CURRICULUM VITAE

FRANCIS E. MCGOVERN

CONTACT INFORMATION

Duke University School of Law 210 Science Drive Box 90362, Durham, NC 27708 Tel: 919.613.7095 Fax: 919.613.7165

Assistant Tel: 919.613.8525 mcgovern@law.duke.edu

EDUCATION

B.A., 1967, Yale University J.D., 1973, University of Virginia

MILITARY

U.S. Marine Corps, Captain, 1968-1971

EMPLOYMENT

Professor of Law, Duke University School of Law, 1997-present

Visiting Professor of Law (Spring), University of California at Berkeley School of Law, 2000–2011 Senior Fellow, Stanford Center on Conflict and Negotiation, Stanford Law School, 2000-present Visiting Scholar, Harvard Law School, 2005

Visiting Professor of Law, Stanford Law School, 1999-2000

Francis H. Hare Professor of Torts, 1987-1996, Professor of Law, 1985-1987, The University of Alabama School of Law

Visiting Professor of Law, University of Fribourg (Switzerland), 1990-1991

Visiting Professor, Duke University School of Law, 1989

Senior Associate and Research Fellow, Project on Negotiation, Harvard Law School, 1985-1987

Visiting Professor, Massachusetts Institute of Technology, 1984-1985

Visiting Professor of Law, Boston University School of Law, 1983-1985

Professor of Public Health Law, University of Alabama-Birmingham, 1979-1990

Professor of Law, 1980-1984, Associate Dean, 1980-1982, Assistant Dean, 1978-1979, Associate Professor of Law, 1977-1980, Cumberland School of Law, Birmingham, Alabama

Attorney, Vinson & Elkins, Houston, Texas, 1973-1977

BAR ASSOCIATIONS

Texas; Alabama; District of Columbia; Virginia

AWARDS AND HONORS

- Outstanding Achievement Award, CPR Legal Program Awards for Excellence and Innovation in Alternative Dispute Resolution, 1986
- First Prize Articles, CPR Legal Program Awards for Excellence and Innovation in Alternative Dispute Resolution, 1986
- Lifetime Achievement Award, American College of Civil Trial Mediators, 2002
- Distinguished Lecturer, University of Tennessee Law School, 2002
- Schwartz Lecturer, Ohio State University, Moritz College of Law, 2003
- · Tar Heel Award, Raleigh News and Observer, 2004
- · Honorary Degree, Doctor of Laws, 2005, Averett University
- Named Honoree, Francis E. McGovern Scholarship Award, Academy of Court Appointed Masters, 2010
- Leadership Award, National Center for Victims of Crime, 2010
- International Who's Who of Commercial Mediation, 2011
- Honorary Degree, Doctor of Laws, Dominican University (California), 2011

ADVISORY AND OTHER POSITIONS AND MEMBERSHIPS

Academy of Court-Appointed Masters

President

Member, Board of Directors

American Arbitration Association

Member, Executive Committee

Member, Board of Directors

Advisor, Mass Torts Project

American Bar Association

Member, Mass Torts Commission

Member, Council, Torts and Insurance Practice Section

Chairman, Committee on Professional Issues, Torts and Insurance Practice Section

Member, Task Forces on Initiatives and Referenda and Litigation Expense, Torts and Insurance Practice Section

Reporter, Special Committee on Punitive Damages, Litigation Section

Advisor, Catastrophe Committee, Litigation Section

American Law Institute

Member

Advisor, Complex Litigation Project

Averett University

Vice Chairman, Board of Trustees

Chairman, Academic Affairs Committee

Brookings Institute

Member, Working Group on Civil Justice Reform

Carnegie Commission

Member, Task Force on Science and Technology in Judicial and Regulatory Decision Making

