

HOWARD M. ERICHSON
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ACADEMIC APPOINTMENTS

Fordham University School of Law, New York, NY, 2008-present

- . Professor of Law, 2008-present
- . Courses Taught: Civil Procedure, Complex Litigation, Legal Process, Professional Responsibility, Torts
- . Honors: Professor of the Year, 2023 & 2012; Distinguished Research Award, 2019
- . Selected Administrative Roles: House Leader, 2019-23; Chair, Assessment Committee 2022-23; Chair, House System, 2018-19; Chair, Adjunct Faculty Committee, 2008-10 & 2016-19; Chair, RTP Scholarship Subcommittee, 2018-20; Chair, Self-Study & ABA Site Visit Committee, 2014-16; Member, Dean Search Committee, 2014-15; Chair, Teaching Committee, 2013-14; Chair, Faculty Hiring Committee, 2011-13; Co-Chair, Faculty Scholarship Committee, 2010-12; Director of Adjunct Faculty, 2008-10 & 2016-19

Seton Hall University School of Law, Newark, NJ, 1995-2008

- . John J. Gibbons Professor of Law, 2007-08; Professor, 2001-07; Associate Professor, 1998-2001; Assistant Professor, 1995-98
- . Professor of the Year, 1998; Professor of the Year Nominee, 1997, 1998, 2001, 2006, 2007; Dean's Fellow, 2004-07; University Faculty Excellence Award, 1998

OTHER EMPLOYMENT

Cleary, Gottlieb, Steen & Hamilton, New York, NY. Litigation Associate, 1992-95.

Chief Judge James L. Oakes, U.S. Court of Appeals, Second Circuit. Law Clerk, 1991-92.

Justice Stewart G. Pollock, Supreme Court of New Jersey. Law Clerk, 1990-91.

The Green Vale School, Glen Head, NY. Humanities Teacher, 1985-87.

EDUCATION

New York University School of Law, J.D., cum laude, 1990

- . Editor-in-Chief, *New York University Law Review*
- . Goodman Memorial Prize for outstanding scholarship and character
- . Weinfeld Prize for distinguished scholarship in civil procedure
- . Rubin Law Review Prize
- . Order of the Coif

Harvard University, A.B., cum laude, Government, 1985

VISITING ACADEMIC APPOINTMENTS

Chuo Law School, Tokyo, Japan. Visiting Professor, April 2010.

- . Lectures on U.S. Litigation Process

Fordham University School of Law, New York, NY. Visiting Professor, 2007-08.

- . Civil Procedure, Complex Litigation

Vanderbilt Law School, Nashville, TN. Visiting Professor, Short Courses.

- . Ethics in Multiparty Litigation (Spring 2007)
- . Problems in Resolving Mass Litigation (Fall 2005)

Columbia Law School, New York, NY. Fensterstock Visiting Professor, Fall 2002.

- . Civil Procedure, Complex Litigation

New York University School of Law, New York, NY. Visiting Scholar, 2001-02.

JUDICIAL AND PROFESSIONAL APPOINTMENTS

American Law Institute, Elected Member, 2005-present

- Adviser, Principles of the Law of Aggregate Litigation, 2004-10; Members Consultative Group, Restatement 3d Torts: Physical Harm, 2006-10, Restatement 3d Consumer Contracts, 2013-17, Restatement 3d Conflict of Laws, 2015-

Association of American Law Schools, Civil Procedure Section

- Chair, 2004; Chair-Elect, 2003; Secretary, 2002; Executive Committee, 2002-05

New Jersey District V(A) Ethics Committee, Member, 2000-04

New Jersey Supreme Court Civil Practice Committee, Member, 2000-08

- Chair, Subcommittee on Protective Orders, 2002-06

Third Circuit Task Force on Selection of Class Counsel, Member, 2001-02

PEER REVIEWS

Aspen Law & Business, Cambridge University Press, Columbia Law Review, Harvard Law Review, NYU Law Review, Oxford University Press, Stanford Law Review, University of Chicago Press, Yale Law Journal

