

DENIS W. STEARNS

Office:

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EDUCATIONAL ACCOMPLISHMENTS

University of Wisconsin, Madison, J.D., with honors, 1992.

Grade-point-average: 86.6 (out of 100; mean class grade 82.5).

Estimated Class rank: Top 10 to 15 percent.

Articles Editor, Wisconsin International Law Journal, 1991-1992.

Moot Court:

Phillip C. Jessup International Law Moot Court Team, 1990.

Winner of Midwestern Regional Round

Quarterfinalist in International Round

President of Moot Court Board, 1991-1992.

Recipient of: Mary Kelly Quackenbush Award for Best Wisconsin International Law Journal Article (1991), Milwaukee Bar Moot Court Prize for Excellence in Moot Court (1992), Wisconsin Law Alumni Award for Significant Contribution to the Law School (1992).

Seattle University, B.A. in Philosophy, 1989, with 4.0 GPA.

Delivered Valedictory Address at Graduation Ceremony.

James B. Reichmann, Philosophy Award & Scholarship, 1987-1989.

TEACHING INTERESTS

Civil Procedure I and II, Torts, Public Health Law, Food and Drug Law, Product Liability, Federal Courts and Jurisdiction, Introductory and Advanced Legal Writing, Administrative Law, Pretrial and Appellate Advocacy, Conflicts of Law, Law and Philosophy, Jurisprudence, and Critical Legal Studies.

PROFESSIONAL QUALIFICATIONS

Admitted to Practice: Washington and Wisconsin, 1992.

Other Courts Admitted To: Western and Eastern Districts of Washington; Ninth Circuit Court of Appeals; Eastern and Western District of Wisconsin; and Western District of Pennsylvania.

Martindale-Hubbell Peer-review Rating: AV (highest rating).

WORK HISTORY

Marler Clark, LLP, PS ~ Senior Litigation Partner 1998 to present

Nationally-recognized law firm with a primary focus on the representation of persons injured by foodborne and waterborne disease, other environmental hazards, and unsafe or defective products.

For more information please see www.marlerclark.com

Primary responsibilities included complex litigation and class actions, pretrial and motion practice, designing and overseeing discovery plans, and mediations or other alternate dispute resolution. Also, all appellate work for the firm. Practiced equally in federal and state court.

OutBreak, Inc. ~ Member 1998 to present

A not-for-profit consulting firm that provides training and workshops for the food industry, health departments, and public health officials. For more information please see www.outbreakinc.com

Kargianis, Watkins & Marler June 1997 to
Senior Associate August 1998

Worked primarily on Odwalla unpasteurized apple juice *E. coli* O157:H7 outbreak litigation, responsible for discovery and motions.

For more information see www.about-ecoli.com/news/odwalla.htm

Karr Tuttle Campbell September 1992
Litigation Associate to April 1997

A lead attorney on the defense team that represented Jack in the Box against the hundreds of claims and lawsuits arising from the historic 1993 *E. coli* O157:H7 outbreak. Responsible for discovery in all cases in five-state area, and all pretrial pleadings and motions. Also obtained extensive knowledge of the meat and foodservice industry, health and safety regulations, HACCP and other food safety systems, epidemiology, and foodborne illness.

More information at www.about-ecoli.com/news/jack-in-the-box.htm

APPELLATE WORK

Researched, briefed, and argued:

Estate of Kriefall ex rel. Kriefall v. Sizzler USA Franchise, Inc., 665 N.W.2d 417 (Wis. Ct. App. 2003) (reversing summary judgment), *rev. denied* 671 N.W.2d 849 (Wis. 2003), *cert. denied* 541 U.S. 956 (2004).

- Decided important issues regarding preemptive effect of USDA-rulemaking and administrative policy on state tort remedies.

Almquist, et al. v. Finley School District No. 53, 114 Wn. App. 395 (2002), *rev. denied* 149 Wn.2d 1035 (2003).

