

## ❖ About the Authors

### ***Editors and Authors***

#### **James C. Martin, Esq.**

Mr. Martin is a partner in Reed Smith LLP working out of the Los Angeles and Pittsburgh offices. He is certified as a specialist in appellate law by the State Bar of California Board of Legal Specialization. Mr. Martin has briefed and argued hundreds of appeals in federal and state courts across the country. He is a fellow and former president of the American Academy of Appellate Lawyers, and is a member and former president of the California Academy of Appellate Lawyers. Mr. Martin is a founding member and past president of the Third Circuit Bar Association and former chair of the Federal Bar Association's Appellate Law and Practice Committee. He has been selected by his peers for inclusion in *The Best Lawyers in America* in appellate law, as one of Pennsylvania's and Southern California's Super Lawyers in appellate law, and for admission in the American Law Institute. Mr. Martin has written widely on appellate and other substantive legal topics, including a chapter in PBI's *Third Circuit Appellate Practice Manual*, of which he is a co-editor, and the organization and preparation of *The Practice Guide for the Third Circuit*, prepared by the Third Circuit Bar Association. He has participated in many programs on effective appellate advocacy, including for PBI. Mr. Martin also regularly consults with trial lawyers on substantive and procedural issues in ongoing cases to help make the best record possible for appeal. These consultations include briefing and argument before and during trial, as well as the preparation of post-trial motions, writs, or interlocutory appeals.

#### **Nancy Winkelman, Esq.**

Ms. Winkelman, the president of the American Academy of Appellate Lawyers, is a partner in the Philadelphia office of Schnader Harrison Segal & Lewis LLP, where she has concentrated her practice in federal and state appellate litigation for over 25 years. Ms. Winkelman has handled cases in a variety of substantive areas before numerous appellate courts, including presenting argument before the Supreme Court of the United States. In addition to briefing and arguing appeals, she regularly is engaged to serve as issues and appeals counsel at pretrial or trial states of litigation. She also has an extensive appellate consulting practice. Ms. Winkelman is former co-chair of both Schnader's Litigation Services Department and of its Appellate Practice Group, and is the co-founder and first president of the Third Circuit Bar Association. She has lectured widely on appellate practice, including teaching appellate advocacy as an adjunct professor at the University of Pennsylvania Law School for 10 years. Ms. Winkelman has been recognized annually in the *Best Lawyers in America* in appellate law since 2006; *Benchmark Litigation's* Local Litigation Star in appellate law from 2011; and one of the top 250 Women in Litigation in the country from 2012–2015. She has been named a Pennsylvania Super Lawyer in appellate law every year since 2004, and one of the top 50 female Super Lawyers in Pennsylvania every year since 2005. She graduated magna cum laude from Wesleyan University, and summa cum laude (first in her class) from Western New England College School of Law. Ms. Winkelman then clerked for Third Circuit Judge Dolores K. Sloviter.

## Authors

### Hon. Thomas L. Ambro

Judge Ambro is a judge on the United States Court of Appeals for the Third Circuit. Prior to becoming a judge in 2000, he was a member of the firm of Richards, Layton & Finger, P.A., where he chaired its Bankruptcy Group. Judge Ambro is a past chair of the section of business law of the American Bar Association and past editor of the *Business Lawyer*. He is also a former member of the board of trustees of the American Inns of Court, previously chaired the Richard S. Rodney Inn of Court, co-chaired the Collins J. Seitz Bankruptcy Inn of Court, and is a member of the American Law Institute.

### Howard J. Bashman, Esq.

Mr. Bashman is a nationally known appellate lawyer based in Willow Grove, Pennsylvania. He frequently handles cases before the United States Court of Appeals for the Third Circuit and Pennsylvania's state appellate courts. Mr. Bashman writes a monthly column on appellate developments for the *Legal Intelligencer*. His "How Appealing" blog (<http://howappealing.abovethelaw.com>), hosted by Breaking Media, is a daily collection of links to legal news and interesting new appellate rulings. Mr. Bashman has been profiled by the Associated Press, the *ABA Journal*, *Legal Times* of Washington D.C., and the *Daily Journal*, a California-based legal newspaper; quoted by or favorably mentioned as an appellate commentator in the *New York Times*, the *Boston Globe*, the *Christian Science Monitor*, the *New York Sun*, the *Detroit News*, the *Seattle Times*, *Wired News*, *Salon*, and Reuters; and included as one of just a few nationally recognized appellate lawyers who, along with many federal and state court appellate judges, provide advice on appellate advocacy in the revised edition of then Senior Third Circuit Judge Ruggero J. Aldisert's highly acclaimed book, *Winning on Appeal* (NITA, 2003).

### Charles L. Becker, Esq.

Mr. Becker is an attorney at Kline & Specter, P.C., who focuses on post-trial and appellate practice within the framework of personal injury litigation. A graduate of Williams College and Yale Law School, he served as a law clerk for the Honorable Sandra L. Lynch of the United States Court of Appeals for the First Circuit. Mr. Becker serves on the Pennsylvania Supreme Court's Appellate Courts Procedural Rules Committee, which advises the Supreme Court on the promulgation and revision of Pennsylvania appellate rules. He also serves on the Supreme Court's Commission on Judicial Independence, which promotes understanding about the role of the courts and awareness about the need for a strong and independent judiciary. He has served on the adjunct faculty and taught appellate advocacy at the University of Pennsylvania Law School. Mr. Becker chaired the Appellate Courts Committee of the Philadelphia Bar Association and served as an officer of the Yale Law School Alumni Association. He currently is the president-elect of the Third Circuit Bar Association and a member of the American Law Institute. At Kline & Specter, Mr. Becker has primary responsibility for the firms' post-trial and appellate litigation. He also works with Kline & Specter's lawyers on substantive and procedural issues as they arise before and during litigation. These consultations may include working on case selection and developing the complaint; jurisdictional and venue issues; briefing and arguing pretrial motions, including dispositive or in limine motions; working with lawyers in the courtroom on evidentiary matters, assisting on procedural or evidentiary matters arising in mass tort litigation; and assisting settlement or lien resolution. Mr. Becker has argued cases in each of Pennsylvania's appellate courts and in several federal appellate courts. He has also participated in litigation before the United States Supreme Court.

