

2017 DISTRICT CONFERENCE
"THE eLAWYER AND THE COURT - CHALLENGES FOR THE FUTURE"

PRESENTER AND MODERATOR BIOS

HONORABLE JEFFREY R. HOWARD

Chief Judge Howard was appointed to the First Circuit Court of Appeals in May 2002. He became Chief Circuit Judge in 2015. Chief Judge Howard graduated from Plymouth State College in 1978 and Georgetown University Law Center in 1981. He served as an Attorney in the Office of the New Hampshire Attorney General from 1981 to 1988 and as Deputy Attorney General from 1988 to 1989. He then served as the United States Attorney for the District of New Hampshire from 1989 to 1993 and as the New Hampshire State Attorney General from 1993 to 1997 before working in private practice from 1997 to 2002.

HONORABLE JEREMY D. FOGEL

Jeremy D. Fogel is a senior federal judge for the United States District Court for the District of Northern California and was appointed as Director of The Federal Judicial Center on October 3, 2011.

Born in San Francisco, Judge Fogel received a B.A. with great distinction in religious studies from Stanford University in 1971. He received a J.D. cum laude from Harvard Law School in 1974. Judge Fogel was in private practice in San Jose, California from 1974 to 1978 and was Founder and Directing Attorney of the Mental Health Advocacy Project for the Santa Clara County Bar Association Law Foundation.

Judge Fogel served as a judge on the Santa Clara County Municipal Court from 1981 to 1986. He was appointed as a judge at the Superior Court of the Santa Clara County in 1986 and remained there until 1998. He was Presiding Judge of the Santa Clara County Municipal Court from 1984 to 1985; Supervising Judge of the Probate/Mental Health Division, 1991; and Civil Team Leader and Law and Motion Judge, Santa Clara Superior Court from 1992 to 1994 and 1996 to 1998. He was appointed to the United States District Court for the Northern District of California in 1998.

Judge Fogel is a recipient of the President's Award for Outstanding Service to the California Judiciary, California Judges Association for 1997; the Judge of the Year Award from the Santa Clara County Trial Lawyers Association in 1997, 2005, and 2011; and the "LACY Honors" Award, Legal Advocates for Children and Youth, Santa Clara County Bar Association Law Foundation in 1997. He is also the recipient of the Special Award for Exemplifying Highest Standards of Professionalism in the Judiciary, Santa Clara County Bar Association for 2002. He was named Justice of the Year, San Francisco Trial Lawyers Association and one of California's 100 most influential lawyers by the Daily Journal Corporation in 2007.

HONORABLE D. BROCK HORNBY

Judge D. Brock Hornby was born in Manitoba, Canada. He obtained his law degree from Harvard Law School, served as a law clerk for Judge John Minor Wisdom on the United States Court of Appeals for the Fifth Circuit in New Orleans, then taught at the University of Virginia School of Law where he became a tenured associate professor and a U.S. citizen.

Next, Hornby practiced law in Portland Maine for several years until he became a United States Magistrate for the District of Maine. From 1988 to 1990, he served as an Associate Justice on the Maine Supreme Judicial Court. In 1990, President George H.W. Bush appointed him as a federal district judge in Maine. He is a member of the Council of the American Law Institute. He has served on the United States Judicial Conference and its Executive Committee, as chair of the Court Administration and Case Management Committee and the Judicial Branch Committee, as a member of the Judicial Conduct and Disability Act Study Committee and as chair of the Committee on District Judge Education. He has taught judges and lawyers in many countries. He received the 27th Annual Edward J. Devitt Distinguished Service to Justice Award at the U.S. Supreme Court in 2009, and in 2014, the Morton A. Brody Award with an honorary Doctor of Laws degree from Colby College. In his spare time, Hornby writes Fables for Judges and Lawyers that are published in the Green Bag.

PROFESSOR JUDITH RESNIK

Professor Judith Resnik is the Arthur Liman Professor of Law at Yale Law School, where she teaches about federalism, procedure, courts, prisons, equality, and citizenship. Professor Resnik has published extensively on courts and procedure.

