



2023 FORUM FOR STATE APPELLATE COURT JUDGES EXPERT TESTIMONY: JUDGES, SCIENCE, AND TRIAL BY JURY

Saturday, July 15, 2023, Philadelphia, PA

FACULTY BIOGRAPHIES

Paper Writers and Speakers:



Prof. Michael Saks (Paper Writer/ Presenter) is a Regents Professor at the Arizona State University, where he is on the faculties of the Sandra Day O'Connor College of Law, the Department of Psychology, the Law and Behavioral Science Program, and is a fellow in the Center for Law, Science, and Innovation. Previously, he was the Edward F. Howrey Professor of Law and Professor of Psychology at the University of Iowa. For a decade he taught appellate judges in the University of Virginia Law School's summer LL.M. program, as well as trial judges in Duke's Judging Science program, law professors at the Georgetown University Law Center, and law students, graduate students, and/or undergraduates at Boston College, Georgetown, and Ohio State University, as well as at

ASU and Iowa. He earned a Ph.D. in experimental social psychology from Ohio State University and an M.S.L. from Yale Law School.

His research and scholarship have been concerned primarily with: the psychology of decision-making in the legal process, the behavior of the litigation system, scientific and other expert evidence in the law, and legal policy related to prevention of medical error. Notable publications include: *Modern Scientific Evidence: The Law and Science of Expert Testimony* (five volumes, annual updates) (co-editor/co-author with David Faigman, David Kaye, Joe Sanders, and Edward Cheng); *The Psychological Foundations of Evidence Law* (2016) (co-author with Barbara Spellman); and *Closing Death's Door: Legal Innovations to End the Epidemic of Healthcare Harm* (2021) (co-author with Stephan Landsman).



Prof. Anne Bloom (Paper Writer/ Presenter) is the Executive Director of the Civil Justice Research Initiative at Berkeley Law. Previously, she was the Director of Public Programs at Equal Justice Works and Associate Director of the Civil Justice Program at Loyola Law School in Los Angeles. Prior to that, she was Associate Dean for Research and Professor of Law at the University of the Pacific McGeorge School of Law. She has taught Torts, Civil Procedure, Complex Litigation, and related topics for more than a decade. Before becoming a professor, Anne was a public interest lawyer for 13 years, primarily at Public Justice, where she litigated high-impact civil public interest cases at the trial and appellate levels and directed a class action project.

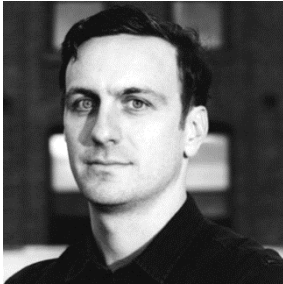
Anne holds both a J.D. and a Ph.D. (Political Science), and has authored many articles on legal topics. Her most recent publications include "Injury and Injustice," in the *Annual Review of Law and Social Science* (2020) and "The Future of Injury: Tort Law in the Wake of Covid," *DePaul Law Review* (2022). Among other projects, she is currently editing a Research Handbook on Civil Justice (Elgar) and writing an essay on the impact of tort reform in America. In 1993, Anne served as co-counsel on an *amicus* brief filed in *Daubert v Merrell Dow Pharms., Inc.*



Honorable Debra Todd (Welcome Speaker) is the Chief Justice of the Pennsylvania Supreme Court. She served as a judge on the Pennsylvania Superior Court (an appellate court) from 2000-2007. She was first elected to the state supreme court on November 6, 2007, was retained in 2017, and became chief justice on October 1, 2022.

Chief Justice Todd received a bachelor's degree from Chatham College in 1979 and a law degree from the University of Pittsburgh in 1982. She earned her LL.M. degree in the Judicial Process from the University of Virginia School of Law. She began her legal career as a litigation attorney with U.S. Steel Corp., working there until 1987. She then entered private practice, where she remained through 1999. She has received

numerous awards, including The University of Pittsburgh School of Law's Judge Ruggero J. Aldisert Distinguished Jurist Award.