**Cynthia S. Betz, Esq.**

Ms. Betz is an associate in the Newark, New Jersey, office of McCarter & English LLP. Her practice focuses on policyholder insurance coverage disputes, environmental matters, and general commercial litigation. Prior to joining McCarter & English, Ms. Betz clerked for the Honorable Stanley R. Chesler, United States District Court Judge for the District of New Jersey. She was recognized as a New Jersey Rising Star by *Super Lawyers* magazine for six consecutive years. Ms. Betz received her B.A. from Tufts University and her J.D. from the University of Illinois College of Law (summa cum laude).

**Robert L. Byer, Esq.**

Mr. Byer is head of the appellate practice division at Duane Morris LLP, where he is resident in the Philadelphia and Pittsburgh offices. He concentrates his practice in appellate and legal issues litigation. Mr. Byer is a former judge of the Pennsylvania Commonwealth Court and Pennsylvania Court of Judicial Discipline. He has argued or briefed over 250 appeals in the United States Court of Appeals for the Second, Third, Fifth, Seventh, Eighth, Ninth, Eleventh, District of Columbia, and Federal Circuits, and the appellate courts of Pennsylvania, California, Maryland, and Washington. Mr. Byer has also briefed and worked on appeals in the United States Supreme Court. His appellate work covers a wide range of legal areas, including corporate governance, intellectual property, administrative agency law, taxation, constitutional law, insurance coverage, contracts, professional liability, products liability, and toxic torts. Before choosing to concentrate his practice in appellate and legal issues litigation, Mr. Byer was an active trial lawyer for over 12 years, focusing on complex commercial and intellectual property litigation. He is a fellow of the American Academy of Appellate Lawyers, a member of the American Law Institute, a former member of the Lawyers Advisory Committee of the United States Court of Appeals for the Third Circuit, and a founding member of the Third Circuit Bar Association. Mr. Byer served six terms as a member of the Pennsylvania Supreme Court's Appellate Court Procedural Rules Committee, and he chaired that committee for five years. He served two terms as chair of the Pennsylvania Bar Association Civil Litigation Section and served for 12 years in the House of Delegates. Mr. Byer is a former adjunct faculty member at Duquesne University School of Law, where he taught Pennsylvania civil procedure. He has also served on the faculty of the National Judicial College in Reno, Nevada, where he taught courses on judicial review of administrative agency adjudications. Mr. Byer is recognized in *Best Lawyers in America* (Appellate, Bet-the-Company, and Commercial Litigation); and *Pennsylvania Super Lawyers* and *Super Lawyers Corporate Counsel Edition* (Appellate). He is the author of a treatise on Pennsylvania civil practice and numerous published articles, monographs, and course materials on various legal topics. Mr. Byer is a magna cum laude graduate of the University of Pittsburgh (B.A., 1973; J.D., 1977), where he was an editor of the *University of Pittsburgh Law Review*. He engaged in post-graduate studies at Harris Manchester College, Oxford University (1973–1974).

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Ms. Cartwright is a staff attorney at the Pennsylvania Immigration Resource Center (PIRC) in York, Pennsylvania, where she represents vulnerable immigrants in detention. She previously served as a staff attorney at Nationalities Services Center in Philadelphia and as an attorney advisor at the Philadelphia Immigration Court. Ms. Cartwright obtained her J.D. from the Columbus School of Law at Catholic University of America, where she also earned her Masters of Social Work simultaneously.

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Ms. Doblick is counsel in Reed Smith's Appellate Litigation Group. She has extensive experience with complex, high-stakes commercial litigation, both at the trial and appellate levels, in the federal courts of appeals and the appellate courts of Pennsylvania. Her appellate practice, while varied, focuses largely on business torts, disputes in the financial services industry, class-action defense, and arbitration issues. In addition to briefing and arguing appeals, she regularly works with trial counsel on key briefs and on strategies for positioning cases for appeal, and she frequently assists trial counsel with post-trial motion practice and interlocutory appeals. Ms. Doblick is a member of the board of governors of the Bar Association for the Third Circuit Court of Appeals, and she lectures often on issue preservation and other appellate issues. Prior to joining Reed Smith, Ms. Doblick served as a law clerk to the Honorable Frank H. Easterbrook on the United States Court of Appeals for the Seventh Circuit (1992–1993). She earned her J.D., with honors, from the University of Chicago Law School (1992), where she was named the Outstanding Graduate in Law and Economics.

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Mrs. Dodszeit is the chief deputy clerk for the United States Court of Appeals for the Third Circuit. She has been associated with the court of appeals for more than 15 years as a staff attorney, motions attorney, and legal coordinator. She became chief deputy in January 2006. Prior to working with the Third Circuit, she was an associate with the firm of Arnell & Hastie in Philadelphia. Mrs. Dodszeit received her B.A. in the administration of justice from Salve Regina College, Newport, Rhode Island, and her J.D. from the Catholic University of America, Washington, D.C.

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Mr. Evans is an attorney at Schnader Harrison Segal & Lewis LLP in Pittsburgh. His litigation practice encompasses a wide array of litigation and appellate matters and he regularly counsels clients on complex issues, including securities, insurance, contracts, real estate, trade secrets and restrictive covenants, antitrust and trade regulation, and other business disputes. Mr. Evans's work includes serving as counsel for companies, particularly automotive and vehicle equipment manufacturers, facing significant litigation matters in the realm of products liability and toxic torts. He has represented companies in Pennsylvania, West Virginia, and across the United States in complex asbestos-related cases. Mr. Evans has litigated before state and federal trial and appellate courts, as well as in proceedings governed by the rules of the American Arbitration Association. He received his A.B., cum laude, from Harvard College, and his J.D., magna cum laude, from the University of Notre Dame. Mr. Evans is admitted to practice in Pennsylvania and West Virginia, including before the United States Court of Appeals for the Third Circuit, as well as the District Courts for the Eastern and Western Districts of Pennsylvania and the Southern and Northern Districts of West Virginia.

