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PROFESSIONAL EXPERIENCE

James F. Humphreys Professor of Complex Litigation and Civil Procedure (August 2006 - present); Director or Co-Director of the James F. Humphreys Complex Litigation Center (2007 to present)

Senior Associate Dean for Academic Affairs and Oswald Symister Colclough Research Professor of Law, George Washington University Law School (2000-2004 and August 2005 - August 2006)

Interim Dean and Oswald Symister Colclough Research Professor of Law, George Washington University Law School (June 2004 - July 2005)

Associate Dean for Academic Affairs, George Washington University Law School (1993 - 2000) (on leave 1996-97)

Professor of Law, George Washington University Law School (1989-present)

Associate Professor of Law, George Washington University Law School (1982-89)

Of Counsel, Ross, Dixon & Masback, Washington, D.C. (1989)

Associate, Hogan & Hartson, Washington, D.C. (1976-82)

Law Clerk, Justice Walter Rogosheske, Minnesota Supreme Court (1975-76)

EDUCATION

- J.D. (1975) University of Chicago Law School ... Member, University of Chicago Law Review ... Joseph Henry Beale Prize for Excellence in Legal Writing and Oral Advocacy
- B.A. (1972) Carleton College ... Magna Cum Laude ... Phi Beta Kappa ... Newberry Library Scholar in the Humanities

PUBLICATIONS

Books

COMPLEX LITIGATION AND ITS ALTERNATIVES [Foundation Press 2018]
[treatise co-authored with Professor Jay Tidmarsh]

MODERN COMPLEX LITIGATION (2d. Ed. Foundation Press 2010) [casebook
co-authored with Professor Jay Tidmarsh]

COMPLEX LITIGATION: PROBLEMS IN ADVANCED CIVIL PROCEDURE
(Foundation Press 2002) (Treatise on complex litigation co-authored with Professor
Tidmarsh)

COMPLEX LITIGATION AND THE ADVERSARY SYSTEM (Foundation Press 1998)
[Casebook co-authored with Professor Jay Tidmarsh]

COMPLEX LITIGATION AND THE ADVERSARY SYSTEM - Teacher's Manual
(Foundation Press 1999) [co-authored with Professor Jay Tidmarsh]

1999 SUPPLEMENT TO COMPLEX LITIGATION AND THE ADVERSARY
SYSTEM (Foundation Press 1999) [co-authored with Professor Jay Tidmarsh]

2000 SUPPLEMENT TO COMPLEX LITIGATION AND THE ADVERSARY
SYSTEM (Foundation Press 2000) [co-authored with Professor Tidmarsh]

Articles

Class Actions and Access to Justice, 82 Geo. Wash. L. Rev. 595 (2014)

Aggregate Litigation Reconsidered, 79 Geo. Wash. L. Rev. 293 (2011)

James F. Humphreys Complex Litigation Lecture: The Adversary System and Modern
Class Action Practice, 76 Geo. Wash. L. Rev. 181-196 (2008)

Federalism and Mass Tort Litigation, 148 U. Penn. L. Rev. 2263 (2000)
The Federal Common Law of Personal Jurisdiction, 57 Geo. Wash. L. Rev. 849-906 (1989)

Mass Trials in Mass Tort Cases: A Dissent, 1989 Univ. of Ill. L. Rev. 69-88 (1989)

Joinder Alternatives in Mass Tort Litigation, 70 Cornell L. Rev. 779-849 (1985)

SELECTED ACADEMIC PRESENTATIONS AND PAPERS

“Federalism and Mass Tort Litigation” at a Symposium at the University of Pennsylvania Law School re the Manual on Complex Litigation (1999)

“Problems in Modern MDL Practice” at a Symposium at the University of Pennsylvania Law School re the Proposed Third Edition of the Manual on Complex Litigation (1994)

“Mass Torts and the Bankruptcy Process” - David Berger Symposium at the University of Pennsylvania Law School (1992)

“Some Unaddressed Problems in Mass Tort Litigation” at a Seminar in Philadelphia sponsored by Andrews Publications (1992)

“Trade Secrets and American Civil Discovery” included in a larger publication by Professor Kitagawa of Kyoto University

“Aggregate v. Individual Treatment of Factually Related Claims” at AALS Civil Procedure Section Meeting (1988)

“Civil Procedure in the Law School Curriculum” at the AALS Workshop for Civil Procedure Teachers at the University of Virginia (1988)

“Voor Dire by Attorneys in Federal Court” at Federal Practice Committee/ABA Meeting (1985)

COURSES TAUGHT

Civil Procedure I and II, Federal Courts, Complex Litigation, Remedies

OTHER PROFESSIONAL AND COMMUNITY ACTIVITIES

Mediator, Appellate Mediation Program, United States Court of Appeals for the District of Columbia Circuit (1989 - present)

Mediator, George Washington University, Faculty Grievance System (1990 – present)

Commercial Arbitrator on twenty-two occasions in American Arbitrator Association
Complex Civil proceedings (1996 - present)