Celotex Asbestos Settlement Trust

Trustee

Center for Public Resources

Academic Sustaining Member and Consultant

Member, Judicial Panel

Conference of Chief Justices

Advisor, Mass Tort Litigation Committee

Consensus Building Institute

Board Member

Federal Judicial Center

Consultant, Asbestos Litigation Seminars

Fibreboard Asbestos Compensation Trust

Trustee

International Centre for Dispute Resolution

Member, Neutral Arbitrator Panel

Judicial Conference of the United States

Advisor, Working Group on Mass Torts

Judicial Panel on Multi-District Litigation

Reporter, JPMDL Study Project

Manual for Complex Litigation 2d

Technical Advisor, Board of Editors

National Mock Trial Championship Team

Advisor

National Center for State Courts

Senior Advisor

U.S. Judicial Conference

Reporter, Court Administration and Case Management Committee

Virginia Bar Association

Member, Special Issues Committee

SPECIAL MASTER, COURT EXPERT, MEDIATOR, or NEUTRAL

A.H. Robins Bankruptcy, Richmond, Virginia

Abate v. ACandS, Inc., Baltimore, Maryland

Abrams v. GAF, Pascagoula, Mississippi

Agabekov v. Lucifer Lighting Co., New York, New York, and Geneva, Switzerland

Ahearn v. Fibreboard, Tyler, Texas

A.L.U. Textile v. Texaco Chemical, Passaic, New Jersey

Amatex Bankruptcy, Philadelphia, Pennsylvania

ASG, Washington, DC

Baron v. Budd, Dallas, Texas

Blue Cross/Blue Shield of Mississippi, Inc. v. Louisiana Health Service and Indemnity Company, Baton Rouge, Louisiana

Celotex Bankruptcy, Tampa, Florida

Chickasaw and Choctaw Nations of Oklahoma v. Mary Fallin, Oklahoma City, Oklahoma

Cichon et al. v. Viasys Holdings, Chicago, Illinois

City of San Antonio, San Antonio, Texas v. Hotels.com et al.

Clean Water Act Regulatory Negotiation, Boise, Idaho

Coffey v. Freeport Mc-Moran, Blackwell, Oklahoma

Combustion Engineering Bankruptcy, Wilmington, Delaware

Dow Chemical v. Firemen's Fund, Bay City, Michigan

Dow Corning Bankruptcy, Bay City, Michigan

Dresser Bankruptcy, Pittsburgh, Pennsylvania

Federal-Mogul Bankruptcy, Wilmington, Delaware

Georgia Hensley, et al. v. Computer Sciences Corporation et al., Texarkana, Arkansas

Gibbs v. Lobit, Houston, Texas

Global Research Analyst Settlement Distribution Fund, New York, New York

Gray, et al. v. Derderian, et al., Providence, Rhode Island

Hobbs, et al. v. Burlington Northern Santa Fe Railroad Co., Libby, Montana

Idaho/Nez Perce/EPA Clean Water Act Regulatory Negotiation, Boise, Idaho

In re: Babcock & Wilcox Bankruptcy, New Orleans, Louisiana

In re: Bluegrass Crop Residue Dispute Process, Coeur d'Alene, Idaho

In re: ConAgra Peanut Butter Litigation, Atlanta, Georgia

In re: Currency Conversion Fee Antitrust Litigation, New York, New York

In re: Gray's Lake, Boise, Idaho

In re: N. Ray, Hipps Road, Jacksonville, Florida

In re: Ohio Asbestos Litigation, Cleveland, Ohio

In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010,

New Orleans, Louisiana

In re: Passaic Fire Litigation, Newark, New Jersey

In re: Pharmaceutical Industry Average Wholesale Price Litigation, Boston, Massachusetts

In re: Phenylpropanolamine (PPA) Products Liability Litigation, Seattle, Washington

In re: Silicone Gel Breast Implants, Birmingham, Alabama

In re: WTC Properties, New York, New York

In the Matter of American Skandia Investment Services, Inc., Chicago, Illinois

In the Matter of Bank of America Securities, LLC, Washington, DC

In the Matter of Bear, Stearns & Co., Inc., and Bear, Stearns Securities Corp., Washington, DC

In the Matter of Citibank Global Markets, New York, New York

In the Matter of Prudential Equity Group, Boston, Massachusetts

Jenkins v. Raymark, Marshall, Texas

Kauai Ka Lock Dam Litigation, Kauai, Hawaii

Kinder Morgan, Inc. v. Associated Electric & Gas Insurance Services Limited, Houston, Texas