- Applied Washington's Product Liability Act school district's manufacture and sale of lunch, and held that Act imposed liability to secondary victims of foodborne illness outbreak.

Kathleen O'Connor v. Washington Department of Social and Health Services, 143 Wn.2d 895 (2001).

- On direct review, Supreme Court reversed trial court's order quashing plaintiff's request under Washington's Public Records Act, holding that a party to a lawsuit could seek public records from agency under the pretrial rules of discovery but was not precluded from seeking those records under Act.

Researched and briefed only:

Daniels v. Seattle Seahawks, 92 Wn. App. 576 (1997) (holding that a team physician was an employee and thus immune under Washington Worker Compensation Act from a suit based on medical negligence).

ALPAC v. Eagon Forest Products, 85 Wn. App. 354 (1997) (interpreting Washington's UCC, Article II, on the "perfect tender" rule, and the doctrine of anticipatory repudiation as defense to an alleged breach)

LEGAL TEACHING EXPERIENCE

Adjunct Professor

Seattle University School of Law
Courses: Legal Writing II, and Product Liability

Beginning Fall Semester, 2010

Guest Lecturer

University of Wisconsin Law School
Course: Transnational Regulation: Increasing the Safety of Globally-Sourced

November 2008

Denis W. Stearns
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Products

Professor Peter Carstensen

- Title of Presentation: *Deadly Food and Product Liability: A Law-in-Action Perspective*. A discussion of product liability litigation related to food and the challenges of international commerce.

Guest Lecturer

April* & December 2008, October 2009

Seattle University Law School

Course: Civil Procedure

Professor Julie Shapiro (shapiro@seattleu.edu)

- Introductory lecture on Rule 23 and class actions, multidistrict litigation, and legal & ethical restrictions on class settlements.*
- Discovery—Introduction to Rules 26-37; enforcing discovery obligations; defining privilege; expert disclosures; and ethics.

Guest Lecturer

October 2006, March 2007

Seattle University Law School

Course: Civil Procedure

Professor Marilyn Berger (mjb@seattleu.edu)

- Taught two classes covering the rules, tools, and practice of civil discovery; one class on ethics of civil discovery in light of *Physicians Ins. Exch. v. Fisons Corp.* and discovery abuses; and introductory lecture on Rule 23 and class actions.

Guest Lecturer

Each Fall, 2004 to present.

University of Southern California

School of Pharmacy, Regulatory Science Program

Course: MPTX517—Medical Products and the Law

Lead Instructor: Kellie Anne Moore

Program Director: Frances Richmond (323-442-3531)

- Presented on the history of product liability law, development of strict liability doctrine in defective food cases, recent regulatory interventions prompted by foodborne illness outbreaks and other public health threats, and economic incentives for safety created by interplay of product liability lawsuits and regulations.
- For Fall 2005 presentation, also taught the fundamentals of class actions under federal rules, and recent changes in law.
- *A DVD of the Fall 2005 presentation is available upon request.*

Guest Lecturer

Spring 2000, 2001, and 2003

Seattle University Law School

Course: Professional Responsibility

Professor David Bourner (dboerner@seattleu.edu)

Denis W. Stearns

Curriculum Vitae ~ 4

- Lectured on ethics of civil discovery in light of *Physicians Ins. Exch. v. Fisons Corp.* and discovery abuses arising in the Odwalla *E. coli* O157:H7 apple juice outbreak litigation.

CLE Instructor

July 12, 2002

Advanced Litigation Skills for Paralegals
Continuing Education Seminar (2 hours)

- Presented core-concepts of effective legal writing, reviewing examples of good and bad work-product, including an opposition to summary judgment, a trial brief, and interrogatories.

Legal Writing Instructor

Spring 1991, 1992

University of Wisconsin Law School

- For two semesters taught small-group class (10-15 students) first-year legal writing course.
- Responsible for research and design of all assignments, solo teaching of all twice-weekly classes, one-on-one meetings with student to provide feedback and personal instruction, set and kept office hours, critiqued and graded assignments, instructed on appellate advocacy, and assigned students' final grades.
- Selected as an instructor based upon recommendation of my first year legal writing instructor, and after interview with program supervisor. It was a paid position akin graduate student teaching small-group undergraduate classes.
- Created own course materials for Spring 1992 semester.