MEDIA APPEARANCES (SELECTED)

Associated Press, Bloomberg, Bloomberg Radio, Die Zeit, Financial Times, Houston Chronicle, Law360, Law.com, National Law Journal, National Public Radio, New York Times, Reuters, Wall Street Journal

PUBLICATIONS

Books

- WRIGHT & MILLER, FEDERAL PRACTICE & PROCEDURE, VOLS. 6 & 7 SUPPLEMENTS (2023)
- CIVIL PROCEDURE (with J. Maria Glover) (Aspen Casebook Series 1st ed. 2021)
- COMPLEX LITIGATION: CASES & MATERIALS ON ADVANCED CIVIL PROCEDURE (with R. Marcus & A. Bradt) (West Academic) (7th ed. 2021)
- COMPLEX LITIGATION: CASES & MATERIALS ON ADVANCED CIVIL PROCEDURE (with R. Marcus & E. Sherman) (West Academic) (5th ed. 2010, 6th ed. 2015)
- INSIDE CIVIL PROCEDURE: WHAT MATTERS AND WHY (Aspen/Wolters Kluwer) (1st ed. 2009, 2nd ed. 2012, 3rd ed. 2017)
- MASS TORT LITIGATION MANUAL, American College of Trial Lawyers (LexisNexis/Matthew Bender 2006) (H. Erichson & A. Fickler, Co-Reporters)

Book Chapter

- Private Lawyers, Public Lawsuits: Plaintiffs' Attorneys in Municipal Gun Litigation, in T. Lytton, ed., *SUING THE GUN INDUSTRY: A BATTLE AT THE CROSSROADS OF GUN CONTROL AND MASS TORTS* (U. of Michigan Press 2005)

Law Review Articles

- Class Action Settlements as Contracts?, 102 *North Carolina L. Rev.* __ (forthcoming 2023) (with E. Leib)
- Case-Linked Jurisdiction and Busybody States, 105 *Minn. L. Rev. Headnotes* 54 (2020) (with J. Goldberg & B. Zipursky)
- Aggregation as Disempowerment, 92 *Notre Dame L. Rev.* 859 (2016)
- The Problem of Settlement Class Actions, 82 *Geo. Wash. L. Rev.* 951 (2014)
- Consent versus Closure, 96 *Cornell L. Rev.* 265 (2011) (with B. Zipursky)
- The Trouble with All-or-Nothing Settlements, 58 *Kansas L. Rev.* 979 (2010)
- CAFA's Impact on Class Action Lawyers, 156 *U. Penn. L. Rev.* 1593 (2008)
- A Typology of Aggregate Settlements, 80 *Notre Dame L. Rev.* 1769 (2005)
- Doing Good, Doing Well, 57 *Vand. L. Rev.* 2087 (2004)
- Beyond the Class Action: Lawyer Loyalty and Client Autonomy in Non-Class Collective Representation, 2003 *U. Chi. Legal F.* 519
- Informal Aggregation: Procedural and Ethical Implications of Coordination among Counsel in Related Lawsuits, 50 *Duke L.J.* 381 (2000)
- Coattail Class Actions: Reflections on Microsoft, Tobacco, and the Mixing of Public and Private Lawyering in Mass Litigation, 34 *U.C. Davis L. Rev.* 1 (2000)
- Mass Tort Litigation and Inquisitorial Justice, 87 *Georgetown L.J.* 1983 (1999)
- Interjurisdictional Preclusion, 96 *Michigan L. Rev.* 945 (1998)

Modern Mass Tort Litigation, Prior-Action Depositions and Practice-Sensitive Procedure, 63 *Fordham L. Rev.* 989 (1995) (with M. Lowenthal)

Shorter Law Review Articles

Victim Civil Litigation and the Elusive Goal of Corporate Accountability, 72 *DePaul L. Rev.* ___ (forthcoming 2023)

