCE ON STATE-FEDERAL JUDICIAL RELATIONSHIPS

Reporter to Hon. Chief Judge Politz, United States Court of Appeals for the Fifth Judicial Circuit (April 1992)

NATIONAL CENTER FOR STATE COURTS

Advisory Committee Member, STUDY ON STATE CIVIL DISCOVERY (1990-92)

MEMBER, INTERNATIONAL ASSOCIATION OF PROCEDURAL LAW (elected May 1997)

COLUMNIST, THE NATIONAL LAW JOURNAL (federal practice, complex litigation, class actions)

EDITORIAL BOARD, *Journal of Legal Education* (1997-2000)

BOARD OF EDITORS, *Securities and Class Action Litigation Report (Glasser LegalWorks)*

ADVISORY BOARD, *BNA Class Action Reporter*

ADVISORY BOARD, *Litigation, Procedure and Dispute Resolution Abstracts*

ADVISORY BOARD, *The Review of Litigation* (UNIVERSITY OF TEXAS SCHOOL OF LAW)

INTERNATIONAL EDITORIAL BOARD, *Revista de Processo*, INSTITUTO BRASILEIRO DE DIREITO PROCESSUAL, BRASIL

MEMBER, SCRIBES, AMERICAN SOCIETY OF WRITERS ON LEGAL SUBJECTS

ASSOCIATION OF AMERICAN LAW SCHOOLS

Speaker, Scholarship, New Teachers' Workshop (July 1996)
Professional Development Committee (Chair, 1991-93, member 1990-1991)
Executive Committee, Conflict of Laws Section (1991-92)
Planning Committee, Workshop on Jurisprudence Throughout the Curriculum (1992)
Co-chair, Committee on Complex Litigation, Civil Procedure Section (1990-91)
Planning Committee, New Teachers Workshop (July 1990)
Group Discussion Leader, Faculty Recruitment Conference (Fall 1989, 1990)
Chair, Planning Committee, New Teachers Workshop (July 1989)
Co-chair, Committee on New Teachers, Women's Section (1989-90)
Planning Committee, Civil Procedure Conference (June 1988)

Teaching demonstration, New Teachers Workshop (July 1988)
Executive Committee, Civil Procedure Section (1987-88)

BAR AND PROFESSIONAL MEMBERSHIPS

State Bar of Texas
Fellow, Texas Bar Foundation (elected 2005)
United States Supreme Court
United States Court of Appeals for the Fifth Judicial Circuit
United States Court of Appeals, District of Columbia
United States District Court, District of Columbia
District of Columbia Bar (inactive status)

American Law Institute (elected 1989)
American Judicature Society
American Political Science Association
American Bar Association (Litigation Section, Class Action and Derivative
Litigation Committee; Tort and Insurance Practice Section)
International Association of Procedural Law (elected July 1997)
Phi Beta Kappa

WHO'S WHO

Who's Who in America, 50th – 62nd eds. (1997-2009)
Who's Who In American Law, 5th-8th eds. (1987-1994)
Who's Who In American Women, 14th-25th eds. (1984-2009)
Who's Who of Emerging Leaders in America, 1st-3d eds. (1987-1990)
Who's Who in American Education, 4th-8th ed. (1993-2008)
Who's Who in the South and Southwest, 24th ed. (1994); 33rd ed. (2007)

LEGAL EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON D.C.

DEGREE: J.D., 1980
Dean's List; Law Fellow

LAW REVIEW: *The Tax Lawyer*
Associate Editor, 1979-80
Staff Member, 1978-79

CLINIC: Appellate Litigation Clinic
Author, Brief for the Respondent,
United States v. Henry, 447 U.S. 264 (1980)

GRADUATE EDUCATION

COLUMBIA UNIVERSITY, NEW YORK CITY

DEGREES: Ph.D., Political Science, 1977
M. Phil., Political Science, 1974

HONORS: President's Fellow, Columbia University
National Defense Graduate Fellow
New York State Regents Scholar (Graduate)
Danforth Graduate Fellow, Honorable Mention
N.S.F. Graduate Fellowship, Honorable Mention

DISSERTATION: *De Facto Political Obligation: Historical and Theoretical Perspectives* (unpublished 1977)

UNDERGRADUATE EDUCATION

THE CITY COLLEGE OF NEW YORK

DEGREE: B.A., *Magna Cum Laude*, 1971
Political Science

HONORS: Phi Beta Kappa
Dean's List; New York State Regents Scholar

PUBLICATIONS

BOOKS AND TREATISES

- MASS TORT LITIGATION: CASES AND MATERIALS (Thomson West 2d ed. 2008).
- TEACHER'S MANUAL, MASS TORT LITIGATION: CASES AND MATERIALS (Thomson West 2d ed. 2008).
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2009 UPDATE.
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2008 UPDATE.
- FEDERAL COURTS IN THE TWENTY-FIRST CENTURY: CASES AND MATERIALS (LEXIS 3d ed. 2007, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
- TEACHER'S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LEXIS 3d ed. 2007, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
- CIVIL PROCEDURE: EXAMPRO-OBJECTIVE QUESTIONS AND EXPLANATIONS (2d ed. 2007 Thomson West).
- CIVIL PROCEDURE (THOMSON WEST BLACK LETTER SERIES, 600 PGS. 2004).
- FEDERAL COURTS IN THE TWENTY-FIRST CENTURY: CASES AND MATERIALS (LEXIS 2d ed. 2002, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
- TEACHER'S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LEXIS 2d ed. 2002, with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2006 UPDATE
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2005 UPDATE
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2004 UPDATE
- FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (LexisNexis), 2003 UPDATE
- STATE CLASS ACTION PRACTICE AND PROCEDURE (CCH 2000)(two volume treatise)(with annual updates, 2001-06).
- RESTATEMENT OF THE LAW THIRD, THE LAW GOVERNING LAWYERS (American Law Institute 2000)(Associate Reporter).

UNDERSTANDING FEDERAL COURTS (LEXIS-Matthew Bender 1998)(with Profs. Martin Redish and Georgene Vairo).

CIVIL PROCEDURE: EXAMPRO-OBJECTIVE QUESTIONS AND EXPLANATIONS (West Group 1998).

MOORE'S FEDERAL PRACTICE, Vol. 17 (Lexis-Matthew Bender 3d ed. 1997), with continuous updates.

MOORE'S FEDERAL PRACTICE, Vol. 1A, Part II (Matthew Bender 2d ed. 1991).

CIVIL PROCEDURE (Aspen Law and Business Roadmap Series 1997).

FEDERAL COURTS (Casenotes Legal Education Series 1997)(with Prof. Howard Fink).

FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie Contemporary Legal Education Series, 1996; Matthew Bender 1999)(with Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).

TEACHER'S MANUAL, FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie Contemporary Legal Education Series, 1998)(with Profs. Howard K. Fink, Thomas D. Rowe, and Mark V. Tushnet).

FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Michie), 1997 UPDATE.

FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie), 1998 UPDATE.

FEDERAL COURTS IN THE 21ST CENTURY: CASES AND MATERIALS (Lexis-Michie), 1999 UPDATE.

MASS TORT LITIGATION: CASES AND MATERIALS (West Group 1996).

TEACHER'S MANUAL TO ACCOMPANY MASS TORT LITIGATION: CASES AND MATERIALS (West Group 1996).

MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1997 UPDATE.

MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1998 UPDATE.

MASS TORT LITIGATION: CASES AND MATERIALS (West Group), 1999 UPDATE.

MASS TORT LITIGATION: CASES AND MATERIALS 2000 SUPPLEMENT (WEST GROUP).

REPORTS

REPORT OF THE ABA TORT AND INSURANCE PRACTICE SECTION, TASK FORCE ON CLASS ACTIONS CONCERNING PROPOSED CHANGES TO RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE (1996)(Reporter).

REPORT AND PLAN OF THE CIVIL JUSTICE REFORM ACT ADVISORY GROUP OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS (October 1991)(Co-Reporter).

ARTICLES

Nine Lives: The Punitive Damage Class, (forthcoming Symposium, “Aggregate Litigation Since *Ortiz v. Fibreboard*,” ___ U. Kan. L. Rev. (2010)).

American Exceptionalism and The Theory of Convergence: Are We there Yet?, Proceedings of the International Association of Procedural Law, Toronto Conference on “The Future of Categories,” Butterworth, England (2010).

Strange Bedfellows:: The Politics of Pre-emption, 59 Case Western Reserve L. Rev. ___ (forthcoming 2009)(Symposium, “Access to the Courts in the Roberts Era,” January 30, 2009).

I Class Action Settlements negli Stati Uniti (Class Action Settlements in the United States), Il Mulino, Bologna (forthcoming 2009).

New Trends in Standing and Res Judicata, Report for Common Law Countries, in Proceedings of the XIII World Congress of Procedural Law, New Trends in Procedural Law (2007)(pp. 500-534)

Baycol and Vioxx: Case Studies in Mass Tort Litigation, in *Études et Dossiers, Working Paper Series of the Geneva Association*, International Association for the Study of Insurance Economics (2007)(paper presentation from the 2006 Annual Liability Regimes Conference)(pp. 3-1 *et seq.*)

The American Class Action Fairness Bill and Forum-Shopping American-Style, in the INTERNATIONAL ASSOCIATION FOR THE STUDY OF INSURANCE ECONOMICS: THE GENEVA PAPERS (2006)(Palgrave Macmillan Ltd).

GRIDLAW: The Enduring Legacy of Phillips Petroleum Co. v. Shutts, 74 U.M.K.C. L. Rev. 651 (2006)(symposium, “Due Process and Class Actions: The 20th Anniversary of *Phillips Petroleum v. Shutts*).

The Varieties of State Rulemaking Experience and the Consequences for Substantive and Procedural Fairness, Report of the 2005 Forum for State Appellate Court Judges, The Roscoe Pound Institute (2005).

Should Mississippi Adopt a Class Action Rule? -- Balancing the Equities: Ten Considerations That Mississippi Rulemakers Ought to Take Into Account in Evaluating Whether to Adopt a State Class Action Rule, 24 Miss. C. L. Rev. 217 (2005).

The Future of Tort Reform: Possible Lessons From the World Trade Center Victim Compensation Fund, 53 Emory L. Rev. 1315 (2004)(the Randolph W. Throver Symposium on the Future of Tort Reform: Reforming the Remedy, Rebalancing the Scales, sponsored by the Emory University School of Law and the Emory Law Journal).

Taking Adequacy Seriously: The Inadequate Assessment of Adequacy in Litigation and Settlement Classes, 57 Vanderbilt L. Rev. 1687 (2004)(10th Annual Institute for Law and Economic Policy, Symposium: Protecting the Public; The Role of Private and Public Attorneys' General).

Dispositive Motions After Amchem and Ortiz: The Problem of "Logically Antecedent" Inquiries, 2004 Michigan State L. Rev. 703 (2004)(symposium on "Multi-Jurisdictional and Cross-Border Class Actions," sponsored by the Michigan State University DCL College of Law, April 16-17, 2004).

Judge Jack B. Weinstein, Tort Litigation, and the Public Good, Vol. XII (No.1) Brooklyn L. Rev. 1 (2003)(Contributor, A Roundtable Discussion to Honor One of America's Great Trail Judges on the Occasion of His 80th Birthday).

Developments in the Procedural Means For Resolution of Mass Tort Litigation in the United States, 1975-2003, 11 J. Tort and Insurance Law 204 (Springer Wien/New York 2003)(Conference on Liability for Acts of Terrorism, sponsored by the European Centre of Tort and Insurance Law).

No Exit: Mandatory Class Actions in the New Millennium and the Blurring of Categorical Imperatives, Vol. 2003 The Chicago Legal Forum 177 (2003)(symposium on "Cutting Edge Issues in Class Action Litigation" sponsored by the University of Chicago Law School).

The September 11th Victims' Compensation Fund: Fund Approaches to Resolving Mass Tort Litigation, 9 Conn. Ins. L.J. 121 (2002)(symposium "September 11th Victim Compensation Fund of 2001: A Model for the Future?, Liability and Insurance After September 11th" sponsored by the University of Connecticut School of Law, Hartford, Connecticut Insurance Law Center and the Geneva Association).

Some Joy in Whoville –Rule 23(f), A Good Rulemaking, 69 U. Tenn. L. Rev. 97 (2001).

Lessons From Abroad – Complexity and Convergence, 46 Villanova L. Rev. 1 (2000)(Harold Gill Reuschlein Distinguished Visiting Chair Lecture, Villanova University School of Law).

Re-Interpreting American Class Action Procedure: The United States Supreme Court Speaks, 5 *Zeitschrift Fur Zivilprozess International* 337 (2000).

Abandoning the Federal Class Action Ship: Is There Smoother Sailing for Class Actions in Gulf Waters, 74 *Tulane L. Rev.* 1709 (2000)(symposium on class actions in the Gulf States).

Back to the Futures: Privatizing Future Claimants, 148 *U. Pa. L. Rev.* 1919 (2000)(Mass Torts: A Symposium, sponsored by the David Berger Program on Complex Litigation and the University of Pennsylvania Law Review in Conjunction with The Advisory Committee on Civil Rules and The Working Group on Mass Torts).

Resolving Aggregate Mass Tort Litigation: The New Private Law Dispute Resolution Paradigm, 33 *Valparaiso L. Rev.* 413 (1999)(Monsanto Lecture in Tort Reform).

Getting to Shutts, 46 *U. Kan. L. Rev.* 1 (1998)(symposium in honor of Prof. Robert Casad).

Endnote: Practical Wisdom and Third-Generation Mass Tort Litigation, 31 *Loyola of Los Angeles Law Rev.* 551 (1998)(symposium on mass tort litigation).

