

Richard L. Marcus

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Professional Employment

July, 1989 - present: Professor of Law (1989-97), Distinguished Professor (1997-99), and Horace O. Coil ('57) Chair in Litigation (since 1999), University of California, Hastings College of the Law

Aug., 1981 - July, 1989: Associate Professor (1981-84) and Professor of Law (1984-89), University of Illinois

Aug., 1986 - Aug., 1987: Visiting Professor of Law, University of Michigan

March, 1976 - April, 1981: Associate (1976-79) and partner (1980-81), Dinkelspiel, Pelavin, Steefel & Levitt (since disbanded), San Francisco, Calif.

Aug., 1974 - Sept., 1975: Law clerk to Hon. Alfonso J. Zirpoli, U.S. District Court, N.D. Calif.

Aug., 1973 - May, 1974: Associate-in-Law, University of California School of Law (Boalt Hall)

Jan., 1972 - Aug., 1972: Law clerk to Justice Raymond Peters, Supreme Court of California

Publications

Books

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 6th ed. 2015) (co-authored with Prof. Edward Sherman and Prof. Howard Erichson).

vol. 12, Federal Practice & Procedure (West 3d ed. 2014) (co-authored with Prof. Charles Alan Wright & Arthur Miller)

Civil Procedure: A Modern Approach (West, 6th ed. 2013) (co-authored with Prof. Martin Redish, Prof. Edward Sherman, and Prof. James Pfander)

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 5th ed. 2010) (co-authored with Prof. Edward Sherman and Prof. Howard Erichson).

vol. 8, 8A, and 8B of Federal Practice & Procedure (West 3d ed., 2010) (co-authored with Prof. Charles Alan Wright & Arthur Miller)

Civil Procedure: A Modern Approach (West, 5th ed. 2009) (co-authored with Prof. Martin Redish, Prof. Edward Sherman, and Prof. James Pfander)

Gilbert Civil Procedure Summary (17th ed. 2008) (co-authored with Prof. Thomas Rowe, Duke University)

Civil Procedure: A Modern Approach (West, 4th ed. 2005) (co-authored with Prof. Martin Redish and Prof. Edward Sherman)

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 4th ed. 2004) (co-authored with Prof. Edward Sherman)

Gilbert Civil Procedure Summary (16th ed. 2001) (co-authored with Prof. Thomas Rowe, Duke University)

Civil Procedure: A Modern Approach (West, 3d ed. 2000) (co-authored with Prof. Martin Redish and Prof. Edward Sherman)

1999 Supplement to Civil Procedure: A Modern Approach (West 1999) (co-authored with Prof. Martin Redish and Prof. Edward Sherman)

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 3d ed. 1998) (co-authored with Prof. Edward Sherman)

1997 Supplement to Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 1997) (co-authored with Prof. Edward Sherman)

Volume 12 of Federal Practice & Procedure (West, 2d ed., 1997) (co-authored with Prof. Charles Alan Wright and Prof. Arthur Miller)

Civil Procedure: A Modern Approach (West, 2d ed. 1995) (co-authored with Prof. Martin Redish and Prof. Edward Sherman)

Gilbert Civil Procedure Summary (Harcourt Brace Jovanovich, 15th ed. 1995) (co-authored with Prof. Thomas Rowe)

Volumes 8 and 8A of Federal Practice & Procedure (West, 2d ed. 1994) (co-authored with Prof. Charles Alan Wright and Prof. Arthur Miller)

1994 Supplement to Civil Procedure: A Modern Approach (West 1994) (co-authored with Prof. Martin Redish and Prof. Edward

Sherman)

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 2d ed. 1992) (co-authored with Prof. Edward Sherman)

1991 Supplement to Civil Procedure: A Modern Approach (West 1991) (co-authored with Prof. Martin Redish and Prof. Edward Sherman)

Gilbert Civil Procedure Summary (Harcourt Brace Jovanovich, 14th ed. 1989) (co-authored with Prof. Paul Carrington and Prof. Thomas Rowe)

1989 Supplement to Complex Litigation: Cases and Materials on Advanced Civil Procedure (West 1989) (co-authored with Prof. Edward Sherman)

Civil Procedure: A Modern Approach (West, 1989) (co-authored with Prof. Martin Redish and Dean Edward Sherman)

Complex Litigation: Cases and Materials on Advanced Civil Procedure (West, 1985) (co-authored with Prof. Edward Sherman)

Articles and book chapters

Introduction to S. Scheindlin & D. Capra, *Electronic Discovery and Digital Evidence* (3d ed. 2015), at 1-23.

Once More Unto the Breach?, 99 *Judicature* 56-66 (2015).

How to Steer An Ocean Liner, 18 *Lewis & Clark L.Rev.* 615 (2014).

"Looking Backward" to 1938, 162 *U. Pa. L. Rev.* 1691 (2014).

The Big Bad Wolf: American Class Actions, in *Multiparty Redress Mechanisms in Europe: Squeaking Mice?* (V. Harsagi & C.H. van. Rhee, eds., Intersentia 2014), at 35.

Appellate Review in the Reactive Model: The Example of the American Federal Courts, in *Nobody's Perfect: Comparative Essays on Appeals and Other Means of Recourse Against Judicial Decisions in Civil Matters* (A. Uzelac & C.H. van Rhee, eds., Intersentia 2014), at 105-26.