**David R. Fine, Esq.**

Mr. Fine is a partner with K&L Gates LLP, and practices primarily in the firm's Harrisburg office. His practice focuses on trial and appellate work in both state and federal courts. Mr. Fine has practiced in a variety of courts including the federal Second, Third, Seventh, Ninth and Eleventh Circuits, the Pennsylvania Supreme Court, the Florida Supreme Court, the Maryland Court of Appeals, and intermediate appellate courts in Pennsylvania, Florida, Texas, Arizona, and Oregon. He has served as president of the Middle District of Pennsylvania Chapter of the Federal Bar Association, as chair of the court's Lawyers Advisory Committee, and as chair of a 2005 panel considering the reappointment of one of the court's magistrate judges. He served for three years as a

member of the Third Circuit’s Lawyers Advisory Committee, and for six years as a member of the Pennsylvania Supreme Court’s Appellate Court Procedural Rules Committee. In 2015, the Pennsylvania Supreme Court appointed him to serve as a member of the Pennsylvania Board of Law Examiners. Mr. Fine has served on the faculty of many continuing legal education courses focused on trial and appellate practice, and his articles and commentaries have appeared in the *Washington Post*, the *San Francisco Chronicle*, the *Philadelphia Inquirer*, the *Harrisburg Patriot-News*, the *National Law Journal*, the *American Lawyer*, and *Findlaw’s Writ*. He is co-author of *The Middle District Manual* (PBI Press, 9th ed. 2014). Between 1992 and 1994, he worked as a law clerk for the Honorable William W. Caldwell of the United States District Court for the Middle District of Pennsylvania. Mr. Fine is a graduate of Cornell University and Northwestern University, and he received his J.D. from the University of Toledo College of Law.

### **Peter D. Goldberger, Esq.**

Mr. Goldberger is the founder and principal of a two-lawyer firm, located in Ardmore, Pennsylvania, near Philadelphia, that focuses its nationwide practice on the postconviction aspects of federal criminal cases, especially sentencing and appeals. For the 2015–2017 term, he is serving as president of the Third Circuit Bar Association, of which he was a founding member. Mr. Goldberger also serves as a vice president on the boards of directors of the American Civil Liberties Union’s Philadelphia and Pennsylvania affiliates. His postconviction practice includes federal habeas corpus petitions for state prisoners. In two such cases, his clients have been exonerated. Mr. Goldberger was part of the team of court-appointed lawyers who in 2003 won the first DNA exoneration from Pennsylvania’s death row. In 2013, he succeeded in overturning a murder conviction and life sentence based on developments in forensic science concerning proof of arson. Mr. Goldberger has argued before the Supreme Court of the United States and all but one of the federal circuits. He has presented accredited CLE programs for several United States district courts, the Third Circuit Judicial Conference, the Federal Bar Association, the Pennsylvania Bar Institute, and the national, Pennsylvania, North Carolina, Texas, and Washington state associations of criminal defense lawyers, among others. After graduating from Haverford College in 1971 and Yale Law School in 1975, Mr. Goldberger served as a law clerk to then United States District Judge for the Eastern District of Pennsylvania (later Third Circuit Chief Judge) Edward R. Becker, and as an assistant federal public defender (for the District of Connecticut). In the 1980s, Mr. Goldberger was a full-time professor at the Villanova University and Whittier College law schools. Since 1997, Mr. Goldberger has been listed in *Best Lawyers in America* in both criminal defense and appellate practice, and since 2004 as a Pennsylvania Super Lawyer. Honored with the highest awards from NACDL, PACDL, and the Federal Bar Association’s Criminal Law Committee, he is also active in amicus curiae work for NACDL, Families Against Mandatory Minimums, and the National Clearinghouse for the Defense of Battered Women.

### **Kurt F. Gwynne, Esq.**

Mr. Gwynne is a partner in Reed Smith LLP, where he is a member of the Financial Industry Group, practicing in the area of Commercial Restructuring & Bankruptcy. He is the managing partner of the Wilmington office. In 2010, Mr. Gwynne was selected as one of the “10 Most Admired Bankruptcy Attorneys” in the United States by *Law360* (based on 1,016 nominations from practice group heads at the 100 largest law firms in the United States). He is a fellow of the American College of Bankruptcy (23rd Class) and has been recognized in *Chambers USA*, *America’s Leading Lawyers*; *Delaware SuperLawyers*; and *Best Lawyers in America*. *Chambers USA* has described Mr. Gwynne as an “excellent strategist,” “a brilliant courtroom advocate with terrific knowledge of the Bankruptcy Code,” “a fabulous lawyer, no matter the case,” and “one of the best for creditor committee work in the region.” He is listed in *Delaware Super Lawyers*. Mr. Gwynne’s

practice involves the representation of creditors' committees, secured lenders, indenture trustees, lessors, suppliers, and other parties in Chapter 11 cases. He has represented creditors' committees in the following bankruptcy cases (among others): Extreme Plastics Plus, Inc.; GSE Environmental, Inc.; Odom Industries, Inc.; Metaldyne Companies, InPhonic, Inc.; Nellson Nutraceuticals, Inc.; aaiPharma, Inc.; Women First HealthCare, Inc.; Rouge Industries, Inc.; and Slater Steel, Inc. Mr. Gwynne has represented chapter 11 debtors, including Entelos, VICORP Restaurants, and Oasys Mobile, Inc.; has been appointed Chapter 11 trustee in several cases, including Quintus Corporation, Acuity Corporation, Mustang.com, Inc., Elcom Technologies Corporation, and TelePad Corporation; and has served as the examiner in CF Capital Assets, LLC. Mr. Gwynne is a 1992 graduate of the University of Pennsylvania Law School. He was a senior editor of the *Journal of International Business Law* and a winner of Penn's Edwin R. Keedy Cup Moot Court Competition. Mr. Gwynne received his B.A., summa cum laude, in political science, with a minor in business administration, from the University of Central Florida in 1988. He was an Academic All-American in 1986–1987 (football). Upon graduating from law school, Mr. Gwynne served as a law clerk to the Honorable Bruce Fox of the United States Bankruptcy Court for the Eastern District of Pennsylvania.

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Ms. Hickok is a partner in the Philadelphia office of Drinker Biddle & Reath, LLP, and heads up Drinker's appellate team. Ms. Hickok also serves as deputy counsel to the Pennsylvania Supreme Court's Appellate Court Procedural Rules Committee and teaches appellate advocacy at the University of Pennsylvania Law School. She received her J.D. cum laude from the University of Pennsylvania and clerked for the Honorable Marjorie O. Rendell of the United States Court of Appeals for the Third Circuit. She is active in the American Bar Association, Section of Litigation, for which she is co-chair of the Book Publishing Board, and the Judicial Division, where she is on the Executive Committee of the Council of Appellate Lawyers. Ms. Hickok speaks and writes frequently on appellate practice and procedure.