Peter Andrey Smith (Luncheon Speaker) is a freelance reporter who has covered science and technology for many national outlets, including *The New York Times Magazine*, *Outside*, *Bloomberg Businessweek*, and *Wired*. In 2022, he reported an hour-long episode on the award-winning podcast WNYC Radiolab about the *Daubert* standard, and while researching that project he became acquainted with two members of the Daubert family, who will be part of the discussion at the Forum lunch. Smith has received awards from the Pulitzer Center, the Investigative Fund, and the Knight Science Journalism Fellowship at MIT. He has a B.A. from Hampshire College and studied at the

Salt Institute for Documentary Studies.



Christopher T. Nace (Forum Moderator) Christopher T. Nace (Forum Moderator) is the President of the National Institute for Civil Justice. He is the managing member of Paulson & Nace, PLLC, where his practice includes medical malpractice, wrongful death, legal malpractice, and other serious personal injury matters. Chris is a past president of the Trial Lawyers Association of Metropolitan Washington, D.C. He is a member of the American Association for Justice Executive Committee and sits on the boards of the Public Justice Foundation and Living Classrooms Foundation of the National Capital Region. Mr. Nace was the 2019 Recipient of the American Association for Justice's Joe Tonahill Award; the 2021 recipient of AAJ's Howard Twigg's Award; and the 2022 recipient of AAJ's Pro Bono Award. Chris is a graduate of Georgetown University and Emory University School of Law, where he served as Editor-in-Chief of the *Emory Law Journal* and now sits on its Alumni Board of Governors.

Panelists:



Honorable Roland L. Belsome is a judge of Louisiana's Fourth Circuit Court of Appeal. He was elected in 2004, and his present term will expire in 2030. Judge Belsome is a graduate of the University of New Orleans and Tulane University School of Law. He has served on the board of the New Orleans Domestic Violence Advisory Board. Before his election to the Court of Appeal, Judge Belsome was a well-known trial attorney, and served as a district court judge in Orleans Parish from 1996 to 2004. He is an active lecturer in continuing legal education programs given by the Louisiana State Bar Association, Tulane Law School, Loyola Law School, and the Louisiana Association for Justice. He also has served as an adjunct

professor at Tulane University School of Law.



Chancellor & Dean David Faigman is the John F. Digardi Distinguished Professor of Law at the University of California College of the Law, San Francisco, and holds an appointment as Professor in the School of Medicine (Dept. of Psychiatry) at the University of California, San Francisco. He received both his M.A. (Psychology) and J.D. degrees from the University of Virginia.

Professor Faigman is the author of over 50 articles and essays, and has published in a variety of outlets, including the Chicago, Virginia, Pennsylvania and Northwestern law reviews, *Science*, *Sociological Methods & Research* and *Nature Neuroscience*. He is also the author of three books, *Constitutional Fictions: A Unified Theory of Constitutional Facts* (Oxford, 2008), *Laboratory of Justice: The Supreme Court's 200-Year Struggle to Integrate Science and the Law* (Henry Holt & Co. 2004), and *Legal Alchemy: The Use and Misuse of Science in the Law* (W.H. Freeman, 1999).

Professor Faigman is a co-author/co-editor of the five-volume treatise *Modern Scientific Evidence: The Law and Science of Expert Testimony* (with Cheng, Mnookin, Murphy, Sanders & Slobogin). The treatise has been cited widely by courts, including several times by the U.S. Supreme Court. Professor Faigman was a member of the National Academies of Science panel that investigated the scientific validity of polygraphs, is a member of the MacArthur Law and Neuroscience Network, and served as a Senior Advisor to the President's Council of Advisors on Science and Technology's Report, *FORENSIC SCIENCE IN CRIMINAL COURTS: ENSURING SCIENTIFIC VALIDITY OF FEATURE-COMPARISON METHODS*.



Honorable Terry Fox sits on the Colorado Court of Appeals (COA), where she has served since January of 2011. In 2017, the Denver Bar Association awarded Judge Fox its Judicial Excellence Award. In 2018, she received the National Association of Women Judges (NAWJ, Region IX) Lady Justice Award. The Colorado Women's Bar Association (CWBA) honored her as the 2019 Outstanding Judicial Officer.

In collaboration with the Center for Legal Inclusiveness, she is a member of the Judicial Dream Team's efforts to diversify the bench. She is a member of the Executive Committee of Our Courts Colorado and contributes to the Colorado Judicial Conference Planning Committee, the Supreme Court's Advisory Committee on Language Access, and the Supreme Court's Character and Fitness Committee. Since 2020, she has trained new COA judges.