Kimberly-Clark v. Cardinal, Atlanta, Georgia

Linscomb v. Pittsburgh-Corning, Beaumont, Texas

Manville Bankruptcy, New York, New York

MCC Bankruptcy, Wilmington, Delaware

National Gypsum Bankruptcy, Dallas, Texas

Newman v. Stringfellow, Riverside, California

Nez Perce Tribe & Idaho Power Co., Boise, Idaho

Owens Corning Bankruptcy, Wilmington, Delaware

Patrick v. Allen, New York, New York

Plaintiffs v. Allstate Insurance Company, New Orleans, Louisiana

Plaintiffs v. State Farm Fire and Casualty Company, New Orleans, Louisiana

PSI of Indiana v. Exxon, Indianapolis, Indiana

Scott v. Cardinal et al., Winston-Salem, North Carolina

Securities and Exchange Commission v. Health South Corporation, Birmingham, Alabama

Smith v. Hughes Aircraft, Tucson, Arizona

Snake River Basin Adjudication, Twin Falls, Idaho

Tilousi v. Arizona Board of Regents, Phoenix, Arizona

Tribes and CFI Partnership, Milwaukee, Wisconsin

UNR Bankruptcy, Chicago, Illinois

Underwriters at Lloyd's v. McDermott, New Orleans, Louisiana

United Nations Compensation Commission, Geneva, Switzerland

United States of America ex rel. Harold (Gene) Wright v. Agip Petroleum, et al., Texarkana, Texas

United States v. Michigan, Kalamazoo, Michigan

United States v. Thomas Solvent Company, Battle Creek, Michigan

Upjohn v. Aetna, Kalamazoo, Michigan

Valenzuela v. Hughes Aircraft Company, Tucson, Arizona

W.R. Grace Bankruptcy, Wilmington, Delaware

Wilhoite v. Olin Corporation, Birmingham, Alabama

Woodman v. United States, Jacksonville, Florida

Young v. Pierce, Tyler, Texas

BOOKS

- The Preparation of a Product Liability Case, with Scott Baldwin and Francis Hare, Jr., Little, Brown and Company (1981 and 2d ed. 1993)
- Successful Litigation Techniques: Student Edition, with Joseph Kelner, Matthew Bender and Company (1981)

ARTICLES

- "Multidistrict Litigation No. 2179," 58 LSU Mineral Law Institute 13 (2011).
- "Punitive Damages and Class Actions," 70 Louisiana Law Review 435 (2010).
- "Distribution of Funds in Class Actions Claims Administration," 35 Journal of Corporation Law 123 (2009).
- "Dispute Systems Design: The United Nations Compensation Commission," 14 Harvard Negotiation Law Review 171 (2009).
- "Les Limites de la reparation du prejudice," Contributor, Dalloz (2009).
- "Second-Generation Dispute system Design Issues in Managing Settlements," 24 Ohio State Journal on Dispute Resolution 53 (2008).
- "A Model State Mass Tort Settlement Statute," 80 Tulane Law Review 1809 (2006).
- "The Evolution of Asbestos Bankruptcy Trust Distribution Plans," 62 New York University Annual Survey of American Law 163 (2006).
- "A Proposed Settlement Rule for Mass Torts," 74 UMKC Law Review 623 (2006).
- "A Model Mass Tort: The PPA Experience," 54 Drake Law Review 621 (2006).
- "Mediation of the Snake River Basin Adjudication," 42 Idaho Law Review 547 (2006).
- "Challenges Faced by Courts in Chapter 11 Filings by Companies with Asbestos Liabilities," 24 Delaware Lawyer 18 (2006).
- "Evaluation et Egalisation des Dommages pour Blessures Pesonnelles aux Etat-Unis," (Cour de Cessataions L'edition in-situ du Cycle sur DVD-ROM (2006).
- "Strategic Mediation in Transboundary Water Large Lawsuits," Conference Proceedings Publication, "Transboundary Waters: Crossing Cultural Boundaries," The Utton Center, Univ. of New Mexico Law School, Albuquerque, NM (2005).
- "Procedural Difficulties and Innovations in Asbestos Litigations," International Comparison of Asbestos Litigation, Univ. of Kyoto (Japan) Graduate School of Law (2005).
- "Common Themes and Unintended Consequences in Class Action Reform," 83 Washington University Law Quarterly 1107 (2005).
- "The What and Why of Claims Resolution Facilities," 57 Stanford Law Review 1361 (2005).
- "Compensation Schemes and Dispute Resolution Mechanisms: Beyond the Obvious," 21 Negotiation Journal 231 (2005).
- "The Future of Judicial Masters," 31 William Mitchell Law Review 1252 (2005).
- "Judicial Ethics Meet Political Reality," The Bencher, American Inns of Court (Nov-Dec 2004).

