

Robert H. Klonoff



Robert H. Klonoff is the Jordan D. Schnitzer Professor of Law at Lewis & Clark Law School in Portland, Oregon. He served as Dean of the Law School from 2007-2014. His areas of expertise include class actions, federal multidistrict litigation (MDL), civil procedure, appellate procedure, and attorneys' fees. He is the author of three textbooks (and numerous articles) on class actions and MDL, and the co-author of a textbook on federal appellate practice.

Professor Klonoff has served as an expert witness in numerous high-profile class actions and MDLs, including British Petroleum Deepwater Horizon MDL, Chinese Manufactured Drywall MDL, Equifax Data Breach MDL, NFL Concussion MDL, Syngenta Genetically Modified Corn MDL, Volkswagen Clean Diesel MDL, and Wells Fargo Unauthorized Accounts. Judges have frequently cited Professor Klonoff's testimony in ruling on class certification, the fairness of class action settlements, and the determination of attorneys' fees. He is a co-author of the Wright & Miller treatise, *Federal Practice and Procedure*, with the sole responsibility for the three volumes of the treatise that focus on class actions.

As a practicing attorney, Professor Klonoff has handled more than 100 class actions and MDLs—with experience on both the plaintiff side and the defense side. Examples include National Prescription Opiates MDL (district court and 6th Circuit co-counsel for plaintiffs), *TransUnion v. Ramirez* (U.S. Supreme Court co-counsel for plaintiff and the class), *Engel v. Liggett Myers* (Florida state appellate co-counsel for RJ Reynolds Tobacco in overturning the largest punitive damages award in history), and Ford/Firestone Tread Separation MDL (trial and 7th Circuit co-counsel for Firestone).

Professor Klonoff is a member of the American Law Institute (ALI) Council, has been a member of the ALI for 20 years, and served as an Associate Reporter for the ALI's class action project, *Principles of the Law of Aggregate Litigation*. He is also a Fellow in the American Academy of Appellate Lawyers. In addition, he is an elected member of the International Association of Procedural Law. In 2011, Chief Justice Roberts appointed Professor Klonoff to serve as the sole academic member of the Federal Civil Rules Advisory Committee, and he served the maximum period of six years. He played a major role in the drafting of the 2018 amendments to the federal class action rule (Fed. R. Civ. P. 23).

After graduating from Yale Law School, Professor Klonoff clerked for the Chief Judge John R. Brown of the U.S. Court of Appeals for the Fifth Circuit. He subsequently served as an Assistant U.S. Attorney in Washington, D.C., and as an Assistant to the Solicitor General. Following his government service, he served as a partner at Jones Day for about 15 years before becoming a full-time academic. He has taught at Georgetown University Law Center, the University of San Diego Law School, and the University of Missouri-Kansas City School of Law. He has been a



speaker at dozens of U.S. conferences sponsored by bar associations, professional organizations, or law schools. He has also been a visiting professor or lecturer at premier universities in 18 different countries in Europe, Asia, the Middle East, and Latin America.

Professor Klonoff has extensive trial and appellate experience. He has presented oral argument in eight cases before the U.S. Supreme Court, and has orally argued dozens of cases in other federal and state appellate courts (including eight federal circuits). He has also been trial counsel in dozens of cases (mostly jury trials). Professor Klonoff has decades of experience conducting all forms of discovery, and he has worked closely with testifying and consulting experts in a variety of fields.

Areas of Expertise:

- ATTORNEYS' FEES
- APPELLATE LITIGATION (assistance in strategy, briefing, and oral argument preparation)
- CIVIL RIGHTS
- CLASS ACTIONS
- CONSUMER/PRODUCT LIABILITY
- DATA BREACH
- EMPLOYMENT DISCRIMINATION
- ENVIRONMENTAL
- FEDERAL MULTIDISTRICT LITIGATION
- INSURANCE
- MASS TORTS
- SECURITIES FRAUD
- TRIAL LITIGATION (assistance in strategy, briefing, civil procedure issues, discovery disputes, case management)



Selected Case Experience:

Expert Witness Testimony (Oral or Written):

- *AT&T Mobility Wireless Data Services Sales Tax Litig. MDL* (tax/consumer; ND Ill.)
- *Ben-Hamo v. Facebook* (social media; Israeli trial court)
- *British Petroleum Deepwater Horizon MDL* (environmental; ED La.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *Chinese-Manufactured Drywall Litig. MDL* (attorneys' fees; ethics; ED La.)
- *Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices & Products Liability Litig.* (consumer; ND Cal.)
- *Doan v. State Farm Insurance* (attorneys' fees; insurance; California state trial court)
- *Equifax Data Breach Litig. MDL* (data breach; ND Ga.)
- *NFL Concussion MDL* (mass tort; ED Pa.)
- *Parkland Shooting Civil Litigation* (S.D. Fla.)
- *Robichaux v. State of Louisiana* (environmental; Louisiana state trial court)
- *State of Louisiana & Vermilion Parish School Board v. Louisiana* (environmental; Louisiana state trial court)
- *Syngenta Genetically Modified Corn MDL* (attorneys' fees; various federal and state claims; D. Kan.)
- *Thacker v. Farmers Insurance* (attorneys' fees; insurance; Colorado state trial court)
- *Volkswagen Clean Diesel MDL* (consumer; environmental; ND Cal.)
- *Wells Fargo Unauthorized Accounts* (attorneys' fees; consumer; N.D. Cal.)

