



THE RESOLUTION EXPERTS



"After 19 years on the bench, I am convinced that 95% of litigation is best resolved through ADR. My approach is to use my judgment and experience to facilitate a resolution that works best for the parties involved."

Hon. Fern M. Smith (Ret.) has served as a Federal District Court Judge, settling and adjudicating complex cases involving a wide range of issues. Judge Smith also served as Director of the Federal Judicial Center – the primary training and educational institute for federal judges – where she was one of the primary editors of the MCL 4th (Manual of Complex Litigation). She combines 30 years of distinguished judicial and legal experience with her unique ability to bring about the successful resolution of complex, multi-party matters.

ADR Experience and Qualifications

- In her 17 years on the Federal Bench, Judge Smith presided over every case type within federal jurisdiction. Representative cases are listed below
- Judge Smith served as a trainer and facilitator on judicial administration and reform with judges in India, Egypt, Bolivia, Mexico, Tunisia, Israel, Jordan, Greece, Italy, Russia, Morocco, Thailand, China, Turkey, the Netherlands, Slovenia, and Bahrain emphasizing commercial dispute resolution and case management procedures

Representative Matters

- **Patent:** Conducted *Markman* hearing in *Genentech v. Amgen*, construing three pioneer biotech patents
- **Intellectual Property/Copyright:** Presided over bench trial of *Galoob v. Nintendo*, involving allegations of copyright infringement, resulting in plaintiff's judgment of \$15 million in damages; presided over *Nintendo v. Atari*, a copyright and patent infringement case involving cross-claims of anti-trust and misuse of patents
- **Securities Class Actions:** Decided *In re: Silicon Graphics*, interpreting Private Securities Reform Litigation Act
- **Anti-Trust:** Heard *In re: Citric Acid Litigation* involving price fixing allegations against numerous domestic and international companies; multi-million dollar fines assessed in related criminal cases
- **Labor/Employment:** Decided *Dillingham v. Sonoma* and *Assoc. Builders v. Curry*; judgment affirmed by the U.S. Sup. Ct.
- **Environmental/Toxic Tort:** Interpreted CERCLA in *U.S. v. Allied Signal Corp.* finding private parties entitled to judicial review of Navy's remediation plan
- **Insurance:** Adjudicated numerous insurance coverage matters, including first and third party issues. Authored 11th Circuit opinion in *State Farm v. Steinberg*, clarifying rights to sue under "advertising injury"
- **Mass Torts:** Specialized in complex product liability litigation ranging from aviation to medical devices to pharmaceuticals
- **Torts:** Presided over court trial alleging government negligence for plane crash into Sun Valley Mall

Honors, Memberships, and Professional Activities

- Chair, U.S. Judicial Conference Committee on International Judicial Relations, 2003-2005
- Chair, U.S. Judicial Conference Advisory Committee on the Rules of Evidence, 1996-1999
- Member, U.S. Judicial Conference Advisory Committee on the Rules of Evidence, 1993-1996
- Member, Executive Committee of the Ninth Circuit Judicial Conference, 1994-1996
- Member, Ninth Circuit State-Federal Judicial Council, 1990-1993
- Member, California Judicial Council's Advisory Task Force on Gender Bias, 1988-1990
- Member, California Judicial Council, 1987-1988
- Advisory Boards: American Bar Association Central European and Eurasian Law Initiative; American Society of International Law; American Judicature Society-National Jury Center Advisory Committee; Association of Business Trial Lawyers-Board of Governors; The National Academies-Science, Technology, and Law Program; Stanford Law School-Board of Visitors

Background and Education

- Judge, U.S. District Court, Northern District of California, San Francisco, CA, 1988-2005
- Director, Federal Judicial Center, Washington, D.C., 1999-2003

- Judge, Superior Court of the State of California, in and for the County of San Francisco, San Francisco, CA, 1986-1988
- Partner, Bronson, Bronson & McKinnon, 1981-1986, (Associate, 1975-1981)
- J.D., Stanford Law School, 1975
- B.A., Stanford University, Graduated with Distinction, Phi Beta Kappa, 1972