Procedural Polarization in America?, in *Zeitschrift für Zivilprozess International* (D. Leipold & R. Stürner), Vol. 18, p. 303 (2014)

"American Exceptionalism" in *Goals for Civil Litigation, in Goals of Civil Justice and Civil Procedure in Contemporary*

- Judicial Systems (A. Uzelac, ed., Springer 2013), at 123-42.
- Procedural Postcard from America, 1 Russian L.J. 9 (2013).
- America's Dynamic and Extensive Experience With Collective Litigation, in *Resolving Mass Disputes* (C. Hodges & A. Stadler, eds., Edward Elgar 2013), at 148-71.
- Procedure in a Time of Austerity, 3 *Int'l J. of Procedural Law* 133 (2013).
- Cooperation and Litigation: Thoughts on the American Experience, 61 *Kan. L. Rev.* 831 (2013).
- Bomb Throwing, Democratic Theory, and Basic Values -- A New Path to Procedural Harmonization?, 107 *Nwn. L. Rev.* 475 (2013).
- Shoes That Did Not Drop, 46 *U. Mich. J. Law Ref.* 637 (2013)
- The Rulemakers' Laments, 81 *Fordham L. Rev.* 1639 (2013).
- America's Evolving Political Theories of Procedure, in 2 *Fetschrift fur Rolf Sturner zum 70*, at 1669 (2013).
- Still Confronting the Consolidation Conundrum, 88 *Notre Dame L. Rev.* 557 (2012).
- The Impact of Digital Information on American Evidence-Gathering and Trial -- The Straw That Breaks the Camel's Back?, in *Electronic Technology and Civil Procedure: New Paths to Justice from Around the World* (M. Kengyel & Z. Nemessanyi, ed. 2012).
- American Report on Goals of Civil Procedure, in *Civil Procedure in Cross-Cultural Dialogue: Eurasia Context*, at 227 (Moscow 2012)
- More Reform for the American Class Action?, 211 *Revista de Processo* 263 (Sao Paolo 2012)
- Introduction to S. Scheindlin & D. Capra, *Electronic Discovery and Digital Evidence* (West 2d ed. 2012), at 1-17
- The Balkanized American Legal Profession, in *The Landscape of the Legal Profession in Europe and the USA: Continuity and Change* (A. Uzelac & C.H. van Rhee, eds. 2011), at 3-40.
- Reviving Judicial Gatekeeping of Aggregation: Scrutinizing the Merits on Class Certification, 79 *Geo. Wash. L. Rev.* 324 (2011).
- Exceptionalism and Convergence: Form versus Content and

Categorical Views of Procedure, in *Common Law, Civil Law, and the Future of Categories* (J. Walker & O. Chase, eds, 2010) at 521-38.

The Electronic Lawyer, 58 DePaul L. Rev. 263 (2009)

Introduction to S. Scheindlin & D. Capra, *Electronic Discovery and Digital Evidence* (West 2009), at 1-15

Cure-All for an Era of Dispersed Litigation? Toward a Maximalist Use of the Mutidistrict Litigation Panel's Transfer Power, 62 Tulane L. Rev. 2245 (2008)

E-Discovery Beyond the Federal Rules, 37 U. Balt. L. Rev. 321 (2008)

Not Dead Yet, 61 Okla. L. Rev. 299 (2008)

The Impact of Computers on the Legal Profession: Evolution or Revolution?, 102 Nw. U. L. Rev. 1827 (2008)

Assessing CAFA's Stated Jurisdictional Policy, 156 U. Pa. L. Rev. 1765 (2008)

Modes of Procedural Reform, 31 Hast. Int'l & Compar. L. Rev. 157 (2008)

Confessions of a Federal "Bureaucrat": The Possibilities of Perfecting Procedural Reform, 35 Wn. St. Univ. L. Rev. 103 (2007)

E-Discovery and Beyond: Toward *Brave New World* or 1984?, 25 Rev. Lit. 633 (2006). This article was reprinted at 236 F.R.D. 598 (2006).

A Modest Proposal: Recognizing (At Last) That The Federal Rules Do Not Declare That Discovery Is Presumptively Public, 74 Chi.-Kent L. Rev. 331 (2006)

Putting American Procedural Exceptionalism in a Globalized Context, 53 Am. J. Comp. L. 709 (2005)

Only Yesterday: Reflections on Rulemaking Responses to E-Discovery, 73 Fordham L. Rev. 1 (2004)

The Story of Hickman: Preserving Adversarial incentives While Embracing Broad Discovery, in *Civil Procedure Stories* (K. Clermont ed., 2004)

Reining in the American Litigator: The New Role of American Judges, 27 Hast. Int'l & Compar. L. Rev. 3 (2003), published in Japanese in 50 J. Civ. Pro. 127 (2004) (translated by

Prof. Aya Yamada)

Slouching Toward Discretion, 78 Notre Dame L. Rev. 1561 (2003)

Discretion Uber Alles, in Discretionary Power of the Judge:
Limits and Control (B. Hess & M. Storme, eds.) (2003), at
453

Reform Through Rulemaking?, 80 Wash. U. L.Q. 901 (2002)

Entry on Complex Litigation, in The Oxford Companion to American
Law, at 134 (2002)

Reassessing the Magnetic Pull of Megacases on Procedure, 51
DePaul L. Rev. 457 (2001)

The Agenda-Setter For Complex Litigation, 149 U.Pa. L. Rev. 1257
(2001)

Confronting the Future: Coping With Discovery of Electronic
Material, 64 Law & Contemp. Probs. 253 (Spring/Summer 2001)

The 2000 Amendments to the Discovery Rules, 2001 FCLR 1
(published online by Federal Magistrate Judges' Association
and available at www.fclr.org/content/fclr.htm)

Myths and Realities of American Litigation, 705 Nat. Bus. Law 18
(Jan. 15, 2001); 706 Nat. Bus. Law 56 (Feb. 1, 2001) (in
Japanese, translated by Prof. Masahiko Omura) This was
reprinted, with a 2005 epilogue in Japanese, in Amerika
Minjisosyoho no Riron (Theories of American Civil Procedure)
(M. Omura & K. Miki, eds, 2006) at 1.