Her community service includes membership and board service in the Colorado Hispanic Bar Association and the CWBA, and mentoring young lawyers and aspiring jurists. She previously served on the Colorado Supreme Court's Attorney Regulation Committee and the Board of Law Examiner's Law Committee. Judge Fox earned an engineering degree from the Colorado School of Mines, her J.D. degree from the South Texas College of Law, and her L.L.M. from Duke University School of Law.



Deepak Gupta is the founding principal of Gupta Wessler, where his practice focuses on U.S. Supreme Court, appellate, and complex litigation on behalf of plaintiffs and public-interest clients. He is also a Lecturer at Harvard Law School, where he teaches the Harvard Supreme Court Litigation Clinic and seminars on forced arbitration, the civil justice system, and public interest entrepreneurship. For over two decades, he has led high-stakes litigation before the U.S. Supreme Court, all thirteen federal circuits, and state supreme courts from Alaska to West Virginia. He has also testified before the U.S. Senate, the U.S. House of Representatives, and the Presidential Commission on the Supreme Court. Much of Deepak's advocacy has focused on ensuring access to justice for consumers, workers, and communities injured by corporate or governmental wrongdoing. His varied clients have included national nonprofits, labor unions, state and

local governments, public officials ranging from federal judges to members of Congress, professional athletes, distinguished artists and scientists, and people from all walks of life.



R. Jeffrey Lowe is a partner with Kightlinger & Gray, LLP, in New Albany, Indiana and Louisville, Kentucky. His practice includes the defense governmental entities and their employees in cases involving constitutional and state law torts throughout Southern Indiana and Kentucky. He also regularly defends general liability, premises liability, transportation, and other matters. Jeff has served in various roles within the DRI Civil Rights and Governmental Tort Liability Section ultimately serving as its Chair. He served a term on DRI's Board of Directors and was elected to DRI's Executive Committee as Secretary/Treasurer in 2021 and Second Vice President in 2022. He is also a member of the Federation of Defense and Corporate Counsel, serves on the

Kentucky Defense Counsel Board of Directors and formerly served on the Defense Trial Counsel of Indiana Board of Directors. Jeff served as a member of the DTCL contingent of the joint Indiana Trial Lawyers Association/Defense Trial Counsel of Indiana Commission on the Resumption of Jury Trials in Indiana post-Covid.



Dr. David Michaels, PhD, MPH, is an epidemiologist and Professor at the Milken Institute School of Public Health, George Washington University. He served as Assistant Secretary of Labor for the Occupational Safety and Health Administration (OSHA) 2009-2017, the longest serving administrator in OSHA's history. Previously he was Assistant Secretary of Energy for Environment, Safety, and Health, charged with protecting the workers, community, and environment around the nation's nuclear weapons facilities.

Much of Dr. Michaels' research focuses on protecting the integrity of the science underpinning public health, safety, and environmental protections. He authored the books *The Triumph of Doubt: Dark Money and the Science of Deception* (Oxford University Press, 2020) and *Doubt is Their Product: How Industry's Assault on Science Threatens Your*

Health (Oxford University Press, 2008).



Michelle A. Parfitt Michelle A. Parfitt is a Senior Partner with the law firm of Ashcraft & Gerel, LLP. She focuses on mass torts, specializing in pharmaceutical and product liability cases. She currently heads the Mass Tort practice section of Ashcraft & Gerel, LLP and has represented thousands of individuals in state and federal courts in pharmaceutical and medical device litigation. Ms. Parfitt has been appointed to and has served on numerous Plaintiffs' Steering Committees in national mass tort and complex litigations and has held leadership positions in some of the largest mass tort litigations in recent years, including the Talcum Powder MDL, in which she serves as co-lead counsel. Michelle is the past president of the Trial Lawyers Association of Metropolitan Washington, D.C., and is a

Fellow of the Litigation Counsel of America, International Academy of Trial Lawyers, the American Board of Trial Advocates, and International Society of Barristers.



