

ALI-ABA Course of Study
Trial Evidence in the Federal Courts: Problems and Solutions

Cosponsored by the Philip D. Reed Chair, Fordham Law School,
with the cooperation of the ABA Section of Litigation

March 22 - 23, 2007
New York, New York

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PROGRAM

Thursday, March 22, 2007

8:00 a.m. Registration and Continental Breakfast

9:00 a.m. Introductory Remarks and Course Overview

Morning Panel I: Professor Saltzburg, Chair; Judges Shadur and Smith; Professor Capra; Messrs. Joseph and Kobayashi

9:05 a.m. **Ten Common Hearsay Mistakes** — Professor Saltzburg

10:00 a.m. **Expert and Opinion Testimony** — Professor Capra

11:00 a.m. Networking Break

Morning Panel II: Professor Saltzburg, Chair; Judges Real and Smith; Professor Carter; Ms. Schofield; Messrs. Joseph and Willis

11:15 a.m. **Demonstration: Expert Hypothetical**

Presiding: Judge Real

Plaintiffs' Counsel: Mr. Willis

Defense Counsel: Ms. Schofield

12:00 noon **Spoliation and Preclusion Problems** — Mr. Joseph

12:30 p.m. Lunch Break

Afternoon Panel I: Mr. Joseph, Chair; Judge Real; Professors Carter and Saltzburg; Messrs. Brosnahan, Solomon, and Willis

2:00 p.m. **Demonstrative Evidence** — Mr. Brosnahan

3:00 p.m. Networking Break

Afternoon Panel II: Mr. Fox, Chair; Judge Shadur; Professor Saltzburg; Messrs. Brosnahan, Joseph, Kobayashi, and Willis

3:15 p.m. **Practical Problems in Litigation Ethics** — Mr. Fox and Panel

5:00 p.m. Adjournment for the Day

Friday, March 23, 2007

8:00 a.m. Continental Breakfast

Morning Panel I: Professor Saltzburg, Chair; Judges Shadur and Smith; Professors Capra and Carter; Messrs. Joseph and Kobayashi

8:30 a.m. **Privilege and Work Product** — Professor Capra

9:30 a.m. **Other Privileges** — Professor Saltzburg

10:15 a.m. Networking Break

Morning Panel II: Professor Saltzburg, Chair; Judge Scheindlin; Professors Carter and Epps; Ms. Cendali; Messrs. Joseph and Solomon

10:30 a.m. **Electronic Discovery: New Rules and Related Evidence Issues**

— *Ms. Cendali*

11:30 a.m. **Computer, Internet, and Email Evidence** — *Mr. Joseph*

12:00 noon **Recent Supreme Court Evidence Law: Crawford, Etc.**

— *Professor Saltzburg*

12:30 p.m. Lunch Break

Afternoon Panel I: Mr. Joseph, Chair; Judge Real; Professors Epps, Martin, and Saltzburg; Messrs. Joseph and Kobayashi

2:00 p.m. **Impeaching Witnesses** — *Professor Epps*

2:45 p.m. Networking Break

3:00 p.m. **Unraveling Character Evidence in Civil Cases** — *Professor Martin*

Afternoon Panel II: Professor Saltzburg, Chair; Professors Epps and Martin; Messrs. Joseph and Kobayashi

3:55 p.m. **Hot Issues in Trial Evidence** — *Professor Saltzburg and Panel*

4:30 p.m. Adjournment

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New York, New York

PLANNING CHAIRS

Gregory P. Joseph, Esquire
Gregory P. Joseph Law Offices LLC
805 Third Avenue, 31st Floor
New York, NY 10022

Professor Stephen A. Saltzburg
Wallace and Beverley Woodbury University
Professor
George Washington University Law School
720 20th Street, NW
Washington, DC 20006

FACULTY

James J. Brosnahan, Esquire
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

Professor Daniel J. Capra
Philip D. Reed Professor of Law
Fordham University School of Law
140 West 62nd Street
New York, NY 10023

Professor W. Burlette Carter
Professor of Law
George Washington University Law School
716 20th Street, NW
Washington, DC 20052

Dale M. Cendali, Esquire
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036

Professor JoAnne A. Epps
Professor of Law and Associate Dean for
Academic Affairs
Temple University
James E. Beasley School of Law
1719 North Broad Street
Philadelphia, PA 19122

Lawrence J. Fox, Esquire
Drinker Biddle & Reath, LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103

John M. Kobayashi, Esquire
The Kobayashi Law Firm, P.C.
1633 Fillmore Street, Suite 2100
Denver, CO 80206

Professor Michael M. Martin
Distinguished Professor of Law
Fordham University School of Law
140 West 62nd Street
New York, NY 10023

The Honorable Manuel L. Real

U.S. District Judge
U.S. District Court
312 North Spring Street
Los Angeles, CA 90012

The Honorable Shira A. Scheindlin

U.S. District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1620
New York, NY 10007

Lorna G. Schofield, Esquire

Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

The Honorable Milton I. Shadur

U.S. District Judge
U.S. District Court
219 South Dearborn Street, Suite 2388
Chicago, IL 60604

Samuel H. Solomon

Founder and CEO
DOAR Litigation Consulting
170 Earle Avenue
Lynbrook, NY 11563

Jeffrey Willis, Esquire

Snell & Wilmer, L.L.P.
One South Church Avenue, Suite 1500
Tucson, AZ 85701

FACULTY BIOGRAPHIES

Planning Co-Chairs

Gregory P. Joseph, New York, New York

Gregory P. Joseph Law Offices LLC

B.A., J.D., University of Minnesota

Honors: Listed in “International Who’s Who of Commercial Litigation Lawyers” (2006); “The Best in the World” (INTERNATIONAL COMMERCIAL LITIGATION, 1996); Fellow, American College of Trial Lawyers

