

PROTECTING CONSUMER INTERESTS IN CLASS ACTIONS

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Brian Anderson

Brian Anderson is a litigation partner at O'Melveny & Myers, L.L.P. who specializes in the defense of class actions and other complex litigation in federal and state courts across the country. He has defended over 200 class actions in 35 different states and the District of Columbia. Although most of Mr. Anderson's practice is at the trial court level (including multidistrict litigation), he also has briefed and argued many cases in various state and federal appellate courts. Much of his caseload has involved leading the defense of proposed class actions and other mass-action lawsuits brought against several major worldwide automobile manufacturers. While most of these cases involve product liability issues, many raise allegations of consumer fraud or violations of state consumer protection statutes. Mr. Anderson also has defended RICO, consumer finance, and employee benefit class actions, asbestos and trade secret litigation, and litigation involving the nuclear power and insurance industries. He has published numerous articles on various aspects of complex litigation, submitted amicus briefs in landmark appellate cases, spoken at legal conferences, been quoted in the media, and testified before the federal Judicial Conference in support of amendments to the class action rules. His recent publications include: "Five Years of Immediate Class Certification Appeals: A Progress Report on Rule 23(f)," *Legal Background* (Mar. 19, 2004) (Washington Legal Foundation) (co-authored with Patrick McLain); "The Case for Expanding Federal Jurisdiction Over Class Actions," (March 2004) (*ABA Litigation Section*) (co-authored with Brian P. Brooks); "The Alternative To Class Actions — Private Attorney General Actions Under California's Unfair Competition Law," *Amicus* (Feb. 2000) (Product Liability Advisory Council); "Courts Should Reject Class Action Status For Medical Monitoring Claims," *Legal Background* (May 28, 1999) (Washington Legal Foundation) (co-authored

with Paul Horwitz); "If Nobody's Been Hurt, There's Simply No Tort," *National Law Journal* (June 8, 1998); "Will Supreme Court Ruling Ebb The Class Action Tide?" *Legal Background* (Sept. 12, 1997) (Washington Legal Foundation); and "Who'll Stop The Class-Action Juggernaut?" *Investor's Business Daily* (May 22, 1997). Mr. Anderson received his J.D., with distinction, from Stanford Law School, where he was Note Editor of the *Stanford Law Review*. He received his B.A., *magna cum laude*, from the University of California, Berkeley.

Patricia F. Bak

Patricia F. Bak is an attorney with the FTC's Bureau of Consumer Protection, Enforcement Division, where she investigates and prosecutes deceptive advertising and unfair trade practice cases. She also is a member of the Commission's Class Action Fairness Project team, having authored the Commission's amicus briefs objecting to the class action settlements reach in *Haese v. H&R Block* and *Schneider v. Citicorp Mortgage*. While in private practice, Ms. Bak represented both plaintiffs and defendants in class action securities and antitrust cases and other complex commercial litigation and later managed professional liability litigation while at the FDIC during the banking crisis. Just prior to joining the FTC, Ms. Bak served as managing attorney and corporate secretary of the \$3.2 billion Manville Personal Injury Class Action Settlement Trust and its claims settlement facility, the Claims Resolution Management Corporation, where she managed a 10 person legal department and served on the Trust's senior management team. She received both her B.A. and J.D. degrees from Northwestern University.



Arthur H. Bryant

Arthur H. Bryant is the Executive Director of Trial Lawyers for Public Justice (TLPJ), a national public interest law firm dedicated to using trial lawyers' skills and resources to advance the public good. TLPJ prosecutes a wide range of class (and individual) actions, has defeated some companies' efforts to amend their consumer contracts to eliminate consumer class actions against them, and operates an aggressive Class Action Abuse Prevention Project. Mr. Bryant joined TLPJ as its sole staff attorney in 1984 and has been its Executive Director since 1987. Before joining TLPJ, he served as a law clerk to U.S. District Court Judge Gabrielle K. McDonald and represented plaintiffs and defendants in class action and First Amendment litigation at the Philadelphia law firm of Kohn, Savett, Marion & Graf (now Kohn, Swift & Graf). While at that firm, he brought and tried the class action that forced the admission of women to Philadelphia's previously all-male Central High School. Mr. Bryant has spoken regularly at the American Bar Association's National Institute on Class Actions. In 1991, he was honored by the ABA's *Barrister* magazine as one of twenty young lawyers making a difference in the world. In 1996, he was featured by *The American Lawyer* as one of 45 young lawyers "whose vision and commitment are changing lives." In 2000, he was listed by *The National Law Journal* as one of the 100 Most Influential Lawyers in America. In 2003, he received the ABA's Pursuit of Justice Award. Mr. Bryant received an A.B. with Honors from Swarthmore College and a J.D. from Harvard Law School, where he captained his team to the Ames Moot Court Competition Championship.

Patricia A. Conners

In her capacity as Chief of the Antitrust Section for the Florida Attorney General's Office, Ms. Conners has, since 1995, been responsible for implementing and overseeing the Attorney General's state and

federal antitrust enforcement efforts. Prior to this, she was an Assistant Attorney General in the Antitrust Section, working on such notable cases as *Florida v. Borden, Inc.*, the 1989 school milk bid-rigging case that resulted in a \$36 million recovery for Florida school boards and *Florida v. Abbott Laboratories, Inc.*, the first of the so-called Infant Formula cases. She is currently the Chair of the NAAG Multistate Antitrust Task Force, and in that role, coordinates multi-state antitrust enforcement efforts and ensures the implementation of NAAG Task Force initiatives and policy. Prior to becoming Chair of the Antitrust Task Force, Ms. Conners served the Task Force as National Vice Chair from 1999 to 2001 and as the Southeast Regional Vice Chair from 1996 to 1999. She has participated in numerous seminars on a variety of antitrust topics, including state antitrust enforcement initiatives and issues. Currently, she is also Chair of the Florida Bar's Antitrust Certification Committee. She received both her B.A. and J.D. degrees from the University of Florida.

Lloyd Constantine

Lloyd Constantine is the managing partner of Constantine & Partners, a commercial litigation firm, with an internationally recognized antitrust practice. Mr. Constantine is lead counsel for the plaintiffs in the landmark *Visa Check/MasterMoney Antitrust Litigation*, aka *Wal-Mart, The Limited, Sears, Safeway and Circuit City v. Visa and MasterCard*, which resulted in a \$3.4 billion monetary settlement and a historic injunction on behalf of U.S. merchants. Mr. Constantine has extensive litigation experience at all levels of federal and state courts, including oral argument before the United States Supreme Court. He has served as lead or liaison counsel in many complex and multistate antitrust cases and investigations including *Panasonic Antitrust Litigation* (50 States); *Minolta Antitrust Litigation* (37 States); *States v. Visa & MasterCard* (14 States); *States v. Mitsubishi* (50 States) and *K*



Prime aka *Primestar I* (44 States). Mr. Constantine was a member of McDermott, Will & Emery from 1991 through March 1994. He devoted the first eight years of his career to the Legal Services program, representing indigents in civil rights and civil liberties litigation. Mr. Constantine was an Adjunct Professor of Antitrust law at Fordham University School of Law from 1989 through 1996 and is a frequent lecturer, commentator and author on Competition Law and Policy in the United States, Canada, Europe and Asia. He is the former Assistant Attorney General in Charge of Antitrust Enforcement for the State of New York (1980-1991). He served as Chair of the Antitrust Task Force of the National Association of Attorneys General (NAAG) from 1985-89. He is the principal author of NAAG's 1987 "Merger Guidelines," 1985 and 1988 "Vertical Restraints Guidelines," and 1988 "Pre-Merger Disclosure Compact." He also served as the States' first liaison to the FTC-States-DOJ Executive Working Group for Antitrust (EWG-A). Mr. Constantine frequently testifies before Congress on antitrust and international trade issues. He served as expert on U.S. competition law and economics for the Attorney General of Quebec in the first merger case under the current Canadian Competition Act. He received his B.A. from Williams College and his J.D. from Columbia Law.

