Revitalizing FRCP 68: Can Offers of Judgment Provide Adequate Incentives for Fair, Early Settlement of Fee-Recovery Cases?

Biographical Information of Participants

PANELISTS

William W Schwarzer ... Senior United States District Judge for the Northern District of California ... Previously with the firm of McCutchen, Doyle, Brown & Enersen; Former Director, Federal Judicial Center in Washington; Distinguished Professor of Law at the University of California Hastings College of Law (1995-2004) ... Former Chairman, U.S. Judicial Conference Committee on Federal-State Jurisdiction ... *Member:* American Law Institute and its Advisory Committee on Complex Litigation; Council on Foreign Relations ... *Judicial Fellow*: American College of Trial Lawyers ... *Awards:* American College of Trial Lawyers Samuel E. Gates Litigation Award; American Bar Association's Meador-Rosenberg Award; 2004 Edward J. Devitt Award for Distinguished Service to Justice ... *Publications*: MANAGING ANTITRUST AND OTHER COMPLEX LITIGATION; Co-Author, FEDERAL PRACTICE GUIDE and CIVIL DISCOVERY AND MANDATORY DISCLOSURE ... *Education*: University of Southern California (B.A.); Harvard Law School (L.L.B.).

Richard L. Alfred ... Partner, Seyfarth Shaw LLP, Boston, Massachusetts ... *Fellow*: College of Labor and Employment Lawyers and member

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Robert Bennett ... Managing Partner, Flynn Gaskins Bennett ... Achieved unprecedented success for his injured clients against numerous police and law enforcement agencies and their insurers ... *Representative Experience: Dalglish v. Keener* (Ga. 2003), Superior Court of Carroll County ($4.5 million verdict); *J.A. v. B.B.R.* (Minn. 1996), Steele County District Court ($3.45 million settlement); *Balandin v. Eagle* (Minn. 2003), U.S. District Court ($3.05 million settlement); *Forster & D'Heilly v. S.O.D.* (Minn. 1990), Hennepin County District Court ($2.5 million settlement); *Chromulak v. Anoka County* (Minn. 2005), U.S. District Court ($1.9 million settlement); *Sanville v. Scapardine, Pareek & Fleck* ($2.1 million judgment against the State of Wisconsin-$1.825 jury verdict plus court awarded attorney fees and costs) ... *Professional:* Civil Trial Specialist, National Board of Trial Advocacy (1989 to present); Civil Trial Specialist, Minnesota State Bar Association (1989 to present) ... *Member:* Minnesota Bar Association; American Bar Association; Association of Trial Lawyers of America; Minnesota Trial Lawyers Association; Wyoming Bar Association ... *Fellow*: American College of Trial Lawyers ... *Education:* University of Notre Dame (A.B., 1973); University of Minnesota (J.D., 1976).

Edward D. Buckley, III ... Founding Partner, Buckley & Klein, LLP, Atlanta, Georgia ... Practice principally devoted to representing employees in civil rights and other employment litigation, providing legal representation to clients ranging from CEOs of Fortune 500 companies to entry level employees ... Served as trial and litigation counsel for his clients since 1983 ... Regularly chairs and speaks at seminars and authors publications on topics, including the handling of various types of discrimination and sexual harassment matters in the workplace, resolution of attorney fee disputes, and matters relating to

legal ethics ... *Past President:* Georgia Affiliate of the National Employment Lawyers Association ... *Current Chair:* Atlanta Bar Association Labor and Employment Section ... *Education:* College of Charleston (B.A., 1978); Emory University School of Law (J.D., 1983).

Edward Cooper ... Thomas M. Cooley Professor of Law, The University of Michigan Law School ... *Previous Judicial Clerkship:* Hon. Clifford O'Sullivan, U.S. Court of Appeals for the Sixth Circuit ... Civil Rules Advisory Committee for the Judicial Conference of the United States and Reporter for the Committee since 1992; Council of the American Law Institute since 1988 and served as adviser on several of the Institute's projects ... *Activities:* Reporter, United States Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure ... *Publications:* Co-Author with C.A. Wright and A.R. Miller, FEDERAL PRACTICE & PROCEDURE: JURISDICTION (1998); Co-Author, *Rules 26 and/or 34: Protection Against Inadvertent Privilege Waiver (Conference on Electronic Discovery),* 73 FORDHAM L. REV. 101 (2004); *Restyling the Civil Rules: Clarity Without Change,* 79 NOTRE DAME L. REV. 1761 (2004) ... *Education:* Dartmouth College (A.B., 1961); Harvard Law School (LL.B., 1964).

Thomas A. Eaton ... J. Alton Hosch Professor of Law, University of Georgia School of Law ... Testified before state and federal legislative committees on products liability, medical consent, patient rights, and tort reform ... Previously chaired the Georgia Governor's Workers Compensation Review Commission and the AALS Section on Civil Rights ... First law professor presented with a University of Georgia Creative Research Medal for his systematic and in-depth study of tort litigation (2003); Presented with the Student Bar Association Faculty Book Award for Excellence in Teaching (2003) ... *Master*, Joseph Henry Lumpkin Inn of Court; *Member:* State Bar of Texas ... *Publications: The Effects of Seeking Punitive Damages on the Processing of Tort Claims,* J. LEGAL STUDIES (2005); Co-Author, *Report of the Governor's Workers' Compensation Review Commission,* GA. L. REV. (2004); Co-Author of Casebooks, CONSTITUTIONAL TORTS (2004 ed.) and CASES AND MATERIALS ON WORKERS' COMPENSATION (2004) ... *Education:* University of Texas (B.A., 1972; J.D., 1975).

