

STEPHEN J. HERMAN

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PERSONAL

Born, in New Orleans, Louisiana, on November 22, 1968.
Married, in 1994, to the Honorable Karen Kirshbom Herman, Criminal District Court for the Parish of Orleans, Section I.
Children: Alexandra Rae Herman, 21, and Harris Andrew Herman, 17.

EDUCATION

Isidore Newman School New Orleans, LA
Board of Regents Scholar, 1987.
National Merit Letter of Commendation, 1986.

Dartmouth College Hanover, NH
Bachelor of Arts, 1991.
GPA, Overall: 3.3; Major (English): 3.6.
Third Honor Group, 1989-1990.
Citation of Excellence in the Study of Milton, 1990.
Citation of Excellence in the Study of Shakespeare, 1990.
Winner of the Elenor Frost Playwriting Competition, 1991.

Tulane University School of Law New Orleans, LA
Juris Doctor, *Magna Cum Laude*, 1994.
GPA: 3.52; Class Rank: Top Ten Percent.
Order of the Coif.

EMPLOYMENT

Herman, Herman & Katz, L.L.C. New Orleans, LA
Associate, 1995 - 2001.
Partner, 2002 -

Herman Gerel, L.L.P. Atlanta, GA
Associate, 1999 - 2001.
Partner, 2002 -

Justice Harry T. Lemmon, Louisiana Supreme Court New Orleans, LA
Judicial Clerk, 1994-1995.

Democratic Senatorial Campaign Committee Washington, DC
Paid Intern, 1989.

ACADEMIC POSITIONS

Tulane University Law School New Orleans, LA
Adjunct, Advanced Civil Procedure: Complex Litigation, 2009-2016.
Adjunct Associate Professor, 2017-2019.
Adjunct Professor of Law, 2020 -

Loyola University School of Law New Orleans, LA
Adjunct Professor, Advanced Torts Seminar on Class Actions, 2005 -

PROFESSIONAL APPOINTMENTS

Louisiana Attorney Disciplinary Board
Hearing Committee Member, 4th and 5th Circuits, 2008-2010.
Lawyer Chairman, Hearing Committee 56, 2010 -2013.

Southeast Louisiana Legal Services, Board of Directors, 2009-2011

Louisiana State Law Institute, Code of Civil Procedure Committee, Sub-Committee on Multi-District Litigation, 2009.

Louisiana Attorney Fee Review Board, 2014-2015.

Louisiana Supreme Court Committee on Rules of Professional Conduct for Class Actions, Mass Torts and Complex Litigation, 2015-

LSBA Rules of Professional Conduct Committee, 2016 -

LSBA Receivership Panel, 2019 -

ADMISSIONS TO PRACTICE

State of Louisiana, Supreme Court and all inferior courts, 1994.
United States District Courts, Eastern, Western, and Middle Districts of Louisiana, 1995.
U.S. Fifth Circuit Court of Appeals, 1995.
U.S. Ninth Circuit Court of Appeals, 2004.
U.S. Second Circuit Court of Appeals, 2009.
U.S. Eleventh Circuit Court of Appeals, 2020.
U.S. Supreme Court, 2007.

BAR AND TRIAL ASSOCIATIONS

International Academy of Trial Lawyers.

Fellow, 2015 -

American Bar Association, 1994 -

Fellow, American Bar Foundation.
Member, Labor and Employment Section, 2004-2017.
Member, Tort Trial and Insurance Practice Section, 2014 -
Member, Litigation Section, 2015 -

American Association for Justice, (formerly ATLA), 1995 -

Executive Committee, 2011-2012.
Board of Governors, 2014 -
Harry Philo Award, 2018.
State Delegate, Louisiana, 2007-2013.
Chair, AAJ State Delegates, 2011-2012.
National College of Advocacy (NCA) Board of Trustees, 2011-2017, 2019 -
AAJ Endowment Board, 2010 -
Wiedemann-Wysocki Award, 2001, 2011.
Heavy Lifting Award, 2012.
Above and Beyond Award, 2019.
Legal Affairs Committee, 2016 -
Amicus Curiae Committee, 2008 -
Chair, 2019 -
“Fellow” - National College of Advocacy.
Co-Chair, Gulf Oil Spill Litigation Group, 2010 -
Co-Chair, Chinese Drywall Litigation Group, 2009 -2011.
Co-Chair, Dialysis Products Litigation Group, 2012.
ATLA Press Advisory Board, 1999-2002, 2007-2010.
Keyperson Committee, 1996 -
AAJ PAC Eagle / M-Club.
Leaders’ Forum Member.
Constitutional Litigation Committee, 1997 -
Preemption Task Force, 2008 -
Rule 23 Working Group, 2014 -
30(b)(6) Working Group, 2017 -
MDL Working Group, 2018 -
Member, Commercial Law Section, 1996 -
Member, Insurance Law Section, 1996 -
Member, Product Liability Section, 2014 -
Member, Jury Bias Litigation Group, 2015 -
Member, Class Action Litigation Group, 2009 -
Member, Tobacco Litigation Group, 1996 -
Member, Health Care Finance Litigation Group, 1998 -
Member, Electronic Discovery Litigation Group, 2004 -

Louisiana State Bar Association, 1994 -

Fellow, Louisiana Bar Foundation.
Rules of Professional Conduct Committee, 2016 -
Receivership Panel, 2019 -
Cuba Task Force, 2016-2017.

BAR AND TRIAL ASSOCIATIONS (cont.)

Louisiana Association for Justice, (formerly LTLA), 1995 -

President, 2014-2015.
Stalwart Award, 2017.
Executive Committee, 2011-2017.
Amicus Curiae Committee, 1999 -
Chair, 2017 -
Chair, Maritime Section, 2012-2013.
Chair, Law Office Technology Section, 2006-2007.
Board of Governors, 2004-2017.
Council of Directors, 2006-2017.
AAJ State Delegate, 2007-2013.
President's Advisory Board, 1996-1997, 1999-2000.
Constitutional Litigation Committee, 1996 -
Key Contacts Committee, 1997 -
Speakers Bureau, 1999 -

Civil Justice Foundation.

President, 2003-2004.
Board of Trustees, 1999-2012.
President's Award, 2001.

Public Justice, (formerly TLPJ).

