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**RESPONSIBILITIES AND EXPERIENCE**

Chair of Litigation Department of major Southwestern Regional law firm (over 300 lawyers). Responsible for managing 149 trial and appellate attorneys in Houston, Dallas and Austin offices. Also responsible for developing and coordinating local, state, national and international client development strategies. Co-Chair, Climate Change Task Force. Co-chair, Public Policy Litigation Group (Component of Governmental Affairs Practice Group). Environmental Practice Group Leader.

Trial and appellate experience in major environmental and toxic tort litigation, including air and water pollution class actions, international water pollution claims, mass tort cases, oilfield pollution class actions, mass torts involving contamination of residential subdivisions, claims of environmental racism, CERCLA cost recovery claims, underground storage tank litigation, defense of toxic tort cases arising from occupational exposures at refineries and petrochemical manufacturing facilities.

Intensive federal and state appellate experience, including arguments before the United States Supreme Court, and *en banc* Courts of Appeals, especially in environmental and mass tort cases, including contribution claims under CERCLA, prosecution of writs of mandamus to challenge unfairly constructed mass tort trial plans, oppressive interlocutory rulings, judicial disqualification, international pollution claims, and challenges to the admissibility of unreliable opinions of scientific and medical expert witnesses.

Expertise in national and international environmental, products liability issues and comparative civil procedure, especially regarding the European Union. Counseling and presentations regarding European products liability, comparative law regarding class and group actions, and conventions regarding discovery and enforcement of judgments rendered in foreign states.

Regular speaker and published author regarding climate change, environmental law, mass torts, class and group actions, complex environmental and toxic tort litigation, trial and appellate strategy and tactics, and scientific and technical evidence issues. Winner, William Burton Award for Legal Achievement, Library of Congress, Washington, DC (2009, 2003).

Co-Chair, International Mass Torts Subcommittee, American Bar Association. Council Member, International Law Section, State Bar of Texas. Member, Section of Litigation, Mass Torts Committee, American Bar Association. Member, State Bar of Texas, Litigation and Appellate Sections. Member, Houston Bar Association, Litigation, Appellate and Environmental Sections.

### **ADMITTED TO PRACTICE**

Texas (1977).

United States Supreme Court (1992).

United States Court of Appeals, Fifth Circuit (1978); United States Court of Appeals, Ninth Circuit (1987).

United States District Court, Northern District of Texas (1977); United States District Court, Southern District of Texas (1978); United States District Court, Eastern District of Texas (1978); United States Tax Court (1978).

*Pro Hac Vice* admissions and practice before the state courts of California, Indiana, Oklahoma, Oregon, and Washington.

*Pro Hac Vice* admission as Special Litigation Counsel, United States Bankruptcy Court (S.D.N.Y.).

### **SPECIALIZATION (BOARD CERTIFICATION)**

Board Certified, Civil Appellate law, Texas Board of Legal Specialization (1987). Member, Texas Association of Civil Trial and Appellate Specialists.

### **REPRESENTATIVE TRIAL COURT CASES**

Led a trial team as lead defense counsel that successfully defended vapor intrusion litigation filed against a major electronics manufacturer in Dallas federal and state court. The mass tort litigation was filed by over 125 residents of a neighborhood

located near the client's manufacturing facility. The suits sought relief under CERCLA Sec. 107 and 113, and alleged various state law causes of action, including trespass, public and private nuisance, and negligence. The residents claimed damages in the form of diminished property values, investigative costs, as well as punitive damages. The suits were dismissed after the evidence conclusively established that there was no reliable scientific basis for plaintiffs' vapor intrusion claims.

Defeated a mass tort controversy filed against Alcoa in state court in Seattle, Washington by 200 employees who claimed injuries from exposure to asbestos, silica and coal tar pitch. The employees sought to evade the bar of workers compensation by claiming that their injuries resulted from Alcoa's intentional misconduct. The cases were consolidated before a single judge in Seattle. After substantial discovery, Alcoa filed motions for summary judgment which resulted in dismissal of the plaintiffs' claims.

Won a defense verdict for Alcoa in a living mesothelioma claim before a jury in Seattle, Washington state court. Alcoa was the sole defendant at trial. Plaintiff claimed that she suffered from pleural mesothelioma as a result of childhood exposures to asbestos in her grandfather's home. The grandfather was employed by Alcoa at its smelting facility in Wenatchee, Washington. After a three week trial, the jury found that Alcoa was not negligent. The trial judge thereafter rendered judgment for Alcoa. The defense judgment was later affirmed by the Washington Court of Appeals.

Led a trial team that defended a mass tort controversy against Alcoa in Milam County, Texas. Several hundred plaintiffs claimed injuries allegedly caused by toxic exposures at Alcoa's manufacturing facility. In the process of discovery, it was learned that many of the "diagnoses" made by plaintiffs' doctors were done by a doctor who conceded he was "not practicing medicine" when he rendered his findings, and that many of the x-ray reports used to diagnose plaintiffs' diseases were "templates" filled out before the examinations. Moreover, plaintiffs' industrial hygiene witness was stricken in pre-trial proceedings. As a result, the entire controversy was settled favorably.