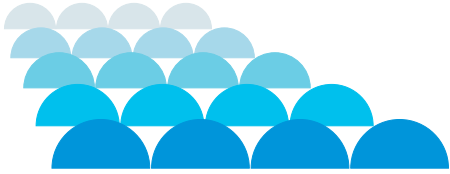
John T. Delacourt

John T. Delacourt currently serves as Chief Antitrust Counsel in the Federal Trade Commission's Office of Policy Planning. Prior to assuming that position, he served as the office's Assistant Director. He has been deeply involved in the FTC's class action fairness project. He was one of the principal drafters of the Commission's successful *amicus* objection to the class action settlement in *Erikson v. Ameritech*, as well as the Commission's recent comments to the Federal Judicial Conference on proposed amendments to Fed. R. Civ. P. 23. He also has played a substantial role in the Commission's efforts

to re-examine antitrust exemptions and to promote e-commerce competition. Prior to joining the FTC, Mr. Delacourt was an attorney with the law firm of Covington & Burling, where he specialized in antitrust and intellectual property issues. His recent publications include: "Protecting Competition by Narrowing *Noerr*: A Reply," 18 ANTITRUST 77 (2003); "The FTC's *Noerr-Pennington* Task Force: Restoring Rationality to Petitioning Immunity," 17 ANTITRUST 36 (2003); "The International Impact of Internet Regulation," 38 HARV. INTL. L.J. 207 (1997), and "Federal Preemption of State Consumer Fraud Regulations: *American Airlines, Inc. v. Wolens*, 115 S. Ct. 817 (1995)," 18 HARV. J.L. & PUB. POL'Y 903 (1995). Mr. Delacourt is a frequent commentator on class action, antitrust, and intellectual property issues, and has spoken before such groups as Antitrust Section of the American Bar Association, the Los Angeles Intellectual Property Law Association, the New York State Bar Association, the Pennsylvania Bar Institute, the American Enterprise Institute, and the Federalist Society. Mr. Delacourt received his B.A., *summa cum laude*, from Georgetown University and his J.D., *cum laude*, from Harvard Law School.

Michael L. Denger

Michael L. Denger is an antitrust partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, and co-chairs the Firm's Antitrust and Trade Regulation Practice Group. In May 2004, Chambers Global named Gibson, Dunn the 2003 U.S. Antitrust Law Firm of the Year. Mr. Denger's practice is concentrated in domestic and international antitrust and trade regulation law, false advertising law, and litigation. For over 30 years, he has been actively involved in all aspects of antitrust and trade regulation matters before federal and state enforcement agencies and courts, including federal and state antitrust and consumer protection class actions. He has represented clients in a wide range of industries. Mr. Denger was Chair of the American



Bar Association (ABA) Section of Antitrust Law in 1992-93. He also was Vice Chair of the Editorial Board for the Section's Antitrust Law Developments (2d ed. 1984) treatise and a contributor to subsequent editions and co-Editor-in-Chief of the Section's three-volume treatise, *State Antitrust Practice and Statutes* (1990). He currently serves on the Section's Antitrust Remedies Task Force. Mr. Denger was one of the five members of the ABA Antitrust Section Task Force on the Federal Antitrust Agencies (2001), which prepared a report to the Bush administration on "The State of Federal Antitrust Enforcement — 2001." He also served as a member of the Section's Special Task Force on Competition Policy, which released its report to the Clinton administration in March, 1993. In 1991-92, Mr. Denger was a member of the ABA President's Working Group on Civil Justice System Proposals. He has spoken on a wide variety of antitrust and consumer protection subjects, including class actions, at over 125 programs sponsored by business and professional groups. Mr. Denger is on the Board of Editors of *Antitrust Report*, is an adjunct professor of antitrust law at Washington and Lee University, and is a member of the U.S. Chamber of Commerce Antitrust Council. Mr. Denger received his B.S. degree with highest distinction from Northwestern University in 1967, and received his J.D. from Harvard Law School *cum laude* in 1970.

Theodore Eisenberg

Theodore Eisenberg is the Henry Allen Mark Professor of Law at Cornell Law School. He clerked for the U.S. Court of Appeals for the D.C. Circuit, and for Chief Justice Earl Warren (ret.). Before entering teaching, he practiced law in New York with Debevoise & Plimpton. He began teaching in 1977 at UCLA Law School, moved to Cornell in 1981 and has been a Visiting Professor at Harvard and Stanford Law Schools. He is a Fellow of the Royal Statistical Society, and a member of the Law and Society Association, the American Law and

Economics Association, the American Bar Association, the Association of the Bar of the City of New York, the American Bankruptcy Institute, and the International Association of Procedural Law. He has been an NSF and ABF grantee and serves as a referee for many journals. He is co-editor of the *Journal of Empirical Legal Studies*, serves on the editorial board of *American Law and Economics Review*, has served on the editorial board of the *Law and Society Review*, is Editor-in-Chief of the multi-volume treatise *Debtor-Creditor Law*, and is past Chair of the Law and Social Science Section of the Association of American Law Schools. He was elected to the Board of Directors of the American Law and Economics Association for a term beginning in 2004. Professor Eisenberg has taught bankruptcy and civil rights legislation for more than 20 years. He is the author of *Bankruptcy and Debtor-Creditor Law* (Foundation Press 3d ed. 2004) (forthcoming), and *Civil Rights Legislation* (LexisNexis 5th ed. 2004), and *Konkurs eller Rekonstruktion* (SNS Förlag 1995). He is co-editor of *Commercial and Debtor-Creditor Law: Selected Statutes* and editor of *Civil Rights and Employment Discrimination Law: Selected Statutes and Regulations*. Professor Eisenberg's empirical studies of the legal system have appeared in many law reviews and books, and cover civil rights, finance, products liability, punitive damages, judge and jury trials, the death penalty, class actions, and litigation models. He received his B.A. from Swarthmore College in 1969 and his J.D. from the University of Pennsylvania Law School in 1972.

Adam B. Fine

Adam B. Fine is an attorney with the FTC's Bureau of Consumer Protection, Enforcement Division, where he investigates and prosecutes deceptive advertising and unfair trade practice cases. He is also a member of the Commission's Class Action Fairness Project team, having analyzed and reviewed dozens of class action settlements to determine whether FTC



involvement would be beneficial for the court. He also played a major role in the filing of the Commission's *amicus* briefs in *Haese v. H&R Block* and *Schneider v. Citicorp*. While in private practice, Mr. Fine was a corporate attorney, representing both buyers and sellers in mergers and acquisitions. Mr. Fine prepared various documents involved in these transactions, including acquisition agreements, licensing agreements, confidentiality agreements, stockholder agreements, severance agreements and covenants not to compete, and also conducted the related due diligence. He received his B.A. from Northwestern University and his J.D. from the University of Michigan.

Robert M. Frisby

Robert M. Frisby is an Assistant Director in the Division of Enforcement of the Bureau of Consumer Protection at the FTC, and has served in this position since June 2002. He supervises a number of the division's cases and projects, including the Class Action Fairness Project. From 1990 to 2002 he was a staff attorney in the division, and from 1987 to 1990 he worked in the Bureau's Division of Policy and Evaluation. From 1985 to 1987 he was a staff attorney in the U.S. Department of Agriculture, Office of General Counsel. He received a J.D. from the University of Virginia School of Law in 1985, and a B.A. from the University of Maryland in 1982, *magna cum laude*.

Michael S. Frisch

Michael S. Frisch is Ethics Counsel and an Adjunct Professor of Law at the Georgetown University Law Center. Professor Frisch teaches courses in Professional Responsibility and serves as Program Coordinator of the Law Center's Externship Program. Professor Frisch was an Assistant Federal Public Defender in Maryland from 1975 to 1978. After a period in private practice, Professor Frisch served as a disciplinary prosecutor with the District

of Columbia Office of Bar Counsel from 1984 to 2001. He has been a frequent lecturer on a wide variety of legal ethics topics to local and national groups, including many years of service preparing and presenting panel discussions of current developments in legal ethics for the National Organization of Bar Counsel. He also served as President of the George Washington American Inn of Court and was ethics columnist for the *Bencher*, the Inn's magazine. Professor Frisch received his B.A. from Case Western Reserve University and his J.D. from Georgetown University Law Center.

Kenneth A. Gallo

A partner in the Litigation Department with substantial trial experience, Kenneth A. Gallo's practice focuses on antitrust, intellectual property and major commercial disputes. He has tried antitrust, patent, copyright, and breach of contract and fraud cases. Mr. Gallo has trial experience involving the banking and payments industries, computer hardware and software products, medical and telecommunications equipment, commercial real estate, and biotech oncology care products. Mr. Gallo regularly represents clients in private and government antitrust disputes including claims related to monopolization, tying, mergers and acquisitions, civil and criminal price fixing, *Kodak* theories, product distribution and the interplay between the antitrust and intellectual property laws. Mr. Gallo received his J.D. *cum laude* in 1982 and a B.A. *magna cum laude* in Economics in 1978, both from the University of Georgia. He served as law clerk to the Honorable George L. Hart, Jr., at the United States District Court for the District of Columbia from 1982 to 1983.