#### **Nicholas M. Insua, Esq.**

Mr. Insua is a partner in the Newark, New Jersey, office of McCarter & English, LLP. His practice focuses on insurance coverage litigation and counseling exclusively on behalf of policyholders. Mr. Insua's experience includes all phases of litigation, up to and including trial, as well as arbitration and mediation. Mr. Insua writes and lectures on insurance-related topics, and his articles have been cited in court decisions. He has been a guest lecturer on environmental insurance law at Rutgers School of Law–Camden and an adjunct professor at Seton Hall University School of Law, where he taught commercial law survey. Mr. Insua also chairs McCarter's Pro Bono Committee and Associate Training Committee. Prior to joining McCarter & English, Mr. Insua served as a law clerk to Justice Jaynee LaVecchia of the New Jersey Supreme Court. He received his B.A. from Yale University, and a J.D., with highest honors, from Rutgers School of Law–Camden, from which he received the Paul C. Ireton award for earning the highest cumulative GPA in his graduating class.

#### **Brett D. Kahn, Esq.**

Mr. Kahn is an associate in the Newark, New Jersey, office of McCarter & English, LLP. He concentrates his practice on policyholder insurance coverage and general commercial litigation matters arising in state and federal court, and in domestic arbitrations and international arbitrations. He is an integral member of the firm's Insurance Coverage and Commercial Litigation team that has secured—both by judgment and settlement—billions of dollars in insurance assets for a broad range of policyholder clients, including the nation's largest corporations and industrial con-

cerns, as well as mid-cap and small business entities. Additionally, Mr. Kahn has handled dozens of products liability, real estate, title insurance, construction, and pro bono matters. He recently represented a large title insurance agency in litigation regarding a contract dispute that culminated in a successful jury verdict in New Jersey state court. Mr. Kahn received his B.S. from the University of Maryland and his J.D. from Rutgers University School of Law. During law school, he served as a judicial intern to the Honorable Donald S. Goldman, J.S.C. (ret.) and was an editor of the *Rutgers University Law Review*. Mr. Kahn is currently the programming chair of the New Jersey State Bar Association Insurance Law Section.

### **Hon. Cheryl Ann Krause**

Judge Krause was appointed to the United States Court of Appeals for the Third Circuit in July of 2014. She received her undergraduate degree from the University of Pennsylvania, summa cum laude, and graduated from Stanford Law School with distinction. She then served as a law clerk to the Honorable Alex Kozinski of the United States Court of Appeals for the Ninth Circuit, followed by a clerkship for the Honorable Anthony M. Kennedy of the United States Supreme Court. Before entering private practice, Judge Krause served for five years as an assistant United States attorney in the Criminal Division of the United States Attorney's Office for the Southern District of New York and was a lecturer at Stanford and Columbia Law Schools. As a litigator at a large law firm in Philadelphia, she specialized in white-collar criminal defense and government investigations, was a frequent author and speaker on topics pertaining to constitutional and criminal law, and lectured at the University of Pennsylvania Law School, where she founded an appellate litigation externship. Judge Krause has served many professional, civic, and charitable organizations in various capacities. In 2011, she founded the Philadelphia Project, a partnership between practicing lawyers and a nonprofit organization in Philadelphia, to improve the quality of education for children with disabilities.

### **Hon. Timothy K. Lewis**

Judge Lewis, of counsel at Schnader Harrison Segal & Lewis LLP, is a former judge on the United States Court of Appeals for the Third Circuit and the United States District Court for the Western District of Pennsylvania. He graduated from Tufts University in 1976 and Duquesne University School of Law in 1980. He served as an assistant district attorney and an assistant United States attorney in Pittsburgh before his appointment to the district court in 1991 and his elevation to the Third Circuit the following year. Judge Lewis joined Schnader in 2000. He has a national and international ADR practice and an active trial and appellate practice. Judge Lewis is a member of the American Law Institute; a fellow of the College of Commercial Arbitrators; a former board and executive committee member of the American Arbitration Association; a past board member of the International Institute for Conflict Prevention and Resolution (CPR); a member of the board of the Georgetown Supreme Court Institute; a past member of the House of Delegates of the Pennsylvania Bar Association; a member of the Dean's Advisory Committee of the Duquesne University School of Law; and an honorary fellow of the American Academy of Appellate Lawyers. He is the co-chair of Schnader's ADR Practice Group and the past co-chair of Schnader's Appellate Practice Group. He served as an adjunct professor at the University of Pittsburgh School of Law and has taught courses on advocacy, adjudication, and ADR throughout the United States and Europe. He has authored numerous articles on subjects ranging from racial injustice and the death penalty to judicial reform, dispute resolution, and appellate advocacy, and has testified before Congress in connection with sentencing reform, Guantanamo detainees, and judicial nominations. Among his civic activities, Judge Lewis has served on the boards of the Constitution Project in Washington, D.C., the Imani Christian Academy in Pittsburgh, the Public Interest Law Center of Philadelphia, the Peter Jennings Project for Journalists and the Constitution, and the National

Jazz Museum in Harlem. He is an outspoken proponent for diversity within the legal profession, particularly in the ADR field, and a frequent guest TV and radio commentator on issues affecting human and constitutional rights.

**Lawrence S. Lustberg, Esq.**

Mr. Lustberg is a director at the law firm of Gibbons, P.C., in Newark, New Jersey, where he is chair of the Criminal Defense Practice Group and long-time director of the John J. Gibbons Fellowship in Public Interest and Constitutional Law, which litigates cutting-edge civil rights and civil liberties cases. A graduate of Harvard College (1979) and Harvard Law School (1983), Mr. Lustberg clerked for United States District Judge H. Lee Sarokin, and served as an assistant federal public defender for the District of New Jersey for five years before joining Gibbons as the first Gibbons Fellow. He is former president of the Association of the Federal Bar of New Jersey and Association of Criminal Defense Lawyers of New Jersey and was co-chair of the Criminal Litigation Committee of the American Bar Association. Mr. Lustberg has served on, and chaired, numerous court and government committees (including, at present, the Third Circuit Lawyers Advisory Committee) and nonprofit or philanthropic boards of directors, and has intermittently been a member of the faculties of Seton Hall, Rutgers, and New York University Law Schools. He is an acknowledged authority in many areas of constitutional and criminal law, and is responsible for a number of seminal federal and state court decisions in these areas. Among many other honors, he recently received the William J. Brennan, Jr. Award, the highest honor accorded by the Association of the Federal Bar of New Jersey, and the Lawrence A. Whipple Memorial Award, the highest honor provided for by the Association of Criminal Defense Lawyers. He is a member of the American College of Trial Lawyers, the International College of Trial Lawyers, is a life fellow of the American Bar Foundation, and has been elected to membership in the American Academy of Appellate Lawyers.