The Pervasive Myth of Discovery Abuse: The Sequel, 39 *B.C.L. Rev.* 683 (1998)(Advisory Committee on Civil Rules conference on discovery).

The Constitutionality of the Proposed Amendment to Rule 23, 39 *Ariz. L. Rev.* 615 (1997)(symposium on Rule 23: class actions at the crossroads).

The Jurisprudence of Yogi Berra, 46 *Emory L.J.* 697 (1997)(with thirty-eight co-authors).

Class Actions, Personal Jurisdiction, and Due Process: Implications for Mass Tort Litigation, 28 *U.C. Davis L. Rev.* 871 (1995) (symposium on 50th anniversary of *International Shoe Co. v. Washington*).

Multiforum Federal Practice: Ethics and Erie, 9 *Geo. J. Legal Ethics* 89 (1995).

Judicial Power and The Rules Enabling Act, 46 *Mercer L. Rev.* 733 (1995).

Mass Tort Litigation and the Dilemma of Federalization, 44 *De Paul L. Rev.* 755 (1995)(symposium on the federalization of state law).

Jurisdiction, Justice, and Choice of Law for the Twenty-First Century, 29 *New Eng. L. Rev.* 517 (1995)(conference symposium).

Mass Torts as Public Interest Law: Paradigm Misplaced, 88 *Nw. U. L. Rev.* 579 (1994).

Adversarial Justice, Professional Responsibility, and the New Federal Discovery Rules, 14 *Rev. of Litig.* 13 (1994).

Discovery in Disarray: The Pervasive Myth of Pervasive Discovery Abuse and the Consequences of Unfounded Rulemaking, 46 Stan. L. Rev. 1393 (1994)(symposium on Civil Justice Reform Act of 1990).

Unfinished Symphony: The Complex Litigation Project Rests, 54 La. L. Rev. 977 (1994).

Unconstitutional Rulemaking: The Civil Justice Reform Act and Separation of Powers, 77 Minn. L. Rev. 1283 (1993).

The Counter-Reformation in Procedural Justice, 77 Minn. L. Rev. 375 (1992).

Federalizing Choice of Law in Mass Tort Litigation, 70 Tex. L. Rev. 1623 (1992).

Civil Justice Reform Comes to the Southern District of Texas: Creating and Implementing A Cost and Delay Reduction Plan Under The Civil Justice Act of 1990, 11 Rev. of Litig. 165 (1992).

Another Easy Case, Some More Bad Law: Carnival Cruise Lines and the New Contractual Personal Jurisdiction, 27 Tex. Int'l. L.J. 323 (1992).

Problems in Complex Litigation, 10 Rev. of Litig. 213 (1991).

Beyond Consolidation: Post-Aggregative Procedure in Asbestos Mass Tort Litigation, 32 Wm. and Mary L. Rev. 475 (1991).

Hope Over Experience: Mandatory Informal Discovery and The Politics of Rulemaking, 69 N.C.L. Rev. 701 (1991).

Complex Litigation Reform and Article III Jurisdiction, 59 Fordham L. Rev. 169 (1990).

God, Metaprocedure, and Metarealism at Yale, 87 Mich. L. Rev. 1139 (1989).

Suiting Up For Litigation: Focus on Pretrial Procedure, 64 Notre Dame L. Rev. 601 (1989).

The Influence of History on Procedure: Volumes of Logic, Scant Pages of History, 50 Ohio St. L. J. 803 (1989).

Another Choice of Forum, Another Choice of Law: Consensual Adjudicatory Procedure in Federal Court, 57 Fordham L. Rev. 291 (1988).

User Friendly Civil Procedure: Pragmatic Proceduralism Slouching Away From Process Theory, 56 Fordham L. Rev. 1023 (1988).

Burying (With Kindness) The Felicific Calculus of Civil Procedure, 40 Vand. L. Rev. 541 (1987).

Summary Judgment: Taming The Beast of Burdens, 10 Am. J. of Trial Advocacy 433 (1987)(reprinted in 37 *Defense Law Journal* 529 (1988)).

A Branch Too Far: Pruning the Abstention Doctrine, 75 Geo. L. J. 99 (1986).

Class Resolution of the Mass Tort Case: A Proposed Federal Procedure Act, 64 Texas L. Rev. 1039 (1986).

The New Federal Express: Mail Service of Process under Amended Rule 4, 4 Rev. of Litig. 299 (1985).

Creative Manipulation of Federal Jurisdiction: Is There Diversity After Death? 70 Cornell L. Rev. 1011 (1985).

The Limits of Complex Equality, 97 Harv. L. Rev. 1801 (1984).

The Valuation of an Educational Degree at Divorce, 16 Loyola of Los Angeles L. Rev. 277 (1983).

The Marriage Contract: Spouses, Lovers, and The Law, 15 Loyola of Los Angeles L. Rev. 759 (1982).

COMMENTARY AND ANALYSIS

The Practice: Reversing a Denial of Class Certification in a Rare Event, 11th Circuit Found That Lower Court Erred and Case With RICO Claims Should Proceed, Nat'l L.J. 14 (July 27, 2009).

Complex Litigation – Class Action Waivers, Nat'l L.J. 23 (April 6, 2009).

Complex Litigation – Class Certification, Nat'l L.J. 13 (Jan. 26, 2009).

Punitive Damages Redux: How Many Times Does Oregon Get to Punish Big Tobacco, Vol. 36 ABA Preview of United States Supreme Court Cases 172 (Dec. 1, 2008)(*Williams v. Philip Morris USA*).

Complex Litigation – Mortgage Rescission, Nat'l L.J. 13 (Nov. 10, 2008).

Complex Litigation – Antitrust Class Standing, Nat'l L.J. 13 (June 23, 2008).

Complex Litigation – Tobacco Light Action Dims, Nat'l L.J. 13 (April 14, 2008).

Complex Litigation – CAFA Jurisdiction, Nat'l L.J. 13 (Jan. 28, 2008).

Complex Litigation – CAFA and Coupons, Nat'l L.J. 24 (Nov. 11, 2007).

Complex Litigation – The Costs of CAFA, Nat'l L.J. A13 (Aug. 27, 2007).

Complex Litigation – Troubling Twombly, Nat’l L.J. 13 (June 11, 2007).

Complex Litigation – Presumptions of Reliance, Nat’l L.J. 18 (April 2, 2007).

Complex Litigation – CAFA Cacaphony, Nat’l L.J. 13 (January 22, 2007).

Complex Litigation – CAFA Exceptions, Nat’l L.J. 12 (October 23, 2006)

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Complex Litigation – CAFA Appeals, Nat’l L.J. 12 (July 3, 2006).

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Complex Litigation – CAFA: The \$5 Million Question, Nat’l L.J. 12 (Feb. 27, 2006).

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Complex Litigation – Class Actions (Supplemental Jurisdiction), Nat’l L.J. 11 (August 15, 2005).