Executive Committee, 2015-2016, 2017-2018.
Board of Trustees, 2010 -
Membership Committee Co-Chair, 2008-2009.
Louisiana State Network Coordinator, 2000-2012.

Roscoe Pound Foundation (Pound Civil Justice Institute).

President, 2020 -
Board of Trustees, 2015 -

Litigation Counsel of America.

Senior Fellow, 2016 -
Fellow, 2007-2016.

Federal Bar Association, New Orleans Chapter.

Board of Trustees, 2018 -

Bar Association of the Fifth Federal Circuit.

New Orleans Bar Association.

Board of Trustees, 2018 -
Inn of Court, 2019 -

Mississippi Trial Lawyers Association.

Attorney Information Exchange Group (AIEG).

National Association of Legal Fee Analysis (NALFA).

Nation's Top Attorney Fee Experts: Assessing Fees in Class Actions, 2018.

Injury Board.

PUBLICATIONS

America and the Law: Challenges for the 21st Century, Austin & Winfield, 1998, (revised edition, Gravier House Press, 1999).

"Duties Owed by Appointed Counsel to MDL Litigants Whom They Do Not Formally Represent" Loyola Law Review, Vol. 64, p.1 (Spring 2018).

"Layers of Lawyers: Parsing the Complexities of Claimant Representation in Mass Tort MDLs," co-authored with Lynn A. Baker, Lewis & Clark Law Review, Vol.24, Issue No.2, p.469 (Spring 2020).

"HMO Litigation" Tort Litigation: Preparation and Tactics - 2000 and Beyond (West 2003).

"Spoliation of Evidence" Civil Trial Practice: Winning Techniques of Successful Trial Attorneys (Lawyers & Judges Publishing, 2000), revised and reprinted in, Aircraft Accident Reconstruction and Litigation (Lawyers & Judges Publishing, 2003).

PUBLICATIONS (cont.)

- “Percentage Fee Awards in Common Fund Cases” Tulane Law Review Vol. 74, Nos. 5-6, p.2033 (June 2000).
- “Back to Basics – Briefing and Arguing Motions” TRIAL Magazine (Oct. 2019) p.18, and, reprinted in revised and edited form, as: “Tips for Briefing and Arguing Motions” Louisiana Advocates (Nov. 2019) p.9.
- Contributing Author, “Lead Counsel Duties” Standards and Best Practices for Large and Mass Tort MDLs (Bolch Judicial Institute, Duke Law School) (September 2018).
- Editorial Board, Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 (Duke Law School Center for Judicial Studies) (August 2018).
- Contributing Author, “Procedures and Standards for Objections and Settlement of Objections Under Rule 23(e)(5)” Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 (Duke Law School Center for Judicial Studies) (August 2018).
- “Evidence Preservation and Spoliation” TRIAL Magazine, September 2005, p.50.
- “Federal Preemption: *Geier* and Its Implications” Louisiana Advocates Vol.XVI, No.1, p.8 (Jan. 2001).
- “The Use and Abuse of Privilege in Discovery” Australian Products Liability Reporter, Vol. 10, No.5 (June 1999).
- “Understanding Spoliation of Evidence” TRIAL Magazine March 2001, p.45.
- Review of *In Defense of Tort Law*, TRIAL Magazine November 2001, p.86.
- “Proposed Changes to Rule 23: Consulting with Practicing Attorneys” Sidebar Vol. 3, No. 2, p.7 (Spring 2002), reprinted in, The Federal Lawyer Vol. 49, No.8, p.14 (Sept. 2002).
- “Fighting Mandatory Arbitration” Louisiana Advocates Vol.XVII, No.5, p.13 (May 2002).
- “*Roark v. Humana*: What This New Decision Means for Your Medical Malpractice Cases Involving HMOs” Louisiana Advocates Vol. XVIII, No. 1, p.8 (Jan. 2003).
- “TLPJ Urges Trial Lawyers to Fight Court Secrecy” Louisiana Advocates Vol.XVII, No.6, p.13 (June 2002).
- “Federal Court Upholds Rights of Plaintiffs Who Opted Out of Nationwide Class Action Settlement to Pursue Individual Claims” Louisiana Advocates Vol. XVIII, No. 1, p.14 (Jan. 2003).
- “U.S. Supreme Court Rules Asbestosis Victims Can Recover Damages Based on Fear of Cancer” Louisiana Advocates Vol.XVII, No.6, p.7 (June 2003).
- “Being a Savvy Blogger” Louisiana Advocates (July 2007), p.12.
- “How to Maximize the Advantages of E-Mail and Eliminate the Risks” Louisiana Advocates (August 2007), p.6.
- “Standing on the Shoulders of Those Who Came Before Us” Louisiana Advocates Vol. XXIX, No.10 (Oct. 2014).
- “To Protect and Preserve an Independent Judiciary” Louisiana Advocates Vol. XXIX, No.12 (Dec. 2014).
- “Hot Coffee” Louisiana Advocates Vol. XXX, No.2 (Feb. 2015).
- “Personal Remarks” Louisiana Advocates Vol. XXX, No.5 (May 2015).
- “How I Spent My Summer Vacations (and Still Remember the Lessons Learned)” Louisiana Advocates Vol. XXX, No.6 (June 2015).
- “The Long Arc of Justice” Louisiana Advocates Vol. XXX, No.8 (Aug. 2015).

SPEECHES AND PAPERS

- “Removal by Preemption Under the *Avco* Exception....” Litigation at Sunrise, 1996 ATLA Annual Convention, Boston, Massachusetts, July 23, 1996.
- “Spoliation of Evidence and Related Topics” Yours to Choose Seminar, LTLA, New Orleans, Louisiana, December 28, 1996.
- “The Use and Abuse of Privilege in Discovery” Litigation at Sunrise, 1998 ATLA Annual Convention, Washington D.C., July 1998, and Yours to Choose Seminar, LTLA, Baton Rouge, Louisiana, December 30, 1998.
- “Force-Placed Insurance: Banks’ Failure to Disclose” Last Chance Seminar, LTLA, New Orleans, Louisiana, December 18, 1998.
- “HMO Litigation” Winter Ski Seminar, LTLA, Aspen, Colorado, March 6, 2000, and Last Chance Seminar, Winning With the Masters, LTLA, New Orleans, Louisiana, Dec. 14, 2000.
- “Class Action Litigation Against HMOs” 2001 ATLA Annual Convention, Montreal, Canada, July 17, 2001.
- “Managing Complex Litigation for the Louisiana Paralegal” Institute for Paralegal Education, New Orleans, Louisiana, July 9, 1999.
- “Subrogation and Loss Recovery in Louisiana” National Business Institute, New Orleans, Louisiana, March 24, 2000.
- “Can We ‘Import’ Better Law in Personal Injury Cases?” LTLA Spring CLE Retreat, Orlando, Florida, March 31, 2002.