**David H. Marion, Esq.**

Mr. Marion is senior counsel and member of the Appellate Litigation Group of the Philadelphia-based firm White and Williams LLP. He is a magna cum laude graduate of the University of Pennsylvania Law School, where he was editor-in-chief of the *Law Review*, winner of the Harrison Cup Moot Court Award, Order of the Coif, and class president. Mr. Marion has been elected to fellowship in the American Academy of Appellate Lawyers, the American College of Trial Lawyers, and the International Academy of Trial Lawyers. He is and has been listed in *Best Lawyers in America* in six practice categories, including appellate practice and commercial litigation. He has lectured and authored numerous articles in the areas of appellate practice, complex and class-action litigation, antitrust, and First Amendment law. Mr. Marion has served as chancellor of the Philadelphia Bar Association, president of the Philadelphia Lawyers Club, president of the Rotary Club of Philadelphia, as a lecturer in law at the University of Pennsylvania Law School, and for many years was chairman of the Montgomery McCracken Law Firm. He successfully argued in the United States Supreme Court case of *Philadelphia Newspapers v. Hepps*, wherein the court expanded protection for the press and news media.

**W. Thomas McGough, Jr., Esq.**

Mr. McGough is executive vice president and chief legal officer of UPMC, an integrated health system and health insurance plan affiliated with the University of Pittsburgh. Prior to joining UPMC, he was a partner with Reed Smith, LLP, where he served as head of the firm's Litigation Department from 1998 through 2006. Mr. McGough received his B.A. from Princeton University and his J.D. from the University of Virginia School of Law. He clerked for the Honorable Collins J. Seitz, then chief judge of the United States Court of Appeals for the Third Circuit, and later for



the Honorable William H. Rehnquist of the United States Supreme Court. From 1980 until 1982, he served as an assistant United States attorney for the Western District of Pennsylvania. Mr. McGough is a fellow of the American Academy of Appellate Lawyers, a fellow of the American College of Trial Lawyers, and a former president of the Allegheny County Bar Association.

### **Bruce P. Merenstein, Esq.**

Mr. Merenstein is a partner in the Philadelphia office of Schnader Harrison Segal & Lewis LLP and chair of the firm's Appellate Practice Group. He has a comprehensive litigation practice with a primary focus on appellate and post-trial matters. He also has been appointed special master in a number of complex federal court cases. Mr. Merenstein is co-chair of the Philadelphia Bar Association's Appellate Courts Committee and previously served as chair of the association's Federal Courts Committee. He is an elected member of the American Law Institute, taught appellate advocacy at Drexel University School of Law from 2007 through 2015, and has published and spoken widely on appellate matters, including for the *Legal Intelligencer's* blog from 2008 through 2012. Mr. Merenstein received his J.D. from the University of Pennsylvania Law School and his B.A. from Brandeis University. He earned a master's degree in labor relations from the University of Massachusetts–Amherst and studied for a year at the London School of Economics. Following law school, Mr. Merenstein clerked for then Chief Judge Edward R. Becker of the United States Court of Appeals for the Third Circuit.

### **Hon. Steven A. Morley**

Judge Morley was appointed an immigration judge with the Executive Office for Immigration Review in Philadelphia in December 2010. Prior to taking the bench, Judge Morley practiced immigration law as a founding partner of Morley, Surin & Griffin for nearly 8 of his 27 years in private practice. Before entering private practice, Judge Morley was a federal and state court public defender in Philadelphia. He successfully argued *Mitchell v. United States*, before the United States Supreme Court, extending the Fifth Amendment right to remain silent at sentencing. He also argued numerous cases before the Third Circuit as well as before other United States courts of appeals. He was an editor of the *Immigration & Nationality Handbook* (AILA) for many years, and frequently lectured on immigration matters. He served as chapter chair of the Philadelphia chapter of AILA as well as two terms on the national AILA/EOIR committee. Judge Morley also served for more than a decade on the board of directors of HIAS in Philadelphia (Hebrew Immigrant Aid Society), including a term as the HIAS board president. He is adjunct instructor at Drexel University School of Law where he has taught immigration law, refugee and asylum law, sentencing law, and immigration litigation. He has also been adjunct at Villanova Law School, Rutgers–Camden Law School and taught immigration in the paralegal program at Community College of Philadelphia. Judge Morley is an honors graduate of the University of Wisconsin–Madison Law School, where he also received his B.A.

### **Danielle Morrison, Esq.**

Ms. Morrison is an associate at Schnader Harrison Segal & Lewis, LLP. She has assisted with a variety of matters at both the trial and appellate levels in several of the firm's practice areas, including products liability, financial services, and trusts and estates. Additionally, she actively engages in pro bono opportunities in the areas of Innocence Project litigation, federal civil rights litigation, and assisting disadvantaged youth in attaining special immigrant juvenile status. In 2015, Ms. Morrison simultaneously earned her J.D. from Syracuse University College of Law, and a Master of Science in cultural foundations of education with a certificate in disability studies from Syracuse University. While at Syracuse, Ms. Morrison served as class president for three consecutive years. She also held the positions of vice president of the Black Law Students Associ-

ation from 2013 to 2014, and director of the Bond, Schoeneck and King Alternative Dispute Resolution Competition from 2014 to 2015. Ms. Morrison will serve as a law clerk to the Honorable Theodore A. McKee, United States Court of Appeals for the Third Circuit, from 2019 to 2020.