Led trial teams that successfully defended a series of toxic tort claims against Mobil Corporation, Atlantic Richfield Corporation and Lyondell Chemical Company in Beaumont (malignant melanoma) and Houston, Texas (aplastic anemia, lung cancer), as well as in Detroit, Michigan (multiple myeloma) – all of which resulted in summary judgments on the basis of lack of causation under applicable scientific evidence rules. The two Houston cases were affirmed on appeal.

Led trial team that defeated class certification of a putative medical monitoring class action involving over 13,000 putative class members in Corpus Christi, Texas state court in claims against local refiners for alleged groundwater and air pollution by benzene and chromium.

### **REPRESENTATIVE APPELLATE CASES**

*Aviall Services, Inc. v. Cooper Industries*, 312 F.3d 677 (5th Cir. 2002), *rev'd and remanded*, *Cooper Industries v. Aviall Services, Inc.*, 543 U.S. 157, 125 S.Ct. 577, 160 L.Ed.2d 548 (2004)(secured en banc 5<sup>th</sup> Circuit decision regarding federal jurisdiction over CERCLA cost recovery actions following cleanup pursuant to state agency directives, later reversed and remanded by Supreme Court to permit pursuit of other federal statutory claims)(served as lead counsel in all trial and appellate courts, including oral argument in the United States Supreme Court).

*Schott Glas v. Adame*, 178 S.W.3d 307 (Tex. App. – Houston [14<sup>th</sup> Dist.] 2005, pet. denied)(represented German manufacturer in class action litigation filed by Persian Gulf War veterans. Secured dismissal of claims for lack of personal jurisdiction and affirmance of dismissal order on appeal).

*Frias v. Atlantic Richfield Company*, 104 S.W.3d 925 (Tex. App. -- Houston [14<sup>th</sup> Dist.], May 15, 2003)(secured affirmance of summary judgment finding plaintiffs' experts' evidence legally insufficient in case alleging death from aplastic anemia caused by occupational exposure to benzene)(served as lead counsel in trial and appellate courts).

*Daniels v. Atlantic Richfield Company*, 99 S.W.3d 722 (Tex. App. -- Houston [1<sup>st</sup> Dist.] 2003)(secured affirmance of summary judgment holding plaintiffs' expert opinions legally insufficient in case alleging death from lung cancer caused by occupational exposure to benzene)(served as lead counsel in trial and appellate courts).

*In re Chevron U.S.A., Inc.*, 103 F.3d 1016 (5<sup>th</sup> Cir.1997)(writ of mandamus vacating unfairly constructed mass tort trial plan).

*In re Chevron, U.S.A., Inc.*, 121 F.3d 163(5<sup>th</sup> Cir.1997)(writ of mandamus seeking judicial disqualification for racial bias – district judge entered order of recusal after 5<sup>th</sup> Circuit decision).

*Ahumada v. The Dow Chemical Company*, 992 S.W.2d 555 (Tex. App. [14<sup>th</sup> Dist.] 1999, pet. denied)(affirming summary judgment for U.S. parent company against mass tort claims of Colombian fishermen on basis of affirmative defenses under Colombian law)(served as lead counsel in trial and appellate courts).

*Anpac v. Dow Quimica de Colombia, S.A.*, 988 F.2d 559 (5<sup>th</sup> Cir. 1993), *cert. denied*, 510 U.S. 1041 (1994)(affirming dismissal of mass tort pesticide pollution action by Colombian fishermen for lack of personal jurisdiction over U.S. parent’s Colombian subsidiary(served as lead counsel in all trial and appellate courts).

*Duane v. Oklahoma Gas & Electric Co.*, 833 P.2d 284 (Okla. 1992). (affirming judgment that oil company owed no duty to warn or instruct plaintiffs’ employer, which was a sophisticated user of the insulation oils used in a switch that exploded and injured plaintiff)(served as lead counsel in trial and appellate courts).

### **REPRESENTATIVE APPELLATE CASES AS AMICUS CURIAE**

*State of Rhode Island v. Lead Industries Assn., et al*, No. 07-121-A (Supreme Court of Rhode Island)(represented amicus curiae The Coalition for Public Nuisance Fairness and The Property and Casualty Insurance Association of America on issue of expansion of public nuisance liability. Potential \$2.5 billion liability reversed and rendered with articles authored by Faulk cited four times in the Court’s decision).

*County of Santa Clara v. Superior Court of California*, S 163681 (Supreme Court of California, 2009) and No. H031540 (Cal. App. [6<sup>th</sup> Dist.] 2008)(represent amicus curiae American Chemistry Council, National Association of Manufacturers, Coalition for Public Nuisance Fairness, and Property Casualty Ins. Assn. of America on issue of legality of County’s retention of private contingent fee counsel to prosecute public nuisance litigation).

*City of St. Louis v. Benjamin Moore & Co., et al*, No. SC88230 (Supreme Court of Missouri, 2007)(represented amicus curiae American Chemistry Council on issue of viability of “market share liability” in public nuisance cases).

*In Re Garlock Sealing Technologies LLC*, No. 06-0881 (Texas Supreme Court, 2007)(represented amicus curiae American Chemistry Counsel in support of mandamus petition regarding application of Texas evidentiary standards regarding scientific evidence to causation in asbestos litigation).