Her books include *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with Dennis Curtis, Yale University Press, 2011); *Federal Courts Stories* (co-edited with Vicki C. Jackson, Foundation Press, 2010); and *The Invention of Courts* (co-edited with Linda Greenhouse, Daedalus 2014). Her recent articles on courts and procedure include *Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights* (Yale Law Journal, 2015) and *The Privatization of Process: Requiem for and Celebration of the Federal Rules of Civil Procedure at 75* (University of Pennsylvania Law Review, 2014). *Representing Justice* has garnered awards from the American Publishers Association, the American Society of Legal Writers, and the Order of the Coif. Beyond her scholarly activities, Professor Resnik has argued before the Supreme Court and testified before Congress and rulemaking committees of the federal judiciary. Professor Resnik has been honored by many organizations.

The American Bar Association's Commission on Women recognized her with the Margaret Brent Women Lawyers of Achievement Award and the National Association of Women Lawyers gave her its highest award. Professor Resnik received the Outstanding Scholar of the Year Award from the Fellows of the American Bar Foundation and she was named a recipient of the Elizabeth Hurlock Beckman Prize, awarded to outstanding faculty in higher education in the fields of psychology or law. Professor Resnik has been elected a fellow of the American Academy of Arts and Sciences and of the American Philosophical Society.

PROFESSOR COLLEEN P. MURPHY

Colleen P. Murphy is Professor of Law at Roger Williams University School of Law in Bristol, Rhode Island. Professor Murphy earned an undergraduate degree with high honors from the University of Virginia and a law degree from Yale Law School, where she was an editor of the Yale Law Journal.

Before entering law teaching, she clerked for Judge George E. MacKinnon of the United States Court of Appeals for the D.C. Circuit and practiced civil litigation with the firm of Ropes & Gray in Boston. She is a member of the American Law Institute, and her areas of expertise include Remedies and Civil Procedure.

PROFESSOR BROOKE D. COLEMAN

Professor Brooke D. Coleman is the William C. Oltman Professor of Teaching Excellence at Seattle University School of Law. She has received numerous honors for her teaching, including the law school's Outstanding Faculty Award in 2013, 2015 and 2016. Prior to joining the faculty of Seattle University, Professor Coleman was a Thomas C. Grey Fellow at Stanford Law School. She also clerked for Honorable David F. Levi, district judge in the Eastern District of California and then-chair of the Standing Committee on the Federal Rules of Practice and Procedure. During that time, she worked on a variety of procedural amendments, including the civil rule amendments to account for electronic discovery and the appellate rule amendments governing citation to unpublished opinions. Before her clerkship, she practiced as an attorney at Wilson Sonsini Goodrich & Rosati and Gunderson Dettmer Stough Villeneuve Franklin & Hachigian in Palo Alto, California.

Professor Coleman currently specializes in civil procedure, advanced litigation, and federal courts and her research and teaching interests focus on procedure and procedural justice. Her work has been published or is forthcoming in the Boston College Law Review, Notre Dame Law Review, and Tulane Law Review, among others. She is also the co-author of an innovative civil procedure casebook, *Learning Civil Procedure*. Professor Thomas recently published an article in the University of Washington Law Review entitled, *One Percent Procedure*, in which she argues that federal civil procedure is a one percent regime.

PROFESSOR SUJA THOMAS

Professor Suja Thomas is a Professor of Law at the University of Illinois. Her research focuses on the criminal jury, civil jury, grand jury, civil procedure, and employment law. Her book *The Missing American Jury: Restoring the Fundamental Constitutional Role of the Criminal, Civil, and Grand Juries* (Cambridge University Press) shows that the American jury hears few cases and has little authority. But it was not always this way. The book describes how authority has shifted to the executive, the legislature, the judiciary, and the states and why this has occurred. It also shows how the jury can be restored to its position as essentially a "branch" of government. Her previous work has been published in the Virginia Law Review, Notre Dame Law Review, Washington University Law Review, Minnesota Review, and Boston College Law Review, among other law reviews. Her book *Unequal: How America's Courts Undermine Discrimination Law* (Oxford University Press) (co-author Sandra Sperino) will be published in May 2017.