SPEECHES AND PAPERS (cont.)

- “Case Evaluation and Other Pre-Filing Considerations” Tobacco Litigation Group, ATLA Annual Convention, Atlanta, Georgia, July 21, 2002.
- “Proving Fraud in Tobacco Cases” ATLA Annual Convention, Atlanta, Georgia, July 21, 2002.
- “Preparing and Taking Depositions for Use at Trial” STLA, New Orleans, Louisiana, February 28, 2003, and LTLA *A La Carte* Seminar, New Orleans, Louisiana, December 30, 2004.
- “Trial and Post-Trial Motions: The Plaintiff’s Perspective” National Business Institute, New Orleans, Louisiana, June 20, 2003.
- “A Practical Framework for Class Action Litigation” ABA National Institute on Class Actions, San Francisco, California, Oct. 24, 2003, and Washington, D.C., Nov. 7, 2003.
- “Identifying Spoliation of Evidence Issues and Related Issues Surrounding the Preservation and Discovery of Electronic Data” National Business Institute, New Orleans, LA, March 30, 2004, and Lafayette, LA, December 2, 2004.
- “Civil Discovery Sanctions” Dealing with Destruction: Preservation and Spoliation of Electronic Data and Other Evidence in Louisiana, National Business Institute, New Orleans, LA, March 30, 2004, and Lafayette, LA, December 2, 2004.
- “Plaintiff’s Personal Injury from Start to Finish” National Business Institute, New Orleans, Louisiana, November 30, 2004, and New Orleans, Louisiana, June 30, 2006.
- “Litigating the Class Action Suit in Louisiana” National Business Institute, New Orleans, Louisiana, January 7, 2005.
- “Proposed Changes to the Federal Rules” Electronic Discovery Teleseminar, May 10, 2005, and, ATLA Annual Convention, Toronto, Canada, July 25, 2005.
- “Recent Decisions Affecting E-Discovery” E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- “E-Discovery Procedures and Compliance with the New Rules” E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- “Conducting Forensic Analysis” E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- “E-Discovery Under the New Rules” LTLA *A La Carte* Seminar, New Orleans, Louisiana, December 29, 2006.
- “The E-Discovery Amendments to the Federal Rules: Panel Discussion - E-Discovery Practical Considerations” Federal Bar Association, New Orleans Chapter, February 2, 2007.
- “The E-Discovery Amendments to the Federal Rules: Panel Discussion - E-Discovery Ethics” Federal Bar Association, New Orleans Chapter, February 2, 2007.
- “Class Action Reforms Post CAFA: Leverage the Reforms and Emerging Trends” Strafford Publications, CLE Teleconference, March 20, 2007.
- “Electronic Evidence Symposium: New Rules, E-Discovery, Spoliation & Sanctions” New Orleans Bar Association, 2007 Bench Bar Conference, Point Clear, Alabama, March 30, 2007.
- “Personal Injury Cases: Calculating and Proving Damages” National Business Institute, New Orleans, LA, October 16, 2007.
- “Vioxx Litigation: History, Overview and Navigating Through the Settlement Process” AAJ Weekend With the Stars, New York, NY, December 8, 2007.
- “E-Discovery: Applying the New FRCP Changes” National Business Institute, New Orleans, LA, Dec. 13, 2007.
- “Rethinking Depositions: Discovery vs. Trial” LAJ CLE *A La Carte*, Baton Rouge, LA, December 27, 2007.
- “E-Discovery: A Changing Landscape - Practical & Legal Perspectives” SeminarWeb, January 16, 2008.
- “Approaches to Defense Expert Depositions - Technique & Style” AAJ Mid-Winter Convention, Puerto Rico, January 26, 2008.
- “E-Discovery Workshop” National Disability Rights Network Annual Conference, New Orleans, LA, June 4, 2008.
- “San Diego Fire Cases” Litigation at Sunrise, AAJ Annual Convention, Philadelphia, PA, July 16, 2008.
- “E-Discovery: The Paralegal’s Role and Ethical Considerations” AAJ Annual Convention, Philadelphia, PA, July 16, 2008.
- “Preparation of Expert Testimony” National Business Institute, New Orleans, LA, October 30, 2008.
- “Avoiding Common Ethical Pitfalls” Building Your Civil Trial Skills, National Business Institute, New Orleans, LA, December 18, 2008.
- “Documentary Evidence” Personal Injury Trials: Getting the Most out of Your Evidence, National Business Institute, New Orleans, LA, April 29, 2009.
- “Electronic Evidence” Personal Injury Trials: Getting the Most out of Your Evidence, National Business Institute, New Orleans, LA, April 29, 2009.

SPEECHES AND PAPERS (cont.)