Government and Public Service: U.S. Judicial Conference Advisory Committee on the Federal Rules of Evidence (1993-99); Advisory Committee on Civil Practice of the New York State Unified Court System (1999-2001); Assistant U.S. Special Prosecutor (1981-82); New York State Courts' Committee of Lawyers to Enhance the Jury Process (Chair, 1998-99); Third Circuit Task Force on the Selection of Class Counsel (Co-Chair, 2001-02)

Memberships: American Law Institute; American Bar Association (Chair, Section of Litigation (1997-98); ABA advisor to the Uniform Rules of Evidence Committee of the National Conference of Commissioners on Uniform State Laws); New York State Bar Association (Chair, Trial Evidence Committee, 1989-94); Association of the Bar of the City of New York (Executive Committee, 1999-2003; Chair, Professional Responsibility Committee, 1993-96); Stein Center of Law and Ethics, Fordham Law School (Advisory Board)

Publications Include: MODERN VISUAL EVIDENCE (Law Journal Seminars-Press, 1984, 2006 Supp.); SANCTIONS: THE FEDERAL LAW OF LITIGATION ABUSE (Lexis, 3d Ed. 2000, 2006 Supp.); CIVIL RICO: A DEFINITIVE GUIDE (American Bar Association, 2d Ed., 2000); MOORE'S FEDERAL PRACTICE 3D (Editorial Board, 1995-); EVIDENCE IN AMERICA (Co-Author) (Michie 1987, 1994 Supp.); and over 100 journal articles, including most recently: Rule 5(d) And Public Access To Discovery Materials in Federal Court, PRAC. LITIGATOR (Jan. 2007); Privilege Developments 2006, NAT'L L. J. (Nov. 13, 2006); Terrorism and the Alien Tort Statute, NAT'L L. J. (Sept. 11, 2006); Privilege Waiver: Proposed Federal Rule of Evidence 502, NAT'L L. J. (May 8, 2006)(Part I) and (July 10, 2006)(Part II); Federal Class Action Jurisdiction After CAFA, Exxon Mobil and Grable, 8 DEL. L. REV. (2006); Sanctions 2006, NAT'L L. J. (March 6, 2006); CAFA Amendment Issues, NAT'L L. J. (Jan. 2, 2006), reprinted in 20 SECURITIES REFORM ACT LIT. RPTR. 747 (March 2006); Post-Settlement Sections, NAT'L L. J. (Oct. 24, 2005); Jurisdiction Expanded, NAT'L L. J. (Aug. 22, 2005); Proposed Electronic Discovery Amendments to the Federal Rules of Civil Procedure, 6 FIFTH CIRCUIT CIVIL NEWS 1 (April 2005); Revised Electronic Discovery Rules, NAT'L L. J. (June 20, 2005); A Simplified Approach to Computer-Generated Evidence and Animations, 22 COMPUTER & INTERNET LAW. 17 (June 2005); The Class Action Fairness Act of 2005: A Preliminary Analysis, 20 BNA TOXICS L. REP. 264 (Mar. 10, 2005); Engaging Experts, Nat'l L. J. (April 18, 2005); The “Vanishing Trial:” The College, The Profession, The Civil Justice System, 226 F.R.D. 414 (April 2005); Sanctions 2005, NAT'L L. J. (Feb. 14, 2005); Electronic Discovery II, NAT'L L. J. (Dec. 6, 2004); Expert Spoliation, 15 PRAC. LITIGATOR 7 (Nov. 2004); Electronic Discovery I, NAT'L L. J. (Oct. 4, 2004); International Discovery, NAT'L L. J. (Aug. 2, 2004); Rule-making Activity, NAT'L L. J.

(May 31, 2004); Privilege Trends, NAT'L L. J. (Mar. 29, 2004); Transnational Litigation, NAT'L L. J. (Jan. 26, 2004); Rule Traps, 30 LITIGATION 6 (Fall 2003); Electronic Discovery Standards, NAT'L L. J. (Nov. 24, 2003); New Class Action Rules, NAT'L L. J. (Sept. 15, 2003); Electronic Spoliation, 20 Computer & Internet Law. 16 (July, 2003); 2003 Sanctions Update, NAT'L L. J. (June 23-30, 2003); Reevaluation of the Private Securities Litigation Reform Act in Light of Recent Corporate Scandals, DEL. LAW. (April 2003); Sua Sponte Sanctions, NAT'L L. J. (April 14, 2003); Expert Spoliation, NAT'L L. J. (Feb. 3, 2003)

Stephen A. Saltzburg, Washington, D.C.

Wallace and Beverley Woodbury University Professor of Law, George Washington

University Law School; Director, University of Virginia Trial Advocacy Institute

A.B., Dickinson College; J.D., University of Pennsylvania

Professor of Law, University of Virginia (1972-90, Class of 1962 Chairholder, 1987-90)

Honors: Honorary Faculty Member, Judge Advocate General School, Charlottesville, Virginia;

William J. Brennan, Jr. Award (Univ. of Virginia Trial Advocacy Institute); Member,

Fellow of the American Bar Foundation (1993-Present); Francis Rawle Award for

Outstanding Contributions to Post-Grad Legal Education (ALI-ABA, 2000)

Government and Public Service: Co-Chair, Third Circuit Task Force on Selection of Class Counsel (2001-present); Advisory Committee on Federal Rules of Evidence (Liaison Member, 1993-95); Project Director, Tax Refund Fraud Task Force, U.S. Treasury Department (1994-95); U.S. Sentencing Commission (*ex officio*); United States Court of Appeals for the District of Columbia Appellate Mediation Program (1992-Present); U.S. District Court for the District of Columbia Civil Justice Reform Act Advisory Group (Chair, 1994-99; Reporter, 1991-93); Advisory Committee on Federal Rules of Criminal Procedure (Member, 1990-95; Reporter, 1984-89); U.S. Department of Defense Code Committee (1989-92); Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice (1988-89); Associate Independent Counsel, Iran-Contra Investigation (1987-88); Advisory Committee on the Federal Rules of Criminal Procedure (Member and Reporter, 1984-85); Special Master: *Hammon v. Barry* (D.D.C., 1990-94); *Hartman v. Powell and Nathanson* (D.D.C., 1991-2001)