Counsel for Plaintiffs:

- *Avandia Marketing Sales Practices & Products Liability Litigation* (consumer; co-counsel for plaintiffs in US Supreme Court)
- *Briseno v. Conagra Foods* (consumer; co-counsel for plaintiffs in 9th Cir. and US Supreme Court)
- *Conroy v. Aniskoff* (tax; co-counsel for taxpayer Conroy in US Supreme Court)
- *Dole Foods v. Watts* (fraud; co-counsel for plaintiff Dole Foods in 9th Cir.)
- *Exxon Mobil Corp. v. Allapattah Serv., Inc.* (personal injury; federal jurisdiction; co-counsel for plaintiffs in consolidated Star-Kist case in US Supreme Court)
- *Gentile v. Nevada Bar* (legal ethics; First Amendment; co-counsel for Nevada Bar in US Supreme Court)
- *Gonzalez v. Owens Corning* (consumer; co-counsel for plaintiffs in 3d Cir.)
- *Kay v. Ehrler* (civil rights; co-counsel for plaintiff in US Supreme Court)



- *McLellan v. Fitbit* (N.D. Cal.) (consumer; co-counsel for plaintiffs in ND Cal.)
- *National Prescription Opioids MDL* (mass torts; co-counsel for plaintiffs in ND Ohio and 6th Cir.)
- *Rikos v. Procter & Gamble* (consumer; co-counsel for plaintiffs in US Supreme Court)
- *TransUnion v. Ramirez* (credit reporting services; co-counsel for plaintiff class in US Supreme Court)

Counsel for Defendant:

- *Campbell v. Potash Corp. of Saskatchewan* (contract; co-counsel for defendant in 6th Cir.)
- *Delgado v. Shell Oil Co, et al.* (mass tort; co-counsel for defendant Dole Foods in SD Tex. and 5th Cir.)
- *Engle v. Liggett Group, et al.* (mass tort; co-counsel for RJ Reynolds in Fla. District Ct. of Appeals and Fla. Sup. Ct.)
- *Feder v. Electronic Data Systems* (securities fraud; co-counsel for defendant in ED Tex. and 5th Cir.)
- *Firestone Tread Separation MDL* (consumer; co-counsel for Firestone in SD Indiana and 7th Cir.)
- *Ghoshtagore v. Westinghouse Elec. Corp.* (employment discrimination; co-counsel for defendant in D. Md. and 4th Cir.)
- *Lady v. Neal Glasser Marine, Inc.* (consumer; co-counsel for defendant in 5th Cir.)
- *Lemmer v. Nu-Kote Holding Inc.* (securities fraud; co-counsel for defendant in ND Tex. and 5th Cir.)
- *McGuire v. International Paper* (mass tort; co-counsel for defendant in SD Miss.)
- *McLaughlin Group v. American Tobacco Co., et al.* (RICO; co-counsel for RJ Reynolds in 2d Cir.)
- *Mueller v. CBS* (employment discrimination; co-counsel for defendant in ED Pa.)
- *Patrickson v. Dole Food, et al.* (mass torts; co-counsel for defendant in 9th Cir.)
- *Penn Ass'n of Independent Agents v. Foster* (insurance; co-counsel for USAA in Pa. Commonwealth Court)
- *Thiessen v. General Electric Capital Corp.* (employment discrimination; co-counsel for defendant in D. Kan. and 10th Cir.)
- *Zishka v. American Pad & Paper* (securities fraud; co-counsel for defendant in ND Tex. and 5th Cir.)