The Dark Side of Consensus and Creativity: What Mediators of Mass Disputes Need to Know About Agency Risks, 88 *Fordham L. Rev.* 2155 (2020)

What Is the Difference between a Conclusion and a Fact?, 41 *Cardozo L. Rev.* 899 (2020)

MDL and the Allure of Sidestepping Litigation, 53 *U. Ga. L. Rev.* 1287 (2019)

Searching for Salvageable Ideas in FICALA, 87 *Fordham L. Rev.* 19 (2018)

Settlement in the Absence of Anticipated Adjudication, 85 *Fordham L. Rev.* 2017 (2017)

Judge Jack Weinstein and the Allure of Antiproceduralism, 64 *DePaul L. Rev.* 393 (2015)

The Chevron-Ecuador Dispute, Forum Non Conveniens, and the Problem of Ex Ante Inadequacy, 1 *Stan. J. Complex Litig.* 417 (2013)

The Role of the Judge in Non-Class Settlements, 90 *Wash. U.L. Rev.* 1015 (2013)

Uncertainty and the Advantage of Collective Settlement, 60 *DePaul L. Rev.* 627 (2011)

Mass and Complex Litigation in the United States, 44 *Hikakuho Zasshi: Journal of Comparative Law* 185 (2010) (in Japanese, translated by Hisaei Ito)

Court-Ordered Confidentiality in Discovery, 81 *Chi.-Kent L. Rev.* 357 (2006)

Mississippi Class Actions and the Inevitability of Mass Aggregate Litigation, 24 *Miss. Coll. L. Rev.* 285 (2005)

Comments on a Class Action Rule for Mississippi, 24 *Miss. Coll. L. Rev.* 309 (2005)

The End of the Defendant Advantage in Tobacco Litigation, 26 *Wm. & Mary Envtl. L. & Pol'y Rev.* 123 (2001)

Of Horror Stories and Happy Endings: The Rise and Fall of Preclusion-Based Compulsory Party Joinder under the New Jersey Entire Controversy Doctrine, 9 *Seton Hall Const. L.J.* 757 (1999)

Cost-Conscious Alternatives to Massive United States Discovery, 23 *Kokusai Shōji Hōmu: Journal of the Japanese Inst. of Int'l Bus. L.* 1225 (1995) (with G. Grumbach) (in Japanese)

Note, Nationwide Personal Jurisdiction in all Federal Question Cases: A New Rule 4, 64 *N.Y.U. L. Rev.* 1117 (1989)

Other Publications

How to Exaggerate the Size of Your Class Action Settlement, *Cal. Daily Journal* (Nov. 8, 2017)

What MDL and Class Actions Have in Common: A Response to Burch, Monopolies in Multidistrict Litigation, 70 *Vand. L. Rev. En Banc* 29 (2017)

Op-ed, New Republican Bill Would Gut Class Actions, Not Improve Them, *TheHill.com* (Feb. 20, 2017)

Op-ed, Beware the Settlement Class Action, *California Daily Journal* (Nov. 24, 2014)

Why the Supreme Court Should Give the Easy Answer to an Easy Question: A Response to Professors Childress, Neuborne, Sherry & Silberman, 66 *Vand. L. Rev. En Banc* 179 (2013)

The Home-State Test for General Personal Jurisdiction, 66 *Vand. L. Rev. En Banc* 81 (2013)

Foreword: Lawyering for Groups, 81 *Fordham L. Rev.* 3039 (2013) (with B. Zipursky)

Debate: The Future of Mass Torts, 159 *U. Penn. L. Rev. PENNumbra* 231 (2011) (with S. Campos)

Foreword: Civil Procedure and the Legal Profession, 79 *Fordham L. Rev.* 1827 (2011)

Foreword: Reflections on the Adjudication-Settlement Divide, 78 *Fordham L. Rev.* 1117 (2009)