Memberships: American Law Institute; American Bar Association (House of Delegates, 2001-Present)(Section of Criminal Justice: Council, 1999-2001; Standards Committee, 1996-99; Section of Litigation: Council, 2001-Present; Co-Chair, Task Force on Civil Trial Standards, 1997-98; Chair, Task Force on the Independent Counsel Statute, 1997-99; Special Committee on the Prosecution Function, 1991-93; Special Committee on Enemy Combatants; Chair, ABA Justice Kennedy Commission, 2003-04; Committee on Trial Evidence, 1991-95; Task Force on Gatekeepers and the Profession; Task Force on Terrorism and the Law, 2001-02); American Trial Lawyers Association (Reporter, Task Force on Litigation Issues, 1986-88); National Institute of Justice Less than Lethal Liability Panel (1993-2004); National Committee to Prevent Wrongful Executions (Reporter, 2000-02)

Publications Include: AMERICAN CRIMINAL PROCEDURE (Co-Author) (7th Ed., West 2004); BASIC CRIMINAL PROCEDURE (Co-Author) (West, 4th Ed., 2005); CRIMINAL LAW: CASES AND MATERIALS (Co-Author) (Lexis, 2d Ed., 2000); EMERGING PROBLEMS UNDER THE

FEDERAL RULES OF EVIDENCE (Reporter, 1983, 1991; Contributing Editor, 1998); EVIDENCE: THE OBJECTION METHOD (1997, Co-Author, 2002); FEDERAL CRIMINAL JURY INSTRUCTIONS (Co-Author) (Michie, 2d Ed. 1991); FEDERAL RULES OF EVIDENCE MANUAL (Co-Author) (Lexis, 8th Ed., 2002); FEDERAL RULES OF EVIDENCE MANUAL: THE TRIAL BOOK (1998); FEDERAL RULES OF EVIDENCE TRIAL BOOK (1998); MILITARY RULES OF EVIDENCE MANUAL (Co-Author) (Lexis, 5th Ed., 2003); OHIO RULES OF EVIDENCE TRIAL BOOK (Co-Author)(1999); TEXAS RULES OF EVIDENCE TRIAL BOOK (Co-Author)(2000); TRYING CASES TO WIN: ANATOMY OF A TRIAL (Co-Author) (Aspen, 1999); TRYING CASES TO WIN: EVIDENCE: WEAPONS FOR WINNING - HEARASY, CONFRONTATION (Co-Author) (Aspen, 2003); TRYING CASES TO WIN: EVIDENCE: WEAPONS FOR WINNING—LAY WITNESS AND EXPERT OPINION (Co-Author)(Aspen, 2004); TRYING CASES TO WIN: EVIDENCE: WEAPONS FOR WINNING—RELEVANCE, AUTHENTICATION, MOTIONS IN LIMINE, VOIR DIRE, DEPOSITIONS (Co-Author)(2000, 2003 Supp.); WASHINGTON EVIDENCE TRIAL BOOK (1999) (Co-Author); and over 100 journal articles, including: Other Act Evidence: The Importance of Context, 20 CRIM. JUST. 59 (Summer 2005); Dangers of Homicidal Cross-Examination, 20 CRIM. JUST. 44 (Spring 2005); Supplemental Arguments: Good or Bad Idea? 19 CRIM. JUST. 57 (Winter 2005); Prior Inconsistent Statements and Collateral Matters, 19 CRIM. JUST. 45 (Fall 2004); Threats: Bolstering of Impeaching, 19 CRIM. JUST. 45 (Summer 2004); Privilege Versus Compulsory Process, 19 CRIM. JUST. 68 (Spring 2004); Interpreting Code: Part II, 18 CRIM. JUST. 48 (Winter 2004); Interpreting Code: Part I, 18 CRIM. JUST. 46 (Fall 2003); Closing Argument Vouching: Crossing the Line, 18 CRIM. JUST. 42 (Summer 2003); The Supreme Court, Criminal Procedure and Judicial Integrity, 40 AM. CRIM. L. REV. 133 (Winter 2003); Limits on Non-hearsay Use of Statements, 18 CRIM. JUST. 66 (Spring 2003); Three Basic Principles, 17 CRIM. JUST. 40 (Winter 2003)

Faculty

James J. Brosnahan, San Francisco, California

Morrison & Foerster LLP

B.S.B.A., Boston College; LL.B., Harvard University

Honors Include: “Best Lawyers in America” (2005-07); “Top 100 Most Influential Lawyers in America” (THE NATIONAL LAW JOURNAL, 2006); Leading Litigators in America (THE LAWDRAGON 500, 2006); “Top 10” Northern California’s SuperLawyers (SAN FRANCISCO MAGAZINE, 2004-06); Inducted into The State Bar of California's "Trial Lawyers Hall of Fame" (April 1996); Champion of Justice Award (Civil Justice Program at the Loyola Law School, 2005); “Nation's Top 10 Criminal Defense Lawyers” (U.S. Lawyer Rankings 2006); William J. Brennan Jr. Award (Univ. of Virginia Trial Advocacy Program, Jan. 2003); "Legend of the Law" (Lawyer's Club of San Francisco, Nov. 2002); "Trial Lawyer of the Year" (American Board of Trial Advocates, Oct. 2001); Samuel E. Gates Award (American College of Trial Lawyers, Oct. 2000); National Institute for Trial Advocacy Faculty Award (1991); William O. Douglas Award (1988); American Bar Association Pro Bono Publico Award (1987)

Government and Public Service: Office of Independent Counsel (Iran-Contra Prosecution of Caspar Weinberger)(1992-93); Special Counsel to California Legislature Joint

Subcommittee on Crude Oil Pricing; Assistant U.S. Attorney (District of Arizona, 1961-63; Northern District of California, 1963-66); Ninth Circuit Judicial Conference (Lawyers' Representative and Delegation Chair)