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Class Actions: Fairness Act’s Effect on Mass Torts, N.Y.L.J. (March 31, 2005)(with Paul Rheingold).

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Federal Court Jurisdiction – Zahn Revisited: Supplemental Jurisdiction Over Individual Claims to Satisfy Federal Diversity Jurisdiction, 5 Preview of United States Supreme Court Cases 263 (Feb. 22, 2005)(*Exxon Corp. v. Allapattah Services, Inc. and Ortega et al. v. Star-Kist Foods, Inc.*).

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Complex Litigation – To (b)(2) or Not To (b)(2)?, Nat'l L.J. 12 (July 26, 2004).

Complex Litigation – The Texas Touchdown, Nat'l L. J. 13 (May 24, 2004).

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Federal Practice: Complex Litigation–Rule 23(f) Appeals, Nat'l L.J. A11 (May 14, 2001).

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Federal Practice: Complex Litigation–A New Hybrid, Nat'l L.J. B24 (August 9, 1999).

Federal Practice: Complex Litigation–A Tort 'Doorstop', Nat'l L.J. B10 (June 21, 1999).

Federal Practice: Complex Litigation–Dueling Class Actions, Nat'l L.J. B18 (April 26, 1999).

Federal Practice: Complex Litigation–Medical Monitoring, Nat'l L.J. B15 (March 29, 1999).

Federal Practice: Complex Litigation–The Art of Intervening, Nat'l L.J. B17 (Jan. 18, 1999).

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Declining to Decide: Is a Federal Court's Decision to Send a Case Back to State Court in Deference to Ongoing State Proceedings Immediately Appealable? 5 Preview of Supreme Court Cases 224 (February 1996)(*Quackenbush v. Allstate Insurance Company*).

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To Declare or Not To Declare: The Tension Between the Declaratory Judgment Act and Federal Abstention Doctrine, 7 Preview of United States Supreme Court Cases 290 (March 1993)(*Granite State Insurance Co. v. Tandy Corp.*).

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On Being in the Wrong Place at the Wrong Time: Wrongful Removal and Rule 11, 4 Preview of United States Supreme Court Cases 1 (January 1992)(*Willy v. The Coastal Corporation*).

The Collision of Personal Injury and State Action: Are Private State Torts Actionable Under the Federal Civil Rights Laws?, 3 Preview of United States Supreme Court Cases 88 (November 1991)(*Collins v. City of Harker Heights*).

Suing State Officials Under the Civil Rights Act: When Is a Person Not a Person?, 2 Preview of United States Supreme Court Cases 48 (October 1991)(*Hafer v. Melo*).

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Supreme Court Review: Rule 11 Decisions Targeted Clients, Not Just Lawyers, 13 Nat'l. L.J. S9 (Aug. 19, 1991).

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If They Could Sue Me Now: Minimum Contacts on the Love Boat, 5 Preview of United States Supreme Court Cases 135 (January 1991)(*Carnival Cruise Lines, Inc. v. Shute*).

Sanctioning A Party Under Rule 11: To What Standard of Conduct Should A Client Be Held?, 4 Preview of United States Supreme Court Cases 100 (December 1990)(*Business Guides, Inc. v. Chromatic Communications*).

Erie on Appeal: Deferential or De Novo Review? 4 Preview of United States Supreme Court Cases 97 (December 1990)(*Salve Regina College v. Russell*).

Supreme Court Review: Justices Clarified Courts' Role On Sanctions and Attorney Fees, Nat'l. L. J. 25 (Sept. 10, 1990).

The Case of the Lawyer Who Filed Too Soon, 2 Preview of United States Supreme Court Cases 34 (October 1990)(*FirsTier Mortgage Co. v. Investors Mortgage Insurance Co.*).

The Case of the Lawyer Who Filed Too Late, 1 Preview of United States Supreme Court Cases 5 (October 1990)(*Irwin v. Veterans Administration*).

Supreme Court Review: Badly Fractured Decisions Muddy Cases on Venue, 12 Nat'l. L. J. S9 (Aug. 13, 1990).

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Did Congress Mean What It Didn't Say About Reverse Direct Action Lawsuits?, 2 Preview of United States Supreme Court Cases 50 (October 1989)(*Northbrook National Insurance Co. v. Brewer*).

Is A Trial Court's Decision Not To Enforce A Forum Selection Clause Immediately Appealable?, 13 Preview of United States Supreme Court Cases 388 (April 1989)(*Lauro Lines v. Chasser*).

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The Post Judgment Request For Prejudgment Interest: When Is A Final Decision Final?, 6 Preview of United States Supreme Court Cases 153 (December 1988)(*Osterneck v. Ernst and Whinney*).

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Review of Forum Non Conveniens and Immunity From Civil Suit, 11 Preview of United States Supreme Court Cases 323 (March 1988) (*Van Cauwenberghe v. Biard*).

After Default: What State Process Is Due?, 5 Preview of United States Supreme Court Cases 147 (December 1987)(*Peralta v. Heights Medical Center*).

Review of Abstention: The Appealability of A Refusal To Refuse Jurisdiction, 5 Preview of United States Supreme Court Cases 135 (December 1987)(*Gulfstream Aerospace Corp. v. Mayacamas*).

When Federal Courts Should Abstain: Should State Grand Juries Be Getting Any Younger?, 2 Preview of United States Supreme Court Cases 53 (October 1987)(*Deakins v. Monaghan*).

The New Untouchables: Subjecting Foreign Corporations to Federal Question Jurisdiction, 1 Preview of United States Supreme Court Cases 18 (October 1987)(*Omni Capital International v. Wolff*).

A Tull Tale of More Right Versus Less Filling: The Right to Trial by Jury in Federal Civil Penalty Cases, 7 Preview of United States Supreme Court Cases 188 (January 1987)(*Tull v. United States*).

Federal Abstention of the Fourth Kind: The Judicial Administration Exception, 1 Preview of United States Supreme Court Cases 20 (1985)(*Lake Coal Company v. Roberts & Schaefer Company*).

LECTURES, SPEECHES & INVITED CONFERENCE PARTICIPATION

Speaker, “Nine Lives: The Punitive Damage Class,” at Symposium, “Aggregate Litigation Since *Ortiz v. Fibreboard*,” sponsored by the University of Kansas Law Review (Lawrence, Kansas October 29-20, 2009).

Speaker, “American Exceptionalism and The Theory of Convergence: Are We there Yet?,” at the Toronto Conference on “The Future of Categories,” sponsored by the International Association of Procedural Law Toronto, Canada June 3-5, 2009).

Panelist, “*Hydrogen Peroxide's* Aftermath: New Restrictive Directives in Class Certification (Is It Applicable in All Class Actions?),” (Live Telephone Seminar /Live Audio Webcast sponsored by the American Law Institute/American Bar Association, Thursday, April 23, 2009).

Speaker, “Trends in Aggregate Litigation,” Future Litigation Risks Conference, sponsored by Altria Group, Inc. (Washington D.C. April 9-10, 2009).