- “Ethics and Professionalism” AAJ Jazz Fest Seminar, New Orleans, LA, May 3, 2009.
- “12 Lessons in Litigation” Web 2.0 and The Trial Bar, InjuryBoard.com, St. Petersburg, FL, June 5, 2009.
- Moderator, Chinese Drywall Litigation Seminar, AAJ, New Orleans, Louisiana, August 11, 2009.
- “Re-Thinking Experts” LAJ Post-Legislative Retreat, Carmel, CA, June 30, 2009, LAJ Last Chance Seminar, New Orleans, LA, December 10, 2009, and, LAJ CLE a la Carte, Baton Rouge, LA, December 30, 2009.
- “Re-Thinking Experts” SeminarWeb! Live, December 17, 2009.
- “Avoiding Common Ethical Pitfalls” Building Your Civil Trial Skills, National Business Institute, New Orleans, LA, December 18, 2009.
- “Evaluating Class Actions: How Do You Know When You Have One?” LAJ CLE a la Carte, New Orleans, LA, December 30, 2009.
- “Predatory Lending and Sub-Prime Class Actions” AAJ Mid-Winter Convention, Maui, Hawaii, January 30, 2010.
- “Coast Guard / MMS Hearings” Gulf Coast Oil Spill Symposium, LSBA, New Orleans, LA, May 25, 2010.
- Moderator, Gulf Coast Oil Spill Litigation Teleseminar, AAJ, June 2, 2010.
- “Chinese Drywall Litigation” LSBA Summer School for Lawyers, Sandestin, Florida, June 7, 2010.
- “12 Lessons in Litigation” LAJ Post-Legislative Retreat, Carmel, CA, June 29, 2010, (invited) (submitted paper) (could not attend).
- Moderator, Chinese Drywall Litigation Program, AAJ, Vancouver, British Columbia, July 14, 2010.
- Status of BP Claims Facility and Escrow Fund, Gulf Coast Oil Spill Litigation Group Program. Vancouver, British Columbia, July 16, 2010.
- Update on MDL Issues and Litigation in the Eastern District of Louisiana, Gulf Coast Oil Spill, Vancouver, British Columbia, July 16, 2010.
- “Oil Pollution Act of 1990: An Overview” Gulf Coast Oil Spill Litigation Group Program. Vancouver, British Columbia, July 16, 2010.
- Oil Spill Litigation Panel Discussion: Liability, Punitive Damages, Environmental Issues, etc., HB Litigation Conference, Miami, Florida, November 4, 2010.
- “Class Actions and Mass Torts” Avoyelles Parish Bar Association, Marksville, Louisiana, November 5, 2010.
- “Ethical Issues in Litigation” SeminarWeb! Live, November 8, 2010.
- “Ethics and Professionalism” Last Chance Seminar, Louisiana Association for Justice, New Orleans, Louisiana, December 9, 2010.
- “Ethics and Professionalism” CLE a la Carte, Louisiana Association for Justice, New Orleans and Baton Rouge, Louisiana, December 30, 2010.
- “Ethics and Professionalism in Litigation” AAJ Annual Convention, San Francisco, California, July 2013.
- “The BP Oil / *Deepwater Horizon* Oil Spill Litigation: An Overview” Louisiana State Bar Association 20th Annual Admiralty Symposium, New Orleans, Louisiana - September 20, 2013.
- Faculty, Essentials of Civil Litigation AAJ Trial Advocacy College, Tulane Law School, New Orleans, Louisiana, October 7-10, 2013.
- “Multi-District Litigation” National Association of Women Judges, New Orleans, Louisiana, October 11, 2013.
- “Ethical Questions Raised by the BP Oil Spill Litigation” 22nd Annual Admiralty and Maritime Law Conference, South Texas College of Law, Houston, Texas, October 18, 2013.
- “BP / Deepwater Horizon Oil Spill Litigation” Louisiana Judicial Conference, Evidence and Procedure Seminar, New Orleans, Louisiana, February 20, 2014.
- “Ethical and Professional Issues in MDLs” LSBA Annual MDL Conference, New Orleans, Louisiana, March 14, 2014.
- “Legalnomics’: Lessons from the Field of Behavioral Economics About Perception and Decision-Making for Trial Lawyers” LAJ a la Carte, New Orleans and Baton Rouge, Louisiana, December 29-30, 2014, and Mississippi Association for Justice Annual Convention, June 12, 2015.
- “When the Levee Breaks – Resolving Complex Claims: Lesson of the Deepwater Horizon, Katrina, and More” ABA Section of Litigation, Annual Conference, New Orleans, Louisiana, April 15, 2015.
- “E-Discovery: It’s Not Just for Big Civil Suits in Federal Court Anymore” NOBA Bench-Bar Conference, Point Clear, April 17, 2015.
- “Ethical and Professional Questions in Mass Tort Cases” LSBA Summer School for Lawyers, Sandestin, Florida, June 10, 2015.
- “Telling Our Story: The Trial Lawyer’s Journey” LAJ Post-Legislative Retreat, Carmel, California, June 22, 2015, and AAJ Weekend with the Stars, New York, New York, December 12, 2015.
- Faculty Moderator, Pound Civil Justice Institute 2015 Forum for State Appellate Court Judges, “Contracting Transparency: Public Courts, Privatizing Processes, and Democratic Practices” and “Judicial Transparency in the 21st Century”, Montreal, Canada, July 11, 2015.

SPEECHES AND PAPERS (cont.)