Her opinion piece A Jury, Not the S.E.C., co-authored with Mark Cuban, was published in the New York Times. National media outlets have discussed her research including the New York Times, Wall Street Journal, Washington Post, National Law Journal, and Chicago Daily Law Bulletin.

Her work has been cited in testimony to the U.S. Senate and House of Representatives. Upon the request of the United States Senate Committee on the Judiciary, she also submitted testimony on the access of Americans to courts. Federal and state judges have also cited her research. She has given invited lectures to many groups. These include the Portland Public Library in Portland, Maine, Teachers' Training Programs, the American Board of Trial Advocates National Jury Summit, the Northwestern University Judicial Symposium, the Seventh Circuit Judicial Conference, the NAACP Legal Defense Fund Civil Rights Training Institute, and the California Employment Lawyers' Association Annual Meeting.

Professor Thomas practiced law for many years in New York City, including at Cravath, Swaine & Moore, Weil, Gotshal & Manges, and Vladeck, Waldman, Elias & Engelhard, participating in jury trials and arbitration. Her past experience also includes participating in several criminal trials on behalf of the federal public defender.

DAVID BITKOWER, ESQ.

David Bitkower is Principal Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. Mr. Bitkower oversees the Criminal Division's Computer Crime and Intellectual Property Section, which is responsible for investigating and prosecuting hacking, trade secret theft, online fraud, and other cyber and intellectual property crimes. He also oversees the Organized Crime and Gang Section, and the Human Rights and Special Prosecutions section. Prior to serving as Deputy Assistant Attorney General, Mr. Bitkower served as an Assistant United States Attorney for the Eastern District of New York, most recently as Chief of the National Security and Cybercrime Section. In that role, he oversaw counterterrorism, counterespionage, international organized crime and cybercrime prosecutions, among others. Mr. Bitkower has also personally prosecuted some of the country's most significant and high-profile terrorism cases, including serving as the lead prosecutor in the cases involving the 2009 Al-Qaeda plot to attack the New York City subway system. Mr. Bitkower was also previously detailed to work at the Department of Justice's National Security Division and on the President's Guantanamo Bay Review Task Force. Before joining the Department, Mr. Bitkower was a law clerk to U.S. Circuit Judge Pierre N. Leval of the Second Circuit Court of Appeals and to U.S. District Judge Leonard B. Sand of the Southern District of New York. Mr. Bitkower is a graduate of Yale University and earned his law degree from Harvard Law School.

NATE CARDOSO, ESQ.

Nate Cardozo is a Senior Staff Attorney on the Electronic Frontier Foundation's digital civil liberties team. In addition to his focus on free speech and privacy litigation, Nate works on EFF's security and encryption policy and the Coders' Rights Project. Nate also works on reforming export controls on software, opposing state-sponsored malware, automotive privacy, government transparency, hardware hacking rights, anonymous speech, electronic privacy law reform, and Freedom of Information Act litigation. A 2009-2010 EFF Open Government Legal Fellow, Nate has a B.A. in Anthropology and Politics from U.C. Santa Cruz and a J.D. from U.C. Hastings.

JENNIFER DASKAL, ESQ.

Jennifer Daskal is an Associate Professor of Law at American University Washington College of Law, where she teaches and writes in the fields of criminal, national security, and constitutional law. She also is a 2016-2017 Open Society Institute Fellow, working on issues related to privacy and law enforcement access to data across borders. From 2009-2011, Daskal was counsel to the Assistant Attorney General for National Security at the Department of Justice. Prior to joining DOJ, Daskal was senior counterterrorism counsel at Human Rights Watch, worked as a staff attorney for the Public Defender Service for the District of Columbia, and clerked for the Honorable Jed S. Rakoff. She also spent two years as a national security law fellow and adjunct professor at Georgetown Law Center. Daskal is a graduate of Brown University, Harvard Law School, and Cambridge University, where she was a Marshall Scholar. Recent publications include *Law Enforcement Access to Data Across Borders: The Evolving Security and Rights Issues* (Journal of National Security Law and Policy 2016); *The Un-Territoriality of Data* (Yale Law Journal 2015); *Pre-Crime Restraints: The Explosion of Targeted, Non-Custodial Prevention* (Cornell Law Review 2014); and *The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict Zone* (University of Pennsylvania Law Review 2013). Daskal has published op-eds in the New York Times, Washington Post, and International Herald Tribune and has appeared on BBC, C-Span, MSNBC, and NPR, among other media outlets. She is an Executive Editor of and regular contributor to the Just Security blog.