Expert Witness or Consultant in State and Federal Class Actions involving CNA
Insurance, Electronic Arts, Inc., American Honda Finance Corporation, Honda North
American Motors, Exxon, Georgia Pacific, Cortaulds Fibers, Inc., Winn-Dixie, St. Jude
Medical, the Dallas Mavericks, and BaxterHealthcare

Founding Member of the AALS Civil Procedure Sub-committee on Complex Litigation
(1990)

American Bar Association (Litigation Section) (1976 - present)

Vice President, Church Council, Redeemer Lutheran Church, McLean, Virginia
(1990-1992); Chair, Trust & Endowment Committee (1993-94)

Chair or Co-Chair, George Washington Law School Building Committee (1997- present)

HUMPHREYS CENTER CONFERENCES

The Center was created by a generous gift from James F. Humphreys which
funded a Chair in Civil Procedure and Complex Litigation and the Center with the understanding
that the faculty member holding the Chair would direct the Center.

After meetings at the GW Law School and at the Federal Court house in San Francisco
attended by leading plaintiff and defense class action lawyers, prominent complex litigation
professors, and district court and circuit court federal judges to discuss the best role for the new
Center to play, I decided to hold a major event each spring at the GW Law School to study and
discuss major issues of interest to the bench, the bar, and the academy in the field of Complex
Litigation. I have been greatly assisted in most of the programs described below by my
colleague, Associate Dean Alan Morrison, who has played a central role for the last ten years in
the design of these programs and the recruitment of the participants. I am greatly indebted to

him for his invaluable help. Some years ago, he agreed to serve as Co-Director of the Center.

2010. The inaugural symposium for the Center was a two-day discussion of the then recently released ALI Report on Aggregate Litigation. All four ALI reporters were present as moderators [Issacharoff, Nagareda, Klonoff, Silver]. Eighteen of the leading academics in the nation from Harvard, Yale, Stanford, and many other schools participated as panelists. Sixteen of their papers were published in the GW Law Review. See Volume 79, Number 2, GW Law Review pp. 293-772.

2011. The second Center program also ran two days and was entitled “The Future of Arbitration.” Twenty leading scholars and practitioners from around the country debated such issues whether class actions should be allowed in arbitration proceedings, whether clauses prohibiting such class actions should be enforced, and what role the Federal Arbitration Act should play in such matters. The papers presented at the conference and a narrative summary of the conference debates were published digitally.

2012. The third Center program was a one-day Roundtable discussion of the legal and ethical issues associated with Third Party Financing of modern litigation. Professor Jon Molot of Georgetown Law School [and formerly GW Law School] assisted in the development of this program. Leading officials from the major industry players, law school and business school professors from around the country, and private attorneys debated the legal, ethical, financial, and regulatory issues which attend third party financing in complex commercial cases and in garden variety tort cases [like automobile accidents]. The papers and the Roundtable discussion were published digitally.

2013. The fourth Center program was another two-day major academic symposium on Class Actions and Access to Justice and was co-sponsored by Public Justice and the Committee

to Support Antitrust Laws. Twenty-nine of the leading class action scholars and practicing lawyers from around the nation debated what procedures should be followed by a trial court before it decides a class action certification motion, how the language of Rule 23 should be interpreted in view of recent Supreme Court cases, what remedies should be available in class action litigation, when should settlement class actions be certified, and what role, if any, do class actions have in arbitration proceedings. Eleven articles from this symposium were published in the GW Law Review. See Volume 82, Number 2, GW Law Review pp. 595-993. Another eight articles were later published in Volume 82, Number 7, GW Law Review. A Yale Law Professor later described these issues as the most impressive collection of class action scholarship in many years.

2014. [No program due to the demands of a contemporaneous Dean Search.]

2015. The fifth Center program was a Roundtable on the issue of Settlement Class Actions. All of the members of a Sub-committee of the Federal Civil Rules Advisory Committee who were actively debating proposed changes to Rule 23 attended the Roundtable. Also present were twenty-five leading plaintiff and defendant class action practitioners, federal judges, and class actions scholars from around the country. The position papers of all the panelists were made available to the Rules Sub-committee which actively reviewed them before later formally proposing major changes to how settlement class actions should be managed under Rule 23.

2016. The sixth Center program was a Roundtable on issues associated with Subrogation claims by third party health insurance providers [such as private insurers, Medicare, Medicaid, and ERISA covered health plans] against tort plaintiffs who recover substantial sums from tortfeasors as the result of judgment or settlement. Such subrogation claims can greatly

complicate the settlement of ordinary tort claims as well as class actions such as the NFL Concussion Settlement. This one-day program involved over twenty leading plaintiff, defendant, and third-party practitioners, and leading scholars in this complex field and involved a debate over how numerous procedural and substantive issues arising out of two complex hypotheticals should be managed. A summary of the off-the-record discussion was prepared by the Center and circulated widely to tort and procedure scholars.