PUBLICATIONS

Book Chapters:

“A Future Uncertain: Food Irradiation From a Legal Perspective,” Chapter 16, in Food Irradiation Research And Technology, edited by Christopher H. Sommers & Xuetong Fan (IFT Press 2006).

“Contaminated Fresh Produce and Product Liability: A Law-in-Action Perspective,” Chapter 21, in Microbial Safety of Fresh Produce: Challenges, Perspectives, and Strategies, edited by Xuetong Fan, *et al.*, pp. 385-98 (IFT Press 2009).

Law Journal Articles:

“ON FACELESS TRANSACTIONS: How Tort Law Evolved to Manage the Sale of Food Between Strangers” (in preparation)

“DEADLY FOOD AND PRODUCT LIABILITY: A Law in Action Perspective” (in preparation).

“ON (CR)EDIBILITY: Why Food in the U.S. May Never Be Safe,” Symposium: Food Policy and Health, 20 Stanford Law & Policy Review ___ (2010) (publication pending).

“PREEMPTING FOOD SAFETY: An Examination of USDA Rulemaking and its *E. coli* O157:H7 Policy in Light of *Estate of Kriefall ex rel. Kriefall v. Excel Corporation*,” 1 J. Food & Law Policy 375 (Fall 2005).

“Rendered Stateless: The Extraordinary Apprehension of Foreign Nationals and the Politics of Exclusion,” 10 Wis. Int’l L. J. 78 (Fall 1991). (Winner of the Quackenbush Award for the Best International Law Journal Article of the year.)

Other Articles:

“Intentional Contamination: The Legal Risks and Responsibilities,” 70 J. of Environmental Health 58 (January/February 2008).

“Where’s the Meat? The Need for Full Public Disclosure in Meat Recalls,” 68 J. of Environmental Health 58 (June 2006) (with co-author Patti Waller, MS).

“An *E. Coli* Outbreak At a Chain Restaurant: A Case Study on How Easily Legal Liability Can Spread to a Franchisor,” Franchising Business and Law Alert, Feb. 1, 2004, available at <http://www.marlerclark.com/franchising-liability.pdf>

“Did the Supreme Court Just Create a Relevancy Requirement for the Public Records Act?” Trial News, 17-19 (Sept. 2001).

“E. coli Lawsuit Results in a \$4.75 Million Jury Award For Injured Children: A Case Study In How *Not* to Learn About Food Safety,” Trial News (May 1, 2001).

Selected Short Essays, Op-Ed Pieces, and Blog-Posts:

On Cooking Burgers: Out, damned E. coli! Out! Feb. 24, 2010. †

Tender, But Deadly: Mechanically-Tenderized Steaks and E. coli O157:H7, Dec. 29, 2009. †

The Blame Game: How Cargill Pointed the Finger, Dec. 15, 2009. †

Losing the Face-to-Face in the Global Food Market, Nov. 18, 2009.[†]

Lies, Damn Lies, and Statistics: More Meat Industry Dissembling on E. coli, Oct. 21, 2009.[†]

Freedom Means Never Having to Be Logical: Rebutting Michelle Bachmann on the 2009 Food Safety Modernization Act, Oct. 15, 2009.[†]

RIP Gourmet Magazine, You'll Be Greatly Missed, Oct. 12, 2009.[†]

What the Restaurant Industry Should Really Do in Support of National Food Safety Education Month—That is, if it was really serious about food safety, Sept. 21, 2009.[†]

More Double-Talk from USDA on E. coli and Swift Meat Recall, July 13, 2009, <http://www.foodpoisonjournal.com/2009/07/articles/food-policy-regulation/more-doubletalk-from-usda-on-e-coli-and-swift-meat-recall/>