The American Class Action: Scourge or Savior?, 701 Nat. Bus. Law
15 (Nov. 15, 2000) (in Japanese, translated by Prof.
Masahiko Omura) This was reprinted, with a 2005 epilogue in
Japanese, in Amerika Minjisosyoho no Riron (Theories of
American Civil Procedure) (M. Omura & K. Miki, eds, 2006) at
225.

A Look at the Past, Present, and Future of American Discovery,
699 Nat. Bus. Law 6 (Oct. 15, 2000); 700 Nat. Bus. Law 27
(Nov. 1, 2000) (in Japanese, translated by Prof. Koichi
Miki) This was reprinted, with a 2005 epilogue in Japanese,
in Amerika Minjisosyoho no Riron (Theories of American Civil
Procedure) (M. Omura & K. Miki, eds, 2006) at 29.

2000 Amendments Governing Federal Discovery Rules Take Effect
Dec. 1, 6 Fed. Disc. News. (Nov. 2000) p. 1 (special issue)

Benign Neglect Reconsidered, 148 U.Pa. L. Rev. 2009 (2000)

- Retooling American Discovery for the 21st Century: Toward A New World Order?, 7 Tulane J. Int'l & Comparative Law 153 (1999) (published in Europe in Abuse of Procedural Rights (M. Taruffo ed.), p. 281 (Kluwer 1999))
- Malaise of the Litigation Superpower, in Civil Justice in Crisis, p. 71 (Oxford U. Press 1999) (A. Zuckerman, ed.).
- The Puzzling Persistence of Pleading Practice, 76 Texas L. Rev. 1749 (1998)
- Discovery Containment Redux, 39 Bos. Coll. L. Rev. 747 (1998)
- Once More Into the Breach: More Reforms for the Federal Discovery Rules?, 37 Judges' J. 8 (Spring 1998) (co-authored with Judge David Levi)
- Reexamining the Bendectin Litigation Story, 83 Iowa L. Rev. 231 (1997)
- Confronting the Consolidation Conundrum, 1995 B.Y.U. L. Rev. 879
- "Deja Vu All Over Again"? An American Reaction to the Woolf Report, in Reform of Civil Procedure (Oxford U. Press, 1995, A. Zuckerman & R. Cranston, eds) at 219
- They Can't Do That, Can They? Tort Reform Via Rule 23, 80 Cornell L. Rev. 858 (1995)
- Who Should Discipline Federal Judges, and How?, 149 F.R.D. 375 (1993)
- Of Babies and Bathwater: Reflections on the Prospects of Procedural Progress, 59 Brooklyn L. Rev. 761 (1993)
- The Litigation Confidentiality Controversy, 1991 U. Ill. L. Rev. 457
- Discovery Along the Litigation/Science Interface, 57 Brooklyn L. Rev. 381 (1991)
- Completing Equity's Conquest? Reflections on the Future of Trial Under the Federal Rules of Civil Procedure, 50 U. Pitt. L. Rev. 725 (1989)
- Public Law Litigation and Legal Scholarship, 21 U. Mich. J. Legal Res. 647 (1987)
- Apocalypse Now? (review of P. Schuck, Agent Orange on Trial), 85 Mich. L. Rev. 1267 (1987)
- The Perils of Privilege: Waiver and the Litigator, 84 Mich. L.

Rev. 1605 (1986)

The Revival of Fact Pleading Under the Federal Rules of Civil Procedure, 86 Colum. L. Rev. 433 (1986)

The Tudor Treason Trials: Some Observations on the Emergence of Forensic Themes, 1984 U. Ill. L. Rev. 675

Conflicts Between Circuits and Transfers Within the Federal Judicial System, 93 Yale L.J. 677 (1984)

Myth and Reality in Protective Order Litigation, 69 Cornell L. Rev. 1 (1983)

Reducing Court Costs and Delay: The Potential Impact of the Proposed Amendments to the Federal Rules of Civil Procedure, 66 Judicature 363 (1983)

Fraudulent Concealment in Federal Court: Toward a More Disparate Standard?, 71 Geo. L.J. 829 (1983)

Education

J.D. 1972, University of California (Boalt Hall)
Member (1970-72) and Research Editor (1971-72), California Law Review
Order of the Coif (class rank 4/270)

B.A. 1969, Pomona College (history major)
President, student body, 1968-69
Four-year letterman, track & field (MVP three times)

Other Professional Positions

Member of Jury, First Cappellitti Prize, International Ass'n of Procedural Law, 2015

Elected member, International Association of Procedural Law, 1998-present; Member of Council, 2011-15; elected Vice President and member of Presidium, 2015 (only American)

Associate Reporter, Advisory Committee on the Civil Rules, Judicial Conference of the U.S. 1996 - present.

Member, Ninth Circuit Task Force on Unrepresented Litigants, 2002-2005.