*ExxonMobil Corp. v. Altimore*, No. 14-04-01133-CV (Tex. App. – Houston [14<sup>th</sup> Dist.], argued March 2006, decision pending)(represented amicus curiae The American Chemistry Council on issue of expansion of duties owed by premises owners in asbestos litigation).

*Dennis Bates v. Dow Agrosciences LLC*, 544 U.S. 431, 125 S.Ct. 1788, 161 L.Ed.2d 687 (2005)(Represented amicus curiae The American Chemistry Council on issue of scope of federal preemption under FIFRA – amicus brief cited in Court’s opinion).

*Burlington N. & Santa Fe Ry. Co. v. City of Houston*, 171 S.W.3d 240, 245 (Tex. App. – Houston [14<sup>th</sup> Dist.] 2005, no pet.) (represented amicus curiae The American Chemistry Counsel on appeal of condemnation and other property concerns regarding rail lines serving local industries).

*Gray v. Badger Mining Co.*, 676 N.W.2d 268 (Minnesota Supreme Court, 2004)(represented amicus curiae The American Chemistry Counsel regarding applicability of “sophisticated user” defense to product liability cases).

#### **AUTHOR**

**(Publications designated with an asterisk (\*) are available for review online at [http://works.bepress.com/richard\\_faulk/](http://works.bepress.com/richard_faulk/) )**

Interview published, *Attorney Covers Climate in Copenhagen*, Houston Business Journal (December 25, 2009)(front page).

Faulk, *Failure in Copenhagen*, 12 Industry Today, Issue 22 (December 22, 2009).

Faulk, *Clearing the Air in Copenhagen*, 30 Andrews Litigation Reporter, Vol. 10 (December 9, 2009).\*

Faulk, *The Crucible of Common Sense: Real and Illusory Expectations in Copenhagen*, 30 Andrews Litigation Reporter, Vol. 10 (December 9, 2009)\*

Faulk, *The Insolence of Office: Exposing the Politics of Perception in Copenhagen*, 30 Andrews Litigation Reporter, Vol. 10 (December 9, 2009).\*

Faulk, *Negotiating With Someone Else's Money: Shifting the Responsibility for Climate Change Funding*, 30 Andrews Litigation Reporter, Vol. 10 (December 23, 2009).\*

Faulk, *The First "Official" Draft of the Copenhagen Agreement: Blanks, Brackets, Chewing Gum, and Baling Wire*, 30 Andrews Litigation Reporter, Vol. 10 (December 23, 2009).\*

Faulk, *The "Climategate" Controversy: A Tree Falls in the Forest -- But Is Copenhagen Listening?*, 30 Andrews Litigation Reporter, Vol 11 (December 23, 2009).\*

Faulk, *The Queer Case of the Quarrelsome Convocation: Allies, Adversaries, Indifference and Exaggeration in Copenhagen*, 30 Andrews Litigation Reporter, Vol. 11 (December 23, 2009).\*

Faulk, *Bringing Diplomacy to a Boil: Options for Agreements in Copenhagen*, 30 Andrews Litigation Reporter, Vol. 11 (December 23, 2009).\*

Faulk, *Copenhagen's Disappointing Denouement: Anatomy of a Failed Convocation*, 30 Andrews Litigation Reporter (December 23, 2009).\*

Faulk, *Lifting the Veil? Pressures Mount for Climate Change Disclosures* 22 The Electricity Journal 59 (July 2009).\*

Faulk and Florence, *Financial Crisis: The Range of Defendants May be Limited*, National Law Journal (April 20, 2009).

Faulk and Gray, *A Lawyer's Look at the Science of Global Climate Change*, BNA World Climate Change Report (March 10, 2009), also published in BNA Environmental Report (March 12, 2009).\*

Faulk, *The Expanding Role of the Alien Tort Claims Act in International Human Rights Enforcement*, State Bar of Texas, International Law Institute (March 5, 2009), also published in BNA Class Action Litigation Report (March 27, 2009).\*

Faulk and Gray, *Presidential Candidates' Politics Color Their Views on Climate Change*, Houston Business Journal (Sept. 5, 2008).

Faulk and Gray, *Defending Climate Change Litigation: Threshold Issues*, 29 Andrews Env. Lit. Rept. (August 6, 2008).\*

Faulk, Gray and Larson, *Public Nuisance – A Subprime Tort?*, Washington Legal Foundation (August 2008).\*

Co-Author with John S. Gray, *"Negligence in the Air?" Should "Alternative Liability" Theories Apply in Lead Paint Litigation?*, 25 Pace Env. L. Rev. 101 (2008).\*

Bender, Faulk and Gray, *The Mouse Roars! Rhode Island High Court Rejects Expansion of Public Nuisance*, Washington Legal Foundation (July 2008).\*

Faulk and Gray, *Are Unilateral Climate Change Policies Creating the "Perfect Storm?"* World Energy, at 114 (July, 2008).\*

Faulk and Gray, *Alchemy in the Courtroom? The Transmutation of Public Nuisance Litigation*, 2007 Mich. St. L. Rev. 941 (2008)(**Winner, 2009 William Burton Award for Legal Achievement**).\*