Memberships: American Law Institute; American Board of Trial Advocates; American College of Trial Lawyers; International Academy of Trial Lawyers; International Society of Barristers; American Board of Criminal Lawyers Association; American Judicature Society (Director, 1988-90); Bar Association of San Francisco (President, 1977; Chair, Subcommittee on Minorities, 1988- ; Judiciary Committee, 1991-); Irish-American Bar Association of San Francisco (President, 1997-99); National Institute for Trial Advocacy (Master Advocate and Board of Trustees); Equal Justice Society (Executive Board)

Publications Include: TRIAL HANDBOOK FOR CALIFORNIA LAWYERS (Bancroft-Whitney 1974 & 1981 Supp.); Corporate Criminal Liability (Co-Author), in WHITE COLLAR CRIMES (ALI-ABA 1980); INSIDE LITIGATION (Editorial Advisory Board); Trial Practice: Winning with In Limines, 19 CEB CIVIL LITIG. REP. (Feb. 1997)

Daniel J. Capra, New York, New York

Philip D. Reed Professor of Law, Fordham University School of Law

A.B., Rockhurst University; J.D., University of California at Berkeley (Boalt Hall)

Assistant Professor, Tulane University School of Law (1979-81)

Government and Public Service: Judicial Conference Advisory Committee on the Federal Rules of Evidence (Reporter, 1996-present); Third Circuit Task Force on Appointment of Counsel in Class Actions (Reporter, 2001-02); Judicial Conference Committee on Electronic Case Filing Rules (Reporter); Third Circuit Task Force Preparing Model Jury Instructions in Civil Cases (Reporter, 2004-present); Appointed by Hon. Shira A. Scheindlin as Special Master to Rule on Discovery Disputes, *In re IPO Securities Litigation* (2003-present); Judicial Conference Committee on Rules of Practice and Procedure on Local Rules Project (consultant)

Memberships: Association of the Bar of the City of New York (Executive Committee, 1997-2001; Chair, Committee on Federal Legislation, 1993-96; Chair, Committee on Professional Responsibility, 1990-93); Drafting Committee for Evidence Questions, Multistate Bar Examiners; Yale Law School's China Law Project (consultant, 2000-01)

Publications Include: BASIC CRIMINAL PROCEDURE (3d ed. 2003); FEDERAL RULES OF EVIDENCE MANUAL (Co-Author)(9th ed. 2006); HEARSAY AND CONFRONTATION (Aspen 2002); EXPERT AND LAY WITNESSES (Aspen 2003); NEW YORK EVIDENCE HANDBOOK (Co-Author)(Aspen Law & Business, 2d ed. 2002); EVIDENCE: THE OBJECTION METHOD (Co-Author) (2d Ed., 2002); AMERICAN CRIMINAL PROCEDURE: CASES AND COMMENTARY (West, 6th Ed., 2000); CASE LAW DIVERGENCE FROM THE FEDERAL RULES OF EVIDENCE (Federal Judicial Center, 2000); The Daubert Puzzle, 32 GA. L. REV. 699 (1998); Advisory Committee Notes to the Federal Rules of Evidence That May Require Clarification, 182 F.R.D. 268 (1998); BASIC CRIMINAL PROCEDURE (West, 2d Ed. 1997); Columnist, N.Y. L. J. (1988-2002); Getting Control of Waiver in the Federal Courts: A Proposal for a Federal Rule of Evidence 502 (Co-Author), 58 S.C. L. REV. 211 (2006); Commentary to Third Circuit Judicial Conference Model Jury Instructions in Civil Cases

(Co-Author)(2006); Amending the Hearsay Exceptions for Declarations Against Penal Interest in the Wake of Crawford, 105 COLUM. L. REV. 2409 (2005); Case Law Divergence from the Federal Rules of Evidence, 197 F.R.D. 531 (2001); Keeping the Reformist Spirit Alive in Evidence Law, 149 U. PENN. L. REV. 1277 (2001); Third Circuit Task Force Report on Selection of Counsel in Class Actions, 74 TEMPLE L. REV. 685 (2002); A Recipe for Confusion: Congress and the Federal Rules of Evidence, 55 U. MIAMI L. REV. 691 (2001); Admissibility of Plea Agreements on Direct Examination: The Limits Vanish, 55 U. MIAMI L. REV. 751 (2001); Out of Court Accusations Offered For 'Background': A Measured Response From the Federal Courts, 55 U. MIAMI L. REV. 803 (2001); An Accident and a Dream: Problems With the Latest Attack on the Civil Justice System, 20 PACE L. REV. 339 (2000); Cases and Commentary on American Criminal Procedure (8th ed. 2007); Commentaries on Federal Rules of Evidence, U.S. CODE SERVICE (Two Volumes) (Lexis, 1999); The Daubert Puzzle, 32 GA. L. REV. 699 (1998); Advisory Committee Notes to the Federal Rules of Evidence That May Require Clarification," 182 F.R.D. 268 (1998)

W. Burlette Carter, Washington, D.C.

Professor, George Washington University School of Law

B.A., Agnes Scott College; J.D., Harvard University

Memberships: Association of American Law Schools (AALS) (Former Chair, Section of Law and Sports)(Advisory Committee, Section of Evidence); American Bar Association (Section of Litigation: Task Force on Ethical Guidelines for Settlement Negotiations; Book Publishing Board)

Publications Include: The Age of Innocence: The First 25 Years of the National College Athletic Association, 1906 to 1931. 8 VAND. J. ENT. & TECH. L. 211 (2006); Responding to the Perversion of in loco parentis: Using a Nonprofit Organization to Support Student Athletes, 35 IND. L. REV. 851 (2002); What's Love Got to Do with It? Race Relations and the Second Great Commandment, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Yale University Press, 2001); Student-Athlete Welfare in a Restructured NCAA, 2 VA. J. SPORTS & L. 1 (2000); True Reparations, 68 GEO. WASH. L. REV. 1021 (2000); Introduction: What Makes a 'Field' a Field?, 1 VA. J. SPORTS & L. 235 (1999); Reconstructing Langdell (Christopher Columbus Langdell), 32 GA. L. REV. 1 (1997)