Public and Private Law Perspectives: Transcript of Professor Howard Erichson, 37 *Sw. L. Rev.* 665 (2008)

Getting Students Onboard, in S. Friedland & G. Hess, eds., *Teaching the Law School Curriculum* (Carolina Academic Press 2004)

Foreword: Multidistrict Litigation and Aggregation Alternatives, 31 *Seton Hall L. Rev.* 877 (2001)

A Tribute to Justice Stewart G. Pollock, 30 *Seton Hall L. Rev.* 430 (2000)

A Hero of Moderate Proportions, 74 *N.Y.U. L. Rev.* 1217 (1999)

Taking a Closer Look: Justices Reaffirm Need for Judicial Scrutiny of Mass Tort Settlement Class Actions, *Legal Times* (Aug. 16, 1999).

Driving Full Circle: How New Jersey Navigated the Entire Controversy Doctrine, 156 *N.J.L.J.* 221 (April 19, 1999)

Strengthening Ethics in a Million-Lawyer World, *Nat'l L.J.* (Aug. 3, 1998), at A24

Enough is Enough: Solving the Problem of Punitive Overkill in Multiple-Plaintiff Litigation, 152 *N.J.L.J.* 246 (April 20, 1998)

Dealing with Issue Preclusion in Complex Cases, 148 *N.J.L.J.* 204 (April 21, 1997)

Blog

Co-Editor, Mass Tort Litigation Blog, http://lawprofessors.typepad.com/mass_tort_litigation

Amicus Brief

Taylor v. Sturgell, U.S. Supreme Court 07-371, Brief of Civil Procedure and Complex Litigation Professors as *Amici Curiae* in Support of Petitioner (Feb. 26, 2008) (with D. Shapiro & J. Leubsdorf)

SELECTED PRESENTATIONS

Innovations in Resolution and Settlement, Moderator, Texas Law Review Symposium on Judicial Management of MDL (Jan. 28, 2023)

Class Action Settlements as Contracts?

- Chicago-Kent Law School Faculty Workshop (forthcoming Feb. 7, 2023)
- Fordham Law School Faculty Workshop (Sept. 1, 2022)

Tutela di Classe: Gli Approdi Statunitensi (Class Actions: The U.S. Experience), Milan Bar Ass'n online lecture (June 18, 2022)

The Challenge of Holding Corporations Accountable through Civil Litigation, Clifford Symposium on Tort Law & Public Policy, DePaul Law School, Chicago (June 2, 2022)

Civil Procedure, Student Engagement, & the Pursuit of Justice, Aspen Webinar Series (March 8, 2022)

What Is the Difference between a Conclusion and a Fact?

- Civil Procedure Unavailability Workshop (Sept. 1, 2020)
- Cardozo Law School Symposium, *Ten Years After Iqbal* (Mar. 15, 2019)

If Multidistrict Litigation is the New Normal, Do Lawyers Need New Rules?, Cardozo Law School (Feb. 13, 2020)

Access to Justice in Mass Disputes: Mediation as Opportunity and Threat, Fordham Law School (Nov. 1, 2019)

MDL at 50: The Allure of Sidestepping Litigation, University of Georgia Law School (Feb. 12, 2019)

Civil Litigation Reform in the Trump Era, Fordham Law School (Feb. 28, 2018)

Class Action Reform, Moderator, Fordham Law School American Constitution Society (Nov. 1, 2017)

Kuriansky Conference on Judaic & Middle Eastern Studies, Moderator, University of Connecticut, Stamford (Oct. 18, 2017)

Multi-District Litigation Roundtable, George Washington Law School (Apr. 28, 2017)

Fairness in Class Action Litigation Act, Federalist Society Teleforum (March 31, 2017)

Do People Get Their Day in Court?, Fordham Law School (Mar. 6, 2017)