Back to the Future: Obama Recycling Clinton-Era Food Safety Initiatives as New, July 7, 2009, <http://www.foodpoisonjournal.com/2009/07/articles/food-policy-regulation/back-to-the-future-obama-recycling-clintonera-food-safety-initiatives-as-new/>

Consumer Trust in Food Safety in the U.S. Plummets Because of Rise in Recalls, July 6, 2009, <http://www.foodpoisonjournal.com/2009/07/articles/foodborne-illness-outbreaks/consumer-trust-in-food-safety-in-the-us-plummets-because-of-rise-in-recalls/>

The "Guess Who Inspects It Game": Nestle E. coli Cookie Dough Edition, June 29, 2009, <http://www.foodpoisonjournal.com/2009/06/articles/foodborne-illness-outbreaks/the-guess-who-inspects-it-game-nestle-e-coli-cookie-dough-edition/>

Food Safety Enforcement: How the Brits Do It, June 15, 2009, <http://www.foodpoisonjournal.com/2009/06/articles/food-policy-regulation/food-safety-enforcement-how-the-brits-do-it/>

Before Food Was Fast: Some Looks Back to a Time when Food was Local, Slow, and Safe, May 18, 2009, (essay and book reviews), <http://www.foodpoisonjournal.com/2009/05/articles/food-poisoning-watch/before-food-was-fast-some-looks-back-to-a-time-when-food-was-local-slow-and-safe/>

[†] These essays can be found here: <http://www.foodsafetynews.com/contributors/denis-stearns/>

Dissenting Justices in Wyeth v. Levine on FDA-Approval of Drugs: “Is it Safe?” March 10, 2009, <http://www.marlerblog.com/2009/03/articles/lawyer-oped/denis-stearns-guest-blogger-the-dissenting-justices-in-wyeth-v-levine-on-the-fdaapproval-of-drugs-is-it-safe/>

The Market For Peanuts: Why Food In The U.S. May Never Be Safe, Feb. 12, 2009, <http://www.marlerblog.com/2009/02/articles/lawyer-oped/guest-blog-denis-w-stearns-the-market-for-peanuts-why-food-in-the-us-may-never-be-safe/>

CHICKEN IN AMERICA: A Lesson In Irony (And Bad Taste), Dec. 17, 2008, <http://www.marlerblog.com/2008/12/articles/lawyer-oped/chicken-in-america-a-lesson-in-irony-and-bad-taste-guest-blogger-denis-w-stearns-jd/>

Who Does the USDA Really Protect When It Comes to Deadly E. coli? Aug. 18, 2008, <http://www.marlerblog.com/2008/08/articles/lawyer-oped/who-does-the-usda-really-protect-when-it-comes-to-deadly-e-coli/>

Columns:

Monthly column on legal issues relating to product distribution for ID Access, a publication for distribution managers and distributor sales professionals. See www.myidaccess.com/index.php

- Product Liability: A Brief History of Its Early Origins.
- Product Liability: How It Turned Strict.
- Chain of Distribution Liability: Tag, You're It.
- Product Distributor Liability: Some Different Scenarios.
- Indemnification, Contribution, and Allocation of Fault: Shifting the Blame.
- Intentional Contamination: Liability for the Criminal Acts of Employees.

(Text of columns available here: www.marlerclark.com/dstearns.htm)

Other Published Essays & Commentaries:

“Why Hepatitis-A Vaccinations are Bad for (My) Business,” Food Quality magazine, July-August, 2002.

“USDA’s Food Safety and Inspection Service Should Say What It Means, Mean What it Says—And Say It Clearly,” Food Protection Report, at 10 (July/August 2002).

“The Courage to Criticize,” Food Protection Report, at 2A (October 1999).

Book Reviews:

“Guess What’s Coming for Dinner? The Next Food Scare, *Trial News* (April 1, 1999), review of DEADLY FEASTS: The “Prion” Controversy and the Public’s Health (1997).