Prof. Mary Rose received an A.B. in Psychology from Stanford University and a Ph.D. in social psychology from Duke University. Formerly a research fellow at the American Bar Foundation, she is currently a professor of sociology at the University of Texas at Austin and Director of the Human Dimensions of Organizations program. At UT she teaches courses on social science and law, as well as social psychology and research methods. Her research examines lay participation in the legal system and perceptions of justice, and she has written on a variety of topics, including the effects of jury selection practices on jury representativeness and citizens' views of justice, jury trial innovations, civil damage awards, and public views of court practices. She is also an investigator on the landmark study of decision-making among 50 deliberating juries from Pima County, Arizona. She has served on

the editorial boards of *Law & Social Inquiry*, *Law & Society Review*, *Criminology*, *Social Psychology Quarterly*, and *Law & Human Behavior*, and is a former trustee of the Law & Society Association. Her research has been cited in

numerous court cases, including three U.S. Supreme Court cases: *Miller-el v. Dretke* (Breyer, J., concurring); *Exxon Shipping Co. v. Baker*, and *Ramos v. Louisiana*.

Discussion Group Moderators



Carla D. Aikens attended The Wharton School of the University of Pennsylvania and received her Juris Doctor degree from Georgetown University Law Center, where she was a national quarterfinalist in the Frederick Douglass Moot Court Competition. While at Georgetown, she also founded a mentoring program for D.C.-area high-schoolers and taught a law class in it. After a federal court clerkship, she worked with a Detroit-area law firm, doing transactional work, including extensive work for the City of Detroit.

After years of working for large law firms on corporate cases, Ms. Aikens founded her own firm, with a current practice representing victims of both personal injuries and employment law violations. Carla is a member of the American Association for Justice, the executive board of the Michigan Association for Justice, and the Illinois Trial Lawyers Association. She also chairs the James W. Baker Trial Lawyers Caucus of the Michigan Association for Justice.



Charles "Chip" Becker is an attorney at Kline & Specter, PC, where he represents plaintiffs in personal injury matters and has primary responsibility for the firm's post-trial and appellate practice. Mr. Becker is a member of the Pennsylvania Court of Judicial Discipline. He serves on the Supreme Court of Pennsylvania's Commission on Judicial Independence and previously served on the Supreme Court's Tricentennial Commission and its Appellate Courts Procedural Rules Committee. He teaches state constitutional law as an adjunct professor at the University of Pennsylvania Carey School of Law. Mr. Becker is a fellow of the American Academy of Appellate Lawyers, a member of the American Law Institute, and past president of the Third Circuit Bar Association. A graduate of Williams College and Yale Law School, Mr. Becker served as a law clerk for

Judge Sandra Lynch of the U.S. Court of Appeals for the First Circuit.



Jennifer Bennett is a principal at Gupta Wessler PLLC, where she heads the firm's San Francisco office and focuses on cutting-edge public interest and plaintiffs-side appellate litigation. Her practice covers a wide range of issues, including civil rights, consumer protection, constitutional law, worker rights, and government transparency. Jennifer regularly litigates before the U.S. Supreme Court, including recently arguing and winning two landmark victories on behalf of workers challenging forced arbitration in *Saxon v. Southwest* (2022) and *New Prime Inc. v. Oliveira* (2019). Her victory in *New Prime* was the first case in over a decade in which the Supreme Court ruled in favor of the party challenging arbitration. Jennifer also regularly handles appeals in both state and federal court on behalf of workers and consumers. She frequently represents journalists, media organizations, and nonprofits challenging government secrecy. And she regularly represents plaintiffs in civil rights cases involving difficult or novel legal issues. She earned

her J.D. degree from Yale Law School.



Kathryn H. Clarke is a sole practitioner in Portland, Oregon, who specializes in appellate practice and consultation on legal issues in complex tort litigation. She served as President of the then-Pound Civil Justice Institute (now NCJI) from 2011 to 2013. She is a member of the Oregon Trial Lawyers Association, and has been a member of its Board of Governors for over 25 years, served as President from 1995 to 1996, and received that organization's Distinguished Trial Lawyer award in 2006. She is also a member of the Board of Governors of the American Association for Justice. She was a member of the adjunct faculty at Lewis and Clark Law School, and taught a seminar in advanced torts for several years. In 2008 she served as a member of a work group on Tort Conflicts of Law for the Oregon Law Commission, which resulted in a bill passed by the 2009 legislature. She has served as member and Chair of Oregon's Council on Court Procedures, and has been a member of the Oregon State Bar's Uniform Civil Jury Instructions Committee. In 2016 she was honored by our Institute for her lifetime achievement as an appellate advocate.