Faulk and Gray, *Houston Attorneys Share Views on Plan to Cut Greenhouse Gas*, Houston Business Journal (May 23, 2008)

Faulk and Gray, *Applying the Endangered Species Act to Global Climate Change*, Daily Env. Rept. (BNA, May 19, 2008).\*

Faulk, *Judges in the Hot Seat: How Does the Legal System Deal with Climate Change?*, Energy Online 37 (Spring 2008).\*

Faulk and Gray, *Stormy Weather Ahead? The Legal Environment of Global Climate Change* (pre-publication copy).\*

Faulk and Gray, *Negligence in the Air?: Should 'Alternative Liability' Theories Apply in Lead Paint Litigation?*, 25 Pace Univ. L. Rev. 101 (2008), *previous version published at* 35 Prod. Safety & Liab. Rptr. (BNA) 341-66 (April 9, 2007).\*

Faulk and Gray, *Public Nuisance Causes of Action in Climate Change Litigation*, Texas Lawyer (April 21, 2008)

Faulk, *Climate Change 'Due Diligence' Requires Look at Energy Usage*, Hou. B. J., at 27 (November 2-8, 2007).

Faulk and Gray, *Judges Impose Reality Check on Public Nuisance Litigation*, 22 Legal Backgrounder, No. 28 (Washington Legal Foundation, July 27, 2007).\*

Faulk, et al, *Looking for Lead in All the Wrong Places: Alternative Sources of Exposure in Lead Paint Litigation*, Mealey's Litigation Report: Lead (April 2007).

Faulk and Gray, *Reunion in Salem: Updating the MTBE Controversy*, 36 Envtl. Lit. Rep 10667 (September 2006).\*

Faulk and Gray, *The Mouse that Roared?: Novel Public Nuisance Theory Runs Amok in Rhode Island*, Washington Legal Foundation, Critical Legal Issues, Working Paper Series No. 146 (March 2007).\*

Faulk, et al, *Cost Recovery Under CERCLA Section 107 After Cooper v. Aviall*, 37 Environmental Rptr. (BNA) No. 12, at 640 (March 24, 2006).\*

Faulk, et al, *Avoiding the Rush to Judgment in Asbestos Premises Liability Litigation: The Problem of 'Maturity'*, 6 Expert Evidence Rept. (BNA) No. 6, at 165 (March 20, 2006).

Faulk, et al, *Avoiding and Exploiting 'Analytical Gaps' in Expert Testimony*, Expert Evidence Rept. (BNA) (February 6, 2006).

Faulk and Gray, *Getting the Lead Out? The Misuse of Public Nuisance Litigation by Public Authorities and Private Counsel*, 21 Toxic L. Rptr. (BNA) 1071-98, 1124-96 (2006)(three-part series).\*

Faulk and Bishop, *There and Back Again: The Progression and Regression of Contribution Actions Under CERCLA*, 18 Tulane Env. L. J. 323 (2005).\*

Faulk, *Asbestos Litigation in State Court: Why the System is Broken and Some Suggestions for Repair*, Product Safety & Liability Rept. 845 (BNA, Sept. 23, 2002).

Faulk, *Legal Ethics & Clients' Rights: Casualties of Asbestos Litigation?*, Washington Legal Foundation, Vol. 17, No. 22 (May 24, 2002).\*

Faulk, *Asbestos Litigation Requires Policymakers' Attention*, Legal Backgrounder (Washington Legal Foundation, Feb. 22, 2002).

Faulk, *The Growing Asbestos Litigation Crisis in Texas: Immediate Action is Needed*, 3 Veritas 16 (Jan. 2002).

Faulk, STOPPING THE SPEEDING LOCOMOTIVE: PERSPECTIVES ON TOXIC TORT AND ENVIRONMENTAL LITIGATION (Gardere & Wynne, 2000).

Faulk, *Armageddon Through Aggregation: The Use and Abuse of Class and Group Actions in International Dispute Resolution*, 8<sup>th</sup> Annual International Consumer Law Conference, University of Auckland, New Zealand (presented April 9, 2001). Initially published at 2 Class Action Lit. Rept. 362 (BNA, May 29, 2001), subsequently published at 10 Mich. State J. Int'l L. 205 (2002) and 37 Tort & Ins. L. J. 999 (2002), re-published in INTERNATIONAL PERSPECTIVES ON CONSUMERS' ACCESS TO JUSTICE (Cambridge University Press, 2003). (**Winner, 2003 William Burton Award for Legal Achievement**).\*

Faulk. *Products Liability in the European Community: An Overview of Current Law and the Proposed Reforms* (client presentation/publication pending), presentation currently posted on firm's website at [www.gardere.com](http://www.gardere.com).

Faulk, *The Florida Tobacco Class Action Verdict: Can it Happen in Texas?*, client alert posted on firm's website at [www.gardere.com](http://www.gardere.com).

Faulk and Gray, *Salem Revisited: Updating the MTBE Controversy*, Proceedings of Mealey's UST and Fossil Fuels Litigation Conference (October 23-24, 2000), also published at 2 Class Action Lit. Rept. 217 (BNA, March 23, 2001) and The International Journal of Environmental Forensics (March 2001). Posted on firm's website at [www.gardere.com](http://www.gardere.com).