- “Sidestepping Some of the *Daubert* Landmines” AAJ Annual Convention, Montreal, Canada, July 14, 2015.
- “Unsettling Issues with Mass Tort Settlements” ABA Annual Convention, Chicago, Illinois, July 31, 2015.
- Stephen J. Herman and James Bilsborrow, “Much Ado About Nothing: The So-Called ‘No-Injury Class’” August 18, 2015.
- “Class Actions, Mass Torts and Potential Changes to Rule 23” NOBA Bench-Bar Conference, Point Clear, March 10, 2016.
- “Attacks on the Judiciary” LSBA Summer School for Lawyers and Judges, Sandestin, Florida, June 6, 2016.
- “Procedure & Tactics in Complex Appellate Proceedings: A Case Study” Texas State Bar, Advanced Civil Appellate Practice, Austin, Texas, September 8, 2016.
- “Ethics – Important Recent Developments that Impact Litigators on Both Sides of the ‘V’” LSBA 23rd Annual Admiralty Symposium, New Orleans, Louisiana, September 16, 2013.
- Duke Law Center for Judicial Studies MDL Conference, Panel 1: Extent of Co-Lead Counsel’s and PSC’s Fiduciary Responsibility to All Plaintiffs, Washington, DC, October 27, 2016.
- “Federal State Coordination: Peacefully Co-existing in Parallel Universes” LSBA 16th Annual Class Action / Complex Litigation Symposium, New Orleans, Louisiana, November 11, 2016.
- Moderator, “Pros/Cons of State MDLs: Complex Litigation Rules of Professional Responsibility” LSBA 16th Annual Class Action / Complex Litigation Symposium, New Orleans, Louisiana, November 11, 2016.
- “Managing Complex Litigation” NOBA Masters of the Courtroom, New Orleans, Louisiana, December 15, 2016.
- “Fool Me Once, Shame on You (and Other Thoughts on Professionalism)” NOBA Procrastinators’ Program, New Orleans, Louisiana, December 28, 2016.
- “A Conversation on Intergenerational Professionalism” NOBA Bench-Bar Conference, Point Clear, Alabama, April 2, 2017.
- “Litigating the Disaster Case” ABA Business Section, New Orleans, Louisiana, April 6, 2017.
- “Defense Perspective” AAJ Future of Class Actions Conference, Nashville, Tennessee, May 11, 2017.
- “Duties Owed by Appointed Counsel to MDL Litigants Whom They Do Not Formally Represent” AAJ Mass Torts Best Practices Seminar, Boston, MA, July 21, 2017.
- “Handling Complex Litigation” EDLA First Biennial Bench and Bar Conference, September 28, 2017.
- “Duties Owed by Appointed Counsel to MDL Litigants Whom They Do Not Formally Represent” LSBA 17th Annual Class Action/Complex Litigation Symposium, New Orleans, LA, November 10, 2017.
- Faculty, AAJ Advanced Deposition College, New Orleans, LA, January 2018.
- “Social Media as Evidence” LAJ / La. Judicial College Evidence & Procedure Seminar, New Orleans, Louisiana, March 16, 2018.
- Duke Law Center for Judicial Studies MDL Conference, Panel 3: Standards in Determining Optimum Number of PSC Members and Amounts of Common Benefit Fund, Atlanta, Georgia, April 26, 2018.
- “Emerging Issues in Civil Litigation” George Mason University Law & Economics Center 12th Annual Judicial Symposium on Civil Justice Issues, Arlington, Virginia, May 21, 2018.
- Panel: Update on La. Supreme Court Committee on Ethical Rules in Complex Litigation and Multi-District Litigation, LSBA Summer School for Lawyers, Sandestin, Florida, June 5, 2018.
- “Ethics of Class Action Settlements” AAJ Annual Convention, Denver, Colorado, July 8, 2018.
- “Punitive Damages After *Batterton*, *Tabingo*, and *McBride*: What’s Next?” LAJ High Stakes on High Seas, New Orleans, Louisiana, August 17, 2018, and LSBA 25th Annual Admiralty Symposium, New Orleans, Louisiana, September 14, 2018.
- Program Coordinator / Moderator, LSBA Personal Injury Seminar, September 7, 2018.
- Faculty, AAJ Mass Tort Deposition College, New Orleans, Louisiana, October 24-26, 2018.
- “The ‘Take No Prisoners’ Deposition” AAJ Mass Tort Deposition College, New Orleans, Louisiana, October 24, 2018.
- “So, You Settled the Case: Now What?” AAJ Class Action Seminar, New York, NY, December 6, 2018.
- “Ethics” NOBA Procrastinators’ Program, New Orleans, LA, December 19, 2018.
- “Four Hot Spots to Avoid Legal Malpractice” AAJ Mid-Winter Convention, Miami, FL, February 5, 2019.
- “Current Landscape of Punitive Damages under Maritime Law” ABA Admiralty and Maritime Law Conference, New Orleans, LA, March 23, 2019.
- “Bet the Company Litigation: Are We Really Going to Trial?” LSBA Annual Convention, Sandestin, FL, June 3, 2019, and, New Orleans, LA, December 12, 2019.

SPEECHES AND PAPERS (cont.)

- “Why Knowing Admiralty Law is Important to Your Practice” Melvin Belli Seminar, San Diego, CA, July 26, 2019.
- “Ethical Issues in Class Action Litigation” AAJ Annual Convention, San Diego, CA, July 28, 2019.
- “Ethical Issues Facing Litigators” LSBA, Lafayette, LA, Sept. 5, 2019, and New Orleans, LA, Sept. 20, 2019.
- “Layers of Lawyers in MDLs: Parsing the Complexities of Claimant Representation in Mass Tort MDLs” Lewis & Clark Symposium on Class Actions, Mass Torts, and MDLs: The Next 50 Years” Portland, Oregon, Nov. 1, 2019.
- “Fee Disputes: Intersection of Ethical Rules and Contract Law” Avoyelles Parish Bar CLE, Marksville, LA, November 8, 2019.
- “Thoughts on Professionalism” New Orleans Bar Association, Nov. 26, 2019.
- “Ethics: Survey of Recent Cases and Advisory Opinions” New Orleans Bar Association, November 26, 2019, and, Louisiana State Bar Association, New Orleans, LA, Dec. 11, 2019.
- Program Coordinator / Moderator, LSBA Personal Injury Seminar, December 4, 2019.
- “Next Big Thing(s) – What Are the New Class Actions to Watch For?” AAJ Class Action Seminar, New York, NY, December 5, 2019.
- “E-Discovery from the Plaintiff’s View” New Orleans Bar Association, December 12, 2019.
- “A Trial Lawyer’s Journey” Winning With the Masters, LAJ, New Orleans, LA, December 12, 2019, and, Western Trial Lawyers Association, Jackson Hole, WY, March 6, 2020 (invited) *
- “Legal Ethics in Maritime Cases” Admiralty Law Institute, Tulane University Law School, New Orleans, LA, March 13, 2020.
- “Financing Litigation: Views from the Bench and Bar” NOBA Bench-Bar Conference, Point Clear, AL, March 22, 2020 (invited) *
- “Bet the Company Litigation: Are We Really Going to Trial?” LSBA Annual Convention, Sandestin, FL, June 8, 2020 (invited) *
- “Masters of Disaster: What 9/11, Hurricane Katrina, and Northern California Fires Taught Us That Can Help You with Your Case During and After the COVID Crisis” San Francisco Trial Lawyers Association, SeminarWeb, June 22, 2020.
- “Ethical Issues Facing Litigators” Louisiana State Bar Association, New Orleans, LA, June 19, 2020 (invited) *
- “Difficult Depositions: Ethical Issues and Strategies” AAJ Annual Convention, Washington, DC, July 14, 2020.
- “Whether to Pursue an MDL, and, if so, Issues Affecting What Court to Recommend to the JPML” Baylor Law School Complex Litigation Program, August 4, 2020.
- “Plaintiff Perspective on Common Benefit Orders” Baylor Law School Complex Litigation Program, August 13, 2020.
- “How to Get the Most out of Lay Witnesses” FBA Federal Practice Series, New Orleans, LA, August 20, 2020.
- “Implications for Civil Litigation and the Courts in a Post-Pandemic World” COVID and the Courts Symposium, sponsored by the Civil Justice Research Initiative at Berkeley Law School and RAND, September 24, 2020.
- “Case Management” Mass Tort MDL Certification Program, Bolch Judicial Institute, Duke University, Nov. 9, 2020 (invited)

* Postponed or Cancelled Due to the Covid-19 Coronavirus Crises.