Dale M. Cendali, New York, New York

O'Melveny & Myers LLP

B.A., Yale University; J.D., Harvard University

Honors: "America's Top 50 Women Litigators" (NATIONAL LAW JOURNAL); "Magnificent Seven - IP's Best Young Trial Lawyers" (IP LAW & BUSINESS); "Best Lawyers in America" (NEW YORK MAGAZINE); Harvard Law School's "Nifty 50" (Harvard Law Bulletin); "America's Leading Business Lawyers" (CHAMBERS USA)

Memberships: American Bar Association (Section of Litigation: Co-Chair, Intellectual Property Committee, 1997-2000; Task Force on Electronic Discovery; Task Force on Training the Trial Lawyer; Co-Chair, ABA Women in IP Initiative, 2000-; Co-Director, Division VII) New York State Bar Association (Intellectual Properties Committee: Co-Chair, Subcommittee on the Work for Hire Doctrine, 1989-91; Media Law Committee; Cyberlaw Committee); Association of the Bar of the City of New York (Chair, Trademarks and Unfair Competition Committee; Communications and Media Law Committee; Copyright and Literary Property Committee); INTA (Dilution and Well-Known Marks Committee; Select Committee on the Federal Dilution Act); ALI-ABA Program Committee (Advisor); PriceWaterhouseCoopers IP Leadership Forum (Advisory Committee)

Publications Include: Copyright Litigation (Co-Author), in SUCCESSFUL PARTNERING BETWEEN INSIDE AND OUTSIDE COUNSEL (West Group and ACA, 2000); How to Ensure Your Website Complies with Consumer Protection Laws, INTERNET L. & BUS. (Oct. 2002); Trademark Protection and the Internet, UCLA SYMPOSIUM & INTA ANNUAL MTG. (2001); An Overview of Intellectual Property Issues Relating to the Internet (Co-Author), 89 TRADEMARK REP. 485 (1999); The Internet and Jurisdiction: The International Experience (Co-Author), COMPUTER L. ASSN. BULL. (1999); Personal Jurisdiction in Cyberspace (Co-Author), N.Y.L.J. (Jul. 20, 1998); *Moseley v. V Secret Catalogue, Inc.*: One Answer, Many Questions, 93 TRADEMARK L. REP. 833 (2003); How to Ensure Your Website Complies with Consumer Protection Laws, INTERNET L. & BUS. (Oct. 2002); Freelancers Reeling In Fight Over Online Rights: *Tasini v. The New York Times*, NAT'L L. J. (Oct. 20, 1997)

Joanne A. Epps, Philadelphia, Pennsylvania

Professor of Law and Associate Dean for Academic Affairs, Temple University James E. Beasley School of Law

B.A., Trinity College; J.D., Yale University

Honors: Doris May Harris Image Award (National Bar Association's Women Lawyers Division, 1998); Alumni Service Award (Trinity College, 1998); Cheltenham High School Hall of Fame (Oct. 1999); "50 Pennsylvania Women of Influence" (Philadelphia Legal Intelligence, Feb. 2001); "25 Women of Distinction" (Philadelphia Business Journal and the National Association of Women Business Owners, Nov. 2001); "Four Women of Distinction" (Barristers' Association of Philadelphia, Jan. 2002); 2002 Women Making History Award (Greater Philadelphia Chapter of the National Association of Women Business Owners, March 2002); Gideon Award (Temple Law School, May 2003); 2003 Outstanding Faculty Athletic Representative (All-American Football Foundation, Dec. 2003); 2004 Honorable Robert E. Keeton Faculty Award (National Institute for Trial

Advocacy, March 2005); F. Eugene Dixon, Jr. Inspiration Award (Temple University, 2006)

Government and Public Service: Assistant U.S. Attorney (E.D. Pa.) (1980-85); Deputy City Attorney, Los Angeles (1976-80); Temple University Faculty Representative to the NCAA (1994-2006); Atlantic 10 Conference Faculty Representative to the NCAA (1995-); Defender Association of Philadelphia (President, Board of Directors, 1999-2006); Mayor's Task Force on Police Discipline (Chair); Pennsylvania Judicial Independence Commission; Pennsylvania Commission for Justice Initiatives (2004-05); Pennsylvania Gender Task Force (Vice Chair, 1996-2000); Third Circuit Task Force on Equal Treatment in the Courts; Third Circuit Task Force Commission on Race and Ethnicity (Co-Chair, Committee on Special Issues in Criminal Justice, 1996-98).

Memberships: American Law Institute; ALI-ABA (Board Member, 1997-2003; Litigation Advisory Panel, 2006-present); American Bar Association (Section of Litigation Delegate to ABA House of Delegates (2003-present); Standing Committee on Continuing Legal Education, 2004-present; Nominating Committee and Steering Committee, 2005-present); Pennsylvania Bar Association Gender Task Force (Vice Chair); Philadelphia Bar Association (Committee to Promote Fairness in the Judiciary); Womens Way (Board of Directors, 2002-05)

Publications Include: 100 Vignettes for Improving Trial Evidence Skills (Co-Author)(NITA 2005); The Winning Argument (Co-Author)(2001); LSATs Provide Narrow Gate into Legal Profession, 23 NAT'L L.J. (August 28, 2000); Ethos and the Art of Argument, 26 LITIGATION 31 (Co-Author)(Fall 1999); Clarifying the Meaning of Federal Rule of Evidence 703, 36 B.C. L. REV. 53 (1994); TRIAL EVIDENCE: MAKING AND MEETING OBJECTIONS (Co-Author) (NITA 2d Ed., 1990); Passing the Confrontation Clause Stop Sign: Is All Hearsay Constitutionally Admissible?, 77 KY. L.J. 7 (1988); The Bail Reform Act of 1984, Chapter in CRIMINAL DEFENSE TECHNIQUES (Matthew Bender 1986); LITIGATION ETHICS (Editorial Board) (ABA)