Faulk, *The International Class Action: Commentary on the Geneva Group Action Debates*, 1 Class Action Litig. Rpt. 325 (August 25, 2000). Identical client alert posted on firm's website at [www.gardere.com](http://www.gardere.com).

Faulk and Gray, *Crisis? What Crisis? Containing the MTBE Controversy*, Proceedings of Mealey's MTBE Litigation Conference (May 11-12, 2000). Also presented at 4<sup>th</sup> Annual Joint Environmental Law Conference, Arkansas Bar Association (May 19-20, 2000), and the ALI-ABA Environmental Litigation Conference (June 26-30, 2000).

Faulk and Gray, *MTBE: Can the Controversy Be Contained? An Evaluation of the Emerging Underground Storage Tank Litigation*, 14 Toxics L. Rptr. 603 (October 27, 1999), reprinted in Proceedings of Mealey's Emerging Toxic Torts Conference (April 17-18, 2000) and Mealey's UST and MTBE Litigation Conference (November 15-16, 1999). Also presented to Dallas Bar Association (July 22, 1999) and Houston Bar Association (December 2, 1999).

Faulk, *MTBE: The Relevance of Animal Studies to Establish Causation in Humans*, 9 Kansas J. Law & Pub. Policy 172 (1999)(Proceedings of Annual Appellate Judges Symposium held May 13-15, 1999 by the Law and Organizational Economics Center, University of Kansas).\*

Faulk, *Limitations on the Duty to Warn Under the Restatement (Third) of Torts*, 8 Kansas J. Law & Pub. Policy 92 (1998)(Proceedings of Annual Appellate Judges Symposium held June 26-27, 1998 by the Law and Organizational Economics Center, University of Kansas).\*

Faulk and Meadows, *Meeting the Challenge of High Profile Trials: Handling Adverse Rulings*, 13 Toxics L. Rptr. 163 (1998);

Faulk and Meadows, *Choosing Between Shades of Gray: Selecting a Trial Plan for a Mass Tort Controversy*, Advanced Personal Injury Course (State Bar of Texas, 1998).

Faulk, *Damages Without Injury? Speculating in Stigma Damages*, ALI-ABA Environmental Litigation Conf., Vol. II, at 903 (1998).

Faulk and Gray, *Truth or Consequences: Meeting the 1998 RCRA Underground Storage Tank Deadlines*, Mealey's Emerging Toxic Torts (Aug. 24, 1998), also presented at Mealey's Underground Storage Tank Conference (May 1998).

Faulk and Meadows, *Building a Better Mousetrap? A New Approach to Trying Mass Tort Cases*, 29 Tex. Tech L. Rev. 779 (1998), *original version published at* 11 Toxics L. Rptr. 1352 (1997).\*

Faulk and Colbert, *Reforming an Abusive System: Curtailing Class Certification in Toxic Tort and Environmental Litigation*, 11 *Toxics L. Rptr.* 241 (1996), presented to the May, 1996 meeting of the Chemical Manufacturers Association Toxic Tort Litigation Committee, Traverse City, Michigan.\*

Faulk, *Determining Trial Type in Complex Toxic Tort and Environmental Cases*, 10 *Toxics L. Rptr.* 1483 (1996), presented to the 1995 Environmental Law Institute, South Texas College of Law.\*

Faulk, *Knowing Just Enough To Be Dangerous: A Primer For Complex Toxic Tort and Environmental Cases*, 10 *Toxics L. Rptr.* 1447 (1996), presented to the 1995 Environmental law Institute, South Texas College of Law.\*

Faulk, *The Unanswered Questions of Christophersen v. Allied-Signal Corporation*, 4 *Villanova Env. L. J.* 21 (1992), presented at the 1991 Villanova Environmental Law Symposium on Mass Toxic Tort Litigation, Philadelphia, Pennsylvania.

Faulk, *The Use of Joint Defense Procedures in Toxic Tort and Environmental Litigation, Insurance Coverage for Environmental Claims*, Defense Research Institute (Oct. 1992), presented at the 1992 DRI Insurance Coverage Institute, Boston, Massachusetts.

Faulk, *Paoli and Christophersen: A Comparative Analysis*, 6 *Toxics L. Rptr.* (BNA) 1173 (Feb. 26, 1992), also presented upon request to General Electric Corporation, 1991.

Faulk, *Epidemiology in the Courtroom: A Problem of Statistical Significance*, 59 *Defense Counsel J.* 25 (1992). Also printed in conference proceedings of *The Defense of Toxic and Environmental Tort Cases*, ABA Section of Natural Resources, Energy and the Environment, Committee on Toxics and Environmental Tort Litigation (March, 1991), presented to the 1991 annual meeting of the ABA Section of Natural Resources, Energy and the Environment Committee, Houston, Texas.\*

Faulk, *Deposition Preparation for Environmental Professionals*, presented to the Annual Meeting of the Texas Chemical Council (October, 1991), also presented at the Spring Lecture Series, University of Texas School of Public Health (Spring, 1989) and the 1993 annual meeting of the American Industrial Hygiene Association, New Orleans, Louisiana.

