

**MARTHA K. WIVELL**

(Marti)

Curriculum Vitae

**SHELLER, P.C.**

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**EDUCATION**

University of Minnesota (B.S. - With High Distinction) Phi Beta Kappa	1970
William Mitchell College of Law <i>cum Laude</i>	1/1981
William Mitchell Law Review Staff	1978-1979

**EMPLOYMENT HISTORY**

Secondary English/Speech Teacher—Minneapolis Public Schools (Last year worked as West Area Communications Director for Dr. Richard Green, then West Area Superintendent)	1972-1979
Law Clerk, Robins, Zelle, Larson & Kaplan	1979 -1981
Associate, Robins, Zelle, Larson & Kaplan	1981-1987
Partner, Robins, Kaplan, Miller & Ciresi, L.L.P. (Formerly Robins, Zelle, Larson & Kaplan) (Has served on the firm's Executive Board)	1987- 2003
Expert Advisor to the Trustees -- Dalkon Shield Claimants' Trust (Set up a process to distinguish meritorious from non-meritorious Dalkon Shield claims made to the Trust established following A.H. Robins' bankruptcy)	1988- 1991
Adjunct Professor of Advanced Torts, University of St. Thomas Law School	2004 & 2006
Law Offices of Martha K. Wivell	2004-2/10

Sheller, P.C. 2/10-present

**ADMISSIONS**

Minnesota Supreme Court	1981
United States District Court - District of Minnesota	1981
U. S. Court of Appeals - Eighth Circuit	1981
U. S. Court of Appeals - Sixth Circuit	1992
U. S. Court of Appeals - Fifth Circuit	1992
Supreme Court of the United States	1993
U. S. Court of Appeals - Eleventh Circuit	1996

**PROFESSIONAL ASSOCIATIONS/ORGANIZATIONS**

Minnesota State Bar Association	1981-2003
Hennepin County Bar Association	1981-2003
Ramsey County Bar Association	1981-2003
American Bar Association	1981-2003
Minnesota Association for Justice (formerly Minnesota Trial Lawyers Association)	1981 Present
American Association for Justice (formerly Association of Trial Lawyers of America)	1981- Present
ATLA Board of Governors	2002-2007
Minnesota Women Lawyers, Inc.	1985-2003
Public Justice (formerly Trial Lawyers for Public Justice) - Board of Directors	1991-2007
The Roscoe Pound Foundation	1991-2003
American Arbitration Association Panel of Arbitrators	1991-2007
Chair, Constitutional Litigation Committee, ATLA	1993-2001
Member, Legal Affairs Committee, Association of Trial Lawyers of America	1993-2008
Peer Reviewer <i>Trial Magazine</i>	1993-2008

Minnesota Association for Justice (formerly Minnesota Trial Lawyers Association) - Board of Directors	1994-2004
Advisory Committee for the Center for Constitutional Litigation – Chair	2001-2008
William Mitchell Alumni Association Board of Directors	2002-2004
Minnesota State Bar Association Jury Instruction Committee	2004-present
Academy of Catastrophic Injury Lawyers	2005-present

### **AWARDS**

- 2002- Selected by her peers to be one of Minnesota’s “Super Lawyers”  
2010
- 2003 Received the “Member of the Year Award” from Minnesota Trial Lawyers for her *pro bono* efforts to preserve access to justice and for helping to establish the Center for Constitutional Litigation.
- 2000 Distinguished Honoree, 100 Years of Challenge and Change: William Mitchell College of Law.
- 1998 Was part of the team which received “The Trial Lawyer of the Year Award” from Trial Lawyers For Public Justice for its work representing the State of Minnesota in its case against the tobacco industry.
- 1998 Was part of the team which was honored with “The Member of the Year Award” from Minnesota Trial Lawyers for its work representing the State of Minnesota in its case against the tobacco industry.

### **TEACHING/LECTURING/PRESENTATIONS**

- 08/06 “Effective Use of Rule 30(b)(6) Depositions” Minnesota Trial Lawyers Annual Convention, Alexandria, MN.
- 04/06 “New Federal Rules of Evidence on Electronic Discovery” Minnesota Trial Lawyers Association Seminar Electronic Discovery --Technology in Litigation, Minneapolis, MN.