**Amanda B. Protes, Esq.**

Ms. Protes is an associate at the law firm of Gibbons, P.C., in Newark, New Jersey, where her practice focuses on appellate litigation and white-collar criminal defense. After graduating Northwestern University (2005) and Columbia University School of Law (2009) with honors, Ms. Protes clerked for New Jersey Supreme Court Justice Helen E. Hoens before joining Gibbons. She has been selected to the *New Jersey Super Lawyers Rising Stars* list since 2014 and has published on appellate strategy.

**Alfred W. Putnam, Jr., Esq.**

Mr. Putnam is a partner at Drinker Biddle & Reath LLP, where he has practiced law since 1979. He served as chairman and chief executive officer of the firm from 2005 until 2015. After graduating summa cum laude from Harvard College in 1973, he attended University College, Oxford, where he received a degree in modern history with first-class honors. His law degree is from the University of Pennsylvania Law School, where he was the editor-in-chief of the *Law Review*. Perhaps best known for his experience in the appellate process, Mr. Putnam clerked for the Honorable Arlin M. Adams on the United States Court of Appeals for the Third Circuit and taught a course in appellate advocacy at the University of Pennsylvania Law School for five years. He has also handled a variety of civil litigation matters for both plaintiffs and defendants. Mr. Putnam has won two different “million dollar” jury verdicts in federal commercial cases, and has tried cases not only in federal court but also in the common pleas courts and/or orphans courts of Philadelphia, Bucks, Chester, Delaware, Montgomery, Northampton, and York counties. He is also experienced in commercial arbitration proceedings. Mr. Putnam is a fellow of the American College of Trial Lawyers and a member of the American Law Institute.

**J. Nicholas Ranjan, Esq.**

Mr. Ranjan is a partner with the firm of K&L Gates LLP. He has been selected by *Chambers USA* as one of the top litigators in Pennsylvania since 2014. A key part of his practice focuses on appellate matters, and Mr. Ranjan has handled numerous appeals in the federal courts of appeals, including in the Second, Third, Sixth, Seventh, and Ninth Circuits. Mr. Ranjan also serves as a member of the United States Chamber of Commerce Litigation Center, providing advice on amicus curiae involvement to the chamber on state law issues. Before joining the firm, Mr. Ranjan was the Simon Karas Fellow with the Ohio Attorney General solicitor’s office, which was a one-year fellowship in which he assisted in the briefing of major appeals before the Ohio Supreme Court, United States Supreme Court, and Sixth Circuit. Mr. Ranjan also previously served as a law clerk to the Honorable Deborah L. Cook of the United States Court of Appeals for the Sixth Circuit. He received his B.A. summa cum laude from Grove City College, and his J.D. cum laude from the University of Michigan Law School, where he also served as a note editor for the *Michigan Law Review*.

**Jason J. Rawnsley, Esq.**

Mr. Rawnsley is an associate at Richards, Layton & Finger, P.A., where he practices in the firm’s Litigation Department, and focuses on commercial and intellectual property litigation in the Delaware state and federal courts. He is a member of the Delaware Bar Association. Mr. Rawnsley received a B.A. from Villanova University, an M.A. from Bryn Mawr Graduate School of Arts and

Sciences, and a J.D. from Notre Dame Law School, where he served as an article editor on the *Notre Dame Law Review*.

**Mary Catherine Roper, Esq.**

Ms. Roper is the deputy legal director at the ACLU of Pennsylvania, where she coordinates litigation on a broad range of civil liberties issues, including freedom of speech, religious liberty, racial and ethnic justice, equality for lesbians and gay men, students' rights, privacy, prisoners' rights, and police misconduct. Prior to joining the ACLU, she was a partner in the firm of Drinker Biddle and Reath LLP, where she was well known for her commitment to pro bono work. Ms. Roper is a graduate of Bryn Mawr College and the University of Pennsylvania Law School. After law school, she clerked for the Honorable Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and served a year with the Disabilities Law Project as the first recipient of the Philadelphia Bar Foundation Public Interest Fellowship.

**David Rudovsky, Esq.**

Professor Rudovsky has been a partner in the Philadelphia law firm of Kairys, Rudovsky, Messing & Feinberg LLP since its founding in 1971. He specializes in civil rights, civil liberties, and criminal defense litigation. From 1983 to 1987, Professor Rudovsky was first assistant defender at the Defender Association of Philadelphia. He has argued many cases in the Third Circuit, and since 1987 he has continued in his law practice. In addition, Professor Rudovsky has been a senior fellow at the University of Pennsylvania Law School, where he teaches courses in criminal law, criminal procedure, evidence, and civil rights. He has argued two civil liberties cases before the United States Supreme Court, *Forsyth v. Mitchell* (governmental wiretapping) and *City of Canton v. Harris* (municipal liability for failure to properly train police). Professor Rudovsky has written several books regarding criminal procedure and civil liberties, including *Police Misconduct: Law and Litigation* and *The Law of Arrest, Search, and Seizure in Pennsylvania*. He has also published scholarly articles on governmental immunity and the criminal justice system. In 1986, Professor Rudovsky received a MacArthur Fellowship for work in criminal justice and civil liberties.

**Eric A. Schaffer, Esq.**

Mr. Schaffer is a partner practicing bankruptcy and restructuring law at Reed Smith LLP. A past practice group leader of the firm's Commercial Restructuring and Bankruptcy Group, Mr. Schaffer has represented a wide range of parties in reorganizations and insolvency proceedings involving manufacturers, hospitals, retailers, investment banks, miners, shipping companies, sovereign debt issuers, utilities, airlines, municipalities, real estate developers, sports teams, and other businesses. He is a frequent speaker on such topics as corporate trust defaults, cross-border insolvencies, municipal insolvencies, and receivership practice. Mr. Schaffer is a fellow of the American College of Bankruptcy, and he has been recognized by *Chambers USA* as one of America's leading insolvency lawyers since 2004. In addition to his involvement with several civic and cultural organizations, Mr. Schaffer is an aging bicycle racer who claims that he has ridden with the winners of 15 8 Tours de France.