Gary M. DiMuzio is a shareholder in the Asbestos Department at Simmons Hanly Conroy in New York City. He joined the firm in 2019, bringing 25 years of experience helping victims of mesothelioma and other environmental and workplace hazards. Gary has been litigating mesothelioma cases since 1998, and also representing plaintiffs in cases involving lung cancer, leukemia, liver cancer, silicosis, plant explosions, and environmental contamination.

Gary received a B.M. in Classical Guitar Performance from Texas A&M University in 1986, and obtained his J.D. degree from University of Houston Law Center in 1992. He undertook environmental public health studies at the University of Texas School of Public Health concurrently with attending law school. He also worked on environmental issues with public officials responsible for pollution control.



Deborah Elman is a partner at Garwin Gerstein & Fisher LLP in New York City, where she specializes in complex antitrust litigation. She is a Fellow of the National Civil Justice Institute, Vice Chair of the Pricing Conduct Committee of the American Bar Association Antitrust Law Section, the Secretary of the Committee for the Committee to Support the Antitrust Laws. She also serves on the Executive Committee of the Public Justice Foundation. She is a frequent speaker on topics involving class actions and expert witnesses. Ms. Elman holds a B.A. *cum laude* and an M.P.H. from Columbia University, and a J.D. *cum laude* from the University of Pittsburgh School of Law.



Misty A. Farris is senior counsel and an appellate attorney with Dean Omar Branham & Shirley in Dallas. She has spent more than 25 years litigating asbestos, pharmaceutical, and medical device cases for plaintiffs. She has also worked as a teacher, as a minister, and at a home for the developmentally and physically disabled. Ms. Farris received her B.A. from the University of Houston and her J.D. from the University of Texas School of Law. She also holds an M.Div. degree, *summa cum laude*, from the Southern Methodist University Perkins School of Theology. She is a Fellow of the National Civil Justice Institute, and a member of the American Association for Justice, the Texas Trial Lawyers Association, and Public Justice (of which she was a Trial Lawyer of the Year in 2006).



Celene Humphries is board certified in appellate litigation, and she focuses her practice on representing individual plaintiffs and their families in personal injury and products liability appeals around the country, including the United States Supreme Court. She has been an appellate specialist for more than 30 years and has been lead or sole counsel in more than 300 appeals. She has also tried almost 100 cases as appellate counsel, arguing critical legal issues before and during trial.



Lucy Inman **Lucy Inman**, a Senior Counsel at Milberg's Raleigh, NC, office, recently returned to private practice after serving for more than a dozen years as a trial and appellate judge. She concentrates her practice in appellate and major motions in class-action and individual cases on behalf of consumers, employees, and municipalities. From 2015 through 2022, Judge Inman served on the North Carolina Court of Appeals, where she heard more than 1,500 appeals and authored more than 450 opinions, of which less than three percent were reversed. From 2010 through 2014, Judge Inman served as a Superior Court judge in North Carolina. She rendered thousands of decisions as a trial judge; seven were reversed on appeal. Before joining the bench, Judge Inman practiced complex civil litigation for 18 years, first in California and then

in North Carolina. Judge Inman serves on the Judicial Independence Committee of the National Association of Women Judges and is a member of the Council of Appellate Lawyers within the American Bar Association's Judicial Division. She has presented continuing education programs for judges and attorneys on topics including writing, professional ethics, trial and appellate practice, and the connection between self-care and a healthy work environment. Judge Inman earned a degree in English from NC State University in 1984 and a law degree from The University of North Carolina School of Law at Chapel Hill in 1990.



Michelle L. Kranz is a native of Springfield, Ohio. She is a 1993 graduate of the University of Toledo College of Law and a 1990 cum laude graduate of Miami University. She joined the firm immediately upon graduation from law school and has been a partner since 1998. She focuses her practice in the areas of national pharmaceutical and product liability mass torts and personal injury. Over her career, she has been appointed to numerous MDL leadership teams and most recently was appointed to the Plaintiff's Executive Committee involving the East Palestine train derailment. Michelle serves on the Board of Trustees of the National Civil Justice Institute and is the current President of the Ohio State Bar Association. She also

remains an active member of the Toledo Bar Association and is a Sustaining Fellow of the Toledo Bar Foundation. Michelle served as the President of the Toledo Bar Association from 2015-2016. She is a member of the Toledo Bar Association, the Ohio State Bar Association, the Ohio State Bar Foundation, the American Association for Justice and the Ohio Association for Justice.