REPORTED CASES

- Alliance for Affordable Energy vs. New Orleans City Council, No. 96-0700 (La. 7/2/96), 677 So.2d 424.
- O’Reilly and Griffith vs. Brodie, et al and PMIC, 975 S.W.2d 57 (Tex. App. 4th Dist. - San Antonio 1998), *review denied*, (Aug. 25, 1998); and, 42 *ATLA Law Reporter* 264 (Sept. 1999).
- Marchesani v. Pellerin-Milnor, 248 F.3d 423 (5th Cir. 2001), *and*, 269 F.3d 481 (5th Cir. 2001); and, *ATLA Law Reporter*, Vol. 46, p.240 (Sept. 2003), and *Louisiana Advocates* Vol.XVIII, No.4 (April 2003) p.14.
- Scott v. American Tobacco, No. 01-2498 (La. 9/25/01), 795 So.2d 1176, *and*, No. 02-2449 (La. 11/15/02), 830 So.2d 294, *and*, No. 2004-2095 (La. App. 4th Cir. 2/7/07), 949 So.2d 1266, *writ denied*, 973 So.2d 740 (La. 2008), *cert. denied*, 128 S.Ct. 2908 (2008), *and*, *later proceeding*, No. 2009-0461 (La. App. 4th Cir. 4/23/2010), 36 So.3d 1046, *writ denied*, 44 So.3d 686 (La. 2010), *cert. denied*, 131 S.Ct. 3057 (2011).
- Schultz v. Texaco Inc., 127 F.Supp.2d 443 (S.D.N.Y. 2001), *and*, 308 F.Supp.2d 289 (S.D.N.Y. 2004), *and*, 2009 WL 455163 (S.D.N.Y. Feb. 24, 2009).
- Oubre / Orrill v. Louisiana Citizens Fair Plan, No. 09-0566 (La. App. 4th Cir. 12/09/09), 26 So.3d 994, *and*, No. 2009-0888 (La. App. 4th Cir. 4/21/2010), 38 So.3d 457, *writ denied*, 45 So.3d 1035 (La. 2010); *and*, No. 2011-0097 (La. 12/16/2011), 79 So.3d 987.

REPORTED CASES (cont.)

In re Oil Spill by the Oil Rig Deepwater Horizon, 808 F.Supp.2d 943 (E.D.La. 2011) (“B1 Order”); *and*, 910 F.Supp.2d 891 (E.D.La. 2012), *aff’d*, 739 F.3d 790 (5th Cir. 2014) (“*Deepwater Horizon II*”), *cert. denied*, 135 S.Ct. 754 (2014); 744 F.3d 370 (5th Cir. 2014) (“*Deepwater Horizon III*”); 785 F.3d 986 (5th Cir. 2015) (“*Rule 79 Decision*”); 785 F.3d 1003 (5th Cir. 2015) (“*Non-Profits Decision*”); 793 F.3d 479 (5th Cir. 2015) (“*Data Access Appeal*”); 858 F.3d 298 (5th Cir. 2017) (“*495 Appeal*”); *and*, 295 F.R.D. 112 (E.D.La. 2013) (approval of Medical Benefits Settlement); *and*, 21 F.Supp.3d 657 (E.D.La. 2014) (“Phase One Trial Findings and Conclusions”).

Duhon v. Activelaf d/b/a SkyZone, No.2016-1818 (La. 10/19/2016), 218 So.3d 1001 (and 2016 WL 6123820) (*amicus curiae*).

Maggio v. Parker, No.2017-1112 (La. 6/27/2018), 250 So.3d 874 (*amicus curiae*).

Bulot v. Intracoastal Tubular, No. 00-2161 (La. 2/9/01), 778 So.2d 583 (*amicus curiae*).

Dumas v. Angus Chemical, No. 97-2356 (La. 11/14/97), 702 So.2d 1386.

Sommers v. State Farm, No. 99-2586 (La. App. 4th Cir. 5/3/00), 764 So.2d 87.

Andrews v. TransUnion Corp., No. 2004-2158 (La. App. 4th Cir. 8/17/2005), 917 So.2d 463, *writ denied*, 926 So.2d 495 (La. 4/17/06), and MDL No. 1350; *Louisiana Advocates*, Vol.XXIV, No.5 (May 2009), p.14.

Bratcher v. National Standard Life, 365 F.3d 408 (5th Cir. 2004), *cert. denied*, 125 S.Ct. 277 (2004).

Bauer v. Dean Morris, 2011 WL 3924963 (E.D.La. Sept. 7, 2011).

Schafer v. State Farm, 507 F.Supp.2d 587 (E.D.La. 2007), *and*, 2008 WL 131225 (E.D.La. Jan 10, 2008).

Moeckel v. Caremark Inc., 385 F.Supp.2d 668 (M.D. Tenn. 2005).

In re Managed Care Litigation, 150 F.Supp.2d 1330 (S.D.Fla. 2001).

Lakeland Anesthesia v. Aetna U.S. Healthcare, 2000 U.S. Dist LEXIS 8540 (E.D.La. June 15, 2000), *Andrews Managed Care Litigation Reporter*, Vol.I, Issue 13 (July 17, 2000) p.12.

Mays v. National Bank of Commerce, 1998 U.S. Dist. LEXIS 20698 (N.Dist. Miss. Nov. 20, 1998), *aff’d* No. 99-60167 (5th Cir. April 11, 2000).

Jones v. Hyatt, No. 94-2194 (La. App. 4th Cir. 9/25/96), 681 So.2d 381 (appeal counsel).

Delcambre v. Blood Systems, Inc., No. 2004-0561 (La. 1/19/05), 893 So.2d 23 (*amicus curiae*).