- "Asbestos Legislation II: Section 524(g) Without Bankruptcy," 31 Pepperdine Law Review, 233-260 (2004).
- "Asbestos Legislation I: A Defined Contribution Plan," 71 Tennessee Law Review 155 (2003).
- "Deceptive Trade Practices Litigation: Context and Procedural Standards," Manhattan Institute Conference Series (October 2003).
- "Mass Torts: Lessons in Competing Strategies and Unintended Consequences," 2 Civil Action (2003).
- "Litigation as an Alternative to Legislation in Achieving Public Health Reform," XXIII La Revue Tocqueville (2002).
- "Multiparty Disputes: Managing Variables Key to Successful Arbitration," 9 Dispute Resolution Magazine 3-4 (Fall 2002).
- "The Tragedy of the Asbestos Commons," 88 Virginia Law Review 1721 (2002).
- "Settlement of Mass Torts in a Federal System," 16 Wake Forest Law Review 102 (2002).
- "Foreword: Complex Litigation at the Millennium," Special Editor, 64 Law & Contemporary Problems I (Spring/Summer 2001).
- "Toward a Cooperative Strategy for Federal and State Judges in Mass Tort Litigation," 148 Pennsylvania Law Review 1867 (2000).
- "Class Actions and Social Issue Torts in the Gulf South," 74 Tulane Law Review 1655 (2000).
- "Strategic Mediation," Disp. Resol. Mag. (Summer 1999), at 4.
- "Beyond Efficiency: A Bevy of ADR justifications," Dispute Resolution Magazine (Summer 1997), 12.
- "The Defensive Use of Federal Class Actions in Mass Torts", 39 Arizona Law Review 595 (1997).
- "Rethinking Cooperation among Judges in Mass Tort Litigation," 44 UCLA Law Review 1851 (1997).
- Book Review, 95 Michigan Law Review 2077 (1997) [reviewing Jack B. Weinstein, Individual Justice in Mass Tort Litigation (1996) and Michael D. Green, Bendectin and Birth Defects: The Challenges of Mass Toxic Substances Litigation (1996)].
- "Implementing a Taint Test to Address the Problems Raised by Compelled Disclosure," 59 Law & Contemporary Problems 185 (1996).
- "An Analysis of Mass Torts for Judges," 73 Texas Law Review 1821 (1995).
- "Looking to the Future of Mass Torts: A Comment on Siliciano and Schuck," 80 Cornell Law Review 1022 (1995).
- "The Intellectual Heritage of Claims Processing at the United Nations Compensation Commission," in *The United Nations Compensation Commission: Thirteenth Sokol Colloquium* (Richard B. Lillich ed., 1995).
- "Introduction: Models for Managing Mass Tort and Insurance Coverage Litigation," in *Managing Complex Litigation: Procedures and Strategies for Lawyers and Courts*, American Bar Association (1992).
- "Lessons from U.S. Alternative Dispute Resolution," La médiation: un mode alternatif de résolution des conflits?, Schulthess Polygraphischer Verlag, Zürich (1992).
- "Models for Managing Mass Tort and Insurance Coverage Litigation," in Managing Modern Litigation: Learning to Live With New Judicial Controls and New Trial Tools, American Bar Association (1991).
- "The Cycle of Mass Tort Litigation," Yale Law School Program in Civil Liability (1990).