Lawrence J. Fox, Philadelphia, Pennsylvania

Drinker, Biddle & Reath LLP

B.A., J.D., University of Pennsylvania

I. Grant Irej Adjunct Professor, University of Pennsylvania Law School

Honors: Fellow, American College of Trial Lawyers; American Bar Foundation

Government and Public Service: Law clerk to the Honorable Samuel J. Roberts (Pennsylvania Supreme Court); Community Action Legal Services (New York)

Memberships: American Bar Association (House of Delegates; former chair, Section of Litigation; former chair, Standing Committee on Ethics and Professional Responsibility; former chair, Death Penalty Representation Project); American Law Institute (Advisor, Restatement of the Law Governing Lawyers)

Publications Include: Your Lawyer, a User's Guide (Co-Author)(Lexis Nexis/Bender Publications, 2006); To MDP or Not To MDP...The American Perspective, MANAGING FOR SUCCESS (June 1, 2006); RED FLAGS: A LAWYER'S HANDBOOK ON LEGAL ETHICS (ALI-ABA, 2005); The Law Governing Lawyers: National Rules, Standards, Statutes, and State Lawyer Codes, 2006-2007 Statutory Supplement (Co-Author) (Aspen Publishers); TRAVERSING

THE ETHICAL MINEFIELD: PROBLEMS, LAW, AND PROFESSIONAL RESPONSIBILITY (Co-Author)(Aspen Publishers, 2004); The Special Litigation Committee Investigation: No Undertaking for the Faint of Heart, INTERNAL CORPORATE INVESTIGATIONS (Oct. 10, 2002); LEGAL TENDER: A GUIDE TO PROFESSIONAL DILEMMAS (June 1, 1995)

John M. Kobayashi, Denver, Colorado

The Kobayashi Law Firm, P.C.

B.A., Columbia College for Men; J.D., Columbia University Law School

Government and Public Service: Law Clerk for the Honorable Robert H. McWilliams, Jr. (10th Cir.); Assistant United States Attorney, District of Colorado (1974-76); Trial Attorney, Securities and Exchange Commission, Division of Corporate Finance, Denver Regional Office (1973-74); Three Term Voting Member, Federal Advisory Committee on the Federal Rules of Evidence; Faculty member for Federal Judicial Center Seminars for Judges on Complex Case Management

Fellow, American Bar Foundation; Colorado Bar Foundation; International Society of Barristers; International Academy of Trial Lawyers; American College of Trial Lawyers (State Committee Member, 1986-present)

Memberships: American Law Institute; American Bar Association (Corporate Counsel Section, Products Liability Committee Task Force on Reengineering Management and Cost Control of Litigation and ADR); Colorado Bar Association (Board of Governors, 1979-81 and 1983-85); International Association of Defense Counsel; National Association of Criminal Defense Lawyers; American Trial Lawyers Association

Michael M. Martin, New York, New York

Distinguished Professor of Law, Fordham University School of Law

B.A., J.D., University of Iowa; B. Litt., M.Litt. (Law), Oxford University, England

Bigelow Teaching Fellow, University of Chicago (1968-69); Assistant Professor, University of Washington, Seattle, (1969-72); Visiting Professor, University of Virginia (1979-80)

Publications: FEDERAL RULES OF EVIDENCE MANUAL (Co-Author)(Lexis Law Publishing, 9th ed., 2006); NEW YORK EVIDENCE HANDBOOK (Co-Author)(Aspen Law & Business, 2nd ed., 2003 & annual supp.); EMERGING PROBLEMS UNDER THE FEDERAL RULES OF EVIDENCE (Chapter Author)(American Bar Association, 3d ed., 1998); EVIDENCE -- THE OBJECTION METHOD (Co-Author)(Michie, 1997); THE ATTORNEY-CLIENT PRIVILEGE AND THE WORK-PRODUCT DOCTRINE (Co-Author)(American Bar Association, 2d ed., 1989); MORGAN'S BASIC PROBLEMS OF EVIDENCE (ALI-ABA, 6th ed., 1988)

Manuel L. Real, Los Angeles, California

U.S. District Judge for the Central District of California (Appointed 1966; Chief Judge, 1982-93)

B.S., University of Southern California; LL.B., Loyola University

Adjunct Professor of Law, Loyola University (Los Angeles)

Honors: Foundation for Improvement of Justice (1990)

Other Government and Public Service: U.S. Naval Reserve (1943-45); United States Attorney's Office, Southern District of California (Assistant U.S. Attorney, 1952-55; U.S. Attorney,

1964-66); Judicial Conference of the United States (1981-84); Ninth Circuit Judicial Council (1981-85); Ninth Circuit Judicial Conference (Executive Committee, 1978-81); Ninth Circuit Judicial Council (1981-85)

Memberships: Federal Bar Association (Board of Directors, Los Angeles Chapter)

Shira A. Scheindlin, New York, New York

U.S. District Judge for the Southern District of New York (Appointed 1994)

B.A., University of Michigan; M.A., Columbia University; J.D., Cornell University

Adjunct Professor, Brooklyn Law School (1983-)

Honors: Weinfeld Award (New York County Lawyer's Association, 2005); William J.