Lewis H. Goldfarb

Lew Goldfarb is a partner in the New York office of Hogan & Hartson, L.L.P. and a member of the firm's Litigation and Antitrust Groups. Mr. Goldfarb is a former vice-president and associate general



counsel for DaimlerChrysler Corporation. He was responsible for most of the company's regulatory matters, including antitrust, trade regulation, franchising, advertising, marketing, environmental and motor vehicle safety. Mr. Goldfarb was also in charge of DaimlerChrysler's class action litigation and was the architect of the company's successful class action defense program. Prior to joining DaimlerChrysler, Mr. Goldfarb served for 12 years at the Federal Trade Commission, first as a trial attorney, then as assistant director of the Bureau of Consumer Protection in charge of the Division of Consumer Financial Services. In that role, he was responsible for enforcement of federal regulations governing financial privacy, disclosure and predatory lending practices. He also served as the task force director for the Board of Governors of the Federal Reserve Board drafting regulations to implement the Equal Credit Opportunity Act. He has authored several articles, lectured frequently and has been quoted widely in business and industry press on strategies for countering abusive class actions. His published articles include "Selling Res Judicata — Class Action Abuse and How to Fix It" and "It's the Lawyers, Stupid! — Lawyer Misconduct As A Basis to Defeat Class Certification." He served on the Board of Lawyers for Civil Justice and has been actively involved in seeking reform of federal and state class action and product liability laws. Mr. Goldfarb received his B.A. from New York University and his J.D. from Rutgers Law School. He is a member of the Bars of New York, the District of Columbia, Virginia and Michigan, and is admitted to practice before the U.S. Supreme Court.

Neil M. Gorsuch

Neil M. Gorsuch is a partner with Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., where he specializes in complex litigation, including the defense and prosecution of class actions. His recent trial matters have included *Conwood v. UST*, which resulted in a \$1.05 billion antitrust judgment for the

firm's client, as well as *Teachers' Retirement System of Louisiana v. Regal Entertainment Group*, in which he turned back a derivative suit seeking to halt the distribution of a \$750 million dividend to shareholders, and *NCRIC v. Columbia Hospital*, in which he obtained a \$18.2 million counterclaim judgment for the defendant while defeating plaintiff's claims. Mr. Gorsuch has defended antitrust and securities class action lawsuits for SBC Communications Inc. and directors of Qwest Communications International, among others. Mr. Gorsuch's appellate matters have included representing the Council of Institutional Investors and its members before the U.S. Supreme Court in *Devlin v. Scardelleti* and *CalPERS v. Archer Daniels Midland*, both of which concerned the rights of shareholders to contest attorney fee requests in class action settlements. He represented the American Hospital Association as *amicus curiae* in the Supreme Court assisted suicide cases, and he is currently representing the U.S. Chamber of Commerce before the Second Circuit and the U.S. Supreme Court in cases concerning the scope and availability of the loss causation defense to defeat securities class actions. Mr. Gorsuch served as a law clerk to Justice Byron White and Anthony Kennedy of the U.S. Supreme Court and to Judge David Sentelle of the U.S. Court of Appeals for the D.C. Circuit. He is a member of the Council on Foreign Relations, the American Bar Association, and the American Trial Lawyers Association. His articles have been published by, among others, *The Wall Street Journal*, United Press International, the *Harvard Journal of Law & Public Policy*, and the Cato Institute. Mr. Gorsuch holds a Ph.D. in legal philosophy from Oxford, where he studied as a Marshall Scholar. He also holds a J.D., *cum laude*, from Harvard Law School, where he studied as a Harry S. Truman Scholar, and a B.A. from Columbia, where he graduated Phi Beta Kappa, with honors.

Michael S. Greve

Michael S. Greve is the John G. Searle Scholar at the



American Enterprise Institute in Washington, D.C. where he directs the AEI Federalism Project and the AEI Liability Project. His research and writing cover American federalism and its legal, political, and economic dimensions. Dr. Greve co-founded and, from 1989 to February 2000, directed the Center for Individual Rights (CIR), a public interest law firm. CIR served as counsel in many precedent-setting constitutional cases, including *United States v. Morrison* (2000) and *Rosenberger v. University of Virginia* (1995). He currently serves on the Board of Directors of the Competitive Enterprise Institute. He has written widely on constitutional and administrative law, federalism, environmental policy, and civil rights. He is the editor, with Fred L. Smith, of *Environmental Politics: Public Costs, Private Rewards* (Praeger, 1992); the author of *The Demise of Environmentalism in American Law* (AEI, 1996); of *Real Federalism: Why It Matters, How It Could Happen* (AEI, 1999); and most recently of *Sell Globally, Tax Locally: Sales Tax Reform for the New Economy* (AEI, 2003). Dr. Greve is also the co-editor, with Richard A. Epstein, of *Competition Laws in Conflict: Antitrust Jurisdiction in the Global Economy* (AEI, 2004). Dr. Greve earned his Ph.D. in Government from Cornell University in 1987.

Steven B. Hantler

Steven B. Hantler is DaimlerChrysler Corporation's Assistant General Counsel for Government and Regulations. He directs the Company's Class Action Group, Consumer Litigation Group, litigation communications function, and legal reform activities. Mr. Hantler is one of the nation's leading experts on legal reform and has contributed to legal reform initiatives in many states and at the federal level. He serves on the boards of directors of the Michigan Chamber of Commerce, the New York University Law School Center for Labor and Employment, the American Tort Reform Association and is legal reform advisor to the Council of State Chambers. He also chairs the board of directors of the State

Government Leadership Foundation, which is dedicated to educating state leaders on timely public policy issues. Mr. Hantler is widely quoted in business magazines and newspapers as well as on television and radio about high profile litigation and on the issues of asbestos, class action and civil justice reform. His keynote speech at the Republican Attorneys General Association Summer 2003 meeting, "The Seven Myths of Highly Effective Plaintiff's Lawyers," has been published by Vital Speeches of the Day, The Washington Legal Foundation, and several state chambers of commerce. His monograph of the same title has been published by The Manhattan Institute. Mr. Hantler received his B.A. from the University of Michigan in 1975 and his J.D. at Wayne State University Law School in 1978.

Pamela Jones Harbour

Pamela Jones Harbour was sworn in as a Commissioner on the Federal Trade Commission August 4, 2003. Ms. Harbour joins the FTC from Kaye Scholer L.L.P. where she served as a partner in the litigation department handling antitrust matters. She counseled clients on Internet privacy, e-commerce, consumer protection, and a variety of competition-related matters. Prior to joining Kaye Scholer, Ms. Harbour was New York State Deputy Attorney General and Chief of the Office's 150-attorney Public Advocacy Division. During her 11-year term in the Attorney General's office, she argued before the United States Supreme Court on behalf of 35 states in *State Oil v. Khan*, a landmark price-fixing case. She also successfully represented numerous states in *New York v. Reebok*, *States v. Keds*, and *States v. Mitsubishi*, each resulting in multimillion-dollar national consumer settlements. Among her most notable antitrust cases were *New York v. May Department Stores*, a successful anti-merger challenge, and *States v. Primestar Partners*, a consent judgment culminating a four-year multistate investigation of the cable television



industry. Ms. Harbour received her J.D. in 1984 from Indiana University School of Law, and a B.M. in 1981 from Indiana University School of Music.

Deborah R. Hensler

Deborah R. Hensler is the Judge John W. Ford Professor of Dispute Resolution at Stanford Law School and Director of the Stanford Center on Conflict and Negotiation. She teaches courses on alternative dispute resolution, complex litigation and the use of policy analysis in the law. Prior to joining the Stanford faculty, Professor Hensler was Director of the RAND Institute for Civil Justice (ICJ) and a faculty member of the RAND Graduate School and the University of Southern California Law School. Professor Hensler's research focuses on dispute resolution in ordinary and complex civil litigation. She is the lead author of *Class Action Dilemmas: Pursuing Public Goals for Private Gain* (2000), has written extensively about asbestos litigation, and has published numerous research monographs and journal articles on alternative dispute resolution, class actions, multi-district litigation, mass torts, and compensation for personal injury. She has appeared before judicial, legislative and executive agencies at the state and federal level and consulted with bench and bar committees and task forces in the U.S., Latin America and Asia regarding a broad range of tort liability and civil procedure issues. She has served as a director of the American Arbitration Association and the American Judicature Society and is currently a member of the Rand Institute for Civil Justice Board of Overseers. In 2002, Professor Hensler was elected a fellow of the American Academy of Political and Social Science and received the Robert McKay Law Professor Award from the Torts and Insurance Practice Section of the American Bar Association. Professor Hensler received her Ph.D. in political science from the Massachusetts Institute of Technology in 1973, and her A.B. from Hunter College *summa cum laude* in 1963.