2017. The seventh Center program was a Roundtable discussing the proper role of the Judicial Panel on Multi-District Litigation which was approaching its 50th birthday. The MDL Panel has the power to transfer factually related cases pending in various federal districts to a single venue [“the transferee court”] for consolidated pre-trial proceedings. The relevant statute, 28 U.S.C. Section 1407, contemplates that the transferred cases are to return to their original venue for trial when the pre-trial process is concluded, but in practice this happens less than 5% of the time. Many thousands of cases are transferred for consolidation in the transferee court each year, and so the decisions of the MDL Panel are of enormous importance to practicing lawyers and their clients. A majority of judges then serving on the Panel and leading plaintiff and defense lawyers from around the country attended the Roundtable.

2018. The eighth Center program focused on issues surrounding the third-party funding of civil litigation. Several members of the Advisory Committee on the Federal Civil Rules attended the Conference as they were considering whether to amend Rule 26 to require disclosure of such funding arrangements in some circumstances. Leading plaintiff and defense lawyers and professors from around the country joined a dozen of the leading officers of the major third-party litigation firms in the nation [e.g. Bentham, Burford, Validity Financial]. We discussed litigation financing of plaintiffs in traditional bipolar lawsuits, financing of plaintiff

law firms in traditional and complex litigation, and litigation finance in high stakes commercial litigation including class actions. The attending federal judges were unanimous in their praise for the content of the conference.

2019. The Center planned a program on data breach and privacy class actions for this year with Professor Dan Solove – our colleague on the GW Law Faculty and a leading expert on the law of privacy in this nation. For logistical reasons this Privacy Conference was rescheduled for the Spring of 2020, but had to be abandoned when the arrival of the covid-19 pandemic made business travel and large group meetings impossible.

2020. In the latter half of 2019, John Rabiej, who had directed a Center on Complex Litigation at the Duke Law School for eight years, contacted the Center to discuss how he might collaborate with the Center in putting on programs and projects at GW going forward. It was agreed that a major conference on the MDL Panel should be held at the end of April to be attended by 50 federal judges, 75 leading plaintiff and defense lawyers, and a cohort of professors as moderators of six panel discussions. After much time and effort had been expended in planning for this mega-conference, the conference had to be postponed because of the pandemic. The Center later held this conference in person in 2021 after the pandemic and the University allowed us to proceed. Undaunted by the pandemic, the Center organized a virtual conference on Modern Class Action practice in November of 2020. A dozen federal judges, leading plaintiff and defense lawyers, and professors from around the country participated.

2021. Having partnered with John Rabiej, the Center hosted four conferences in this one year notwithstanding the pandemic. In March an online conference on proportionality issues in pretrial discovery of electronically stored information. In June the Center hosted an

online conference on Mass Tort MDL's with twelve federal judges approximately one hundred prominent plaintiff and defense lawyers. In October the Center hosted a mega-conference with over 35 federal judges and 120 leading plaintiff and defense lawyers on issues surround the management of MDL cases by transferee judges. Finally, in November the Center organized the second annual Class Action conference with six federal judges and over thirty prominent lawyer panelists to discuss recent development in the law and practice of class actions.

2022. This year begin with a conference in Miami on Advanced Strategies in the management of MDL cases with six federal judges and leading plaintiff and defense lawyers. Due to various difficulties, John Rabiej at this juncture elected to end his relationship with the Center. The Center entered into a new partnership with other prominent lawyers and hosted a major conference on campus with dozens of federal judges and more than one hundred prominent plaintiff and defense lawyers on the management of MDL litigation and the recent use of bankruptcy as a device for aggregating litigation that otherwise would be managed by transferee judges.

2023. In the spring of this year the Center organized a two-day conference on current issues in class action litigation, attorney's fees in class actions, common benefit fees in mass tort MDL cases, judicial review of mass tort settlements, litigation finance in mass torts, bankruptcies and class actions, bankruptcy issues in mass tort litigation, and the new phenomenon of mass arbitrations. Once again, leading plaintiff and defense lawyers, federal judges and professors from around the country attended the conference.

2024. In April of this year the Center hosted a major conference on mass tort bankruptcy options, rule-making for the MDL process, identifying meritless claims, litigation finance in patent cases, and the management of very large mass tort cases. It was attended by

many of the leading plaintiff and defense lawyers in the country, numerous federal judges, and leading law professors on these topics.

2025. In April of this year the Center held a two-day conference on third party litigation finance, the use of bellwether trials, the role of state attorneys general in MDL litigation, and the estimation of mass tort claims in bankruptcy. Leading plaintiff and defense lawyers, federal judges, and professors from around the country attended the conference. Later in October the Center hosted a second conference at the request of the Civil Rules Advisory Committee on the question of whether the Federal Rules of Civil Procedure should be amended to require the disclosure of third-party litigation finance. Leading plaintiff and defense lawyers, judges and others on the Advisory Committee, chief officers of several large finance companies, and leading academics attended this one-day conference.

As documented above, the Humphreys Center has become the premier academic institution for serious collaboration between the bench and bar to improve the administration of justice in complex litigation in this country.