**Deena Jo Schneider, Esq.**

Ms. Schneider is a partner in the Philadelphia office of Schnader Harrison Segal & Lewis LLP. She served as co-chair of her firm's appeals and issues practice group for many years and has experience in virtually every aspect of the appellate process. Her major cases have presented such diverse questions as plaintiffs' burden in proving a pattern or practice of class-wide employment discrimination, the scope of review of a plan administrator's denial of ERISA benefits, when con-

sumer product data may be disclosed by the government or under the FOIA, when pension and severance plans constitute age discrimination, the bases on which an appellate court may enjoin release of attorney-client-privileged documents and recuse a trial judge, the meaning of conditions precedent to suits under trust indentures, the application of statutory debt and other restrictions to municipal financing projects, and how legal arguments must be preserved to assert them on appeal. Ms. Schneider has been a member of the executive board of the American Bar Association's Council of Appellate Lawyers and currently serves as the chair of its Rules Committee, and is also a founding member and on the board of governors of the Bar Association of the Third Federal Circuit, where she serves as co-chair of its Rules Committee. She has been recognized as a Pennsylvania Super Lawyer in appellate law and listed in *The Best Lawyers in America* (including as Appellate Practice Lawyer of the Year in Philadelphia for 2015), *Who's Who* and *Who's Who in American Law*, and *Corporate Counsel's Top Rated Lawyers*. Ms. Schneider received her B.A. from Yale University and her J.D. from Harvard Law School.

### **Elizabeth J. Sher, Esq.**

Ms. Sher is a partner with Day Pitney LLP in Parsippany, New Jersey. She practices in the area of complex commercial litigation, including state and federal appellate matters, prosecution of qui tam litigation, and defense of professional liability, shareholders, securities, and consumer class-action litigation. She currently serves as the treasurer and a trustee of the Association of the Federal Bar, as a member of the Lawyer's Advisory Committee to the United States District Court for the District of New Jersey, as a board member of the Historical Society of the United States District Court for the District of New Jersey, and is a past chair of the New Jersey State Bar Association's Federal Practice and Procedure Section. She received her B.A. from Brandeis University, summa cum laude, and her J.D. from New York University School of Law, cum laude. She clerked on the United States Third Circuit Court of Appeals for the Honorable Leonard I. Garth. Ms. Sher wishes to thank her colleagues Kevin Duffy and Jeffrey Kole for their assistance.

### **Andrew C. Simpson, Esq.**

Mr. Simpson is a small firm practitioner in his own firm, Andrew C. Simpson, P.C., on the island of St. Croix in the U.S. Virgin Islands. He regularly appears before the United States Court of Appeals for the Third Circuit and currently serves on the board of governors for the Third Circuit Bar Association. Mr. Simpson was a speaker on brief-writing tips at the Defense Research Institute's Appellate Practice Seminar in May 2003. He was a presenter at the ABA TECHSHOW in March 2009 and has given presentations on the use of technology in law firms at several of the ABA's annual GP/Solo and Small Firm Conferences. Mr. Simpson is a regular contributor to *GP/Solo*, a monthly magazine published by the ABA's General Practice and Solo Division on subjects ranging from *Daubert* issues to ethics to technology, and serves on the magazine's editorial board for its Technology and Practice Guide editions. He received his B.S. from the U.S. Merchant Marine Academy and his J.D. from Tulane University School of Law.

### **Hon. D. Brooks Smith**

Judge Smith has served on the United States Court of Appeals for the Third Circuit since 2002. He became chief judge of that court on October 1, 2016. Judge Smith also serves as an adjunct professor at the Penn State Law, where he teaches a seminar on class actions. Judge Smith has served by appointment of the chief justice of the United States on the United States Judicial Conference Space and Facilities Committee and is concluding a three-year term as chair. Prior to his elevation to the Third Circuit, Judge Smith was the chief judge of the United States District Court for the Western District of Pennsylvania. He joined the district court in 1988. While on the federal bench, he has participated in various rule of law programs for the judiciary in several Eastern Eu-

ropean Countries. Prior to his appointment to the federal bench, Judge Smith was on the Court of Common Pleas of Blair County, Pennsylvania; district attorney of Blair County, Pennsylvania; and the managing partner in the law firm of Jubelirer, Carothers, Krier, Halpern and Smith.

**Hon. Carl A. Solano**

Judge Solano authored his chapter while a partner in the Philadelphia office of Schnader Harrison Segal & Lewis, LLP, where he chaired his firm's Appellate Practice Group. After authoring his chapter, he was appointed to be a judge on the Superior Court of Pennsylvania, the state's front-line appellate court. Judge Solano has more than 30 years of experience in appellate litigation in state and federal courts throughout the United States, where he has handled appeals in diverse areas of civil, criminal, and administrative law. He is an elected member of the American Law Institute and a fellow of the American Academy of Appellate Lawyers, is recognized in *Best Lawyers of America* in both the fields of appellate practice and media law, and has been included in *Who's Who in America* and *Who's Who in American Law*, as well as in every list of *Pennsylvania Super Lawyers* since its inception. Judge Solano served as chair of the Appellate Advocacy Committee of the Pennsylvania Bar Association and co-chair of the Appellate Courts Committee of the Philadelphia Bar Association, and he is a frequent speaker and seminar participant on issues of appellate practice.

**Paul H. Titus, Esq.**

Mr. Titus is counsel at Schnader Harrison Segal & Lewis LLP, where he represents governmental entities as well as public and private institutions. He is currently a member of the Pennsylvania Bar Association and a former director, executive committee member, and a former chair of the American Judicature Society. He has handled a broad range of litigation in trial and appellate courts, especially complex business matters, including shareholder disputes, securities issues, contract disputes, governmental regulation, and antitrust litigation. He clerked for the Honorable Luther M. Swygert, chief judge of the United States District Court for the Northern District of Indiana. Mr. Titus received his B.A. from St. Bonaventure University and his LL.B. from the University of Notre Dame Law School. Mr. Titus is admitted to practice before the Pennsylvania Supreme Court, the United States Supreme Court, the United States Court of Appeals for the Third Circuit, and the three district courts in Pennsylvania.

**Joseph A. Torregrossa, Esq.**

Mr. Torregrossa is the chief circuit mediator for the United States Court of Appeals for the Third Circuit. Before taking his current position in 1997, Mr. Torregrossa practiced commercial litigation, arbitration, and mediation for over 26 years with the law firm of Morgan, Lewis & Bockius LLP in Philadelphia. He also served as a law clerk in the United States District Court for the Eastern District of Pennsylvania. During his legal career, Mr. Torregrossa has been an active supporter of alternative dispute resolution procedures. He is a frequent lecturer and speaker at CLE programs and law schools on alternative dispute resolution. Mr. Torregrossa received an A.B. degree in 1966 from Villanova University and a J.D. degree in 1969 from Villanova University School of Law.