Brennan Award (New York State Bar Association, 2003); Haig Award (New York State Bar Association, 2001); Woodrow Wilson Fellow (1967-68); Special Achievement Award (U.S. Department of Justice, 1980)

Other Government and Public Service: General Counsel, Department of Investigation, City of New York (1981-82); Assistant U.S. Attorney (E.D.N.Y.) (1977-81); Law Clerk to the Honorable Charles L. Brieant (S.D.N.Y., 1976-77); U.S. Magistrate, U.S. District Court for the Eastern District of New York (1982-86); Civil Justice Reform Act Advisory Group, Southern District of New York (1992-94); Chair, Grievance Committee, Southern District of New York (1996-2000); Judicial Conference of the United States Advisory Committee on the Federal Rules of Civil Procedure (1998-2005); Bankruptcy Judge Selection Committees (E.D.N.Y. & S.D.N.Y.); Magistrate Judge Selection Committee (E.D.N.Y.)

Memberships: Justice Resource Center (Board of Directors); New York County Lawyers' Association (Former Chair, Tort Law Section; former Member, Board of Directors); New York State Association of Women Judges (Past Vice President; former member, Board of Directors); Federal Bar Council (Past Vice President; former member, Board of Directors); New York State Bar Association (Past Chair, Section on Commercial and Federal Litigation; former Member, House of Delegates Finance Committee); Association of the Bar of the City of New York (Council on Judicial Administration; Committee on Women in the Profession; Committee on Criminal Advocacy); New York Bar Foundation (former Member, Board of Directors); American Law Institute; Justice Resource Center; Cornell Law School Advisory Council; Good Shepherd Services; Sedona Conference; New York Inn of Court

Publications Include: Electronic Discovery Sanctions in the Twenty-First Century," 11 MICH. TELECOMM. & TECH. L. REV. 71 (2004); With All Due Deference: Judicial Responsibility in a Time of Crisis (Co-Author), HOFSTRA L. REV. (2004); Electronic Discovery in Federal Civil Litigation: Is Rule 34 Up to the Task?, 41 B.C. L. REV. 327 (May 2000); Judges, Juries, and Sexual Harassment, 17 YALE L. & POL'Y REV. 813 (1999); Portrait of a Lady: The Woman Lawyer in the 1980's (Co-Author), 35 N.Y.L. SCH. L. REV. 391 (1990); Discovering the Discoverable: A Bird's Eye View of Discovery in Complex Multi-District Class Action Litigation, 52 BROOK. L. REV. 397 (1986); Venue in the Second Circuit: A Topic Whose Time Has Come, A Review of Civil and Criminal Venue Cases 1970-76 (Co-Author), 43 BROOK. L. REV. 841 (1977)

Lorna G. Schofield, New York, New York

Debevoise & Plimpton LLP

B.A., Indiana University; J.D., New York University

Government and Public Service: Assistant U. S. Attorney (Criminal Division, S.D.N.Y.)(1984-88);

Court-appointed mediator (S.D.N.Y.)

Memberships: American Law Institute; American Bar Association (Section of Litigation: Liaison to the Judicial Conference of the United States Advisory Committee on the Federal Rules of Civil Procedure (2002-present); Budget Officer (2002-present); Co-Chair, Task Force on Discovery Standards (1997-2000); Council (1997-2000); Co-Chair, Divisions (2000-01); Co-Chair, Class Actions and Derivative Suits Committee (1994-97)); Association of the Bar of the City of New York; New York Council of Defense Lawyers

Publications Include: Some Thoughts About Courtroom Technology, PRAC. LITIGATOR (Nov. 2001); Circuit Splits on Factual Disputes in Class Actions (Co-Author), N.Y. L.J. (Oct. 2001); Tips for Technology in the Courtroom, PRAC. LITIGATOR (Nov. 2000); Wired to Win in the Courtroom, N.Y. L.J. (Sept. 1999); Class Action Analysis After Amchem Products (Co-Author), REV. OF SEC. & COMMODITIES REG. (April 1998); Amchem: The Supreme Court Speaks on Certification for Settlement, CLASS ACTIONS & DERIVATIVE SUITS NEWSL. (Fall 1997); The Impact of Amchem on Certification of Settlement Classes, CONSUMER FIN. SVCS. L. RPT. (July 1997); Least Controversial of Proposed Rule 23 Changes Move Forward, CONSUMER FIN. SVCS. L. RPT. (June 1997); Issues for Women at Depositions (Co-Author), Chapter in EFFECTIVE DEPOSITIONS (1997); Proposed Amendments Offer an Efficient Next Step in Class Action Management, LITIG. NEWS (Nov. 1996); Co-Chairs' Corner, CLASS ACTIONS & DERIVATIVE SUITS NEWSL. (quarterly, 1994-97); The Gorilla Adversary, CALIF. LITIG. (Winter 1996); Depositions and the Gorilla Adversary (Co-Author), in THE WOMAN ADVOCATE: EXCELLING IN THE '90S (Prentice Hall Law & Business, 1995); Class Actions: Efficiency or Exploitation, INT'L COMM'L LITIG. (Sept. 1995); United States Client-Attorney Confidentiality (Co-Author), INT'L FIN. L. REV. (Feb. 1994)

Milton I. Shadur, Chicago, Illinois

Senior U.S. District Judge, Northern District of Illinois (Appointed 1980; assumed senior status, 1992); Sat by invitation with various Courts of Appeals around the country

B.S., J.D., University of Chicago

Honors: Professional Achievement Citation, Univ. of Chicago, 1993

Other Government & Public Service: Lieutenant (j.g.), U.S. Navy (1943-1946); Illinois Judicial Inquiry Board (General Counsel, 1975-80); Judicial Conference's Advisory Committee on the Rules of Evidence (1993-99; Chair, 1999-2002)

Memberships: Ravinia Festival (Life Trusteeship, 1994-present; Board of Trustees, 1976-84, 1985-93; Executive Committee, 1983-84, 1985-93; Vice Chair, 1989-92); Chicago Bar Foundation (Life Fellow; Director, 1978-83); Federal Judges Association; Seventh Circuit Bar Association; Federal Bar Association; University of Chicago Law School (Visiting Committee: member, 1966-77, 1989-92, 1999-2002; chair, 1971-76)