- 02/05 “The KISS Principle in Successful Motions to Compel and Motions for Sanctions,” Association of Trial Lawyers of America – Orlando, FLA.
- 09/03 “The History of Mediation as an Advocate’s Tool” and “Preparation, Preparation, Preparation!” Stetson University College of Law *Advocacy in Mediation* CLE, Gulfport, FL.
- 07/03 “*Daubert* and Experts: Some *Really Practical* Suggestions,” ATLA Annual Convention, San Francisco, CA.
- 06/03 “Discovery Wars, Combat on the Product Liability Front” American Association of Law Schools Conference on Civil Procedure–Plenary Session, Sections on Torts and Civil Procedure Joint Meeting, New York, NY.
- 05/03 “Update on Drug and Medical Device Litigation,” Drugs and Medical Device Seminar, MILE, Minneapolis, MN.
- 04/03 “Some Really Practical Suggestions For Dealing With *Daubert*,” Montana Trial Lawyers Association, Billings, MT.
- 03/03 “Defeating *Daubert* Motions Starting With Your Expert’s Report,” MILE Discovery Issues Seminar, Minneapolis, MN.
- 02/03 “Not Your Typical *Daubert* Lecture Or Some Really Practical Suggestions For Dealing With *Daubert* In Federal Court,” Minnesota Trial Lawyers Mid-winter Convention, Duluth, MN.
- 02/03 “State Court v. MDL,” Hot Topics, ATLA Winter Convention, Maui, HI.
- 01/03 “Selecting the Right Case,” Mass Torts Made Perfect Seminar, Las Vegas, NV.
- 08/02 “Using Focus Groups to Test Drive Your Case,” Oregon Trial Lawyers Annual Meeting, Sun River, OR.
- 07/02 “Sample Opening Statement” Trial Skills Track, ATLA Summer Convention, Atlanta, GA.
- 04/02 “Test Drive Your Case Using Focus Groups and Mock Trials,” Litigation Techniques of ATLA All Stars, Dallas, TX.
- 07/01 “Where the Law is Going - A Multi-Circuit Review of Recent *Daubert* Decisions,” Montana Trial Lawyers Association, Polson, MT.

- 07/01 “What You Need To Know About The Federal Judicial Center’s *Reference Manual on Scientific Evidence*,” ATLA Annual Convention, Montreal.
- 06/01 “Lessons Learned From Recent *Daubert* Cases,” Wyoming Trial Lawyers Association, Cody, WY.
- 03/01 “Where the Law is Going - A Multi-Circuit Review of Recent *Daubert* Decisions,” National College of Advocacy, Las Vegas, NV.
- 02/01 “What is the Federal Judicial Center’s *Reference Manual on Scientific Evidence* and Why Should I Care?” ATLA Winter Convention, New Orleans, LA.
- 10/00 Course Chair: MTLA Seminar “Everything You Wanted to Know About *Daubert*”  
Presentation: “What is the Federal Judicial Center’s *Reference Manual on Scientific Evidence* and Why Should I Care?”, Minneapolis, MN.
- 07/00 “Nursing Home Liability - Thinking ‘Out of the Box’” - Minnesota Institute of Legal Education Seminar – Emerging Issues in Long-Term Care, Minneapolis, MN.
- 12/99 “Challenges to Expert Testimony or What the *Daubert* Trilogy Means to You”  
MTLA Seminar, Minneapolis, MN.
- 09/99 Instructor - ATLA Focus Group Workshop, Dallas, TX.
- 07/99 “Obtaining the Tobacco Documents” - ATLA Annual Convention, San Francisco, CA.
- 05/99 “Fraud and Misrepresentation” and “Consumer Protection Act” - Minnesota Trial Lawyers Association Cause of Action Seminar, Minneapolis, MN.
- 01/99 Anatomy of a Tort Case - Keynote Speaker - Montana Trial Lawyers Association, Missoula, MT.
- 01/97 “Dealing With Discovery Abuses” - ATLA Winter Convention, Boca Raton, FL.
- 08/96 “Defending Your Case From *Daubert* Challenges” - Minnesota Trial Lawyers Association Annual Convention, Alexandria, MN.
- 07/96 “Your Place Not Mine . . . An Update of Pertinent Forum Non-Convenience Cases” - ATLA Annual Meeting, Boston, MA.
- 04/96 “Spoliation of Evidence in Product Liability” - Product Liability Seminar, Minnesota Trial Lawyers Association, Minneapolis, MN.