Chair, Planning Committee, Assoc. of American Law Schools Civil Procedure Conference, 2002-03.

Member, Ad hoc Committee on Attorney Discipline Rules, Northern District of California, 1998.

Member, Order of the Coif Triennial Book Award Selection Committee, 1997-99

Hearing Officer appointed by Stanford University Advisory Board to preside over evidentiary hearing regarding disciplinary proceeding against tenured professor, 1997-98.

Member, Ninth Circuit Advisory Committee on Rules and Internal Operating Procedures, 1996 - 2002.

Chair, Local Rules Advisory Committee, Northern District of California, 1994-99

Reporter, Civil Justice Reform Act Advisory Group, Northern District of California, 1992 - 1998

Consultant, National Commission on Judicial Discipline and Removal, 1992-93

Chair, Committee on Complex Litigation of Association of American Law Schools Section of Civil Procedure, 1991

Associate Reporter, Federal Courts Study Committee, 1989-90

Electèted member, American Law Institute, 1985
Life Member (2010 -)
Members' Consultative Group, Complex Litigation Project (1987-93)
Members' Consultative Group, Principles and Rules of Transnational Civil Procedure (1999-2004)
Members' Consultative Group, Principles of the Law of Aggregate Litigation (2004-09)

Chair, Section of Civil Procedure, Association of American Law Schools, 1988-89

Reporter, Committee on Evidence, Illinois Judicial Conference, 1985

Reporter, Committee on Motion Practice, Illinois Judicial Conference, 1984

Lectures, Panel Discussions and Presentations

Panelist, "Possible Changes to Class-Action Rule," American Assoc. for Justice Convention, Montreal, Canada, July 12, 2015.

Panelist, "Weigh in Early. A Town Hall Meeting with the Rule 23 Subcommittee of the Advisory Committee on Civil Rules," 2nd Annual Western Regional Program on Class Actions and Mass Torts, ABA Section of Litigation, San Francisco, CA, June

19, 2015.

Keynote Introductory Speaker, "Reassessing the Essential Role of Public Courts: Learning from the American Experience," during the Public & Private Justice Conference, University of Zagreb, June 8, 2015, Dubrovnik, Croatia.

Keynote Speaker, "A Genuine Civil Justice Crisis?", 15th Congress, International Association of Procedural Law, May 25, 2015, Istanbul, Turkey.

Panelist, "An Open Forum With the Rule 23 Subcommittee of the Advisory Committee on Civil Rules," ALI Annual Meeting, May 17, 2015, Washington, D.C.

Principal Presenter, "Bending With the Breeze: American Class Actions in the 21st Century," Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 17, 2015, Chicago, IL.

Invited participant, Roundtable on Class Action Reform, George Washington National Law Center, April 8, 2015, Washington, D.C.

Panelist, "The Future of Discovery," AALS Section of Litigation & Section of Civil Procedure, AALS Annual Meeting, Jan. 7, 2015, Washington, D.C.

Panelist on "A Decade of Discovery" (new movie on E-Discovery), Dec. 4, 2014, San Francisco, CA.

Panelist for "Showcase Panel" during 19th ABA Class Action Institute, Chicago, Ill., Oct. 23, 2014.

Principal Presenter as National Reporter for the U.S. during the Seoul Conference of the International Association on Procedural Law on "Effective Access to Justice," Yonsei University, Seoul, South Korea, Oct. 3, 2014.

Keynote Speaker, on "The Role of A Supreme Court in a Common Law System," during the Conference on the Role of Supreme Courts, University of Warsaw, Warsaw, Poland, June 12, 2014.

Principal presenter on "Misgivings About American Exceptionalism: Court Access as a Zero/Sum Game" at the 2014 Private and Public Justice Conference, Dubrovnik, Croatia, May 27, 2014.

Principal presenter at Judge Kravitz Symposium, April 10, 2014, at Lewis & Clark Law School, Portland, Ore., on "How to Steer an Ocean Liner."

Panelist with two federal judges at ABA Electronic Discovery and

Digital Evidence Committee meeting regarding current developments in electronic discovery and the admissibility of electronic evidence, San Francisco, Feb. 23, 2014.

Principal panelist on panel "Has the Roberts Court Slammed the Courthouse Door in Class Actions?", Emory Law School, Atlanta, Ga., Feb. 6, 2014.

Invited panelist on two panels during ABA Information Governance, Electronic Discovery, and Digital Evidence National Institute, Tampa, Fla., Jan. 30-31, 2014 (with four federal judges).

Invited participant in the Third Party Funding Roundtable at Stanford Law School, Stanford, CA, Jan. 23, 2014.

Participant (along with Hon. David Campbell (D. Az.)) on ABA Webinar nationwide broadcast entitled "New Rule 45 of the Federal Rules of Civil Procedure.

Principal presenter during University of Pennsylvania Conference on the 75th anniversary of the Federal Rules, on topic "'Looking Backward' to 1938," Philadelphia, Pa., Nov. 16, 2013.

Invited panelist on panel "Judges Meet the General Counsel Department" with Judges Shira Scheindlin (S.D.N.Y.) Jay Francis (S.D.N.Y.) Peter Flynn (Cook County Superior) and general counsel Andrew Drake (Nationwide Ins. Co.) and Deborah Miller (oracle), May 1, 2013, simulcast from New York, Chicago, and San Jose.