Panelist, “Litigating and Trying Complex Civil Antitrust Class Actions, Part Four: Class Certification,” sponsored by the American Bar Association’s Section of Antitrust Law, Civil Practice and Procedure and Trial Practice Committees (via teleconference Feb. 17, 2008).

Speaker, “The Politics of Pre-emption,” Symposium, “Access to the Courts in the Roberts Era,” Case Western Reserve Law Review (Cleveland, Ohio January 30, 2009).

Speaker, “Class Action Settlements in the United States,” Conference on Comparative Collective or Class Action Settlements, sponsored by the Università degli Studi di Milano (Milan, Italy, September 26-27, 2008).

Speaker, Supreme Court Roundup, “The Supreme Court Speaks on Punitive Damages and Federal Pre-emption of State Law Tort Claims” (commenting on *Exxon Mobil v. Baker* and *Reigel v. Medtronic* (2007-08 Term))(University of Texas Law School (September 4, 2008).

Speaker, “Current Developments in Class Action Litigation and Antitrust Class Action Litigation” (in-house CLE program, Baker & McKenzie, Dallas, Texas and broadcast throughout Baker & McKenzie affiliate offices, June 2008).

- Speaker, “Asbestos Litigation and Theories of Justice,” Perspectives on Asbestos Litigation Symposium, sponsored by the Southwestern Law Review, Southwestern Law School (Los Angeles, California January 18, 2008).
- Speaker, Speaker, Litigation and Resolution of Complex Claims, “Class Action Fairness Act – An Update on CAFA” sponsored by Thomson-West Legalworks (San Francisco, California, November 1, 2007).
- Speaker, “New Trends in Standing and Res Judicata in Collective Suits, Report of the General Reporter,” XIII World Congress of Procedural Law (Salvador, Brazil, September 19, 2007).
- Speaker, “The Politics of Class Actions,” sponsored by the Section on Civil Procedure, The American Association of Law Schools (Washington D.C., January 4, 2007).
- Speaker, Annual Conference on Tort Liability Regimes, sponsored by Munich Re (Munich, Germany, October 25-27th, 2006).
- Speaker, Corporate Counsel Symposium, Federation of Defense and Corporate Counsel Annual Meeting (Chicago, September 28, 2006); “Update on CAFA Issues and Problems.”
- Speaker, The Class Action Fairness Act: One Year Later, sponsored by Thomson-West (New York City, June 27, 2006); speaker on “Understanding the Statute: CAFA Basics;” “Mass Actions”: Have ‘Mass Actions’ Been Subject to Removal?”
- Speaker and panelist: “Looking Beyond the Pleadings in Class Certification Motions,” ABA-CLE Teleconference and Audio Webcast (June 13, 2006); speaker on *Eisen* rule and class certification hearings.
- Speaker and panelist, Civil Practice Litigation Techniques in Federal and State Courts, sponsored by ALI-ABA (Charleston, South Carolina, May 31-June 2, 2006); speaker on Emerging Problem Areas in Rule 23 (Class Actions and Class Action Fairness Act).
- Speaker, “Class Actions and Due Process, The 25th Anniversary of *Phillips Petroleum Company v. Shutts*,” sponsored by the University of Missouri, Kansas City School of Law (Kansas City, April 7, 2006); speaker, “*GRIDLAW: The Enduring Legacy of Phillips Petroleum Co. v. Shutts*.”
- Speaker, Litigation and Resolution of Complex Claims, “Class Action Fairness Act – One Year Later;” Arbitration Agreements and Class Actions,” sponsored by Thomson-West Legalworks (San Francisco, California, November 16-17, 2005).
- Speaker and panelist, “Asbestos and the Future of Mass Tort Litigation,” at Symposium: Asbestos: Anatomy of a Mass Tort, sponsored by the University of Connecticut

School of Law and the Insurance Law Center (Hartford, Connecticut, November 3-4, 2005).

Speaker, Annual Conference on Tort Liability Regimes, “The Class Action Fairness Act of 2005,” sponsored by Munich Re (Munich, Germany, October 26-28th, 2005).

Speaker, “The Morphing of the Mass Tort Landscape – What Factors Have Changed the Business of Mass Torts in Recent Years: The Class Action Fairness Act of 2005,” Wall Street Forum: Mass Tort Litigation (New York City, October 19, 2005).

Faculty Member and panelist, “The Class Action Fairness Act,” the American Bar Association 9th Annual National Institute on Class Actions (Chicago, September 23, 2005 and San Francisco, October 7, 2005).

Speaker, “The Class Action Fairness Act of 2005,” The Federal Bar Association of San Antonio (San Antonio, Texas, September 14, 2005).

Faculty Member and presenter, The Roscoe Pound Institute, “State Rulemaking: The Varieties of the Rulemaking Experience and the Consequences for Substantive and Procedural Fairness, at the 2005 Forum for State Appellate Judges, Toronto, Canada (July 22-23, 2005).

Speaker, “Cutting Edge Strategies in Class Action Litigation,” at Seminar: “Latest Developments In Class Action Law,” Fulbright & Jaworski (Houston, Texas February 23, 2005; Dallas, Texas March 30, 2005; Austin, Texas March 31, 2005).

Speaker, “Should Mississippi Adopt a Class Action Rule? – Balancing the Equities: Ten Considerations That Mississippi Rulemakers Ought to Take Into Account in Evaluating Whether to Adopt a State Class Action Rule;” panelist, “The Merits and Demerits of Aggregating Civil Actions;” sponsored by the University of Mississippi Law School and Law Review Symposium “Love It or Leave It; An Examination of the Need for and Structure of a Class Action Rule for Mississippi” (Jackson, Mississippi, February 18, 2005).

Speaker, “Class Actions – A View From the Experts,” at the Advanced Consumer Litigation Conference sponsored by the Texas State Bar CLE and the National Association of Consumer Advocates (San Antonio, Texas, February 10-11, 2005).

Speaker, 14th Annual Litigation and Resolution of Complex Class Actions, sponsored by Glasser LegalWorks, January 27-28, 2005. Speaker on panels: “Recent Federal and State Developments;” “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law;” “Electronic Discovery;” “Product Liability/Mass Tort Developments and Medical Monitoring Class Actions;” “Consumer Actions;” “Trial, Proof of Damages, and Punitive Damages;” and “Resolution and Settlement Strategies.”