Todd B. Hilsee

Todd B. Hilsee is the president of Hilsoft Notifications, a leading expert in class action notice planning, implementation, and analysis. He has been recognized by federal and state courts as an expert on notice, including the first significant reported decision, 141 F.R.D. 534 (N.D. Ga. 1992), on the use of media audience data to quantify the “net reach” of unknown class members — now a cornerstone of the methodology to determine the adequacy of notice. Hilsoft Notifications' expertise includes more than 150 cases, placing notices in 53 countries and in 36 languages. Major national and international cases include the *Swiss Banks* settlement, the *Babcock & Wilcox* and other asbestos-related mass-tort bankruptcies, the *Domestic Air Transportation Antitrust Litigation*, the *Cox Polybutylene Pipe Litigation*, *Blockbuster's Extended Viewing Fee Litigation*, numerous *Microsoft* Antitrust settlements, the global *Dow Corning* breast implant-related bankruptcy, *State Farm's Auto Parts Litigation*, the *Synthroid Marketing Litigation*, *Firestone's and Cooper Tire's* layer adhesion cases and the historic *MetLife* race-based pricing settlement, among many others. A leading advocate of “noticeable” notices, Hilsoft Notifications' court-approved notice plans have withstood appellate challenges, including to the United States Supreme Court. In January 2002, Mr. Hilsee was the only notice expert invited to testify before the Advisory Committee on Civil Rules of the Judicial Conference of the United States about the proposed “plain language” amendment to Rule 23, and subsequently was asked to write and design the illustrative ‘model’ plain language notices in collaboration with the Federal Judicial Center, which are now posted at www.fjc.gov. Mr. Hilsee has published numerous articles on notice and due process and he was the first notice expert recognized in Canada under the Ontario Class Proceedings Act of 1992. A communications professional, Hilsee spent the majority of his advertising career with Foote, Cone



& Belding, the largest U.S. domestic advertising firm, where he was awarded the American Marketing Association's award for effectiveness. He received his B.S. in Marketing from the Pennsylvania State University.

D. Bruce Hoffman

D. Bruce Hoffman is Deputy Director of the Federal Trade Commission's Bureau of Competition. The Bureau of Competition's two Deputy Directors report directly to the Bureau Director, and are responsible for overseeing all of the Bureau's antitrust enforcement activities, including investigations, merger review, litigation, and policy development. Mr. Hoffman was appointed to this position in October, 2003. He previously served as the Bureau's Associate Director for Regional Litigation, a position to which he was appointed in September, 2001. His primary responsibility in that position consisted of supervising all Bureau of Competition activities conducted by the FTC's Regional Offices, including merger and non-merger investigations and litigation. In addition to his role with the regions, Mr. Hoffman sat on the Bureau of Competition's Merger Screening and Evaluation Committees (which review all investigations conducted by the Bureau), participated in the Bureau of Competition's review of the second request process in FTC merger investigations, and assisted in FTC antitrust litigation and merger review. Prior to joining the FTC, Mr. Hoffman was a partner with Hunton & Williams in the firm's Miami, Florida office, where he specialized in antitrust, unfair competition, class action, and business litigation and counseling. Mr. Hoffman also has been active in the leadership of the American Bar Association's Section of Antitrust Law for a number of years. He is currently serving as a Vice-Chair of the Section's Exemptions and Immunities Committee, and previously held the same position on the Internet Committee and the Communications Industry Committee. Mr. Hoffman obtained his J.D. with high honors from the University of Florida College

of Law, where he was Order of the Coif, and a B.A. in political science with high honors from Penn State University.

D. Brock Hornby

The Honorable D. Brock Hornby currently serves as a United States District Judge for the District of Maine. He clerked for U.S. Fifth Circuit Judge Wisdom; taught at the University of Virginia Law School; practiced with Perkins, Thompson, Hinckley & Keddy in Portland, Maine; served as a United States Magistrate Judge; then as a Justice on the Maine Supreme Judicial Court; and became a federal trial judge in 1990. He has recently presided over the *MDL Music CD* cases and *New Motor Vehicle Canadian Export Antitrust Litigation*. He is a fellow of the American and Maine Bar Foundations, past chair of the Federal Judicial Center's Committee on District Judge Education and of the United States Judicial Conference Committee on Court Administration and Case Management. He is a member of the committee newly established under Chief Justice Rehnquist to study the system of judicial discipline for federal judges. He has served on the United States Judicial Conference and its Executive Committee. He is a member of the Council of the American Law Institute. Hornby received his J.D. from Harvard Law School, where he was Supreme Court Note and Developments Editor of *The Harvard Law Review*.

Samuel Issacharoff

Samuel Issacharoff is the Harold R. Medina Professor in Procedural Jurisprudence at Columbia Law School. Before coming to Columbia in 1999, he spent ten years at the University of Texas School of Law, where he held the Joseph D. Jamail Centennial Chair in Law. He teaches and writes across a wide range of subjects, including civil procedure and class actions, law and economics, employment law, and the constitutional law governing the political process.



In addition, he has served as counsel or in a consultative capacity in many class actions. Professor Issacharoff currently serves as the Reporter for the Project on Aggregate Litigation for the American Law Institute. He is also a Fellow of the American Academy of Arts and Sciences. Professor Issacharoff received his J.D. in 1983 from Yale Law School.

Dr. John H. Johnson, IV

Dr. John Johnson is a Senior Consultant at NERA Economic Consulting, an international firm with 500 professionals worldwide specializing in industrial and financial economics. Dr. Johnson is a member of NERA's Washington, D.C. antitrust practice where his work focuses on the use of econometric methods in litigation. NERA's antitrust practice provides a full range of economic advice in matters involving antitrust litigation, mergers and acquisitions, and competition policy. Prior to joining NERA, Dr. Johnson was an Assistant Professor of Economics and Labor and Industrial Relations at the University of Illinois at Urbana-Champaign. He taught courses in labor economics, with a special focus on discrimination and the role of women in the labor market. Dr. Johnson has extensive experience in price fixing litigation, class certification issues, and damages estimation. He has conducted many economic analyses with large transaction and demographic data sets, including volume of commerce calculations, pricing analyses, and econometric damage modeling. In addition to his litigation experience, Dr. Johnson has also worked on a variety of merger and competition policy issues. His consulting expertise spans a variety of industries, including agricultural products, chemical products, software, commodity metals, maritime shipping, petroleum products and radio and television programming. Dr. Johnson earned his Ph.D. in Economics from Massachusetts Institute of Technology. He also earned a B.A. in Economics (with highest distinction) from the University of Rochester.

Paul D. Kamenar

Paul D. Kamenar is the Senior Executive Counsel of the Washington Legal Foundation (WLF), a non-profit public interest law and policy center based in Washington, D.C., and is also Clinical Professor of Law at George Mason University School of Law where he directs and teaches WLF's Economic Freedom Public Interest Law Clinic. Over the years, WLF has filed objections to attorney fee awards on behalf of class members in proposed class action settlements, including *In Re Compact Disc Minimum Advertised Price Antitrust Litigation*, 216 F.R.D. 197 (D. Maine 2003); *In Re Magazine Antitrust Litigation*, 2004 U.S. Dist. LEXIS 1845; *Vizcaino v. Microsoft*, 290 F.3d 1043 (9th Cir. 2002); and *Azizian v. Federated Dep't Stores*, No. 3:03 CV-03359 SBA (N.D. Cal.). WLF also petitioned the Federal Trade Commission to investigate abusive contingency fee practices by plaintiffs' attorneys. Mr. Kamenar has appeared on numerous panels sponsored by the American Bar Association and other legal and policy organizations, as well as on national television and cable news shows discussing current legal and policy issues. He has argued cases on behalf of WLF before the appellate courts, including the U.S. Supreme Court. He received his B.A. in Economics from Rutgers College, and his J.D. from Georgetown University Law Center.

Howard I. Langer

Howard Langer is a partner in the firm Langer & Grogan, P.C. in Philadelphia. He has specialized in complex commercial litigation, and particularly antitrust law, for the last twenty-five years. He also is an adjunct lecturer of law and the University of Pennsylvania Law School where he teaches antitrust law. In *In re Linerboard Antitrust Litigation*, he obtained the first appellate decision in the Third Circuit since amendment of the federal class action rules in 1998 establishing the standard for class certification of antitrust cases. That case ultimately



resulted in the largest antitrust class action recovery within the Third Circuit. He also has been counsel in a multitude of important individual commercial matters, generally representing small or mid-size businesses. He successfully enforced a covenant not to compete against Cigna barring it from marketing a major line of insurance, *Volunteer Firemen's Ins. Services, Inc. v. CIGNA Property and Cas. Inc. Agency*, 693 A.2d 1330 (Pa. Super.1997). He recently obtained a preliminary injunction under the New Jersey Franchise Practices Act barring General Motors from imposing a new national sales program on the largest ACDelco distributor in New Jersey. *Beilowitz v. General Motors Corp.*, 233 F.Supp.2d 631 (D.N.J. 2002). In *Cullen v. Whitman Medical Corp.*, 197 F.R.D. 136 (E.D. Pa. 2002), a RICO action, Mr. Langer obtained the largest recovery ever by students against a trade school. Mr. Langer is a member of the American Law Institute. He received his B.A. from the City College of New York; an M.A. from the University of Toronto; and a J.D. from the University of Pennsylvania Law School.