Muriel Goode-Trufant ... Chief, Special Federal Litigation Division and Equal Employment Opportunity Officer, New York City Law Department. The Special Federal Litigation Division was created in 1998 as a specialized division to defend the City and its officials in civil rights cases brought in federal court in which police, district attorney, or

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John F. Kennedy ... Managing Partner in the firm of John Francis Kennedy, Gig Harbor, Washington ... *Member*: Washington State Bar Association (Member, Character and Fitness Committee 1994-1997); International Association of Defense Counsel; Washington Defense Trial Lawyers; Defense Research Institute (Regional Vice President, 1990-1992; Chairman, DRI Governmental Liability Committee, 1989-1991) ... *Author & Speaker:* "Municipal Liability" (Washington State Bar Association, 2003); "Whistle Blower and Retaliation Claims" (DRI 1997 & 1996); Presentations on Employment Liability and Municipal Liability (DRI 1995, 1992, 1990 & 1989) ... *Education*: University of San Diego (B.A., 1969); University of Pennsylvania; Georgetown University Law Center (J.D., 1974).

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Maureen McClain ... Senior Partner in the firm of Kauff McClain & McGuire LLP, San Francisco, California ... Named one of Northern California's Super Lawyers in 2004 and 2005 ... *Member*: Employer Group, Advisory Committee to the National Labor Relations Board, Washington, D.C. (1994-1998) ... *Lecture Activities*: Practising Law Institute—Unjust dismissal, age discrimination, nationwide satellite

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Barry D. Roseman ... Shareholder in the firm of Roseman & Kazmierski, LLC ... *Member*: National Employment Lawyers Association (NELA), Executive Board since the organization's founding in 1985 and former vice president; Active member of NELA Legislative Committee; Chair, Judicial Oversight Committee; Previous Chair, NELA Employment Termination Act Committee; Founder, former secretary-treasurer, and presently Chair of NELA Colorado affiliate, the Plaintiffs Employment Lawyers Association; Founder and Administrator of NELA private electronic NELANet ... *Member:* College of Labor and Employment Lawyers ... Listed in *Best Lawyers in America* for the past ten years ... Named one of the "best lawyers" in Colorado by *Law Week Colorado* ... Author of *amicus curiae* briefs in the United States Supreme Court and the Colorado Supreme Court ... *Publications:* Chapter in *Employment Law Update* (1992); Chapter in NELA's *Employee Rights Litigation: Pleading and Practice;* Co-Author, THE PRACTITIONER'S GUIDE TO COLORADO EMPLOYMENT LAW; *Foot Massagers, Layoffs and Spiritual Torture: Three Cases in China*, THE EMPLOYEE ADVOCATE (NELA quarterly publication) ... *Education:* University of Chicago Law School (1973).

G. Brian Spears ... Private Practice, Atlanta, Georgia (Civil Litigation Practice, specializing in Federal Litigation); Of Counsel, Smith, White, Sharme & Halpern ... Served as lead or co-counsel in cases in the United States District Courts of Georgia, Tennessee, South Carolina, and Alabama where the litigation presented issues of liability premised upon 42 U.S.C. 1983 and the United States Constitution ... *Publications: Qualified Immunity in Civil Rights Litigation*, 26(2) VERDICT (Summer 2001) (Journal of the Georgia Trial Lawyers Association); Contributor to Civil Rights Litigation and Attorney Fees Annual Handbook: Vol. 18 MAINTAINING PRODUCTIVE ATTORNEY CLIENT RELATIONSHIPS IN CIVIL RIGHTS CASES (Fall 2002) ... *Seminar:* Litigation Under 42 U.S.C. § 1983 (Program Chair) ... *Sponsor*: Institute of Continuing Legal Education ... *Member*: Georgia Trial Lawyers Association; National

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Albert H. Yoon ... Professor of Law, Northwestern University ... *Member*: American Law & Economics Association (ALEA); American Political Science Association (APSA); Law & Society Association; California Bar Association; American Bar Association ... *Publications*: Co-Author, *Offer-of-Judgment Rules and Civil Litigation: An Empirical Study of Automobile Insurance Litigation in the East,* 59 VANDERBILT L. REV. (forthcoming 2006); *Pensions, Politics and Judicial Tenure: An Empirical Study of Federal Judges, 1869-2002,* 8 AMERICAN L. & ECON. REV. (forthcoming 2006); Co-Author, *Does* Frye *or* Daubert *Matter? A Study of Scientific Admissibility Standards,* 91 VIRGINIA L. REV. 471 (2005); *As You Like It: Senior Federal Judges and the Political Economy of Judicial Tenure,* 2 J. EMPIRICAL LEGAL STUD. (2005) ... *Education*: Yale College (B.A., 1991); Stanford University (M.A., 1994; J.D., 1998; Ph.D., 1999).