- Speaker, “Recent Developments in the Field of Class Actions and Mass Torts,” at the Corporate Counsel Symposium: Industries on the Defense – Defending and Managing Litigation Across the Country, Class Actions – Mass Torts, Aggregated Claims, New Threats, sponsored by the Federation of Defense & Corporate Counsel (September 9-10, 2004)(Milwaukee, Wisconsin, in conjunction with Marquette University Law School and in collaboration with the Product Liability Advisory Council).
- Faculty Member and panelist, “Crossing the State Line: The Pursuit of State Law Claims for an Interstate Class, the American Bar Association 8th Annual National Institute on Class Actions (New York City, October 15, 2004 and New Orleans, October 29, 2004).
- Speaker, *Bazzle v. Green Tree Financial Corporation: Are Arbitration Agreements a Viable Tool Against Class Actions?*, The Class Action Litigation Summit: Preemptive Best Practices and Winning Strategies (June 24-25, 2004, Washington D.C.).
- Speaker, “Taking Adequacy Seriously: The Inadequate Assessment of Adequacy in Litigation and Settlement Classes,” at the 10th Annual Institute for Law and Economic Policy, Symposium: Protecting the Public; The Role of Private and Public Attorneys’ General, sponsored by Vanderbilt University Law School and the Vanderbilt Law Journal (April 23-24, 2004, Miami, Florida).
- Speaker, “Class Action Standing After *Amchem* and *Ortiz*: The Problem of ‘Logically Antecedent’ Inquiries,” at Symposium on Multi-Jurisdictional and Cross-Border Class Actions, Michigan State University DCL College of Law (April 16-17, 2004, East Lansing, Michigan).
- Academic Invitee, Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States, Conference on Electronic Discovery (February 20-21, 2004, Fordham University School of Law, New York City).
- Speaker, “The Future of Tort Reform: Possible Lessons From the World Trade Center Victim Compensation Fund,” at The Randolph W. Thrower Symposium on The Future of Tort Reform: Reforming the Remedy, Re-Balancing the Scales (February 19, 2004 at the Emory Law School, Atlanta, Georgia).
- Presenter and Faculty Member, 13th Annual Litigation and Resolution of Class Action Litigation (November 19-20th, 2003, New York City; December 3-4, 2003, San Francisco; sponsored by Glasser LegalWorks. Panels on “Reforms in Class Action Procedures and Effects on Strategies;” “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law;” “Products Liability/Mass Tort Developments and Medical Monitoring Class Actions;” “Consumer Actions.”
- Moderator and Presenter, The Future of Class Action Litigation in America (October 2-3, 2003, Boston, Massachusetts, sponsored by the American Bar Association, Tort Trial & Insurance Practice Section). Moderator of all panels for entire first day of

program (six panels); panelist and presenter, "Recent Developments: Notice Issues, Res Judicata/Claim Preclusion Issues."

Speaker, "Developments in the Procedural Means For Resolution of Mass Tort Litigation in the United States, 1975-2003," (February 27-28, 2003), Conference on Liability for Acts of Terrorism, sponsored by the European Centre of Tort and Insurance Law, Munich, Germany.

Panelist, "The Right to Opt-Out of Class Action Suits," Symposium, "Cutting Edge Issues in Class Action Litigation," (November 1-2, 2002), The Legal Forum, The University of Chicago Law School).

Speaker, "September 11th Victim Compensation Fund of 2001: A Model for the Future?, Liability and Insurance After September 11th (March 21-22, 2002, University of Connecticut School of Law, Hartford, Connecticut Insurance Law Center and the Geneva Association).

Commentator, "Perspectives on Dispute Resolution in the 21st Century" (January 25, 2002, William S. Boyd School of Law, University of Nevada).

Speaker, "The Proposed Amendments to Federal Rule of Civil Procedure 23, The Class Action Rule" (January 16, 2002, The Federal Bar Association of San Antonio, Texas).

Commentator, "Judge Jack B. Weinstein, Tort Litigation, and The Public Good" (November 9, 2001, Brooklyn Law School).

Panelist, "Rules-Based Approaches to the Problems and Issues [relating to Proposed Amendments to Fed. R. Civ. P. 23]," Class Action Conference, sponsored by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (October 22-23, 2001, Chicago, Illinois).

Speaker, "A 'Predominância' e a 'Superioridade' Na Class Action for Damages Norte-Americana, IV Jornadas Braslieiras de Direito Procesual Civil, sponsored by the Instituto Brasileiro de Direito Processual and Instituto Brasiliense de Ensino e Pesquisa (August 6-10, 2001, Fortaleza, Brazil).

Speaker, "Where's There's Smoke: Will Tobacco Litigation Go Global?," Seventh Annual Clifford Symposium on Tort Law and Social Policy, DePaul University School of Law (April 5, 2001, Chicago, Illinois).

Speaker, "A Good Rulemaking: Federal Rule 23(f)," Symposium on the New Federal Rules of Civil Procedure: How Will They Affect Litigation Strategy and Tactics?," The Center for Advocacy and Dispute Resolution at the University of Tennessee College of Law (March 15, 2001, Knoxville, Tennessee).

Speaker, "Revising the Class Action Rule – Federal Rule of Civil Procedure 23," The University of Tennessee College of Law (March 8, 2001; faculty colloquium, March 5, 2001, Knoxville, Tennessee).

Invited Conferee, *Ad Hoc* Subcommittee on Attorney Conduct, January 2001 Invitational, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (January 17, 2001, Washington D.C.).

Speaker, "State Class Actions Roundup: Significant Developments in States with Large Numbers of Class Actions," American Bar Association, Fourth Annual National Institute on Class Actions (October 13, 2000, New York City; October 27, 2000, Chicago, Illinois)(with the Section of Litigation and the Center for Continuing Legal Education).

Instructor, National Institute for Legal Education (Stanford Law School, July 3-7, 2000; St. Mary's Law School, August 4-5, 2000; Nova University Law Center, Ft. Lauderdale, Florida, August 11-12, 2000).

Speaker, "Federal Harmonization of Civil Procedure in the United States," International Association of Procedural Law, Millennium Colloquium (Ghent, Belgium, April 23-28, 2000).

Lecture, "Lessons From Abroad: Complexity and Convergence," the Reuschlein Endowed Lecture, Villanova University School of Law (Villanova, Pennsylvania, April 7, 2000).

Speaker, "The Impact of Federal Class Action Law on Class Actions Litigation in the Gulf States," American Bar Association Section of Litigation Annual Meeting, Committee on Class Actions and Derivative Litigation (Seattle, Washington, April 6, 2000).

Speaker, "Abandoning the Federal Class Action Ship: Is There Smoother Sailing for Class Actions in Gulf Waters: The Trickle Down Effects of Federal Class Action Jurisprudence on the Gulf States," Symposium on Class Actions in the Gulf States sponsored by the Tulane Law Review and Tulane Law School (New Orleans, Louisiana, March 31, 2000).

Speaker, "The Impact of Federal Class Action Law on Class Actions Litigation in the Gulf States," Faculty Colloquium, Villanova University School of Law (March 29, 2000).

Lecture, "Lessons from Abroad—Resolving Aggregate Litigation in a Global Context," (the Harold Gill Reuschlein Distinguished Visiting Distinguished Chair Lecture, Villanova University Law School).

Invited Participant, Special Study Meeting on Federal Rules Governing Attorney Conduct, Subcommittee on Federal Rules Governing Attorney Conduct (sponsored by the Judicial Conference Committee on Rules of Practice and Procedure, Washington D.C., February 4, 2000).