Publications Include: traps for the Unwary in Removal and Remand, __ LITIG. __ (2006); An Old Judge's Thoughts, 18 CHI. BAR ASS'N REC. 27 (2004); Private Securities Law Reform Act: Is It Working?, 71 FORDHAM L. REV. 2363 (2003); Trials or Tribulations

(Rule 56 Style?), 29 Litig. 5 (2003); Task Force Report: Against the Manifest Weight of the Evidence, 74 TEMP. L. REV. 799 (2001); Are Federal Courts Necessary?, 18 LOY. U. CHI. L.J. 1 (1986); The Unclassy Class Action, 23 LITIG. 3 (Winter 1997); Chapter 12 of MOORE'S FEDERAL PRACTICE (3d Ed., 1997); A New Judge's Thoughts, 7 LITIG. (Summer 1981)

Fern M. Smith, San Francisco, California

U.S. District Judge for the Northern District of California (Retired 2005; Appointed 1988; assumed senior status, 2003)

Mediator/Arbitrator, JAMS

B.A., J.D., Stanford University

Other Government and Public Service: Special Master in In re: Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation (N.D. Cal. 2006); Director, Federal Judicial Center (1999-2003); Judge, Superior Court of California, San Francisco County (1986-88); Judicial Conference Committee on International Judicial Relations (Chair, 2003-05); Judicial Conference Advisory Committee on the Federal Rules of Evidence (1993-99; Chair, 1996-99); Executive Committee of the Ninth Circuit Judicial Conference (1994-96); Ninth Circuit State-Federal Judicial Council (1990-93); California Judicial Council's Advisory Task Force on Gender Bias (1988-90); California Judicial Council (1987-88)

Memberships: American Bar Association Central European and Eurasian Law Initiative (Advisory Board); American Society of International Law (Advisory Board); American Judicature Society (National Jury Center Advisory Committee); Association of Business Trial Lawyers (Board of Governors); The National Academies (Science, Technology, and Law Program); Stanford Law School (Board of Visitors); San Francisco Legal Aid Society – Employment Law Center (Board of Directors, 2006)

Publications Include: MANUAL ON COMPLEX LITIGATION 4TH (Editor); FEDERAL PRETRIAL CIVIL PROCEDURE IN CALIFORNIA (Co-Author)(Matthew Bender Practice Guide); REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (Editor)(2d. Ed., 2000); Foreward to USE OF VISITING JUDGES IN THE FEDERAL DISTRICT COURTS: A GUIDE FOR JUDGES AND COURT PERSONNEL (Diane Publishing Co., Feb. 2004)

Samuel H. Solomon, New York City and Lynbrook, New York

Founder and CEO, DOAR Litigation Consulting, Inc.,

B.A., Yeshiva University; M.S. (Philosophy), Bernard Revel Graduate School; M.B.A., New York University

Instructor, Temple University Law School (LL. M. Program - Trial Advocacy); Adjunct Professor, Stetson Law School; Teaches extensively for in-house and national CLE programs.

Memberships: Minority Corporate Counsel Association's Lloyd M. Johnson, Jr. Scholarship Program (Scholarship Selection Committee); Nachal Novea Tsfat Fund (Board of Directors); Safed Foundation (Board of Directors); Yeshiva College (Board of Directors); American Friends of the Hebrew University (Board of Directors)

Publications Include: POWERPOINT FOR LITIGATORS: HOW TO CREATE EFFECTIVE ILLUSTRATIVE AIDS AND DEMONSTRATIVE EXHIBITS FOR TRIAL, MEDIATION AND ARBITRATION (NITA 2000); GOING TO TRIAL: A STEP-BY-STEP GUIDE TO TRIAL PRACTICE AND PROCEDURE (Contributing Author) (ABA 2000); Electronic Discovery (Co-Author), N.Y. L.J. (Aug. 2005); How Jurors Make Decisions: A Practical & Systematic Approach to Understanding Jury Behavior, 4 SEDONA CONF. J. 175 (2003); Help Jurors Remember (Co-Author), 39 TRIAL 72 (Jan. 2002); What Juries Want to Hear II: Reverse Engineering the Verdict (co-author), 74 TEMPLE L. REV. 177 (Spring 2001); What Juries Want to Hear: Methods for Developing Persuasive Case Theory (co-author), 67 TENN. L. REV. (Spring 2000); Making the Right Impression, L. TECH. NEWS (Aug. 2000); Trying Cases Visually (chapter author), COPING WITH PSYCHIATRIC AND PSYCHOLOGICAL TESTIMONY (1995); TANGIBLE EVIDENCE (Contributing author) (NITA, 1996); HANDBOOK ON COURTROOM TECHNOLOGY - A LAWYERS GUIDE AND A JUDGE'S GUIDE (NITA Press)

Jeffrey Willis, Tucson, Arizona

Snell & Wilmer L.L.P.

B.A., Northern Arizona University; J.D. Washington and Lee University

Honors: Listed in THE BEST LAWYERS IN AMERICA (2001-07); Distinguished Service Award (Judicial Council of the Ninth Circuit, 2001)

Government and Public Service: Ninth Circuit Judicial Conference (Executive Committee, 1998-2001; District of Arizona Representative, 1996-2001 and Chair, 1997-98);

Memberships: Federal Bar Association (President, Tucson Chapter, 1996-97; Committee on Local Rules for the District of Arizona, 1993-99); State Bar of Arizona (Civil Practice and Procedure Committee, 1984-92 and 1998-present; Board of Governors, 2002-present); American Bar Association (Fellow; Co-Chair, Section of Litigation 2004 Annual ABA Meeting; Committee on Corporate Counsel; Co-Chair, Trial Practice Subcommittee; Trial Practice Committee; Pro Bono Committee); St. Philips in the Hills Preservation and Endowment Foundation; Arizona Foundation for Legal Services & Education (Board member)

Publications Include: Substantive Law of Lender Liability, 26 TORT & INS. L. J. 42 (1991); Debtor/Creditor, ARIZONA LEGAL FORMS (vol. 3)(West 1998)