Roger L. Mandel is a business litigation and class-action attorney at the Jeeves Mandel Law Group in Dallas-Ft. Worth, where he is chair of the firm's class action practice. He has successfully represented consumers and small businesses in class actions for almost 35 years. He has tried numerous cases, including one of only two cases known to have been tried to a jury in Texas state court. He is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization and has briefed and argued appeals in the majority of the federal courts of appeals and the Texas Supreme Court. He received his B.B.A (with High Honors) and his J.D. (with Honors) degrees from the University of Texas at Austin. Roger currently sits on the Board of Directors of the Public Justice Foundation,

where he is a new member of the Executive Committee, and the Dallas Trial Lawyers Association, where he is a

past president. He is a Fellow of the National Civil Justice Institute, the Texas Bar Foundation, and the Dallas Bar Association Foundation. He is also a member of the American Association of Justice, where he served as a Co-Chair of the Class Action Litigation Group, and the Texas Trial Lawyers Association, where he formerly served on the board.



Caragh Fay Owens is a managing partner at Fay Law Group. She works to bring justice to those who have caused harm to others. She has over a decade of legal experience and is admitted to practice in Maryland and the District of Columbia. Her practice spans all key areas of personal injury law, including general negligence, medical malpractice, and terrorism. Most recently, she specializes in Foreign Sovereign Immunity Act (FSIA) claims against states that sponsor terrorism. She is also a past president of the Trial Lawyers Association of Metropolitan Washington, D.C.



Peggy Wedgworth is a partner with Milberg Coleman Bryson Phillips Grossman, PLLC, in New York. She is a senior partner and Chair of the firm's Antitrust Practice Group, and Co-Chair of the Diversity, Equity, and Inclusion (DEI) Committee and Chair of the Pro Bono Committee. She started her career as an Assistant District Attorney in Brooklyn, New York. Since leaving the public sector, she has represented victims in antitrust, securities, commodities, and whistleblower matters, and is a Super Lawyer in New York, New York since 2015. She currently serves as lead counsel for a nationwide class of plaintiff car dealerships who allege antitrust violations in data management systems. She also represents consumers in the "Google Play" antitrust litigation, farmers in the John Deere right to repair antitrust litigation and consumers in the hard disk drive antitrust litigation.

She has tried numerous cases, including a tobacco case in the *Engle* progeny litigation. She is a member of the New York State Bar Association's Antitrust Committee, the American Association for Justice (AAJ), the Committee to Support the Antitrust Laws (COSAL) and a trustee and treasurer of NCJI. She holds a B.A. degree from Auburn University and a J.D. degree from the University of Alabama School of Law.



David Wirtes is a member of Cunningham Bounds, LLC, of Mobile, Alabama, where he focuses on strategic planning, motion practice, and appeals. He is licensed in all state and federal courts in Alabama and Mississippi, the Fifth and Eleventh Circuit Courts of Appeals, and the United States Supreme Court.

He is active in numerous professional organizations including Treasurer and Trustee of The National Civil Justice Institute, Senior Fellow, Litigation Counsel of America, a founder and former Executive Director of the American Institute of Appellate Practice, member of the Amicus Curiae Committee of the American Association for Justice and longtime member and former Chairman of the Amicus Curiae Committee of the Alabama Association for Justice. Dave also presently serves an editor of *The Alabama Lawyer* and editor of *The Alabama Association for Justice Journal*. He is a long-time member of the Alabama Supreme Court's Standing Committee on the Rules of Appellate Procedure, has served on that Court's Standing Committee on the Rules of Civil Procedure, and presently serves as a member of that Court's Task Force on Privacy and Confidentiality in Court Records.

Mr. Wirtes has published numerous law review and journal articles and is a frequent lecturer at continuing legal education seminars, having spoken on such topics as Defeating Unlawful Discrimination in Jury Selection, Appellate Practice, Perfecting the Appeal, HIPAA and Ex parte Contacts, Recent Updates on the Law, Electronic Discovery, Arbitration, and Governmental Immunity.