Featured Panelist (along with Judge John Koeltl (S.D.N.Y.) and Elizabeth Cabraser) on panel entitled "The Latest on Amendments to the Federal Civil Rules" at the ABA Section of Litigation Conference for Litigators, Chicago, IL, April 25, 2013.

Moderator of Panel entitled "The Proper Process to Follow Before a Certification Decision is Made," at George Washington University Class Action Conference, Washington, D.C., March 7, 2013.

Invited speaker on entitled "Realities of the Rules: How Procedural Rules Cope With Technological Advances" during South Carolina Law Review Symposium on The Practice of Law in the 21st Century, March 1, 2013, Columbia, S.C.

Invited speaker, Stanford Journal on Complex Litigation conference Lessons From the Chevron Ecuador Litigation, on the panel "International Discovery and Arbitration, Stanford, CA, Feb. 8, 2013.

Principal presenter on two panels (one on The Federal Rules -- Where We've Been, Where We May be Going," and the other entitled "Can a Computer Do it Better, Faster, and Cheaper" A Discussion of Technology-Assisted Review") during ABA 2013 E-Discovery and Information Governance National Institute, Tampa, Fla., Jan. 24-25, 2013.

Principal presenter on combined program of the Second of Litigation and the Section of Civil Procedure on "The Class Action Fairness Act After Seven Years," during the AALS Annual Meeting, New Orleans, LA, Jan. 5, 2013.

Invited Panelist, final panel on Feasibility of Rules Amendments, Legislation, International Treaties, and Conventions to Address Conflicting Data Secrecy and Discovery Demands," with Hon. Anthony Scirica (3d Cir.) & Hon. Michael Baylson (E.D. Pa.), Duke Data Confidentiality Conference, Durham, N.C., Nov 30, 2012.

Principal presenter, Cooperation and Litigation: Thoughts on the American Experience, University of Kansas conference "Advocacy Under the Federal Rules on Civil Procedure After 75 Years," Lawrence, Kansas, Nov. 9, 2012.

Panelist on Fed. R. Evid. 502, Evidence Rules Committee fall meeting, Charleston, S.C., Oct. 5, 2012.

American Report on Goals of Civil Procedure, during World Conference on Civil Procedure -- Civil Procedure in Cross-Cultural Dialogue: Eurasia Context, Moscow, Russia, Sept. 19, 2012 (panel including Prof. Alan Uzelac (Zagreb Univ.); Prof. Teresa Wambier (Pontifical Cath. Univ. of Sao Paolo); Fu Yulin (Peking University); Elisabetta Silvestri (Univ. of Pavia); Prof. Remco van Rhee (Maastricht Univ.)).

Keynote speaker, "Appellate Review in the Reactive Model: The Example of the American Federal Courts," in the Private and Public Justice Conference, Dubrovnik, Croatia, May 31, 2012.

Moderator, Panel on "Judicial Insights into Preservation, Cooperation, and Rule Changes," during the E-Discovery Symposium for Government Agencies, Washington, D.C., May 10, 2012 (with Hon. Shira Scheindlin (S.D.N.Y.), Hon. James Francis (S.D.N.Y.), and Hon. David Waxse (D. Kan.)).

Principal presenter, "Bomb Throwing, Democratic Theory, and Basic Values -- A New Path to Procedural Harmonization?" at Festschrift in Honor of Prof. Martin H. Redish, Northwestern U. Law School, Chicago, IL, March 31, 2012.

Principal Presenter, "Shoes That Did not Drop," at on second panel during celebration of Prof. Edward Cooper, Ann Arbor,

Mich., March 23, 2012.

Moderator, panel at celebration of Prof. Edward Cooper (including Prof. Stephen Burbank (U. Penn.); Prof. Daniel Coquillette (Bos. Col. and Harvard); Prof. Stephen Gensler (U. Okla.); Prof. Thomas Rowe (Duke) and Prof. Catherine Struve (U. Penn.))

Principal Presenter, "The American Pleading Wars," Fresco Lectures Program, University of Genoa, Genoa, Italy, Dec. 13, 2011.

Principal Presenter, "Status Update on Activities of Advisory Committee on Civil Rules," Lawyers for Civil Justice 2011 Membership Meeting, New York, Dec. 2, 2011.

Principal Presenter, "Multiparty Litigation and Related Cases in the Court of Federal Claims: How Much is Too Much?," at the U.S. Court of Federal Claims 24th Annual Judicial Conference, Berkeley, CA., Oct. 19, 2011.

Principal Presenter, "Complex Litigation and Caselaw Update" (and two other panels), ALI/ABA Third Electronic Discovery and Digital Practitioners' Workshop, New York, Aug. 15-16, 2011.

Principal Presenter, "Procedure in a Time of Austerity," XIV World Congress, Int'l Assoc. of Procedural Law, Heidelberg, Germany, July 28, 2011.

Principal Presenter, "Extremism in the Pursuit of Truth is Our 'Virtue' -- The American Infatuation with Broad Discovery," at 2011 Program on Public and Private Justice, Inter-University Center, Dubrovnik, Croatia, May 24, 2011.

Panelist, Fifth Annual ABA National Institute on E-Discovery, "Looking Ahead -- Would Rule Changes Produce Improvements?" (with Hon. David Campbell and Hon. Paul Grimm), Washington, D.C., May 19, 2011.

Panelist, Breakout Session on Class Actions, Northern District of California, 2011 Judicial Conference (with Hon. Susan Illston and Prof. Joshua Davis), Monterey, CA, April 9, 2011.