Thomas B. Leary

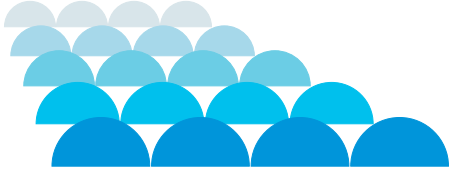
Thomas B. Leary was sworn in as a Commissioner at the Federal Trade Commission on November 17, 1999. Before his service at the Federal Trade Commission, Mr. Leary had been a partner at Hogan & Hartson, in Washington, D.C., since 1983. His practice was principally in the area of antitrust and trade regulation. Before becoming a partner at Hogan & Hartson, Mr. Leary was the Assistant General Counsel of General Motors, with overall responsibility for antitrust, consumer protection and commercial law matters. Before joining General Motors, he was a partner at White & Case in New York. Mr. Leary received his undergraduate degree in Economics from Princeton University and his J.D. from Harvard Law School, where he was an editor and an officer of *The Harvard Law Review*.

Christopher Leslie

Professor Christopher Leslie is an Associate Professor of Law at Chicago-Kent College of Law. After clerking for Judge Diarmuid O'Scannlain on the Ninth Circuit Court of Appeals, he practiced law at Pillsbury Madison & Sutro and Heller Ehrman White & McAuliffe in San Francisco, concentrating on antitrust and complex business litigation. Prior to joining the faculty of Chicago-Kent, Professor Leslie taught Antitrust and Corporations at Boalt Hall. Professor Leslie's scholarship has appeared in the *Texas Law Review*, *Tulane Law Review*, *UCLA Law Review*, the *Wisconsin Law Review*, the *Ohio State Law Journal*, and the *Harvard Civil Rights-Civil Liberties Law Review*. His research focuses on antitrust and business law. He has been a Visiting Professor at the University of Texas Law School and will be a Visiting Professor at Stanford Law School in Spring 2005. He has a B.A. in Economics and Political Science from UCLA and a M.P.P. from the Kennedy School of Government at Harvard University. He received his J.D. from Boalt Hall School of Law, University of California at Berkeley, where he served as an associate editor on the *California Law Review* and was elected to the Order of the Coif.

Roberta D. Liebenberg

Roberta D. Liebenberg is a member of Fine, Kaplan and Black, R.P.C., a nationally recognized firm that has had leading roles in numerous important complex class actions in federal and state courts. Ms. Liebenberg concentrates her practice in complex commercial litigation, particularly class actions in the areas of antitrust and consumer fraud. She is an elected member of the American Law Institute. She is currently a member of the Board of Governors of the American Bar Association. Ms. Liebenberg is a past Chair of the ABA Litigation Section's Class Actions and Derivative Suits Committee and now serves as Co-Chair of the Philadelphia Bar



Association's Antitrust Committee. In recognition of her outstanding litigation skills and mentoring of women attorneys, in 2003, she was the first recipient of the Lynette Norton Award by the Pennsylvania Bar Association's Commission on Women in the Profession. She also was named as one of the "Women of Distinction" by the *Philadelphia Business Journal* and the National Association of Women Business Owners based on her commitment to professional excellence and community involvement. In March 2004, she was recognized by Philadelphia Magazine as one of the "Top 50 Female Super Lawyers" in Pennsylvania and one of the "Top 100 Lawyers in Pennsylvania." Ms. Liebenberg was also listed as one of the leading antitrust lawyers in Pennsylvania by Chambers USA. She is a 1970 graduate of the University of Michigan and a 1975 graduate of the Catholic University Columbus School of Law, *magna cum laude*, where she was the Notes Editor of the Law Review. Thereafter, she served as a law clerk for the United States Court of Appeals for the Fourth Circuit.

Deborah Platt Majoras

Deborah Platt Majoras was sworn in as Chairman of the Federal Trade Commission on August 16, 2004. Ms. Majoras joined the FTC from Jones Day in Washington, DC, where she served as a partner in the firm's antitrust section. While at Jones Day, she worked on a variety of antitrust counseling and civil and criminal litigation matters, including mergers and acquisitions, monopolization, price-fixing, distribution issues, and governmental investigations. Majoras also was a member of the firm's technology issues practice and has participated in a variety of non-antitrust commercial disputes and criminal cases, including fraud, securities violations, and employment discrimination. In April 2001, Ms. Majoras was appointed deputy assistant attorney general at the U.S. Department of Justice's (DOJ) Antitrust Division. She was named principal deputy

in November 2002. During her three-year tenure, she oversaw matters involving numerous industries including software, financial networks, defense, health care, media and entertainment, banking, and industrial equipment. She also served as chair of the International Competition Network's (ICN) Merger Working Group and oversaw policy initiatives such as the FTC/DOJ Health Care Hearings, DOJ's Merger Review Process Initiative, and the Mergers Best Practices Project. She is a frequent speaker on competition policy to national and international audiences. Ms. Majoras graduated *summa cum laude* from Westminster College and received her J.D. from the University of Virginia in 1989, where she was awarded Order of the Coif and served as an editor of the *Virginia Law Review*. She is a member of the American Bar Association's Section of Antitrust Law, where she recently served as vice chair of the Section 2 Committee and as a member of the Long-Range Planning Committee. Ms. Majoras also served as a non-governmental advisor to the ICN and was named by President Bush to serve on the Antitrust Modernization Commission.

Lisa M. Mezzetti

Lisa M. Mezzetti joined Cohen Milstein in 1984, and since then has worked exclusively on consumer litigations and securities regulation actions (in class actions, private litigations and arbitrations). She has served as Lead Counsel or principal attorney in dozens of class actions. She is a public arbitrator for the National Association of Securities Dealers, hearing disputes between customers and brokers. She serves as a Vice-President and a member of the Board of Directors of The International Alliance for Women (a worldwide, non-profit organization that supports and promotes women entrepreneurs and professional and executive women). Ms. Mezzetti graduated from the Columbus School of Law, Catholic University of America in 1980, where she served as a Vice-Chancellor of the Moot Court



Board. In 1986, she received a LL.M., with a specialty in Securities Regulation, from Georgetown University Law Center. She received a B.A., *magna cum laude*, from Stonehill College in Massachusetts in 1977.

Geoffrey P. Miller

Geoffrey Miller is the Stuyvesant and William T. III Comfort Professor of Law at New York University. Prior to joining the faculty of NYU in 1994, Professor Miller was the Kirkland & Ellis Professor at the University of Chicago Law School. While at Chicago, he served as Associate Dean, Editor of the *Journal of Legal Studies*, and Director of the Program in Law and Economics. Professor Miller has acted as counsel in securities class actions and has been a testifying witness in class actions around the country on issues such as class certification, attorneys fees, and the fairness and adequacy of settlements. Professor Miller teaches courses in class actions, civil procedure, legal ethics, corporate law and banking law. He has written or edited five books and nearly two hundred articles. Recent articles on class actions include “Review of the Merits in Class Action Certification,” *___ HOFSTRA L. R. ___* (forthcoming); “The Role of Opt-Outs and Objectors in Class Action Litigation: Theoretical and Empirical Issues,” *___ VANDERBILT L. R. ___* (with Theodore Eisenberg) (forthcoming); “Attorneys Fees in Class Action Settlements: An Empirical Study,” *1 J. OF EMPIR. LEGAL STUD. 27* (2004) (with Theodore Eisenberg); “Ethical Considerations in Class Action Practice,” *695 PLI/Lit 463* (2003); “Competing Bids in Class Action Settlements,” *31 HOFSTRA L. R. 633* (2003); “Payment of Expenses in Securities Class Actions: Ethical Dilemmas, Class Counsel, and Congressional Intent,” *22 REV. OF LITIG. 557* (2003); “Conflicts of Interest in Class Action Litigation: An Inquiry into the Appropriate Standard,” *2003 U. CHI. LEGAL F. 581* (2003). Professor Miller received his B.A. degree from Princeton University in 1973 and his J.D. from Columbia University in 1978.