Selected Interviews and Media Citations:

Appearance on *Good Morning America* segment, *Is Your Chicken Safe From Salmonella?* Segment aired November 12, 2009. A video and print version of segment is available online at <http://abcnews.go.com/GMA/HealthyLiving/chicken-safe-salmonella/story?id=9049797&page=2>

Andrew Martin, “Out of a Church Kitchen and Into the Courts, *New York Times*, June 8, 2008.

Julie Schmidt, “USDA wants to reveal stores in food recalls,” *USA Today*, Feb. 28, 2007.

Walter Alarkon, “Infection leads to lawsuit, Family sues Stop & Shop over E. coli bacteria,” *Concord Monitor*, Aug. 8, 2006.

Karen Robinson-Jacobs, “Brinker settles Chili’s salmonella cases: Lawsuits over Illinois food poisoning dropped after record agreement,” *Dallas Morning News*, Aug. 11, 2004.

Vince Beiser, “Big Beef’s Dirty War: Meat Industry has resisted cleaning up its act for decades,” *LA Weekly News*, Jan. 15, 2004.

Tom Held, “Appeals court revives lawsuit from parents of girl who died from E. coli,” *Journal Sentinel*, May 13, 2003.

Alison Perilk, “Feeding the Faith: The public’s attention to and concerns about the food they eat are on the rise,” *Restaurants and Institutions*, June 1, 2002.

Annette Cary, “\$4.75 million awarded in E. coli case,” *Tri-City Herald*, Feb. 18, 2001.

Mike Lee, “Records Denied, She Went to Court,” *Tri-City Herald*, Oct. 23, 2001.

Beth A. Auerswald, “Restocking the Shelves: Recovering from a Recall,” *Food Quality*, June/July 1999.

Interview, “Outbreak, Inc. Co-Founder Denis Stearns: Litigating Foodborne Illness,” Foodtech Source, E- magazine, available at www.foodtechsource.com/emag/004/trend.htm

Karen Reed-Mathee, “Building a Case Against E. coli,” Seattle University News, Spring 1999 (profile of Marler Clark firm)

PRESENTATIONS

Legal, Scientific, or Academic Conferences:

“Market Regulation and Food Policy,” Symposium: Food Policy and Health, panel and paper presentation, Stanford School of Law, April 23, 2010.

“On Faceless Transactions: How Tort Law Evolved to Manage the Sale of Food Between Strangers,” presentation of paper, followed by Q&A session, at From Field to Tablet: A Symposium on Food Culture and the Law, at University of Iowa, February 26, 2010.

“PROOF OF DEFECT IN U.S. FOOD CASES: Historical Origins & Current Approaches,” presentation at 2009 Conference on the Law of Food and Drink, at British Institute of International and Comparative Law, London, June 11, 2009.

“On Faceless Transactions: How Tort Law Evolved to Manage the Sale of Food Between Strangers,” abstract submission and panel presentation, at Joint 2009 Annual Meetings of the Agriculture, Food, and Human Values Society (AFHVS) and the Association For The Study Of Food and Society (ASFS), May 28-31, 2009, Penn State University, Pennsylvania.

“Food Safety Priorities and Risk for the Consumer: A Consumer Perspective,” part of panel presentation, “Setting Priorities for Food Safety: Resources, Risks, and Challenges for the Next Decade,” 2008 IFT Annual Meeting, in New Orleans, June 29, 2008.

“Déjà vu—Bad Beef Back on the Table: The Recurrence of E. coli O157:H7 Contaminated Meat and What it Means from a Legal and Public Policy Perspective,” 2008 Association of Food and Drug Officials (AFDO) Annual Educational Conference, in Anaheim, June 10, 2008

“Product Liability and Security,” 2008 Educational Conference, Essential of Food Law and Regulations, May 12, 2008, Food Innovation Center, Portland, Oregon, sponsored by Oregon State University.

“Microbial Safety of Produce: From a Legal, Historical, and Economic Perspective,” Third International Symposium on Agro-terrorism, hosted by

United States Federal Bureau of Investigation, in Kansas City, Missouri, April 22, 2008.