Panelist, ABA Section of Science & Technology Law - E-Discovery and Digital Evidence Committee, Electronic Discovery and Digital Evidence Practitioners' Workshop, Panels on Complex Litigation and Practitioners' Update (with Prof. Geoffrey Hazard, Steven Tepler, Esq., James Burdett, Esq., and Maura Grossman, Esq., Feb. 18-19, 2011, San Francisco, CA.

Presenter, Panel on Antitrust Class Actions After Sullivan v. DB

Investments, Antitrust & Business Regulation Section, Bar Assoc. of San Francisco, San Francisco, Jan. 28, 2011.

Panelist (with Jason R. Baron, Loren Kieve, and Pro. Deborah Hensler) AALS Section of Civil Procedure Program The Impact of the Electronic Revolution on Litigation, AALS Annual Meeting, San Francisco, Jan. 8, 2011.

Panelist (with Hon. Paul Grimm and Paul Saunders, Esq.), "Let the Voice of the Defense Bar Be Heard -- Discovery Issues" town hall at annual meeting of Defense Research Institute, San Diego, Oct. 23, 2010

Moderator, Mini-conference on Subpoena Practice, for Discovery Subcommittee of Advisory Committee on Civil Rules, Dallas, TX, Oct. 4, 2010.

Principal presenter, "The Impact of Digital Information on American Evidence-Gathering and Trial, at Int'l Assoc. on Procedural Law Conference, Pecs, Hungary, Sept. 24, 2010.

Panelist on "The Digital Revolution and E-Discovery -- Transforming the Legal Profession," a Presidential Showcase CLE program at the ABA Annual Meeting, San Francisco, Aug. 7, 2010 (with Hon. John Facciola (D.D.C.), Maura Grossman, Esq., and Stephanie Mendelsohn, Esq.)

Invited panelist on use of Cy Pres doctrine in California courts, organized by the California Consumer protection Foundation, at the Administrative Office of the California Courts, San Francisco, June 11, 2010.

Keynote presenter on The Balkanized American Legal Profession, Public and Private Justice 2010 program on European Landscape of Legal Profession(s): Has Unity Been Lost?, Dubrovnik, Croatia, May 24, 2010.

Member of concluding panel, Advisory Committee on Civil Rules' Conference on Civil Litigation, Duke University, Durham, NC, May 12, 2010 (with Judge Lee Rosenthal (S.D. Tex.) and Prof. Edward Cooper (U. Mich., and Reporter, Civil Rules Advisory Committee)

Principal presenter, Reviving Judicial Gatekeeping of Aggregation: Scrutinizing the Merits on Class Certification, Aggregate Litigation: Critical Perspectives, George Washington University Law School, Washington, D.C., March 12, 2010

Panelist (with Hon. Shira Scheindlin, Prof. Thomas Rowe, and Julia Mass, Esq.), "The Impact of Iqbal," American Constitutional Society, Stanford Law School, Palo Alto, Ca.,

Feb. 1, 2010.

Invited Presenter on ALI Transnational Rules of Civil Procedure, 2009 Civil Rules Summit, Institute for the Advancement of the American Legal System, March 2, 2009, Denver, Colo.

Invited Panelist, E-Discovery -- A Revolution for Litigation?, AALS Section of Litigation program, San Diego, Jan. 8, 2009.

Principal Presenter, The Electronic Lawyer, 14th Annual Clifford Symposium on Tort Law and Social Policy, DePaul Univ. College of Law, Chicago, IL, April 4, 2008

Keynote Speaker, E-Discovery Beyond the Federal Rules, Univ. of Baltimore School of Law, Baltimore, Md., March 13, 2008

Principal Presenter, Cure-All for an Era of Dispersed Litigation? Toward a Maximalist Use of the Multidistrict Litigation Panel's Transfer Power, at Tulane Law Review Multidistrict Litigation Symposium, New Orleans, LA, Feb. 16, 2008

Principal presenter, Not Dead Yet, Section of Civil Procedure program, Amer. Ass'n of Law Schools, New York, N.Y., Jan. 4, 2008.

Principal presenter, Class Action Theory, Jurisdictional Policy, and CAFA, at the 2007 Symposium, Fairness to Whom: Perspectives on the Class Action Fairness Act of 2005, University of Pennsylvania Law School, Philadelphia, Pa., Nov. 30, 2007.

Principal Presenter, The Evolving Modern Class Action: Federal Rules Developments, American Bar Ass'n Torts & Ins. Practice Section, Class Action Seminar, Washington, D.C., Oct. 25, 2007.

Pope & John Lecture on Professionalism, Northwestern University, on The Impact of Computers on the Legal Profession: Evolution or Revolution?, Chicago, Ill., Oct. 18, 2007

Principal Presenter, Modes of Procedural Reform, XIII World Congress on Procedural Law, Salvador, Brazil, Sept. 20, 2007

Invited panelist, Hiding the Ball: Preparing Expert Reports, American Bar Association Convention, San Francisco, CA, Aug. 9, 2007.