Selected Published Works:

Books (only most recent editions listed):

- *Federal Appellate Practice in a Nutshell* (West 3d ed. 2023) (co-author)
- *Class Actions and Other Multi-Party Litigation in a Nutshell* (West 6th ed. 2020)
- *Introduction to the Study of U.S. Law: Cases and Materials* (West 2d ed. 2020)
- *Federal Multidistrict Litigation in a Nutshell* (West 2020)
- Wright & Miller, *Federal Practice and Procedure* (Vols. 7A, 7AA, 7B)
- *Class Actions and Other Multi-Party Litigation: Cases and Materials* (West 4th ed. 2017) (with teacher's manual)
- *Introduction to the Study of U.S. Law: Cases and Materials* (West 2d ed. 2021) (with teacher's manual)
- *Winning Jury Trials: Trial Tactics and Sponsorship Strategies* (NITA 3d ed.) (2007) (co-author)

Book Chapters and Articles:

- Klonoff, COVID-19 Aggregate Litigation: The Search for the Upstream Wrongdoer, 91 *Fordham L. Rev.* 385 (2022)
- *International Handbook on Class Actions*, chapter on the Future of U.S. Aggregate Litigation, Cambridge University Press (2021)
- *The Judicial Panel on Multidistrict Litigation*, The Virtues of Unfettered Discretion, 89 *UMKC L. Rev.* 1 (2021)
- *Class Action Objectors: The Good, the Bad, and the Ugly*, 89 *Fordham L. Rev.* 475 (2020)
- *Foreword—Class Actions, Mass Torts, and MDLs: The Next 50 Years*, 24 *Lewis & Clark L. Rev.* 359 (2020)
- *Application of the New Discovery Rules in Class Actions: Much Ado About Nothing*, 71 *Vanderbilt L. Rev.* 1949 (2018)
- *Class Actions in the U.S. and Israel: A Comparative Approach*, 19 *Theoretical Inquiries in the Law* 151 (2018) (co-author)
- *Class Actions Part II: A Respite from the Decline*, 92 *N.Y.U. L. Rev.* 971 (2017)
- *Class Actions in the Year 2025: A Prognosis*, 65 *Emory L.J.* 1569 (2016)
- *Why Most Nations Do Not Have U.S.-Style Class Actions*, 16 *BNA Class Action Litigation Report*, Vol. 16, No. 10, at 586 (May 22, 2015)
- *Federal Rules Symposium: Introduction to the Symposium*, 18 *Lewis & Clark L. Rev.* 583 (2014) (co-author)
- *Class Actions for Monetary Relief Under Rule 23(b)(1)(A) and (b)(1)(B): Does Due Process Require*



- *Notice and Opt-Out Rights?*, 82 Geo. Wash. L. Rev. 798 (2014)
- *The Decline of Class Actions*, 90 Wash. U. (St. Louis) L. Rev. 729 (2013)
- *Reflections on the Future of Class Actions*, 44 Loy. U. Chi. L.J. 533 (2013)
- *ALI's Aggregate Litigation Project Has Global Impact*, 33 ALI Reporter 7 (Fall 2010)
- *The Public Value of Settlement*, 78 Fordham L. Rev. 1177 (2009) (co-author)
- *Making Class Actions Work: The Untapped Potential of the Internet*, 69 U. Pitt. L. Rev. 727 (2008) (co-author)
- *The Class Action Fairness Act: An Ill-Conceived Approach to Class Settlements*, 80 Tul. L. Rev. 1695 (2006) (co-author)
- *The Twentieth Anniversary of Phillips Petroleum v. Shutts, Introduction to the Symposium*, 74 UMKC L. Rev. 433 (2006)
- *The Adoption of a Class Action Rule: Some Issues for Mississippi to Consider*, 24 Miss. C. L. Rev. 261 (2005)
- *Antitrust Class Actions: Chaos in the Courts*, 11 Stan. J. L. Bus. & Fin. 1 (2005)
- *The Judiciary's Flawed Application of Rule 23's "Adequacy of Representation" Requirement*, 2004 Mich. St. L. Rev. 671 (2004)

Professional and Community Service:

- Member of American Bar Association Group Evaluating Qualifications of Merrick Garland to serve on the U.S. Supreme Court (reviewed Judge Garland's civil procedure opinions)
- Advisory Board Consulting Editor, Class Action Litigation Report (BNA)
- Chair of pro bono program for all 20+ offices of Jones Day (2000-2003); chair of Washington, D.C. office pro bono program (1992-2000)
- Member, Board of Directors, Bread for the City (a D.C. public interest organization providing medical, legal, and social services) (2001-2003)
- Master, Edward Coke Appellate Practice Inn of Court in Washington, D.C. (2001-2003)
- Member, Board of Directors, Washington Lawyers' Committee for Civil Rights and Urban Affairs (2000-2003); Advisory Board Member (2003-present)
- Member, D.C. Court of Appeals Committee on Unauthorized Practice of Law (1997-2000)
- Handled numerous pro bono matters (e.g., death penalty and other criminal defense, civil rights, veterans' rights)
- Played a major role in establishing a walk-in free legal clinic in Washington, D.C.'s Shaw neighborhood
- Numerous guest speaker appearances at public schools and retirement homes; volunteer at local soup kitchen; frequent volunteer judge for Classroom Law Project's We the People competition.

Recipient of numerous awards, including multiple awards for excellence in teaching.