Speaker, "Civil Procedure in the 21st Century–The Future of Complex Litigation," Association of American Law Schools Section on Civil Procedure (Washington D.C. January 8, 2000).

Commentator, "Futures," Mass Tort: A Symposium, sponsored by the David Berger Program on Complex Litigation & the University of Pennsylvania Law Review, in Conjunction with The Advisory Committee on Civil Rules & The Working Group on Mass Torts (Philadelphia, Pennsylvania, November 11-12, 1999).

Speaker and Panelist, "Creating Opportunities Outside the Law School," Workshop for Women in Legal Education, Association of American Law Schools (Chicago, Illinois October 1-2, 1999).

Speaker and Panelist, "New Developments in Class Actions;" and "Class Actions in State Courts: The New Forum," American Bar Association National Institute on Class Actions (Washington D.C. October 8, 1999).

Speaker and Panelist, "Ethical Issues in Mass Tort Litigation," 23rd Annual Page Keeton Products Liability and Personal Injury Law Conference (Austin, Texas October 21, 1999).

Instructor, National Institute for Legal Education (Nova University Law Center, Ft. Lauderdale, Florida, August 8-10, 1999).

Speaker, "Guns, Butter, Tobacco and Beer–Government Sponsored Litigation–Are You Next?," speaking on "Class Action and Aggregate Litigation in a Global Context," Products Liability Advisory Council Meeting (San Antonio, Texas May 6, 1999).

Speaker, "Hot Issues in Class Action Litigation," American Bar Association Section of Litigation Annual Meeting, Subcommittee on Class Actions and Derivative Litigation (Dallas, Texas April 16, 1999).

Program Moderator, "How to Prosecute and Defend a National Class Action," American Bar Association Section of Litigation Annual Meeting (Dallas, Texas April 15, 1999).

Colloquium Presentation, "Class Action and Aggregate Litigation in a Global Context," Valparaiso University School of Law (Valparaiso, Indiana March 26, 1999).

Speaker, The Monsanto Lecture: "Resolving Aggregate Mass Tort Litigation: The New Private Law Dispute Resolution Paradigm" (Valparaiso University School of Law, Valparaiso, Indiana March 25, 1999).

Moderator, Plaintiffs' Law Day (University of Texas School of Law, March 9, 1999).

Panelist, "The Ethics of Mass Torts and Class Action Settlements," 8th Annual Advanced Civil Trial Law Conference (Houston, Texas, February 4-5, 1999).

Commentator, "The Vicissitudes of the American Class Action," International Colloquium—Abuse of Procedural Rights: Comparative Standards of Procedural Fairness (sponsored by the International Association of Procedural Law, the Louisiana State Bar Association, International Law Section, and the Eason-Weinmann Center for Comparative Law at Tulane Law School, October 29, 1998).

Invited Conferee, Conference on Mass Torts, Mass Tort Working Group (sponsored by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, San Francisco, April 23-24, 1998).

Speaker, "Mass Torts, Class Actions, and Aggregative Procedure Through a Comparative Lens," Symposium on Products Liability: Comparative Approaches and Transnational Litigation (sponsored by the *Texas International Law Journal*, Austin, Texas February 20, 1998).

Moderator, "Ethical Issues in Mass Tort Litigation" (symposium sponsored by the *Review of Litigation*, Austin, Texas, February 6, 1998).

Speaker, "10th Trial by Masters" (sponsored by Tulane Law School, Continuing Legal Education, New Orleans, Louisiana, December 19, 1997).

Speaker, "Getting to *Shutts*," Symposium in Honor of Professor Robert Casad (sponsored by the University of Kansas Law School, November 14, 1997).

Commentator, "Class Actions: Uses and Abuses" (sponsored by the Austin Inns of Court, Austin, Texas, October 20, 1997).

Commentator, Conference on Civil Discovery Rules (sponsored by the Advisory Committee on Civil Procedure of the United States Judicial Conference, Boston College, September 4-5, 1997).

Speaker and Program Moderator, "Class Actions After *Georgine* and *Ahearn*: What Will the Future Bring?," American Bar Association Annual Meeting, Presidential Showcase Program (San Francisco, California, August 1, 1997).

Speaker, "Current Developments in Class Action Litigation," Travis County Bar Association Bench-Bar VII Conference (Montgomery, Texas May 16-18, 1997).

Speaker, "Mass Torts and Class Actions, Analysis of Trends and Upcoming Events," (CLE Program sponsored by Shook, Hardy & Bacon, Kansas City, Missouri, April 25, 1997).

Speaker, "Current Controversies in Class Action Litigation," Loyola of Los Angeles Law School (Los Angeles, California, April 10, 1997).

Panelist, "Class Actions at the Crossroads" (symposium conference sponsored by the University of Arizona College of Law, the Law College Association, and the Institute for Law & Economic Policy, December 13-14, 1996, Tucson, Arizona)

Panelist and Speaker, "Proposed Amendments to the Federal Class Action Rule 23," American Law Institute-American Bar Association Program, Employment Law: The Big Case (New Orleans, Louisiana, October 31, 1996).

Luncheon Speaker, "Mass Tort Class Actions: On the Ropes," American Conference Institute, Conference of Tobacco Litigation (New York City, October 10, 1996).

Speaker, "Legal Scholarship Over a Lifetime Academic Career," AALS Workshop for New Teachers (Washington D.C., July 27, 1996).

Panelist, "Mass Torts: The Problems and Potential Solutions," Product Liability Advisory Council Spring Conference (Orlando, Florida, April 24-26, 1996).

Invited participant, Special Study Conference on Federal Rules Governing Attorney Conduct (sponsored by the Judicial Conference Committee on Rules of Practice and Procedure, Los Angeles, California, January 9-10, 1996).

Invited participant, Institute of Judicial Administration, Research Conference on Class Actions and Related Issues in Complex Litigation, New York University School of Law (New York City, April 21-22, 1995).

Invited participant, Southwest Legal Foundation Conference on Civil Procedure and the Future of the Federal Rules (Southern Methodist University, Dallas, March 31, 1995).

Speaker, "Personal Jurisdiction and Plaintiffs' Due Process," University of Florida College of Law (Gainesville, Florida, March 22-23, 1995).

Speaker, "Multiforum Practice: Ethics and *Erie*," Philip A. Hart Lecture, Georgetown University Law Center, Symposium on Legal Ethics Into the Twenty-First Century (Washington D.C. March 17, 1995).

Panelist, "The Limits of Partisan Advocacy," ABA Products Liability Section (mid-year meeting, Tucson, Arizona, February 23-26, 1995).

Speaker, The 50th Anniversary of *International Shoe*: The Past and Future of Personal Jurisdiction, University of California at Davis School of Law (Davis, California February 10, 1995).

Speaker, "Mass Tort Litigation and the Dilemma of Federalization," Section on Federal Courts, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, January 1995).

Invited Conferee, National Mass Tort Conference (Cincinnati, Ohio, November 10 - 13, 1994).