Principal Presenter, E-Discovery in State Courts from the Appellate Perspective, National Foundation for Judicial Excellence, Chicago, IL, June 30, 2007

Principal presenter, Symposium on State Civil Procedure, Western

State University College of Law, Fullerton, CA, April 21, 2007

Principal presenter, A South Carolina Lawyer's Roadmap to Navigating the New Federal E-Discovery Rules, Charleston School of Law, Charleston, S.C., April 13, 2007

Principal presenter, A Primer on Electronic Discovery Under the New Federal Rules of Civil Procedure, Sacramento Chapter of the Federal Bar Ass'n, Sacramento, Nov. 17, 2006

Principal presenter, The 2006 Electronic Discovery Amendments to the Federal Rules of Civil Procedure, Litigation Section of San Francisco Barristers Club, San Francisco, Nov. 8, 2006

Panelist, E-Discovery, Taming the Beast Without Getting Bit, Business Software Alliance, High-Tech General Counsel Forum, San Diego, Oct. 18, 2006

Keynote Speaker, E-Discovery: How to Practice Under the New Amendments, Bureau of National Affairs, Washington, D.C., Oct. 5, 2006

Principal presenter, Executive Briefing on New Federal Rules for E-Documents and E-Discovery, FRI Consulting, Inc. & Discovery Technology Group, Los Angeles, Ca., May 25, 2006

Invited presenter, Hearing on Proposed Federal Rules of Evidence 502 before Advisory Committee on Evidence Rules, New York, N.Y., April 24, 2006

Principal presenter, E-Discovery and Beyond, at the 25th Anniversary Symposium, The Review of Litigation, Austin, Texas, Feb. 24, 2006

Principal presenter, A Primer on the Class Action Fairness Act, Workshop for the First and Seventh Circuits, Chicago, Ill., Sept. 29, 2005

Principal presenter, Panel on Rule Developments Regarding Electronic Discovery, Marcus Evans Conference on Electronic Discovery, San Francisco, Calif., April 7, 2005

Principal presentation, "Why Discovery Should Not Be Regarded as Public," at AALS Section of Litigation program on Secrecy on Litigation, AALS Annual Meeting, San Francisco, Calif., Jan. 8, 2005

Seminar presentation, "The Odyssey of American Discovery," University College, University of Oxford, Oxford, England, June 1, 2004

Leadoff presenter, Rulemaking Developments Regarding E-Discovery, Conference on E-Discovery, Advisory Committee on Civil Rules, New York City, Feb. 20, 2004

Principal Presenter, Developments in the Federal Rules, at Mealey's E-Discovery Conference, San Francisco, CA, Dec. 9, 2003

Moderator, Panel on The Discovery Wars: Discovery Disputes in Product Liability Litigation," Assoc. of American Law Schools Conference on Civil Procedure, New York, N.Y., June 20, 2003

Principal Presenter, Reining in the American Litigator: The New Role of American Judges, Japan Association of the Law of Civil Procedure, Tokyo, Japan, June 1, 2003

Principal Presenter, Procedural Change In America: Reform Through Rulemaking?, Ritsumeikan University, Kyoto, Japan, May 18, 2003

Principal Presenter, Discovery Challenges Here and Abroad, during Stanford Law & Technology Assoc. Conference "Ideas Without Boundaries -- Creating Intellectual Property in the International Arena," Stanford Law School, March 13, 2003.

Moderator, panel entitled "Thinking About Optimal Enforcement," Enforcing Privacy Rights symposium, San Francisco, Calif., Nov. 15, 2002.

Principal presenter on litigation confidentiality, Federal Bar Association, Sacramento, Calif., Sept. 18, 2002.

Principal presenter on reform of litigation through rulemaking, Symposium on Litigation in a Free Society, sponsored by Institute for Law and Economic Policy, Washington University School of Law, and University of Pennsylvania Law School, Hollywood, Fla., March 16, 2002.

Presenter, panel on "Document Destruction After Enron," Cardozo Law School, New York, New York, March 11, 2002.

Panelist, Panel on Class Actions, meeting of Judicial Conference Committee on Federal-State Jurisdiction, Miami, Fla., Jan. 10, 2002

Introducer, Conference on Class Actions for Advisory Committee on Civil Rules, University of Chicago, Chicago, Ill. Oct. 22, 2001.

Keynote luncheon speaker, The Future of Electronic Discovery, at seminar on Electronic Discovery: Tips, Tactics & Technology,

sponsored by
yOntrack, Washington, D.C., July 24, 2001.

Principal presenter, The 2000 Amendments to the Federal Rules of Civil Procedure and Evidence, U.S. Department of Labor, Office of Solicitor, Regional Solicitor's Conference, Monterey, Calif., May 30, 2001.

Principal presenter, The Effect of Tobacco Litigation on Procedure, Robert A. Clifford Symposium on Tort Law and Social Policy, Chicago, Ill., April 5, 2001.

Principal presenter, Recent Amendments to the Federal Rules of Civil Procedure and Federal Rules of Evidence, Federal Bar Ass'n, Sacramento, Calif., Jan. 31, 2001.

Principal presenter, New Amendments to the Federal Rules of Civil Procedure, Tulsa, Okla., Dec. 11, 2000.

Principal presenter, U.S. Magistrate Judges' Workshop (II), on discovery rule amendments, Albuquerque, N.M., Sept. 20, 2000.

Principal presenter, Discovery Practice in 2000, Federal Practice Comm., D. Neb., Omaha, Neb., July 28, 2000.

Principal presenter, U.S. Magistrate Judges Workshop (I), on discovery rule amendments, Portland, Ore., July 26, 2000.

Principal presenter, Myths and Realities of U.S. Litigation, Chuo Univeristy, Tama City, Tokyo, Japan, July 6, 2000.

Principal presenter, Developments in U.S. class action practice, Chuo University Downtown Campus, Tokyo, Japan, July 4, 2000.