Faulk, *Federal Civil Procedure: 1988 Fifth Circuit Survey*, 20 *Tex. Tech L. Rev.* 359 (1988).

Faulk, *Federal Civil Procedure: 1987 Fifth Circuit Survey*, 19 *Tex. Tech L. Rev.* 437 (1987).

Faulk, *Federal Civil Procedure: 1986 Fifth Circuit Survey*, 18 *Tex. Tech L. Rev.* 373 (1986).

Faulk, *Federal Civil Procedure: 1985 Fifth Circuit Survey*, 17 *Tex. Tech L. Rev.* 549 (1985).

Faulk, *Products Liability and the Chemical Manufacturer: Limitations on the Duty to Warn*, 38 Okla. L. Rev. 233 (1985), reprinted in 9 J. Prod. Liab. 303 (1986) and 1 Nat'l Ins. L. Rev. 231 (1986).\*

Faulk, *Strategic and Scientific Considerations in Toxic Tort Defense*, 26 S. Tex. L. J. 513 (1985), reprinted in 35 Def. L. J. 405 (1986).\*

Faulk, *"Absolute Liability:" Historical Perspectives and Political Alternatives*, 37 Okla. L. Rev. 569 (1984).\*

### **RATINGS, AWARDS AND ADVISORY BOARDS**

Member, Board of Overseers, Searle Civil Justice Institute, Searle Center for Law, Regulation and Economic Growth, Northwestern University School of Law, Chicago, Illinois (2008-present)

Multiple Award Winner, William H. Burton Awards for Legal Achievement (Awarded at Library of Congress, June 15, 2009, June 17, 2003).

“AV” peer review rating, Martindale Hubble Lawyer Directory.

Named one of “America’s Leading Lawyers for Business” by Chambers USA (2005-2009).

Named one of “Texas’ Best Lawyers” by Incisive Media Publications (2008-2009).

Recognized, “The Best Lawyers in America” by Woodard/White, Inc. (2007-2009)

Named to Lawdragon 3000 List of Leading Lawyers in America (2007-2008)

Named one of “Houston’s Top Lawyers” by H Texas Magazine (2006-2007).

Named one of “America Leading Lawyers for Business” by Chambers USA (2005-2009).

Named Texas “Super Lawyer” by Law and Politics Media Inc., publishers of Texas Monthly Magazine (2003-2009).

Multiple Award Winner, William H. Burton Awards for Legal Achievement (Awarded at Library of Congress, June 15, 2009, June 17, 2003).

Member, Board of Advisors, CLASS ACTION LITIGATION REPORTER, Bureau of National Affairs, Washington, D.C.

Member, Board of Advisors, EXPERT EVIDENCE REPORT, Bureau of National Affairs, Washington, D.C.

Governor's Award for "Outstanding Service to the Oil and Chemical Industry" (Feb. 1990).

Who's Who in America, Who's Who in American Law, Who's Who of Emerging Leaders in America

"Outstanding Author" Award, Texas Tech School of Law (1986).

### **CONFERENCE SPEECHES AND PANEL PARTICIPATION**

Speaker, *Storm Warning: Developments in Climate Change Litigation*, Houston Bar Association, Environmental Section Luncheon (January 13, 2010).

Credentialed Journalist and Attendee, United Nations Climate Change Conference, Copenhagen, Denmark (December 8-18, 2009)(published 10 daily analytical columns in legal media).

Speaker, *Climate Change: The New Mass Tort for the 21<sup>st</sup> Century?*, Annual Legal Reform Summit, United States Chamber of Commerce Institute for Legal Reform (October 28, 2009).

Speaker, *Climate Change and Legal Reform*, Texas Civil Justice League Meeting On Communication, Legislative and Political Strategies (scheduled for October 8, 2009).

Speaker, *The Impact of Climate Change Legislation, Regulation and Litigation on American Business*, Texas Bar Association Environmental Superconference (August 5, 2009).

Speaker, *Climate Change and the Insurance Industry*, Webinar Presentation for Property and Casualty Ins. Ass'n of America (April 27, 2009).

Speaker, *Energy and Environment Roundtable*, Texas Lawyer Roundtable Series (April 16, 2009).

Speaker, *EPA's ANPR on Regulating Greenhouse Gas Emissions – What Your Clients Need to Know*, 38<sup>th</sup> Annual Conference on Environmental Law, American Bar Association, Keystone, Colorado (March 12, 2009).

Speaker, *The Expanding Role of the Alien Tort Claims Act in International Human Rights Enforcement*, State Bar of Texas, International Law Institute (March 5, 2009).

Speaker, *The Impact of Climate Change Regulation and Litigation on American Business*, Federal Bar Association, Houston, Texas (February 23, 2009).

Speaker, *Controlling the Downward Spiral: A Discussion on the Financial Crisis*, Texas Lawyer Roundtable Series (February 9, 2009).

Speaker, *The Future of Public Nuisance Litigation*, Incisive Media Webinar (December 11, 2008).  
Speaker, *Public Nuisance Litigation: Beyond Lead Paint?*, Third Annual Civil Justice Symposium – Judicial Education Program, Searle Center for Law, Regulation and Economic Growth, Northwestern University School of Law, Chicago, Illinois (December 8-9, 2008).