VERDICTS, DECISIONS, REPORTED SETTLEMENTS AND AWARDS

Scott v. American Tobacco, et al, Civil District Court for the Parish of Orleans, State of Louisiana, No. 96-8461, July 28, 2003, (Jury verdict in Phase I trial for class of Louisiana smokers finding tobacco industry liable for fraud, conspiracy, and intentional torts, and responsible for the establishment of a court-supervised medical monitoring and/or cessation program), and, May 21, 2004 (Jury verdict in Phase II in the amount of \$591 Million for 10-year comprehensive court-supervised smoking cessation program), *aff’d, in part*, No. 2004-2095 (La. App. 4th Cir. 2/7/07) (upholding award of \$279 Million fund to Class for 10-year cessation program), *on subsequent appeal*, No. 2009-0461 (La. App. 4th Cir. 4/23/2010), 36 So.3d 1046 (ordering Defendants to deposit \$241 Million, plus interest, into the Registry of the Court), *writ denied*, 44 So.3d 686 (La. 2010), *cert. denied*, 131 S.Ct. 3057 (2011) (Member of Trial Team, Philip Morris Team, and co-Lead of Briefing Team).

In re Oil Spill by the Oil Rig Deepwater Horizon, 21 F.Supp.3d 657 (E.D.La. 2014) (Phase One Trial Findings & Conclusions that BP was guilty of gross negligence and reckless and willful misconduct) (Co-Liaison Counsel for Plaintiffs and member of the Trial Team).

In re Oil Spill by the Oil Rig Deepwater Horizon, 910 F.Supp.2d 891 (E.D.La. 2012), *aff’d*, 739 F.3d 790 (5th Cir. 2014), *rehearing en banc denied*, 756 F.3d 320 (5th Cir. 2014), *cert. denied*, 135 S.Ct. 734 (2014) (approving BP Economic & Property Damages Class Settlement), *and*, 295 F.R.D. 112 (E.D.La. 2013) (approving BP Medical Benefits Class Settlement) (Settlements in Excess of \$12.9 Billion) (Co-Lead Class Counsel), *and*, No.10-2179, Rec. Doc. 22252 (E.D.La. Feb. 15, 2017), *aff’d*, 934 F.3d 434 (5th Cir. 2019) (approving Distribution Model for \$1.25 Billion Halliburton/Transocean Class Settlements) (Co-Lead Class Counsel).

Hernandez v. Knauf, No.09-6050, 2010 WL 1710434, *In re Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 (E.D.La. April 27, 2010) (awarding over \$164,000 in remediation and other damages, plus interest, costs, and reasonable attorneys’ fees, in first bellwether trial, holding that all drywall, insulation, entire electrical system, HVAC system and copper plumbing must be removed) (Co-Lead Trial Counsel).

In re Chinese-Manufactured Drywall Products Liability Litigation, 424 F.Supp.3d 456 (E.D.La. 2020) (approving class settlement of \$248 Million against Chinese Manufacturers) (Settlement Class Counsel).

VERDICTS, DECISIONS, REPORTED SETTLEMENTS AND AWARDS (cont.)

- Marchesani v. Pellerin-Milnor, 248 F.3d 423 (5th Cir. 2001), and, 269 F.3d 481 (5th Cir. 2001), and, *Louisiana Advocates* Vol.XVIII, No.4 (April 2003) p.14, and *ATLA Law Reporter*, Vol. 46, p.240 (Sept. 2003) (\$3.375 million settlement).
- Turner v. Angelo Iafrate, et al, No. 596-274 (La. 24th JDC), *Louisiana Advocates*, Vol.XXI, No.10, p.15 (Oct. 2006), and, *AAJ Law Reporter*, Vol.L, No.6 (Aug. 2007) (\$4.5 million settlement).
- Niven v. Boston Old Colony, et al, 24th JDC, State of Louisiana, No.373-299, December 28, 1998, (judgment of \$529,027.02 for plaintiff against La. DOTD - total damages \$5,290,270.20), *rev'd*, No. 99-783 (La. App. 5th Cir. 1/25/2000).
- Schultz v. Stoner, et al, 127 F.Supp.2d 443 (S.D.N.Y. 2001), and, 308 F.Supp.2d 289 (S.D.N.Y. 2004), and, 2009 WL 455163 (S.D.N.Y. Feb. 24, 2009) (summary judgment granted in favor of mis-classified employees' right to benefits under the Texaco pension plans).
- Oubre v. Louisiana Citizens Fair Plan, No. 2011-0097 (La. 12/16/2011), 79 So.3d 987 (affirming class judgment of \$92.8 Million).
- In re: Vioxx Prod. Liab. Lit., MDL No. 1657 (E.D.La.), *Louisiana Advocates*, Vol.XXIII, No.1 (Jan. 2008) (\$4.85 Billion Settlement Fund) (Co-Chair of Sales & Marketing Committee, Insurance Committee, Member of Drafting Team for PNC).
- Andrews v. TransUnion Corp., No. 2004-2158 (La. App. 4th Cir. 8/17/2005), 917 So.2d 463, *writ denied*, 926 So.2d 495 (La. 4/17/06), and MDL No. 1350, *Louisiana Advocates*, Vol.XXIV, No.5 (May 2009), p.14 (\$75 million settlement fund and significant additional in-kind relief).
- DeGarmo v. Healthcare Recoveries, Inc., No. 5:94cv14 (N.D.W.Va. 2001), 45 *ATLA Law Reporter* 180 (June 2002), and *Louisiana Advocates*, Vol.XVI, No.9, p.10 (Sept. 2001) (\$3 million settlement for class of policyholders for unlawful subrogation practices).
- Galuzska v. Rosamond and GEICO, No.618-435 (La. 24th JDC), *Louisiana Advocates*, Vol.XXIII, No.6 (June 2008) (\$925,000 settlement in auto case).
- Marberry v. Sears, 15th JDC, State of Louisiana, No.96-3244, December 7, 1998, (judgment of \$195,054.96 for plaintiff).
- Kettles v. Hartford Life, 1998 U.S. Dist. LEXIS 12899 (E.D.La. Aug. 14, 1998) (summary judgment for plaintiff awarding over \$80,000 in disability benefits).