Lucy Morris

Lucy Morris is a Senior Attorney in the Division of Financial Practices, Bureau of Consumer Protection, at the Federal Trade Commission, where she is responsible for conducting complex civil enforcement actions in federal district court. In recent years, she has focused on predatory lending issues. In particular, she was the lead attorney in the Commission’s litigation against Citicorp and The Associates, which resulted in a record-setting \$215 million settlement on behalf of consumers, and the lead attorney responsible for the Commission’s \$40 million settlement with the subprime mortgage servicer, Fairbanks Capital. In both cases, Ms. Morris was responsible for coordinating the FTC’s settlements with related nationwide class action settlements. In a more recent case involving AmeriDebt, a debt management firm sued by the Commission, Ms. Morris and her team successfully opposed a proposed nationwide class action settlement. At the FTC, she also has served as Assistant to the Director of the Bureau of Consumer Protection, and Assistant Director for the Division of Financial Practices. Prior to joining the FTC, she practiced law with the firm of Betts, Patterson & Mines in Seattle, Washington, handling civil litigation matters. Ms. Morris received her J.D. from Hastings College of Law in 1986.

Joseph P. Mulholland

Joseph P. Mulholland is an economist at the Federal Trade Commission, where he has worked on a variety of antitrust and consumer protection issues. Mr. Mulholland is part of the Class Action Fairness Project at the Commission, and in that capacity has participated in the preparation of a number of amici evaluating the terms of proposed class action settlements. Mr. Mulholland is currently working on empirical investigations of the outcomes of Commission redress settlements. He also is engaged in an analysis of “carry on” class actions that are related to corresponding Commission investigations.



Mr. Mullholland has taught at the University of Maryland Baltimore County and at Georgetown University's Public Policy Institute. He has a B.A. from Villanova University and a Ph.D. in economics from Washington University (St. Louis).

Robert J. Niemic

Mr. Niemic is a senior attorney and project director at the Federal Judicial Center, the U.S. judiciary's research and education agency. For ten years at the Center, his areas of concentration have been class actions, alternative dispute resolution (ADR), and bankruptcy. His projects include empirical studies on judicial management of complex cases. For example, he recently led a group of experts to create plain-language class action notices, which can be seen by clicking the "Class Action Notices" link at www.fjc.gov. In 2002, he led a research team to analyze class actions filing patterns and participated in a follow-up survey on attorneys' reasons for filing class actions in federal versus state court. In 1996, he co-authored publications on empirical research that analyzed proposed changes to Federal Rule of Civil Procedure 23, the rule that governs class actions. He has designed and conducted training for judges and other professionals — in North America, for various countries in SE Asia, and in the Middle East. In 2001, he co-authored the award-winning *Guide to Judicial Management of Cases in ADR*, published by the Center, West Publishing, and Matthew Bender & Company. In 2004, the Center will publish the second edition of his reference book on mediation programs in the U.S. courts of appeals. Many of his publications are at www.fjc.gov. Before joining the Center, Mr. Niemic practiced law for seven years at the Washington, DC offices of Shaw Pittman and Bell, Boyd & Lloyd. His practice areas were commercial transactions, complex litigation including class actions, and bankruptcy. He earned a J.D. from The Georgetown University Law Center and a master's degree from the School of Public Policy at The George Washington University.

Nicholas M. Pace

Nicholas M. Pace, a long-time RAND Institute for Civil Justice staff member, has contributed his expertise in court-related research methodology to many RAND-ICJ research projects, most recently leading a comprehensive study of the workers' compensation litigation courts in California as well as a study exploring the impact of statutory reforms on costs and outcomes in medical malpractice cases. He also has been involved in studying the dynamics of class action litigation and recommending new managerial approaches for judges in such cases; helping to accomplish an in-depth evaluation of the Civil Justice Reform Act and its effects on judicial case management, cost, and delay in Federal district courts; and analyzing jury verdict outcomes with a special focus on punitive damage awards. He is currently involved in the development of national standards related to the electronic filing of pleadings and other legal documents in civil courts; a review of recent trends in jury verdicts in insurance and employment cases; and a study of the frequency, nature, and effects of class actions on regulated industries. Mr. Pace received his B.A. with honors in Political Science from the University of California, Santa Barbara, and his J.D. from the University of Oregon School of Law.

Phillip A. Proger

Phil Proger is a partner with Jones Day, where he serves as coordinator of the Firm's Government Regulation Group. He is a member of the Board of Governors of the American Bar Association and was the 1998-1999 Chair of the Section of Antitrust Law of the ABA. He practices antitrust law with emphasis on matters before U.S. and international enforcement agencies, including mergers and cartel investigations, as well as antitrust litigation. He is a member of The American Law Institute, a Fellow of the American Bar Foundation, and a member of the advisory boards of *BNA Antitrust & Trade Regulation Report* and *The M&A Lawyer*. He regularly writes on



antitrust topics. He is author of “Anchors Aweigh,” *Legal Times* (October 14, 2002) and co-author of “Department of Justice and FTC 1992 Horizontal Merger Guidelines,” *56 Corporate Practice Series*, Bureau of National Affairs (1992); *The 1992 Horizontal Merger Guidelines: Commentary and Text* (1992), ABA Antitrust Law Section; Chapter 3 “Anticompetitive Mergers: Prevention and Cure,” *Antitrust and Regulation*, The MIT Press (1985); *Monograph No. 7, Merger Standards Under U.S. Antitrust Laws*, ABA Antitrust Law Section (1981); and “Proposed Revisions of the Justice Department’s Merger Guidelines,” 81 *COLUM. L. REV.* 1543 (1981). He also has been a speaker at seminars sponsored by the ABA, the International Bar Association, The American Law Institute, The Conference Board, The New England Antitrust Conference, and The Ohio Intensified Antitrust Conference. He has testified before Congress, the Federal Trade Commission, and the International Competition Policy Advisory Committee. Mr. Proger received both his B.A. and his J.D. from the University of Maryland.

Kevin P. Roddy

Kevin P. Roddy has been the managing partner of the Los Angeles office of Hagens Berman LLP from April 2000 to present. He is also a member of his Firm’s Executive Committee. From February 1990 to April 2000, Mr. Roddy was the managing partner of the Los Angeles office of Milberg Weiss Bershad Hynes & Lerach, LLP. Mr. Roddy is a member of the California, New York and Virginia bars. From 1980 to 1986, Mr. Roddy practiced law in Charlottesville, Virginia. Since 1986, Mr. Roddy has practiced law in Los Angeles, California. During the past 18 years, he has served as lead counsel for plaintiffs in numerous securities fraud class actions and shareholder derivative actions litigated in federal and state courts in California and elsewhere, including cases brought under the Private Securities Litigation Reform Act of 1995 and the Securities

Litigation Uniform Standards Act of 1998. Among the notable shareholder and consumer class actions and/or derivative actions in which Mr. Roddy has served as lead (or co-lead counsel) for plaintiffs are *ACC/Lincoln Savings Securities Litigation* (\$260 million in settlements and \$3.2 billion jury verdict on behalf of 20,000+ defrauded bondholders); *McDonnell Douglas ERISA Litigation* (\$450 million settlement on behalf of 23,000 retired aerospace engineers); *Prudential Securities (Polaris Limited Partnerships) Securities Litigation* (\$110 million settlement on behalf of limited partners); and *Western Union Money Transfer Litigation* (\$65 million worldwide settlement on behalf of approximately 15 million consumers located in more than 80 countries). Mr. Roddy is a member of the Executive Committee of the National Association of Shareholder and Consumer Attorneys (NASCAT) and, since 1995, he has served as Chairman of the NASCAT Amicus Committee. In April 2003, he was chosen as President-Elect of NASCAT. He is the author or co-author of numerous articles on securities fraud and civil RICO litigation, including G. Robert Blakey & Kevin P. Roddy, “Reflections on *Reves v. Ernst & Young: Its Meaning and Impact on Substantive, Accessory, Aiding and Abetting and Conspiracy Liability Under RICO*” (1996) 33 *AM. CRIM. L. REV.* 1345, which was published as the 25th Anniversary Special Edition of the *American Criminal Law Review*, and the award-winning two-volume treatise, *RICO in Business and Commercial Litigation* (Shepard’s/McGraw-Hill, Inc. 1991). Mr. Roddy is a frequent lecturer at continuing legal education programs sponsored by the American Bar Association, the American Law Institute, the Practising Law Institute, the SEC Institute, the Securities Regulation Institute, and the Los Angeles County Bar Association. He graduated *cum laude* from The Cranbrook School in Bloomfield Hills, Michigan, in 1973. He received his B.A. with Honors from the University of North Carolina in 1977, and his J.D. from the University of North Carolina School of Law in 1980.