- "The Alabama DDT Settlement Fund," 53 Law & Contemporary Problems 61 (1990).
- "Foreword: Claims Resolution Facilities and the Mass Settlement of Mass Torts," 53 Law & Contemporary Problems 1 (1990).
- "An Overview of Specialized Applications of ADR" in *Handbook of Alternative Dispute Resolution*, State Bar of Texas (1990).
- "Resolving Mature Mass Tort Litigation," 69 Boston University Law Review 659 (1989).
- "The Discovery Survey," with E. Allan Lind, 51 Law & Contemporary Problems 51 (1988).
- "Moving the Pig Through the Python Multiple Approaches to Resolving Case Management Problems in Toxic Tort Litigation," in SMU Products Liability Institute, Matthew Bender and Company (1988).
- "Use of Masters and Magistrates in Complex Litigation," in ADR and the Courts: A Manual for Judges and Lawyers, Butterworth (1987).
- "Court Appointed Experts: An Overview," in ADR and the Courts: A Manual for Judges and Lawyers, Butterworth (1987).
- "Toward a Functional Approach for Managing Complex Litigation," 53 Chicago Law Review 440 (1986).
- "Managing Complex Litigation Old and New Devices and Techniques," in SMU Products Liability Institute: Evidence and Tactics in the Product Liability Case, Matthew Bender and Company (1984).
- Book Review, 4 Environmental Impact Assessment Review 597 (1983) [reviewing James K. Sebenius, Negotiating the Law of the Sea: Lessons in the Art and Science of Reaching Agreement (1984)].
- "The Organization of Multiple Party Litigation: Class Actions and Multidistrict Litigation," in SMU Products Liability Institute, Matthew Bender and Company (1983).
- "Management of Multiparty Toxic Tort Litigation: Case Law and Trends Affecting Case Management," 19 Forum 1 (1983).
- "Toxic Substances Litigation in the Fourth Circuit," 16 Richmond Law Review 247 (1982).
- "The Alabama Extended Manufacturer's Liability Doctrine," Alabama Pattern Jury Instructions Civil, Lawyers Co-operative Publishing Company (1982).
- "The Variety, Policy and Constitutionality of Product Liability Statutes of Repose," 30 American University Law Review 579 (1981).
- "The Status of Statutes of Limitations and Statutes of Repose in Product Liability Actions: Present and Future," 16 Forum 416 (1981).

SELECTED SPEECHES

A.A. White Foundation Alternative Dispute Resolution Program

Academy of Court-Appointed Masters Programs

Aetna Alternative Dispute Resolution Program

Alabama Bar Institute for Continuing Legal Education Programs

Alabama Judicial College Programs

American Arbitration Association Programs

American Association of Law Schools Annual Meetings and Torts Workshop

American Bankruptcy Institute Programs

American Bar Association Annual Meetings, Mid-Winter Meetings and Special Programs

American College of Civil Trial Mediators Annual Meeting

American College of Trial Lawyers Annual Meeting

American Enterprise Institute Programs

American Law Institute - American Bar Association Programs

American Society of International Law Regional Meeting

American Society of Plastic and Reconstructive Surgeons Annual Meeting

Andrews Publications Seminars

Anglo-American Exchange Program

Association of Analytic Chemists Annual Meeting

Association of the Bar of the City of New York Programs

Association of Trial Lawyers of America Annual Meetings and National Colleges

Bank Depository User Group Annual Seminar

Bernstein, Litowitz Forum

Boston University Law School Programs

Canadian - American Exchange Program

Center for Public Resources (CPR) Conferences and Annual Meetings

Columbia University Seminar on Toxic Substances Litigation

Conference of State Supreme Court Chief Justices Annual Meetings

Consensus Building Institute Programs

Conservation Foundation Annual Meeting

Cornell Law School Seminar

Cour de Cassation Seminars

Dallas Bar Association Program

Delaware Judges Association Annual Meetings

Dikemes College Year in Athens Seminar

Duke Judging Science Programs

Duke University Fugua School of Business

Federal Judicial Center National Programs, Seminars, and Special Programs

Federalist Society Programs

Fiduciary & Investment Risk Management Association Programs

The Ford Foundation National Conference for Judges and Masters Involved in Western General Stream Adjudications