**Hon. Stella M. Tsai**

Judge Stella M. Tsai was recently appointed by Governor Thomas Wolf to the Philadelphia Court of Common Pleas and assigned to the criminal trial division. Prior to her appointment, Judge Tsai was a business litigation partner in the Philadelphia office of Archer & Greiner P.C., concentrating in regulatory compliance, land use, and ethics. Ms. Tsai reentered private practice after serv-

ing as chair of Administrative Law at the City of Philadelphia Law Department from 2000 to 2003, where she managed the attorneys who represent the child welfare and social service agencies. Judge Tsai earned her B.A. in political science with honors and distinction from the Pennsylvania State University in 1985 and her J.D. from the Pennsylvania State University Law School in 1988.

**William J. Wade, Esq.**

Mr. Wade is the former president and the former chair of the Litigation Department of Richards, Layton & Finger, which is located in Wilmington, Delaware. His practice includes representing local and national clients in Delaware's state and federal courts with an emphasis on various areas of civil litigation, including intellectual property and commercial law matters. Mr. Wade is listed in *Best Lawyers in America* and is among *Benchmark Litigation's* Litigation Stars in Delaware in the areas of commercial litigation and intellectual property. He is a graduate of the University of Delaware and of the University of Pennsylvania Law School.

**Witold J. Walczak, Esq.**

Mr. Walczak joined the ACLU of Pennsylvania in 1991 and became its legal director in 2004. He previously spent five years handling prisoners' rights litigation with the Legal Aid Bureau in Maryland. His nationally significant cases include victories in *Kitzmiller v. Dover Area School District*, the first case challenging the teaching in public schools of "intelligent design" creationism; *Lozano v. Hazleton*, the first case challenging a municipality's attempt to exclude undocumented immigrants from living or working in the city; *Applewhite v. Commonwealth*, which blocked Pennsylvania's voter ID statute before the 2012 election and ultimately resulted in a declaration of unconstitutionality; and *Whitewood v. Wolf*, which overturned Pennsylvania's Defense of Marriage Act and opened the door to marriage equality for gay and lesbian couples. He is a member of the American College of Trial Lawyers and the Academy of Trial Lawyers of Allegheny County. Mr. Walczak was named Federal Lawyer of the Year in the Western District of Pennsylvania (2003) and is the Western Pennsylvania representative to the Third Circuit Court of Appeals Bar Association Board of Governors. He is a graduate of Colgate University and Boston College Law School.

**Marcia M. Waldron, Esq.**

Ms. Waldron has been clerk of court for the United States Court of Appeals for the Third Circuit in Philadelphia, Pennsylvania, since 2000. Previously she was a staff attorney with the United States Court of Appeals for the Third Circuit, 1986–1988; legal assistant to the prothonotary, Commonwealth Court of Pennsylvania, 1988–1989; supervising staff attorney, United States Court of Appeals for the Third Circuit, 1989–1993; and director, Staff Attorneys Office, United States Court of Appeals for the Third Circuit, 1993–2000. Ms. Waldron has advised or participated in numerous committees for the Administrative Office of the United States Courts including the Budget and Finance Advisory Committee, the Federal Appellate Rules Committee, the Ad Hoc Committee on Model Local Rules, and the editorial board of the *Guide to Judiciary Policy*. She was an advisor to the Third Circuit Task Force on Management of Death Penalty Litigation. Ms. Waldron has spoken at many CLE programs, including the Third Circuit Habeas Corpus Workshop and the Pennsylvania Bar Institute's seminar "Representing Asylum Seekers in the Circuit Courts." She was admitted to the Pennsylvania Bar in 1986 and to the Bar of the Third Circuit in 1988. Ms. Waldron earned her B.A. from the University of Pennsylvania, cum laude, her M.A. in history from Villanova University, and her J.D. from the Dickinson School of Law, magna cum laude.

**Kim M. Watterson, Esq.**

Ms. Watterson is the chair of Reed Smith LLP's appellate practice group and a fellow in the American Academy of Appellate lawyers. She handles appeals, writs, and post-trial motions for clients in state and federal courts around the country. She has argued before the United State Court of Appeals for the Second, Third, Fourth, Fifth, Seventh, Eighth, and Eleventh Circuits, and the state appellate courts in Pennsylvania, New Jersey, and California. Ms. Watterson is the principal author of briefs submitted to each of those courts, as well as virtually every other federal circuit court of appeals and other state appellate courts, including those in Arkansas, Florida, Illinois, Louisiana, Michigan, Missouri, New York, North Carolina, Ohio, Texas, and West Virginia. Ms. Watterson's experience encompasses a wide range of substantive issues, including those affecting the financial services and managed-care industries, as well as class actions, complex jurisdictional questions, data privacy, products liability, employment and higher education law, and constitutional issues. Prior to focusing her practice on appellate law, Ms. Watterson gained considerable jury trial and preliminary injunction proceeding experience, which she calls on as she regularly represents clients in appeals after trials. Over the past several years, Ms. Watterson served as lead appellate counsel on significant cases heard by the Supreme Court of Pennsylvania, including several appeals involving managed care, media law, and products liability issues. She has substantial experience with issues arising from the Federal Arbitration Act, including the arbitrability of class actions and class-arbitration waivers. Ms. Watterson also serves as national counsel for a major automotive company, handling cases nationwide involving successor liability issues in strict products liability actions. Ms. Watterson has been listed in *The Best Lawyers in America* since 2008, and was named as *Best Lawyers* Pittsburgh 2015 Lawyer of the Year for appellate law. She also has been selected for inclusion in the *Pennsylvania Super Lawyers* since 2009 and the *Super Lawyers Corporate Counsel* in the 2009 and 2010 editions in appellate law. She was named a 2013 Appellate Star in Pennsylvania for the Third Circuit by *Benchmark Litigation*. Ms. Watterson received her J.D., summa cum laude, from the University of Pittsburgh, where she was ranked first in her class. She also holds an M.A. in political science as well as a B.A. in politics, philosophy, and economics.