Who is Representing the Plaintiff?: Ethical and Logistical Challenges to Multi-Plaintiff Litigation in the MDL Program, Panelist, ABA Environmental & Energy, Mass Torts, and Products Liability Litigation Committees Joint CLE Seminar, Squaw Valley, CA (Jan. 28, 2017)

Settlement in the Absence of Anticipated Adjudication, Colloquium on Civil Litigation Ethics in a Time of Vanishing Trials, Fordham Law School (Oct. 21, 2016)

Aggregation as Disempowerment

- Colloquium on Complex Litigation, University of Texas Law School (Nov. 5, 2019)
- ALI Conference on the Future of Aggregate Litigation, NYU Law School (Apr. 12, 2016)
- Fordham Law Faculty Workshop (Jan. 21, 2016)

Class Action Ethics in Antitrust Cases, American Antitrust Institute, Washington (Nov. 18, 2015)

The Aggregate Settlement Rule, ALI Annual Meeting Ethics Panel, Washington (May 17, 2015)

Judge Jack Weinstein and the Allure of Anti-Proceduralism

- Fordham Law Scholarship Retreat (May 12, 2014)
- Clifford Symposium, DePaul Law School, Chicago (April 24, 2014)

Ethical Implications of the Supreme Court's Recent Class Action Decisions, Institute for Law & Economic Policy Symposium, Boca Raton, FL (luncheon speaker) (April 4, 2014)

The Problem of Settlement Class Actions

- Legal Ethics Shmooze, Fordham Law School (June 18, 2013)
- Fordham Law Scholarship Retreat (May 22, 2013)
- Seton Hall Law Faculty Workshop (April 11, 2013)
- George Washington Law School Symposium on Class Actions (March 8, 2013)

Mass Torts as Quasi Class Actions: The Role of Judicial Oversight, ABA National Conference on Professional Responsibility, San Antonio, TX (May 30, 2013)

Forum Non Conveniens & the Problem of Ex Ante Inadequacy, Lessons from Chevron Symposium, Stanford Law School (Feb. 8, 2013)

Lawyering for Groups: Civil Rights, Mass Torts & Everything in Between, Fordham Law School (Nov. 30, 2012)

Compensation Funds, Class Settlements, & Non-Class Settlements for Resolving Mass Disaster Litigation, AALS Workshop on Torts, Environment & Disaster, Berkeley, CA (June 9, 2012)

Ethical Issues in Aggregate Settlements, Institute for Law & Economic Policy, Symposium on the Future of Class Actions, Puerto Rico (luncheon speaker) (April 27, 2012)

The Role of the Court in Aggregate Litigation, ILEP Symposium, Puerto Rico (April 27, 2012)

Outsourcing Settlement, University of Georgia Scholarship Colloquium (Feb. 13, 2012)

Loyalty in Civil Rights Litigation, NAACP LDF Civil Rights Institute, Airlie, VA (Oct. 6, 2011) (with R. Lenhardt)

Navigating the Perils of Aggregate Settlements, AAJ Annual Convention (July 11, 2011)

Symposium on Actuarial Litigation, University of Connecticut (April 15, 2011)

Procedural Options for Mass Dispute Resolution in the U.S., University of Windsor Class Actions Conference, Windsor, Canada (March 29, 2011)

Ethical Considerations in Mass Tort Settlements, National Law Journal/Fordham Roundtable Series, New Orleans (Nov. 12, 2010) (with B. Zipursky)

Clients, Causes & Conflicts: Legal Ethics for the Cause Lawyer, NAACP LDF Civil Rights Institute, Airlie, VA (Oct. 8, 2010) (with B. Zipursky)

The Hardest Case: Amchem Products v. Windsor, AALS Civil Procedure Workshop, New York (June 11, 2010)

Mass & Complex Litigation in the U.S., Institute of Comparative Law, Chuo Law School, Tokyo (April 17, 2010)

Uncertainty & the Advantage of Collective Settlement, Clifford Symposium, DePaul Law School (April 8, 2010)