“Food Litigation and Market Failure: Why lawsuits are a necessary, but not sufficient incentive for improving food safety,” presentation at CLE and Conference, “Who’s Minding the Store: The Current State of Food Safety and How It Can Be Improved,” April 11, 2008, Seattle University School of Law.

“Profiting From Unsafe Food: The Legal and Economic Incentives that Drive Foodborne Illness Litigation,” 2007 International Conference for Food Safety and Quality, November 6, 2007.

“Handwashing on Trial,” a mock-trial designed to teach the real-world legal consequences of a foodborne illness outbreak caused by infected foodservice workers, 2007 National Environmental Health Association Annual Education Conference, June, 19.2007.

“Recouping Outbreak Costs: Who Should Pay?” 2007 Rocky Mountain Food Safety Conference, May 22, 2007.

Keynote Address: “How Food Companies Profit While Making the Public Pay for Unsafe Food,” 2007 Oregon Environmental Health Association Annual Education Conference, April 23, 2007.

“Economic Incentives for Improved Food Safety: Seeking Reimbursement of Public Expenditures Caused by Foodborne Illness Outbreaks,” 2007 Iowa Public Health Conference, April 4, 2007.

"You Break It, You Bought It: Incentivising Food Safety by Making Restaurants Reimburse for Outbreak Costs," and "How To Sue A Health Department: Understanding the Risk of Legal Liability for Negligent Inspections and Other Alleged Failures" 2007 Southwest Food Safety Seminar in Laughlin, Nevada, January 31, 2007, and February 1, 2007 (two presentations).

“Economic Incentives for Improved Food Safety: Recouping Outbreak-Related Costs of the Hepatitis-A Infected Foodservice Employee,” 13th Annual Joint Conference on Health, Washington State Public Health Association, October 16-18, 2006. (Abstract available.)

“Economic Incentives for Improved Food Safety: Seeking Reimbursement of Public Expenditures Caused by Foodborne Illness Outbreaks,” 2006 National Environmental Health Association Annual Education Conference, June 25-28, 2006. (Abstract available.)

“Understanding and Addressing Potential Liability Issues for the Food Processor,” 2005 Annual Meeting of Institute of Food Technologists, July 16,

2005, New Orleans, Louisiana. Full-day seminar approved for continuing education credits.

“The Legal Basis for Food Establishment Operator Responsibility and Liability in Foodborne Illness Outbreak,” Washington State Environmental Health Association Annual Educational Conference, May 4, 2005, Spokane, Washington, approved for one-hour of continuing education credit for Registered Sanitarians.

“Sources of Liability that May Apply to Regulators Conducting Inspections and Epidemiological Investigations,” Washington State Environmental Health Association Annual Educational Conference, May 4, 2005, Spokane, Washington, approved for one-hour of continuing education credit for Registered Sanitarians.

“Mr./Ms. CEO—Help Me Help You ‘Make the Case’ for Sanitation,” Annual Meeting of International Association for Food Protection, August 11, 2004, Phoenix, Arizona.

“Liability and Foodborne Illness: Understanding the Law Can Protect Your Business,” 2004 Annual Meeting of Institute of Food Technologists, July 11, 2004, Las Vegas, Nevada. Full-day seminar approved for continuing education credits.

“Public Advocacy for Improved Food Safety: An Agenda For Change,” 2003 Annual Conference of State Public Interest Research Groups, December 11, 2003, Denver, Colorado. Presentation followed by panel discussion with Felicia Nestor of Government Accountability Project.

“Food Safety Litigation: Strict Liability Related to Food Service,” Greater New York Health Care Food Administrator’s Association Annual Seminar, Nov. 9, 2005 (approved for 2 continuing education credit-hours for registered dietitians and dietary managers).

“Potential Legal Ramifications of Not Using Food Irradiation,” The International Meeting for Radiation Processing, Chicago, Illinois. September 10, 2003. Presentation followed by panel discussion.