ERIC WENGER, ESQ.

Eric Wenger is Director for Cybersecurity and Privacy on Cisco's Global Government Affairs team in Washington DC where he leads Cisco's work on cybersecurity policy globally. Eric came to Cisco from Microsoft, where he was Policy Counsel. Eric held a number of roles in government, including as a Trial Attorney in the Department of Justice's Computer Crime and Intellectual Property Section and a Special Assistant United States Attorney in the District of Columbia's Computer Hacking and Intellectual Property Unit. He served as an Attorney in the Federal Trade Commission's Bureau of Consumer Protection and an Attorney Advisor to one of the Commissioners. He was also Assistant Attorney General in New York, where he started the first statewide law enforcement unit in the U.S. focused on e-commerce.

LINN F. FREEDMAN, ESQ.

Linn F. Freedman is chair of Robinson and Cole's Data Privacy and Security Team. Her practice focuses of data privacy and security, responses to data breaches, and compliance with federal and state privacy and security laws and breach notification laws. She also serves as general counsel of the Rhode Island Quality Institute. Linn is an adjunct professor at Brown University in the Executive Masters of Cybersecurity and an adjunct at Roger Williams University School of Law teaching Privacy Law. She is also a frequent contributor to the dataprivacyandsecurityinsider.com blog. She is a graduate of Tulane University and Loyola University School of Law.

THEODORE B. OLSON, ESQ.

Theodore B. Olson is a Partner in Gibson, Dunn & Crutcher's Washington, D.C. office; a longtime Member of the Firm's Executive Committee, and Founder of the Firm's Crisis Management, Sports Law and Appellate and Constitutional Law Practice Groups. Olson was Solicitor General of the United States during 2001-2004. From 1981-1984, he was Assistant Attorney General in charge of the Office of Legal Counsel in the U.S. Department of Justice. Except for those two intervals, he has been a lawyer with Gibson, Dunn & Crutcher in Los Angeles and Washington, D.C., since 1965.

His sixty-two Supreme Court arguments have included cases involving separation of powers; federalism; voting rights; the First Amendment; the Equal Protection and Due Process Clauses; patents and copyrights; antitrust; taxation; property rights; punitive damages; the Commerce Clause; immigration; criminal law; securities; telecommunications; the internet; the 2000 presidential election (*Bush v. Gore*); campaign finance (*McConnell v. FCC* and *Citizens United*); same-sex marriage (*Hollingsworth v. Perry*); and other federal constitutional and statutory questions.

He is a Member of the Board of Directors of the Ronald Reagan Presidential Foundation (2009 to the present) and the Board of Visitors of the Federal Society (2004 to the present); he is a Member of the President's Commission on White House Fellowships (2014 to the present) and the Council of the Administrative Conference of the United States (2010 to the present). He previously served as a member of the President's Privacy and Civil Liberties Oversight Board from 2006 until 2008. In 2010, he was selected by Time Magazine as one of the 100 most influential people in the world.

He has twice received the Department of Justice's Edmund J. Randolph Award, its highest award for service. He was also awarded the Department of Defense Medal for Distinguished Public Service, that Department's highest civilian award; and the American Bar Association Medal, that organization's highest award.

He received his law degree in 1965 from the University of California at Berkeley where he was a Member of the California Law Review and Order of the Coif. He received his Bachelor's degree from the University of the Pacific, where he was recognized as the outstanding graduating student in both forensics and journalism. Olson has written and lectured extensively on appellate

advocacy, oral communication in the courtroom, civil justice reform, and constitutional and administrative law.