Lee Rosenthal

The Honorable Lee Rosenthal has been a United States District Court Judge for the Southern District of Texas, Houston Division since 1992. Following graduation from law school, she served as a law clerk for the Honorable John R. Brown, Chief Judge for the United States Court of Appeals for the Fifth Circuit. She then joined Baker & Botts, where she became a partner in 1985. Judge Rosenthal has been a member of the Federal Judicial Conference Advisory Committee for Federal Rules of Civil Procedure since 1996. She became chair of the subcommittee on class actions in 1999 and chair of the Committee in October 2003. Judge Rosenthal has served on the Board of Editors for the *Manual for Complex Litigation*, published by the Federal Judicial Center, since 1998. Judge Rosenthal was the M.D. Anderson Visiting Professor of Law at Texas Tech University Law School in Spring 2002 and has lectured at Yale, Duke, Stanford, NYU, and Columbia law schools. Her professional memberships include the State Bar of the Texas; the American Law Institute, where she serves on the Consultative Group for Transnational Rules of Civil Procedure; and the Houston and Federal Bar Associations. Judge Rosenthal received her B.A. from the University of Chicago in 1974 and her J.D. from the University of Chicago in 1977.

James Tharin

James Tharin is CEO of Chicago Clearing Corporation (CCC), formerly Certificate Clearing Corporation. CCC, founded in 1993 by Mr. Tharin, is the world's premier market maker for class action certificate and in-kind settlements. CCC has created markets in ten unique class action certificate and in-kind settlements, paying tens of thousands of class members tens of millions of dollars for their awards. Currently, CCC is making a market in the *In re Lloyd's American Trust Litigation* and *In re Auction Houses Litigation*. Mr. Tharin and CCC have provided active commentary and advocacy for

consumers in class action certificate settlements for over ten years. CCC has provided expert witness testimony in countless class action certificate cases. CCC's General Counsel served on the American Bar Association Committee for Class Action and Derivative Suits. CCC and Mr. Tharin have appeared in print and electronic media, such as articles appearing in *The Chicago Tribune*, *Chicago Magazine*, *Art & Auction*, *Antique Trade Gazette*, *The New York Times*, *The San Francisco Daily Law Bulletin*, and *The Minneapolis Star Tribune*. Channel 26 in Chicago recently interviewed James Tharin and profiled CCC in their Morning Best Report. Mr. Tharin is also CEO and founder of Jackson Financial Group, Inc. (JFG). JFG is a broker/dealer specializing in listed stock and index option trading and market making on Chicago's option and futures markets. Mr. Tharin became a member of the Chicago Board Options Exchange in 1986 and remains a member today. Mr. Tharin has written articles about option trading in *Stock*, *Futures and Options Magazine*. Mr. Tharin received his B.A. from Carleton College.

Vaughn R. Walker

The honorable Vaughn R. Walker became United States District Judge for the Northern District of California in February 1990, having been nominated by President Bush and earlier by President Reagan. Judge Walker is a 1968 graduate of the University of Michigan. He worked briefly at the Securities & Exchange Commission, and was a Woodrow Wilson fellow in economics at the University of California (Berkeley). From 1971 to 1972, Judge Walker was law clerk to the Honorable Robert J. Kelleher, of the United States District Court in Los Angeles. From 1972 to 1990, he practiced law with Pillsbury, Madison & Sutro in San Francisco, becoming a partner in 1978. Judge Walker is a director of the St. Francis Hospital Foundation, a member of the American Law Institute and other professional organizations. He is a former member of the



California Law Revision Commission, President of the Lawyers' Club of San Francisco, and Judicial Representative of the American Bar Association Section of Antitrust Law. He studied law at the University of Chicago and Stanford University, where he received his J.D. in 1970.

Thomas E. Willging

Thomas E. Willging has been a Senior Researcher in the Research Division of the Federal Judicial Center since 1984. At the Center he has concentrated on empirical studies of the civil litigation process, including class actions, mass torts, special masters, court-appointed experts, and discovery. Most of his research has been in support of rulemaking conducted by the Judicial Conference's Advisory Committee on Civil Rules. His work at the FJC on class actions (with colleagues Laural Hooper, Robert Niemic, and Shannon Wheatman) can be found at www.fjc.gov under "Publications," "Class Action Litigation." Mr. Willging taught law at the University of Toledo College of Law from 1968 through 1979 and has practiced law in various public interest and private positions. He has B.A. and J.D. degrees from Catholic University in Washington, D.C. and an LL.M. from Harvard University Law School.

Linda A. Willett

Linda A. Willett is a Vice President and Deputy General Counsel in Bristol-Myers Squibb's Legal Division. She joined the company in November of 1996 and prior to that was a partner at the law firm of McCarter & English in New Jersey, handling the defense of mass tort litigations. Before joining McCarter & English, she was in-house counsel and a commercial attorney with the International Pharmaceutical Group at Pfizer. Prior to that she was employed at American Cyanamid where her various positions included work at the Lederle and Shulton divisions as a research director and, later, manager

of new product development. Ms. Willett is a member of the Legal Advisory Council of the National Legal Center for the Public Interest and is the author of "The Alien Tort Statute and Its Implications for Multinational Corporations" written for that organization. She also sits on the Advisory Boards of The Partnership for Gender Specific Medicine at Columbia University and the Legal Momentum. She is on the Boards of the New York Salvation Army, the Puerto Rican Legal Defense and Education Fund and the Minority Corporate Counsel Association. Ms. Willett recently was selected to chair the Civil Justice Europe Group, an organization focusing on EU legislative initiatives. She is a member of the bars of New Jersey, New York and the District of Columbia.

Brian Wolfman

Brian Wolfman is Director of Public Citizen Litigation Group, a public interest law firm in Washington, D.C., where he has worked since 1990. His litigation concerns regulation of consumer health and safety, freedom of information, expanding access to the courts, opposing federal preemption of state product liability law, and protecting the rights of absent class members in class action settlements. His practice includes representing plaintiffs in class actions. In recent years, however, his class action work has mainly involved representing class action objectors. He has briefed and argued objections to class action settlements on behalf of absent class members, consumer safety organizations, and labor unions in the *Amchem* asbestos settlement, the *General Motors* coupon cases, the *Bowling v. Pfizer* heart valve settlement, the *AcroMed* bone screw case, and the *Community Bank* predatory lending case, among others. He has testified before Congress on pending class action legislation and before the federal Rules Advisory Committee on proposed changes to Rule 23. Prior to his tenure at Public Citizen, Mr. Wolfman spent five years doing trial and appellate work with a rural legal services



program in Arkansas, where he represented plaintiffs in a wide range of individual cases and in class actions against the government involving public benefit, housing, and foster care programs. He teaches a class in appellate courts and advocacy at Harvard Law School and American University's Washington College of Law. Previously, he taught an appellate courts course at Stanford Law School and has taught that course and a course in professional responsibility at Georgetown University Law Center. In July 2004, he completed a five-year appointment as a member and later Chair of the District of Columbia Bar's Client Security Fund. He is the author of articles in law reviews and other periodicals, principally concerning class actions and the federal preemption doctrine. In 1995, Mr. Wolfman served as a Wasserstein Public Interest Fellow at Harvard Law School, advising students on careers in public interest law. Mr. Wolfman received his B.A. from the University of Pennsylvania and his J.D. from Harvard Law School.