“From the School Cafeteria to Courtroom: The Legal Implications of a Foodborne Illness Investigation,” 2003 Annual Conference of Oregon Environmental Health Association, Bend, Oregon, April 29, 2003.

“Due Diligence From a Legal Perspective: Food Product Liability Law in Action,” Half-Day Seminar, 2003 Annual Meeting of Institute of Food Technologists, Chicago, Illinois, July 12, 2003.

“The Scary Truth About Strict Liability,” Conference on Handwashing, Sanitizers, and Cross-contamination, by National Capital Area Environmental

Health Association, May 4, 2001, Fairfax, Virginia.

“Understanding the Legal Risks of Food Poisoning,” American Society of Healthcare Food Service Administrators, Seattle Chapter, at Swedish Medical Center, February 14, 2001.

“Fundamentals of Product Liability Law for Food Scientists,” Joint Meeting of Northwest Regional Chapter of the Institute of Food Technologists, in Vancouver, BC, Canada, October 1, 1999.

“Fundamentals of Product Liability Law for Food Scientists,” Joint Meeting of Louisiana and Mississippi Chapters of Institute of Food Technologists, in Baton Rouge, Louisiana, April 29, 1999.

Industry & Educational Conferences or Meetings:

“The Fuss About Food Safety: Understanding How the Law Makes You Liable for Selling Unsafe Food,” panelist presentation, at Natural Products Expo West, Anaheim, California, March 13, 2010.

“Product Liability and Foodborne Illness: How Understanding the Law Can Protect Your Business (and You),” Annual Meeting, Institute of Food Technologists, Southern California Chapter, Los Angeles, January 20, 2010.

“On Faceless Transactions: How Tort Law Evolved to Manage the Sale of Food Between Strangers,” Keynote Address at 4th International Conference for Food Safety and Quality, November 3, 2009, Redondo Beach, California.

“Recent Developments in Outbreaks and Recalls: The *Salmonella* Years, and Beyond” Grocery Manufacturers Association (GMA) Emerging Issues in Food Litigation Webinar, September 30, 2009.

“Lessons Learned from Recent Foodborne Illness Outbreaks and Recalls—2007 & 2008, The *Salmonella* Years,” Grocery Manufacturers Association (GMA) Foodborne Illness Litigation Conference, May 6-7, 2009, New Orleans, Louisiana.

“Deadly Food & Product Liability,” Fresh & Easy Neighborhood Markets (a Tesco company), Technical Summit for Product Suppliers and QA Personnel, March 26, 2009, in Manhattan Beach, California.

“Food Recall Procedures and Related Outbreak Litigation,” 2008 Spring Conference on Hospitality Supply Management, by Institute for Supply Management, Joint-Presentation, in Chicago, May 15, 2008.

“Handwashing On Trial: Setting Standards. Changing Behaviors,” a mock-trial

designed to teach the real-world legal consequences of a foodborne illness outbreak caused by infected foodservice workers, followed by a two-hour workshop and training session, 2008 Food Safety Summit, in Washington DC, March 17, 2008.

“Legal Liability for Food-Related Outbreaks: The Law, History, and Some Lessons Learned,” 27th Annual Northwest Food Safety and Sanitation Conference and Workshop, Portland, Oregon, Oct. 30, 2007.

“Food Safety: It’s More Than Checking the Expiration Date,” 2007 Spring Conference on Hospitality Supply Management, by Institute for Supply Management, Joint-Presentation, May 17, 2007

“Food Safety and Litigation,” National Restaurant Association Spring Meeting, Washington DC, March 15-16, 2005, Presentation to Quality Assurance Executive Study Group.

“Food Recall Litigation: Is it a Misnomer?” Annual Meeting of National Turkey Foundation, Savannah, Georgia, February 9, 2004.

“Use of Unpasteurized Eggs and the Risk of Punitive Damages,” National Restaurant Association Orlando, Florida, Jan. 14, 2003, Presentation to Risk Managers Executive Study Group.