Speaker, *The Legal Environment of Global Climate Change – An Update*, Sustainable Property Transactions: Deal Making & Redevelopments of Contaminated Sites, RTM Communications Conference, San Francisco, California (November 13, 2008).

Speaker, *Applying the “Analytical Gap” Test for Expert Testimony*, Houston Bar Association Experts Institute (September 19, 2008).

Speaker, *Strategies for Doing Business in a “Cap and Trade” World*, Dallas Regional Chamber of Commerce Conference on Sustainable Technologies, Dallas, Texas (August 26, 2008).

Speaker, *Public Nuisance Litigation – The State’s New Regulator*, American Bar Association Annual Meeting, New York, NY (August 9, 2008).

Speaker, *The Mouse Roars! Rhode Island High Court Rejects Expansion of Public Nuisance*, Andrews Publications Webcast (August 6, 2008).

Speaker, *Turning Up the Heat: Prosecuting and Defending Climate Change Litigation*, E-Seminar, Andrews Publications (May 29, 2008).

Speaker, *Alchemy in the Courtroom? The Transmutation of Public Nuisance Litigation (2008 Update)*, Dallas Bar Association, Environmental Section Conference (May 22, 2008).

Speaker, *An Analysis of the Lieberman-Warner “Cap and Trade” Legislation and Issues in Climate Change Litigation*, United States Chamber of Commerce Conference, *The Cost of Doing Business in a “Cap and Trade” World*, Washington, DC (May 20, 2008).

Speaker, *Legislative Responses to Climate Change Litigation*, American Legislative Exchange Council Annual Meeting, Little Rock, Arkansas (May 17, 2008).

Roundtable Member, *It’s Not Easy Being Green*, Texas Lawyer Roundtable Discussion on Energy and the Environment, Houston, Texas (May 15, 2008).

Roundtable Member, *Research Roundtable: The Expansion of Liability Under Public Nuisance*, Searle Center on Law, Regulation and Economic Growth, Northwestern University School of Law, Chicago, Ill. (April 7-9, 2008).

Speaker, *Global Climate Change and Legal Reform*, Joint Meeting of Board, Business Council and Policy Committees, Texas Civil Justice League, Austin, Texas (March 27, 2008).

Speaker, *The Impact of Climate Change Issues on Financial Service Providers*, Environmental Bankers Association Conference, San Antonio, TX (Jan. 22, 2008).

Speaker, *Developments in Public Nuisance Litigation*, American Tort Reform Association Annual Meeting, Austin, TX (Nov. 13, 2007).

Speaker, *The Government Standards Defense in Product Liability Litigation*, AEI-Brookings Joint Center for Regulatory Studies Judicial Education Institute, Chicago, Ill. (Nov. 12, 2007).

Speaker, *The Business Impact of Recent U.S. Supreme Court Environmental Decisions*, RTM Communications, Inc., Conference on Contaminated Property Transactions: Promoting Sustainable Deals and Redevelopments, San Francisco, CA. (Nov. 7, 2007).

Speaker, *Recent Environmental Decisions of the United States Supreme Court*, American Conference Institute, Chemical Products Liability Conference, Chicago, Illinois (Nov. 5, 2007).

Speaker, *Stormy Weather Ahead? The Legal Environment of Global Climate Change*, Houston Bar Association Environmental Law Institute (September 28, 2007).

Speaker, *Supreme Court Case Roundup: Insights and Perspectives on the Environment*, The Bureau of National Affairs, Inc. Audio Conference Panel Discussion (June 27, 2007).

Speaker, *Scientific Evidence in the Courtroom*, AEI-Brookings Joint Center for Regulatory Studies Judicial Education Institute, Washington, D.C. (June 20-21, 2007).

Speaker, *Alchemy in the Courtroom? The Transmutation of Public Nuisance Litigation*, Andrews Publications' Webcast (May 23, 2007).

Speaker, *Avoiding Liability in Chemical Litigation Through Product Stewardship*, Annual GlobalChem Conference, American Chemistry Council, Baltimore, Maryland (April 2007).

Speaker, *Public Nuisance Litigation for Private Gain? The Abuse of an Ancient Principle*, Press Conference and Webcast, Washington Legal Foundation, Washington, DC (March 21, 2007).

Speaker, *Panacea or Placebo: Using Public Nuisance Principles to Redress Environmental Harms*, The Bureau of National Affairs, Inc. Audio Conference (February 27, 2007).

Speaker, *Core Issues Impacting the Chemical Industry: A Legislative Update* (Gardere Client Workshop, Houston, Texas, November 2006).

Speaker, *Preventing & Defending Chemical Claims on an International Scale*, ACI Chemical Products Liability Litigation Conference, Chicago, Ill. (October 2006).

Speaker, *Are There Synergistic Effects Between Toxic Tort Suits and Environmental Regulations?*, Environmental Law Institute, Washington, DC (May, 2006).

Speaker, *Practical Application of Asbestos Medicine Principles in Your Cases*, Mealey's Asbestos Medicine Conference, Chicago, Illinois (April 10, 2006).