EXPERT TESTIMONY

- Mitchell v. Freese, Civil Action No. 61C11:16-CV-00023, Circuit Court, Rankin County, Mississippi, (report August 24, 2017), (testimony, arbitration proceeding, November 15, 2017) (ethical and professional duties to clients and co-counsel in mass tort cases).
- U.S. ex. rel. Boogaerts v. Vascular Access Centers, No. 17-2786, United States District Court for the Eastern District of Louisiana, (declaration submitted on November 2, 2018 in support of fee petition for prevailing relator in *qui tam* case).
- Holmes v. Pigg, No. 2007-2803, Civil District Court, Parish of Orleans, State of Louisiana, (deposition September 20, 2011) (legal malpractice liability arising out of an ERISA case).
- Cressy v. Lewis, No. 2017-2704, Civil District Court, Parish of Orleans, State of Louisiana, (report October 14, 2019) (alleged malpractice liability in product liability case).
- Hampton v. Hampton, No. 775-881, 24th Judicial District Court, State of Louisiana, (preliminary report of questions and impressions re fee request of adversary party).
- Bayou Corne Sinkhole Litigation: LaBarre v. Occidental, No.33796, 23rd Judicial District Court, State of Louisiana, (report July 7, 2020 in support of AIG's Reconventional Demand on Texas Brine's claim for reimbursement of costs and attorneys' fees, and report August 10, 2020 relating to Texas Brine's Third-Party claims for costs and fees against Zurich and AIG).

OTHER ACTIVITIES, APPEARANCES, APPOINTMENTS, RECOGNITION, AND AWARDS

- A/V Rated, Martindale-Hubbell.
- Finalist, Trial Lawyer of the Year Award, TLPJ, 2005.
- Leadership in the Law Recipient, *New Orleans CityBusiness*, 2010, 2017, 2018.
Hall of Fame, 2018.
- Louisiana Appleseed, Board of Trustees, 2018 -
- Top 500 Lawyers in America, *Lawdragon*, 2013, 2018, 2020.

OTHER ACTIVITIES, APPEARANCES, APPOINTMENTS, RECOGNITION, AND AWARDS

Best Lawyers in America, 2012 -
“Lawyer of the Year” in the area of Product Liability Litigation, in New Orleans, by Best Lawyers, 2016.
Also recognized in areas of Appellate Practice, Mass Tort / Class Actions, and Personal Injury Litigation, as of 2020.

“Superlawyer” in the area of Class Actions and Mass Torts, 2007 -

Top 100 Trial Lawyers, National Trial Lawyers Association, 2008 -

Million Dollar Advocates Forum.

Appointed Plaintiffs’ Co-Liaison Counsel / Co-Lead Class Counsel, *In re: Deepwater Horizon*, MDL No. 2179, Civil Action No. 2:10-md-02179, USDC for the Eastern District of Louisiana.

Appointed to the Plaintiffs’ Steering Committee, *In re: Express Scripts Pharmacy Benefits Management Litigation*, MDL No. 1672, Civil Action No. 4:05-md-01672-SNL, USDC for the Eastern District of Missouri.

Appointed to the Plaintiffs’ Executive Committee, *In re: Cox Set-Top Box Antitrust Litigation*, MDL No. 2048, Civil Action No. 5:09-ml-02048-C, USDC for the Western District of Oklahoma.

Appointed to the Plaintiffs’ Executive Committee, *In re: Budeprion XL Marketing and Sales Litigation*, MDL No. 2107, Civil Action No. 09-md-2107, USDC for the Eastern District of Pennsylvania.

Appointed Settlement Class Counsel, *In re Chinese Drywall Litigation*, MDL No. 2047 (re Class Settlement with Taishan Defendants, 2019).

Curator *Ad Hoc*, *Boomco LLC vs. Ambassador Inn Properties, et al*, CDC No. 98-21208, Parish of Orleans, State of Louisiana.

Receiver, *In re P. Michael Doherty Breeden, III*, No.2020-OB-00315, appointed by Chief Judge, CDC, Parish of Orleans.

Host Committee, Fifth Circuit Judicial Conference, New Orleans, Louisiana, April 19-22, 1998.

Moderator, “Dangerous Secrets: Confronting Confidentiality in Our Public Courts” sponsored by AAJ and the Pound Institute, October 13, 2020.

Moderator, “Winning With the Masters” Last Chance Seminar, LTLA, New Orleans, Louisiana, December 19, 1998.

Moderator, “Winning With the Masters” Last Chance Seminar, LTLA, New Orleans, Louisiana, December 14, 2000.

Welcome, ATLA Jazz Fest Seminar, New Orleans, Louisiana, May 1, 2003.

Guest Appearance, *It’s the Law* “Challenges for the 21st Century” New Orleans Bar Association, March 15, 1999.

Guest Appearance, *Bev Smith Show* “Is Tobacco Litigation Good For America?” American Urban Radio Network, June 8, 2000;
The Morning Show “Are Tobacco Lawsuits Good For America?” KRLV Radio, June 9, 2000;
On the Air with Mike Bung “Tobacco Litigation and Challenges for the 21st Century” 1540 AM, June 15, 2000.

Guest Lecturer, “The Nuremberg Trials” Touro Synagogue Religious School, April 2003.

Judge, ATLA Student Trial Advocacy Competition, Finals, New Orleans, Louisiana, March 26, 1999.

Associate Member, Louisiana Injured Employees Union Education Fund, 1999-2003.

Board of Directors, Touro Synagogue Brotherhood, 1998-2000.

Top Individual Fundraiser, Susan G. Komen Race for the Cure, Oct. 25, 2014.

Advocacy Award, Breastoration, (Cancer Association of Greater New Orleans), 2019.

Member, Mystery Writers Association, 1999 -

Author of Three Novels: The Gordian Knot (Gravier House Press 1998), The Sign of Four (Gravier House Press 1998), and A Day in the Life of Timothy Stone (Gravier House Press 1999), as well as a fourth book, My Life As a Spy.

Maintains Website / Blog regarding Legal, Literary and Other Issues, including updates of What’s New in the Courts, including What’s New in Products Liability, Class Actions, Legal Ethics and Professionalism, ERISA Litigation, and Electronic Discovery and Spoliation, at: www.gravierhouse.com.