Panelist, Conference on Jurisdiction, Justice, and Choice of Law for the 21st Century, New England School of Law (Boston, Massachusetts, October 28 - 29, 1994).

Conferee, Judicial Conference of the Fifth Judicial Circuit (San Antonio, Texas, June 6-8, 1994).

Panelist, Women's Forum, Women in Legal Education, 40th Anniversary of Women Graduates, Georgetown University Law Center (Washington D.C., April 15, 1994).

Speaker, "Discovery in Disarray: The Pervasive Myth of Pervasive Discovery Abuse and the Consequences of Unfounded Rulemaking," Clason Lecture Series, the Western New England College of Law (Springfield, Massachusetts, February 28, 1994).

Speaker, "Opportunities, Responsibilities, and Roadblocks to Achieving Power: Working With the Legal Profession and the Bar," Miniworkshop on "Beyond Tokenism: Wrestling with Power, Creative Opportunity," Co-Sponsored by the Professional Development Committee and the Section on Women in the Law, Association of American Law Schools Annual Meeting (Orlando, Florida, January 6, 1994).

Associate Reporter, The American Law Institute, PROCEEDINGS OF THE 70TH ANNUAL MEETING 1993 (presentation of Tentative *Draft No. 6* of the RESTATEMENT OF THE LAW GOVERNING LAWYERS, Washington D.C., May 13 -14, 1993).

Speaker, "*Carnival Cruise Lines* and Contractual Personal Jurisdiction," Section on Maritime Law, Association of American Law Schools Annual Meeting (San Francisco, California, January 9, 1993).

Speaker, "Civil Justice Reform Act of 1990 and Its Impact on Federal Practice and Procedure," State Bar of Texas Annual Meeting (Corpus Christi, Texas, June 26, 1992).

Associate Reporter, The American Law Institute, PROCEEDINGS OF THE 69TH ANNUAL MEETING 358 (1992)(presentation of Tentative *Draft No. 5* of the RESTATEMENT OF THE LAW GOVERNING LAWYERS, Washington D.C., May 14 - 15, 1992).

Reporter, National Conference on State-Federal Judicial Relationships (Orlando, Florida, April 10 -13, 1992).

Speaker, "Federalizing Choice of Law in Mass Tort Litigation," Section on Conflicts of Law, Association of American Law Schools Annual Meeting (San Antonio, Texas, January 4, 1992).

Presiding Officer, 15th Annual Page Keeton Products Liability and Personal Injury Law Conference (Austin, Texas, November 1991).

Speaker, The Alexander Watkins Terrell Lecture, "Hope Over Experience: Mandatory Informal Discovery and the Politics of Rulemaking," University of Texas School of Law (Austin, Texas, March 19, 1991).

Co-Chair, Committee on Complex Litigation, Section on Civil Procedure of the Association of American Law Schools; Speaker, "Problems in Complex Litigation" (annual meeting, January 1991).

Planning Committee Member, Workshop for New Law Teachers, Association of American Law Schools, small group discussion leader (Washington D.C., July 1990).

Chair and Planning Committee Member, Association of American Law Schools Workshop for New Law Teachers (Washington D.C., July 20-22, 1989).

Teaching Demonstration, "Teaching Methodologies: Problem Method," Association of American Law Schools Workshop For New Law Teachers, (Washington, D.C., July 21-23, 1988).

Planning Committee Member, Conference on Civil Procedure, Association of American Law Schools; Panelist, "Perspectives on Civil Procedure Scholarship: Integrating Traditional Scholarship Into the Classroom;" Chair, "Civil Procedure and Other Disciplines and Perspectives;" Chair, "Innovation in the Classroom: Use of Supplementary Materials" (Charlottesville, Virginia, June 4-10, 1988).

Steering Committee member, symposium organizer, and panelist, D.C. Area Women Law Professors (1986-1991). Speaker, Symposium on Professional Development (Washington D.C., fall 1989); Symposium on Scholarship (Washington D.C., May 1986).

PREVIOUS ACADEMIC EMPLOYMENT

American University, Washington, D.C.
School of Justice, College of Public Affairs

Assistant Professor, 1978-1979

Adjunct Assistant Professor, 1997-78; 1979-80

Courses: Introduction to Problems of Justice; Justice and Morality; Introduction to Political Theory; Civil Disorder; Nature and Function of the American Legal System; Moral Issues in Criminal Justice; Police and the Political System; The Constitution and Criminal Procedure

Department of Government, College of Public Affairs

Adjunct Assistant Professor, Fall 1977

Course: Introduction to American Government

George Washington University, Washington, D.C.

College of General Studies

Associate Professorial Lecturer in Government, 1977-1980

Courses: The Legislative Process; U.S. Constitutional Law and Politics I;
U.S. Constitutional Law and Politics II

Georgetown University Law Center, Washington, D.C.

Law Fellow, 1978-1979

Course: Legal Research and Writing

Fordham University, Lincoln Center Campus

New York City, New York

Adjunct Assistant Professor, Political Science, 1977

Adjunct Instructor, Political Science, 1975-1977 (offered tenure track position)

Courses: Introduction to American Politics; Introduction to American
Constitutional Law; Civil Liberties Under the Constitution; Political Action in
America; Revolution and Revolutionary Change; Classical Political Thought;
Modern Political Thought; International Law

The City College of New York, New York City

Department of Political Science

Adjunct Assistant Professor, 1977

Courses: International Law; Constitutional Law: The Federal System

The Cooper Union for the Advancement of Science and Art

Social Sciences Program

Assistant Professor, Spring 1977

Instructor, Fall 1976

Course: Politics and American Society

The New York Institute of Technology, New York City

Instructor of Political Science, Spring 1976

Courses: American Government and Politics;
Government and Metropolitan Problems

The University of Maryland, European Division

Ramstein, Germany

Instructor of Political Science, Summer 1974

PREVIOUS LEGAL EMPLOYMENT

Pierson, Ball & Dowd

Washington, D.C.

(since merged with Reed, Smith, Shaw & McClay)

Associate Attorney, 1980-1981

General corporate; FCC; Ethics in Government Act; wills and trusts; appellate

Van Arkel, Kaiser, Gressman, Dreisen & Rosenberg

Washington, D.C. (since merged with Bredhoff and Kaiser)

Law Clerk, 1979-1980

Union labor representation; class action against Government Printing Office

Musick, Peeler & Garrett

Los Angeles, California

Summer Associate, 1979

General corporate practice: litigation; tax; probate; labor law; health care

Environmental Protection Agency

Washington, D.C.

Summer Associate, 1978

Research and regulations under the Resource Conservation and Recovery Act

PERSONAL INFORMATION

Volunteer Guide, Wildbasin Nature Preserve (Austin, Texas)

Austin Habitat for Humanity (volunteer)

Westlake High School Band Parents (Board Member, 1999-2003; Chair, Chaperones, 2000-03; High School Representative, 1999-2000; Westlake Marching Festival annually)

Three sons (all grown & out)