Diane P. Wood

The Honorable Diane P. Wood was appointed to the Court of Appeals for the Seventh Circuit by President William J. Clinton on June 30, 1995. Following her graduation from law school, Judge Wood clerked for Judge Irving Goldberg of the U.S. Court of Appeals for the Fifth Circuit, 1975 Term, and for Justice Harry A. Blackmun of the United States Supreme Court, 1976 Term. After a brief period at the Office of the Legal Adviser of the U.S. State Department, she was an associate at Covington & Burling from 1978 to 1980, where she had a wide-ranging litigation practice with particular emphasis on antitrust. From 1980-81, she taught as an assistant professor at the Georgetown University Law Center. In 1981, she joined the University of Chicago Law School faculty, where she served as Associate Dean from 1989 through 1992. In 1990, she was named to the Harold J. and Marion F. Green Chair in International Legal Studies, becoming the first

woman at the Law School to be honored with a named chair. Immediately prior to joining the Court, Judge Wood was Deputy Assistant Attorney General in the Antitrust Division of the U.S. Department of Justice from September 1993 through July 1995, where she was responsible for appellate matters, legal policy, and international enforcement. Since joining the Court, she has continued to teach at the University of Chicago Law School as a Senior Lecturer in Law; she also teaches during the summer for the University of San Diego's Institute on International and Comparative Law, in Paris and London. Judge Wood's areas of scholarly interest include antitrust law, international trade and business, and federal civil procedure. She has published widely in all three areas. Representative works include the antitrust casebook *Trade Regulation*, with Milton Handler, Robert Pitofsky, and Harvey Goldschmid (5th ed. 2003); *Merger Cases in the Real World: A Study of Merger Control Procedures* (with Richard Whish, OECD 1994) (a study of transnational merger regulation); "Unfair Trade Injury: A Competition-Based Approach," 41 *STAN. L. REV.* 1153 (1989); and "Court-Annexed Arbitration: The Wrong Cure," 1990 *U. CHI. LEGAL F.* 421. In addition, she has presented papers for the World Trade Organization in Geneva, for the Organisation for Economic Cooperation and Development in Paris, and for many other audiences around the world, including in Australia, Canada, China, France, Italy, Mexico, New Zealand, and South Africa. Judge Wood also has worked on law reform projects in the United States, particularly through the American Bar Association and the Brookings Institution Project on Civil Justice Reform. Judge Wood is a member of the American Law Institute, on whose Council she sits, and the American Society of International Law. For many years she was also a member of the American Bar Association, where she served on the governing councils of the ABA's Sections of Antitrust Law and International Law and Practice. Judge Wood attended the University of Texas for both college and law



school, receiving her B.A. with highest honors and special honors in English in 1971, and her J.D. with high honors in 1975.

James Wootton

James Wootton joined the Government Relations Practice of Mayer, Brown, Rowe & Maw in Washington D.C. on November 18, 2002. He is the former President of the U.S. Chamber Institute for Legal Reform which advocates significant changes in the civil justice system at both the federal and state levels designed to reduce frivolous, wasteful and excessive litigation. He was selected to head the Institute by U.S. Chamber of Commerce President & CEO Thomas J. Donohue in November 1999. Mr. Wootton joined the U.S. Chamber Institute for Legal Reform staff in January 1998 as its Executive Director. He was the Chamber's lead negotiator of the recently enacted Y2K Act of 1999 that limits liability for Y2K failures. Before this appointment, Mr. Wootton was president of two related non-profit corporations that he formed in 1992. The Safe Streets Alliance, a public charity dedicated to education about crime and creating youth leadership opportunities, and the Safe Streets Coalition, a public advocacy group with over 130,000 members. As president of Safe Streets, Mr. Wootton was principal drafter and advocate for the truth-in-sentencing provisions of the 1994 Crime Bill, which authorized over \$5.7 billion for prison construction in the states. Articles by Mr. Wootton have appeared in *Newsweek* magazine and newspapers across the country. In addition, he has appeared on the Today Show, Good Morning America, NBC Nightly News, C-Span, CNN, ESPN, CNBC, Newstalk, The Phil Donohue Show, The Jessie Jackson Show, Court-TV, Fox Morning News, Dateline NBC, and numerous radio talk shows. Mr. Wootton authored two back-grounders for the Heritage Foundation on truth-in-sentencing and juvenile crime and edited the book *Freed to Kill*. In 1973 Mr. Wootton graduated from the University of Virginia with a B.A. with High

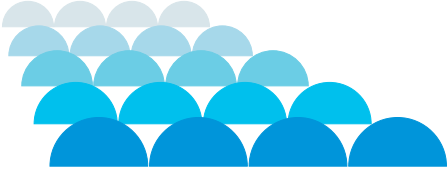
Honors in Economics. In 1976 he received his J.D. from the University of Virginia Law School and is a member of the Virginia State Bar Association.

Ann C. Yahner

Ann C. Yahner is an administrative law judge with the District of Columbia Office of Administrative Hearings. Prior to joining the Office of Administrative Hearings, Ms. Yahner was a partner in the Washington, D.C. office of Cohen, Milstein, Hausfeld & Toll. She joined the firm in 1982. She specialized in antitrust class action litigation on behalf of plaintiffs. She served as lead counsel, co-lead counsel or chair/co-chair of discovery in a variety of complex antitrust cases including: *In re Vitamins Antitrust Litig.*, MDL 1285 (D.D.C.); *Commercial Explosives Antitrust Litig.*, MDL 1093 (D. Utah); *High Fructose Corn Syrup Antitrust Litig.*, MDL 1087 (C.D. Ill.). Ms. Yahner has actively participated in various professional groups, serving as a member of the ABA Section of Antitrust Law Task Force on Remedies and as a member of the ABA Section of Litigation Task Force on Gender Equity in the Courts. She served as the president of the Committee to Support the Antitrust Laws for several years. She is a volunteer with the Family Court Self-Help Center in the D.C. Superior Court. Ms. Yahner has spoken extensively on class action and litigation issues. Ms. Yahner received her J.D. from Harvard Law School in 1979. She received her B.A. with honors and Phi Beta Kappa in 1971 from Wellesley College.

Howard Yellen

Howard Yellen is President of Settlement Recovery Center, Inc. ("SRC.") SRC is one of the nation's largest claims filing agencies. SRC has filed claims worth in excess of \$50M for clients in a single case. More than a dozen Fortune 100 firms use SRC's services. Mr. Yellen is also a partner in Tennyson



West, a San Francisco based financial advisory firm that connects middle market and emerging growth companies to capital. Previously he worked as an attorney at Orrick, Herrington and Sutcliffe, and founded and sold a number of financial and technology related businesses. His entrepreneurial and charitable activities have been featured in a wide variety of national publications, including *The New York Times*, *USA Today*, *Forbes* and *Business Week*. Mr. Yellen has also written a number of articles on technology issues, particularly as they relate to the practice of law. Mr. Yellen received his A.B. from Vassar College, and his J.D. from U.C. Berkeley, Boalt Hall School of Law. At Boalt he was Technology Editor of the *California Law Review*, and received the Prosser award for excellence in advanced constitutional law.

Deborah Zuckerman

Deborah Zuckerman is a Senior Attorney with AARP Foundation, where she represents AARP as *amicus curiae* in the U.S. Supreme Court and federal and state courts around the country. She also conducts litigation representing AARP or consumers in individual and class actions designed to advance the development of consumer law, remedy industry-wide practices, and/or benefit a significant number of consumers. While she works on all non-mortgage-related consumer issues, her areas of expertise include challenging mandatory, binding, pre-dispute, arbitration clauses; telemarketing and direct mail fraud; sweepstakes and prize promotions; living trust scams; funeral and cemetery practices; and predatory lending, particularly payday loans. She has filed amicus briefs in numerous cases supporting consumer access to class actions, but also has represented objectors to oppose settlements where neither class counsel nor the judge had sufficiently protected the class members' interests, substantively (relief, fees) or procedurally (notice, claims process). She serves on the Board of Directors of the National Association of Consumer Advocates (NACA) and its

Issues and Nominating Committees, and co-edits *The Consumer Advocate*, NACA's newsletter. She received her J.D. from the National Law Center of the George Washington University.

Todd J. Zywicki

Todd J. Zywicki is Visiting Professor of Law at the Georgetown Law Center for the 2004-05 academic year. He will be visiting from George Mason University School of Law where he is a Professor of Law. From 2003-2004, Professor Zywicki served as the Director of the Office of Policy Planning at the Federal Trade Commission. He teaches in the area of Bankruptcy, Contracts, Commercial Law, Law & Economics, and Public Choice and the Law. He also has taught at Boston College Law School and Mississippi College School of Law. Professor Zywicki clerked for Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit and worked as an associate at Alston & Bird in Atlanta, Georgia, where he practiced bankruptcy and commercial law. Professor Zywicki is the author of more than 30 articles in leading law reviews and peer-reviewed economics journals. He served as the Editor of the *Supreme Court Economic Review* from 2001-02. He has testified several times before Congress on issues of consumer bankruptcy law and consumer credit and is a frequent commentator on legal issues in the print and broadcast media, including *The Wall Street Journal*, *The New York Times*, *Nightline*, *The Newshour with Jim Lehrer*, CNN, CNBC, Bloomberg News, BBC, and *The Diane Rehm* show. He is currently the Chair of the Academic Advisory Council for the film "We the People in IMAX," which is scheduled to premier in Fall 2004. He received his J.D. from the University of Virginia, where he was executive editor of the *Virginia Tax Review* and John M. Olin Scholar in Law and Economics. Professor Zywicki also received an M.A. in Economics from Clemson University and an A.B. *cum laude* with high honors in his major from Dartmouth College.