Principal presenter, Developments in U.S. discovery practice, Keio University, Tokyo, Japan, July 1, 2000.

Commentator, David Berger Symposium on Mass Torts, University of Pennsylvania, Philadelphia, Pa., Nov. 11-12, 1999.

Principal presenter on American discovery reforms, annual meeting of International Association of Procedural Law, New Orleans, La., Oct. 29, 1998

Panelist for ABA Section of Litigation program on proposed amendments to the Federal Rules of Civil Procedure regulating discovery at ABA meeting, Toronto, Canada, Aug. 3, 1998

Principal presenter on panel addressing access to justice in different countries, annual meeting of American Judicature

Society, Toronto, Canada, Aug. 1, 1998

Invited participant, Conference of Mass Torts Study Group of the Judicial Conference of U.S., San Francisco, Calif., April 23-24, 1998

Commentator on narrowing access to courts in Courts on Trial conference, Institute for Law and Economic Policy, Tucson, Az., April 17, 1998

Principal Speaker, addressing pleading practice, at Symposium in honor of Prof. Charles Alan Wright, Austin, Tex., Nov. 1, 1997.

Principal Speaker on discovery reform, Conference on Discovery, Advisory Committee on the Civil Rules, Boston College Law School, Sept. 5, 1997.

Principal Speaker on possible amendments to the discovery rules, Pretrial Practice and Discovery Committee of the ABA Section of Litigation, San Francisco, Calif., Aug. 4, 1997.

Speech, Developments in Attorneys' Fees Awards, National Workshop for District Judges, Washington, D.C., May 10, 1997

Speech, Developments in Attorneys' Fees Awards, 1996 Federal Civil Law & Procedure Seminar for District Judges, Phoenix, Arizona, Dec. 19, 1996

Speech, Developments in Attorneys' Fees Awards, 11th Circuit Workshop for Judges, Pt. Clear, Ala., Sept. 26, 1996

Moderator, Conference on A Practical Look at Complex, MDL and Mass Tort Litigation, Portland, Ore., Oct. 11-12, 1995

Principal Presenter on the 1993 Disclosure and Discovery Rules, American Association of Law Schools Conference on Civil Procedure, Washington, D.C., June 15-18, 1995

Invited Participant, Conference on the Federal Rules of Civil Procedure, Dallas, Tex., March 30-31, 1995

Moderator, Joint Session of Association of American Law Schools Section of Alternative Dispute Resolution and Section of Civil Procedure on discovery confidentiality, New Orleans, La., Jan. 6, 1995

Principal Presenter, Symposium on Mass Torts, Cornell Law School, Ithaca, N.Y., Oct. 23-24, 1994

Principal Presenter on pretrial provisions of the draft Manual for Complex Litigation (Third), Berger Conference on Complex

Litigation, University of Pennsylvania, Philadelphia, Pa.,
May 12-13, 1994

Principal Presenter on experiences under the federal judicial
discipline statute, meeting of U.S. Judicial Conference
Committee on Judicial Discipline with chief judges of all
federal circuits, Washington, D.C., Jan. 20, 1994

Principal Presenter, Conference on Innovation in Civil
Litigation, Brooklyn Law School, May 14-15, 1993

Panelist and Principal Presenter on summary judgment, Workshop
for U.S. Magistrate Judges of the 8th, 9th and 10th
Circuits, Santa Fe, N.M., April 28, 1992

Reporter, National Conference on State-Federal Judicial
Relationships, Orlando, Fla, April 9-12, 1992

Moderator, Panel on Trying Complex Cases, Association of American
Law Schools Section of Litigation, San Antonio, Tex., Jan.
5, 1992

Principal Presenter on summary judgment and Panelist, Case
Management in Complex Cases, U.S. Claims Court Judicial
Conference, Williamsburg, Va., Nov. 16, 1991

Invited Participant, Conference on Civil Discovery, Federal
Judicial Center, Washington, D.C., Sept. 20, 1991

Presentation on Civil Justice Reform Act, D. Utah Civil Justice
Reform Act Advisory Group, Salt Lake City, Utah, Aug. 12,
1991

Principal Presenter on Problems in Managing Parallel Civil and
Criminal Proceedings, Berger Program on Complex Litigation,
University of Pennsylvania Law School, Philadelphia, Pa.,
Nov. 16, 1990

Moderator and Commentator, Panel on Privatization of Dispute
Resolution, Annual Meeting of Law and Society Association,
Berkeley, Calif., May 30, 1990

Principal Presenter on Complex Trials and Expert Witnesses at the
Futures of the Courts Conference, San Antonio, Tex., May 20,
1990

Commentator, Association of American Law Schools Section of
Evidence, New Orleans, La., January, 1989

Moderator, Panel on Collective Justice, Association of American
Law Schools Section of Civil Procedure, New Orleans, La.,
January, 1989

Principal Presenter on trends in adjudication, Symposium on the Future of Federal Litigation, University of Pittsburgh Law School, Pittsburgh, Pa., Sept. 16, 1988

Principal Presenter on the role of alternative dispute resolution in basic civil procedure courses, American Association of Law Schools Conference of Civil Procedure, Charlottesville, Va., June, 1988

Principal Presenter on the lodestar method of measuring attorneys' fees awards, Association of American Law Schools Section of Remedies, Los Angeles, Calif., January, 1987

Moderator of workshop on complex case management, National Conference on Litigation Management, Yale Law School, New Haven, Conn., October, 1985