He, along with David Boies, is the author of "Redeeming the Dream, the Case for Marriage Equality." Both men were featured in HBO's "The Case Against 8," an Emmy documentary finalist, also short-listed for an Academy Award.

PROFESSOR JARED A. GOLDSTEIN

Professor Jared A. Goldstein graduated *magna cum laude* from the University of Michigan School of Law in 1994 and clerked for the Honorable Louis H. Pollak of the United States District Court for the Eastern District of Pennsylvania. He worked in the United States Department of Justice from 1996 to 2001, first as a Bristow Fellow in the Office of the Solicitor General and then in the Appellate Section of the Environment and Natural Resources Division. Goldstein then worked at Shearman & Sterling, where he was part of the team of lawyers representing the Kuwaiti detainees held at Guantanamo Bay. He helped write the Supreme Court briefs in *Rasul v. Bush*, which established the right of Guantanamo detainees to file petitions of habeas corpus to challenge the legality of their detention, and he was one of the first civilian lawyers allowed into the Guantanamo prison. Goldstein joined the faculty of Roger Williams University School of Law in 2005, where he teaches constitutional law, civil rights, First Amendment, and environmental law.

HONORABLE MARK W. BENNETT

Judge Bennett is a United States District Judge for the District of Northern Iowa. Nominated by William J. Clinton on June 21, 1994, to a seat vacated by Donald E. O'Brien. He served as Magistrate Judge for the Southern District of Iowa from 1991-1994. Judge Bennett is a graduate of Gustavus Adolphus College and Drake University Law School.

PAULA HANNAFORD-AGOR, ESQ.

Paula Hannaford-Agor, Director of the Center for Juries Studies, joined the Research Division of the National Center in May 1993. In this capacity, she regularly conducts research and provides technical assistance and education to court and court personnel on the topics of jury system management and trial procedure; civil litigation; and complex and mass tort litigation. She has authored and contributed to numerous books and articles on the American Jury including *Jury Trial Innovations* (2d ed. 2006), *The Promise and Challenges of Jury System Technology* (NCSC 2003), and *Managing Notorious Trials* (1998). She is faculty for the ICM courses *Jury System Management* and *Promise and Challenges of the Jury System Technology*. As adjunct faculty at William & Mary Law School, she teaches a seminar on the American jury.

TOBY BROWN, ESQ.

Toby Brown is the Chief Practice Management Officer at Perkins Coie in Seattle, Washington. He leads the firm's revenue management and efficiency programs, legal project management, pricing, process improvement, practice innovation, alternative staffing and new partner

integration. Toby has more than a decade of experience in practice management and pricing with Am Law firms, including Akin Gump Stauss Hauer & Feld, LLP, Vinson & Elkins, Fulbright & Jaworski. He also is the former director of the Utah State Bar.

Toby is an active member and leader in organizations devoted to legal knowledge management, and he speaks to national audiences on legal pricing, alternative fee arrangements and other law firm financial management issues.

Toby is the founder of the Legal Marketing Association's annual P3 Conference, which brings together more than 400 pricing, project management and process improvement experts in the legal profession. He also co-founded the "3 Geeks and a Law" blog and co-authored the book, *Law Firm Pricing: Strategies, Roles and Responsibilities*. In 2013, he was named to The National Law Journal's 2013 list of Legal Business Trailblazers & Pioneers in the category of Strategists & Drivers.

GILBERT KETELTAS, ESQ.

Gilbert Keteltas is the Chair of BakerHostetler's Commercial Litigation practice team, Gil Keteltas is a trial lawyer with more than 25 years of experience litigating complex commercial, tort, and government enforcement disputes on behalf of national and international corporations. Recognized by the National Law Journal as a 2016 Litigation Trailblazer for innovative trial advocacy, Gil's experience spans practice areas and industries. He has advocated in courtrooms across the country on behalf of manufacturers, engineers, agricultural cooperatives, and farmers and has served as trial counsel in jury and bench trials.