Speaker, *Medical Monitoring Class Actions: Are They Proper in Welding Rod Litigation?* Mealey's Welding Rod Litigation Conference, Chicago, Illinois (April 9, 2006).

Speaker, Address at the National Academy of Sciences' Panel on Science, Technology and Law (STL), Los Angeles, CA (March 20, 2004).

Speaker, *Can Judges and Lawmakers Rein in Runaway Asbestos Litigation?* Press Conference, Washington Legal Foundation, Washington, DC (July 30, 2002).

Speaker, *Multi-Jurisdictional Practice: Challenging Unreliable Evidence*, American Bar Association Environmental Litigation Conference, American Law Institute, Boulder, Colorado (July 1, 2002).

Speaker, *Property Damages in Environmental Litigation: The Problem with "Stigma" Damages*, American Bar Association Environmental Litigation Conference, American Law Institute, Boulder, Colorado (July 1, 2002).

Speaker, *Tort Actions and Statutory Claims: Chemistry or Alchemy?* American Bar Association Environmental Litigation Conference, American Law Institute, Boulder, Colorado (July 1, 2002).

Speaker, Andrew's Publications Audio Conference, *Daubert Issues and Toxic Tort Suits* (April 4, 2002).

Speaker, *Defending Global Enterprises in International Class Action Litigation*, Global Corporate Counsel Association, Berlin, Germany (June 2001).

Speaker, *Armageddon Through Aggregation? The Use and Abuse of Class Actions in International Dispute Resolution*, 8<sup>th</sup> Annual International Consumer Law Conference, Auckland, New Zealand (April 2001).

Speaker, *A Tale of Three Writs: The Mandamus Opinions and Orders from the Kennedy Heights Litigation*, Chemical Manufacturers Association Conference, Chicago, Illinois (September 27, 1997).

Faculty, University of Texas Admiralty and Maritime Law Conference (September, 2004)

Faculty, Gas Appliance Manufacturers Association Conference (July 9, 2003).

Faculty, Valve Manufacturers Association Conference (February 2003).

Faculty, The Federalist Society Annual Lawyers Conference (November 2002).

Faculty, American Chemistry Council Conference (October 2002).

Principal Speaker, 8<sup>th</sup> International Consumer Law Conference, University of Auckland, New Zealand (April 2001).

Co-Chair and Faculty, Mealey's Underground Storage Tank and Fossil Fuel Litigation Conference (October, 2000).

Co-Chair and Faculty, Mealey's Annual Underground Storage Tank Litigation Conference (1998,1999).

Faculty, ALI-ABA Environmental Litigation Conference, University of Colorado (1998, 1999, 2000).

Faculty, Mealey's MTBE Litigation Conference (May, 2000)

Faculty, Mealey's Emerging Toxic Torts Conference (1999, 2000).

Faculty, University of Kansas National Appellate Judicial Education Program, University of Kansas Center for law and Economics (1998, 1999).

Faculty, Chemical Manufacturers Association Toxic Tort Litigation Conference (New Orleans 1999, Chicago, 1997, Traverse City, 1996).

## **EDUCATION**

**Legal:** J.D., Southern Methodist University, School of Law, Dallas, Texas (1977).

Leading Articles Editor, Journal of Air Law & Commerce, 1976-1977.

Awarded Journal of Air Law & Commerce Symposium Scholarship, 1976

Awarded William Harris Scholarship, 1975.

Awarded Stallcup, Johnson, Meyers & Miller Scholarship, 1974.

Honor Student, 1974-1977.

**Undergrad:** B.M., University of North Texas, Denton, Texas

## **GARDERE MANAGEMENT SERVICE**

Chair, Litigation Department (2007 – present)

Environmental Practice Group Leader (2001—present)

Co-Chair, Public Policy Litigation Group (2007 – present)

Co-Chair, Financial Crisis Recovery Team (2008 – present)

Co-Chair, Diversity Committee, Gardere Wynne Sewell LLP (2006-present)

Member, Strategic Planning Committee (2005 – present)

Member, Strategic Focus Panel (Subcommittee of Management Committee)(present)

Member , Compensation Committee (2003-2006)

Member, Billing and Collections Committee (2000-2002)

## **COMMUNITY SERVICE**

Chair, American Diabetes Association, Houston Chapter (2005-2008), Board Member (2004-2008).

Endowed and Funded Scholarships:

*Richard and Candace Faulk Scholarship Program*  
College of Music, University of North Texas

*Anshel Brusilow Chair in Orchestral Studies*  
College of Music, University of North Texas

*John Yarrington Fellowship in Choral Conducting*  
College of Music, Houston Baptist University

Member, Board of Trustees, Houston Grand Opera (1996-2002).

Member, Board of Advisors, College of Music, University of North Texas (2008-present).

Member, Environmental Committee, Greater Houston Partnership.

Judge, Annual Martin Luther King, Jr. Oratorical Contest (1995-2009)(Gardere event for elementary school children)

Alexis de Tocqueville Society Member, United Way Campaigns (2004-2008).

Member, First Presbyterian Church of Houston (Member, Chancel Choir and Adult Christian Education Instructor).

Associate member, St. John's Lutheran Church, Cat Spring, Texas (Adult Christian Education Instructor).

## **REFERENCES**

Provided upon request.