“Setting the Standard for Hygiene,” 2003 Food Safety Summit, Washington, DC, March 15-17, 2002.

“Strict Liability and Constructive Knowledge Explained,” National Restaurant Association, Seattle, Washington, July 11, 2002, Presentation to Risk Managers Executive Study Group.

“Food Poisoning, Deadly Litigation: Introduction to Strict Liability,” National Association of Catering Executives 2002 Educational Conference, Charleston, South Carolina, July 16, 2002.

“*Salmonella* and the Impact on the Restaurant Industry,” National Restaurant Association Fall Meeting, San Diego, California, October 17, 2002, Presentation to Quality Assurance Executive Study Group.

“Crisis Management,” International Food Safety Council Congress, sponsored by National Restaurant Association Educational Foundation, 90-minute presentation, Chicago, Illinois, Oct. 23, 2001.

“Lessons of the 1993 Jack in the Box E. coli O157:H7 Outbreak,” Presentation to the Inland Northwest Dairy Association, April 28, 2001, Spokane, Washington.

“Understanding Strict Product Liability,” 2000 Annual Meeting of American

Meat Institute, Presentation to Boards of Directors and Trustees, Las Vegas, Nevada, October 12, 2000.

“Risk of (No) Handwashing: Legal Exposure and Economic Impacts,” one-hour presentation as part of all-day seminar, HACCP Hands, April 4, 2000, Tampa, Florida, sponsored by HealthMinder Inc.

PUBLIC SERVICE

Bailey-Boushay House, Board of Directors

July 1999 to
January 2008

Opened in 1992 as the first skilled-nursing facility built specifically for care of persons with AIDS. It also provides medication-management and other supportive services through an adult day-health program serving over 100 clients per week.

Board Officer Positions:

Past-president and Chair of Strategic Planning Committee	2004 to 2008
President	2002-2004
Vice-president	2000-2002

The last seven years have been a challenge to all AIDS organizations, especially to Bailey-Boushay House. Designed to provide a continuum care for persons who first needed support remaining independent, and then end-of-life care, everything changed with the advent of the “drug cocktail.” Those we care for now are: persons with initial diagnoses due to the onset of illness, who improve and stabilize and are discharged; and those with chronic AIDS-related conditions also suffering from an alcohol or drug addiction, mental illness, and homelessness.

I have led Bailey-Boushay through two rounds of strategic planning. The first confronted whether to remain primarily an AIDS-care organization and, if so, how to be both viable and relevant. The two-year plan restored viability, kept us focused on AIDS care, and set forth an “ultimate goal” of providing “equal access to positive outcomes for every person with HIV/AIDS in our community.” The just-adopted five-year plan has, among other things, the organization creating new and innovative care-models and non-facility-based services, using lean-principles from the Toyota production system to eliminate waste and improve quality, and the planning of a new facility as part of Virginia-Mason Medical Center’s expansion plan on its First Hill campus.

Being part of the leadership team at Bailey-Boushay House requires a mastery of the complexities of health care funding, including Medicare, Medicaid, Ryan White, HOPWA, and myriad others. The Board is also responsible for overseeing

compliance with the federal and state regulations applicable to a skilled nursing facility.

Committee Memberships:

Executive Committee	2000 to 2008
Corporate Compliance (Chair)	2000-2002
Finance and Planning Committee	1999-2002
Joint Collaboration Committee on AIDS Care & Housing	2005

An outgrowth of the 2004-2006 Bailey-Boushay House Strategic Plan, this was an effort to explore greater collaboration, up to and including possible merger, with two other AIDS-service organizations (Rosehedge House and Multi-Faith Works), as a way of improving the effectiveness of the continuum of care then available in King County for person with AIDS. The committee was made up of the Executive Directors and two board members from each of the three organizations.

Volunteer Attorneys for People with AIDS	September 1994 to present
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A King County Bar Association pro bono referral service. My referrals typically involved landlord tenant dispute or creditor-debtor issues.