Fordham Law Review National Symposium on Civil Justice Issues

Fox Leadership Program, University of Pennsylvania

Georgetown University Medical and Law Centers Program for Science and Law

General Motors Corporation Legal Seminars

Harris-Martin Asbestos Conference

Harvard Law School, Program on Negotiation Programs

HB Insurance Insolvency & Reinsurance Roundtable

IACC/CAIL/ALI-ABA India Conference

Idaho Water Users Associates Conference

Inner Circle of Advocates

Institute des Hautes Études Sur La Justice Judicial Seminars and Programs

Institute for Law & Economic Policy Programs

Institute Suisse de Droit Comparé Mediation Seminar

International Bar Association Annual Meeting

International Center for Hellenic and Mediterranean Studies

International Conference on Iraq-Kuwait War

Johnson & Johnson DePuy Hip Implant Litigation Conference

Judicial Arbitration and Mediation Service Annual Programs

Law and Society Annual Meetings

Louisiana State Bar Association Annual Meeting and Programs

Louisiana State University Law Review Symposia

Manhattan Institute Conference Series

Massachusetts Institute of Technology Ocean Conflict Resolution Conference

McCammon Group Program

Mealey's Asbestos Conferences

Montenegro Law Program

National Academy of Sciences Programs

National Association of Women Judges Annual Meeting

National Center for Victims of Crime

National Conference of Local Defense Associations Annual Meeting

National Conference on Dispute Resolution and the State Courts

National Conference on the Future of the Courts

National Conference on Mass Torts

National Institute for Dispute Resolution Board Meeting

National Judicial College Programs

New York University Law School Programs and Seminars

North Carolina Bar Association Dispute Resolution Program

Northwestern School of Law Dispute Resolution Institute

Ohio State Law School Programs

Oxford University Seminar on Globalization of Class Actions

Pennsylvania Judges Association Annual Meeting

Pepperdine Law School Programs

Practicing Law Institute Programs

Product Liability Advisory Council Program

Program on Distribution of Securities Litigation Settlements

Renmin University Program, Peking

The Rand Institute for Civil Justice Seminars

Roger Williams School of Law Program

Securities and Exchange Commission Programs

The Sedona Conference

SOKOL Colloquium on Private International Law

Sonoma State University Lecture

Southeastern Corporate Law Institute Annual Programs

Southern Methodist University Personal Injury and Products Liability Symposia

Southwestern Law School Program

Stanford Law School Programs and Seminars

Transferee Judges Conferences

Tulane Law School Programs

UCLA Law Review Symposium on Alternative Dispute Resolution

United States Courts Conference

United States District Court, Eastern District of Texas, Judicial Education Conference

United States Judicial Conference Advisory Committee on Rules Programs

United States Judicial Conference Federal Jurisdiction Committee Programs

United States Judicial Conference Standing Committee on Rules Programs

United States Securities Exchange Commission Programs

United States Third, Fifth, and Eighth Circuit Courts of Appeals Judicial Conferences

United States Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuit Court of Appeals Judicial Workshops

University of Alabama Law Review Symposium on the Civil Justice Reform Act of 1990

University of Arizona Communication School Conference on Trial Advocacy

University of Arizona Law School Symposium on Class Actions

University of California—Davis, School of Law Seminar

University of California—San Francisco, School of Law Seminars

University of Chicago Legal Forum Program on Juries

University of Cincinnati Law School Program

University of Colorado School of Law Seminar

University of Connecticut Law School Program

University of Houston Law Center Seminars

University of Idaho School of Law Seminars

University of Kyoto, Symposium on Asbestos Litigation

University of Maryland School of Law Mass Tort Seminar

University of Mississippi College of Law Seminar

University of Missouri—Kansas City Seminar

University of Oregon Law School Programs

University of Pennsylvania Law School Programs

University of San Francisco School of Law Seminars

University of Southern California School of Law Seminar

University of Texas at Austin School of Law Seminars

University of Virginia School of Law Seminars Villanova Law School Mass Tort Symposium Yale Law School Conferences and Seminars