Consent versus Closure

- Critical Perspectives on Aggregate Litigation, George Washington Law School (March 12, 2010)
- Fordham Law Faculty Workshop (Feb. 11, 2010) (with B. Zipursky)

The Trouble with All-or-Nothing Settlements, Kansas Law Review Symposium on Aggregate Litigation since *Ortiz & Amchem* (Oct. 30, 2009)

Mass Settlements, Legal Ethics, & the Problem of Forced Consent, Houston Law School Litigation Colloquium (April 9, 2009)

Against Settlement: Twenty-Five Years Later, Fordham Law Review Symposium (April 3, 2009)

Complex Litigation, Federal Judicial Center Workshop for Fourth Circuit Judges, Baltimore (March 10, 2009)

Mass Settlement Contracts with Plaintiffs' Law Firms, Vanderbilt Law School (Jan. 30, 2009)

Ethical Considerations of Creative Mass Tort Settlements, ACI Drug & Medical Device Litigation Conference (Dec. 11, 2008)

Toxicology & the Trial & Settlement of Mass Torts, Symposium on the Toxicology-Legal Interface, Duke University (Sept. 26, 2008)

Cause Lawyering as Collective Representation, Legal Ethics Shmooze, Fordham Law School (June 3, 2008)

CAFA's Impact on Class Action Lawyers

- Fordham Law Faculty Workshop (Jan. 31, 2008)
- University of Pennsylvania Law Review Symposium, Philadelphia (Dec. 1, 2007)

Rule Reform & Mass Tort Litigation, Kentucky Supreme Court Mass Tort & Class Action Litigation Committee, Frankfort, KY (Jan. 24, 2008)

Public & Private Law Perspectives on Asbestos Litigation, Southwestern Law School Symposium, Los Angeles (Jan. 18, 2008)

The Ethics of Aggregate Settlements, ABA Conference on Professional Responsibility, Chicago (May 31, 2007)

Roscoe Pound, Popular Dissatisfaction, & Modern Mass Litigation, Hamline University Law School, St. Paul, MN (April 13, 2007)

Ethical Constraints in Complex Litigation, Fourth National In-House Counsel Conference on Managing Complex Litigation, New York (Feb. 6, 2007)

Policing Ethics in Class Actions, AALS Annual Meeting, Washington (Jan. 6, 2007)

Settlement as Aggregation, Fordham Law Faculty Workshop (Dec. 14, 2006)

Mississippi Class Actions & the Inevitability of Mass Aggregate Litigation

- Vanderbilt Law School Faculty Workshop (Oct. 25, 2005)
- Symposium on Class Actions, Mississippi College of Law (Feb. 18, 2005)

Secrecy in Litigation, AALS Annual Meeting, San Francisco (Jan. 8, 2005)

A Typology of Aggregate Settlements

- Vanderbilt Law School Faculty Workshop (Oct. 7, 2004)
- Brooklyn/Cardozo Mass Torts Workshop (April 21, 2004)
- AALS Conference on Torts & Civil Procedure, New York (June 18, 2003)

Ethical Pitfalls in Aggregate Settlements, Federation of Defense & Corporate Counsel Symposium, Milwaukee (Sept. 10, 2004)

Doing Good, Doing Well, Symposium on Lawyers as Activists, Vanderbilt Law School (March 19, 2004)

Beyond the Class Action: Lawyer Loyalty & Client Autonomy in Non-Class Collective Representation

- Seton Hall Faculty Scholarship Retreat (Jan. 25, 2003)
- Columbia Law School Faculty Workshop (Nov. 14, 2002)
- University of Chicago Legal Forum (Nov. 1, 2002)

Symposium on Multidistrict Litigation, Seton Hall Law School (March 30, 2001)

The Tobacco Litigation & the Future of Mass Tort Procedure, Symposium on Toxic Torts, William & Mary Law School (March 23, 2001)