Gil's national trial practice benefits from his experience in electronic discovery. He brings a practical focus to e-discovery that recognizes the importance of focused advocacy in addressing the burdens, costs, and opportunities of discovery in modern complex litigation. Gil is the author of numerous publications concerning litigation and e-discovery, is active in The Sedona Conference, serves on the Advisory Board, Planning Committee and Faculty of Georgetown Law's Advanced E-Discovery Institute, and regularly teaches seminars on electronic discovery and electronic evidence.

HONORABLE WILLIAM E. SMITH

Judge William E. Smith is the Chief United States District Judge for the District of Rhode Island. He was nominated by President George W. Bush and confirmed in 2002. Judge Smith became Chief Judge of the District of Rhode Island in 2013.

Judge Smith is active in federal judicial administration, having served on several U.S. Judicial Conference committees, and also in federal judicial education, serving on the Federal Judiciary Center's Committee on District Judge education, and as a mentor for newly appointed judges. He serves on numerous community boards, and is the chair of the board of the Roger William University School of Law in Bristol, Rhode Island, where he is also an Adjunct Professor teaching several courses.

Prior to assuming the bench, Judge Smith was a partner at Edwards & Angell in Providence, Rhode Island, the firm he had joined after graduating from law school. His private law practice years were interrupted by his service as Staff Director of the Rhode Island Office of United States Senator Lincoln Chafee.

Judge Smith was born in Boise, Idaho and received B.A. and J.D. (cum laude) degrees from Georgetown University.

HONORABLE JOHN J. McCONNELL, JR.

Judge John J. McConnell, Jr., is a judge on the United States District Court for the District of Rhode Island. President Barack Obama nominated him to the bench on January 5, 2011 and the United States Senate confirmed his nomination on May 4, 2011.

Prior to becoming a judge, Judge McConnell was a trial attorney for 25 years during which time he represented persons injured by exposure to asbestos, persons in suits against the tobacco industry, and children poisoned by lead paint. He clerked for Associate Justice of the Rhode Island Supreme Court Donald F. Shea.

Judge McConnell is a chairperson of the Board of Crossroads Rhode Island, the state's largest provider of services to the homeless; he serves on the Board of the Institute for the Study and Practice of Non-Violence; and he is on the Board of Trinity Repertory Company.

He has received many awards and honors, including the Judicial Merit Award, Rhode Island Association for Justice in 2013; Major's Special Recognition Award, "A Celebration of Housing-Together We Achieve Our Goals" in 2007; The Best Lawyers in America - Mass Tort Litigation (2007-2010); Childhood Lead Action Project "Above and Beyond the Call of Duty" Award (1998-2006); Rhode Island Department of Health, Childhood Lead Poisoning Prevention Program Award for Public Health Partnership in 2006; Rhode Island Public Health Association, Bertram Yaffe Award in 2006; and Trial Lawyer of the Year finalist, Trial Lawyers for Public Justice in 2006.

Judge McConnell was born in Providence, Rhode Island and received his A.B. from Brown University in 1980 with a concentration on Urban Studies and his J.D. from Case Western Reserve University School of Law in 1983, where he was the recipient of the Dr. Martin Luther King, Jr., Award.

HONORABLE LINCOLN D. ALMOND

Magistrate Judge Lincoln D. Almond graduated "with distinction" from the University of Rhode Island in 1985 and with "high honors" from the University of Connecticut School of Law in 1988. He was admitted to the Connecticut Bar in 1988 and the Rhode Island Bar in 1990. Judge Almond clerked for United States District Judge Peter C. Dorsey in the District of Connecticut from 1988 to 1990. He worked in private practice from 1990 to 2004 concentrating primarily in litigation/labor and employment law.

Judge Almond was appointed Magistrate Judge in the District of Rhode Island on September 10, 2004.

HONORABLE PATRICIA A. SULLIVAN

Patricia A. Sullivan is a Magistrate Judge appointed to the United States District Court for the District of Rhode Island on October 1, 2012. She is a graduate of Wellesley College and Georgetown University Law Center. In 2016, she was appointed to the Court Administrative and Case Management Committee of the Judicial Conference.

Prior to her appointment to the federal court, Magistrate Judge Sullivan was a partner at Edwards Wildman Palmer LLP. She is a member of the board of directors and an adjunct faculty member at Roger Williams University School