- 10/95 "Federal Preemption, *Daubert* Hearings and the Noerr Pennington Doctrine" -- American Trial Lawyers of America, Chicago, IL.
- 10/95 "Discovery Response - Right of Access to Relevant Information or The End of Trial By Ambush" - ATLA, Full Disclosure and Other Discovery Abuses Seminar, Chicago, IL.
- 06/95 "Federal Preemption of Plaintiffs' Tort Claims" - Western States Trial Lawyers Association, Maui, HI.
- 12/94 "Using Company Documents in Taking Manufacturer Depositions," Louisiana Trial Lawyers Association, New Orleans, LA.
- 10/94 Epidemiology and Litigation - Association of Trial Lawyers of America, Dallas, TX.
- 06/94 "Pre-Suit Discovery -- The Only Real Plaintiff's Advantage," - New Mexico Trial Lawyers Association, Santa Fe, NM.
- 09/93 "Medical Device Litigation - Recognizing, Handling and Overcoming Significant Defense Issues" - *ATLA Pharmaceuticals and Medical Devices Seminar*, Dallas, TX.
- 08/93 "Federal Preemption of State Tort Law: Medical Device Act," - ATLA Annual Convention, San Francisco, CA.
- 08/93 "Expert Evidence - A Panel Discussion" - ATLA Annual Convention, San Francisco, CA.
- 07/93 "Informal Discovery in Product Liability Cases the Only Real Plaintiff's Advantage" - Montana Trial Lawyers Association 1993 Convention, Whitefish, MT.
- 03/93 "Proving Damages in a Breast Implant Case" - Mississippi Trial Lawyers Association, Jackson, MS.
- 11/92 "Breast Implant Litigation Update" - Command Trust Network Conference, Cleveland, OH.
- 10/92 "Proving Damages in a Breast Implant Case" - Presentation at Robins, Kaplan, Miller & Ciresi Damages Seminar, Minneapolis, MN.
- 06/92 "Using Defendant's Documents for Effective Cross-Examination" - Presentation MILE Civil Trial Practice Institute 1992, Bloomington, MN.
- 05/92 "Maximizing Damages--Death of a Wage Earner" - MTLA "Proof of Damages 1992" Seminar Presentation, Minneapolis, MN.

- 04/92 "Protecting Your Evidence from Junk Science Attacks" - SEAK, Inc. National Expert Witness Seminar - Hyatt Regency, San Francisco, CA.
- 01/92 "Causation in the 1990s: 'Junk Science' or 'Junk Law'?" - Panel Discussion Participant at ATLA Mid-Winter Convention in Boca Raton, FL.
- 07/91 "The Application of the Noerr-Pennington Doctrine in Pharmaceutical Litigation" - Presentation at ATLA Convention, Toronto.
- 09/90 "Minnesota Products Liability Law: Past, Present and Future" - Joint Presentation with Professor Michael Steenson, William Mitchell College of Law, St. Paul, MN.
- 02/90 "Recovering Damages Under Minnesota's Consumer Fraud Statutes" - MTLA Damages Seminar, Minneapolis, MN.
- 1994 Guest Lecturer at University of Michigan Law School
- 1989 Guest Lecturer at William Mitchell College of Law.
- 1991 Medical Malpractice Class and Trial Skills Seminars.
- Instructor - National Institute of Trial Advocacy (NITA).

### **ARTICLES/PUBLICATIONS**

- 12/02 "The 'Aha' Moment...Key to the Tobacco Fortress," – *Trial Magazine*.
- 03/01 "When Can Science Go To Court," – *Trial Magazine*.
- 10/00 "Protecting Expert Evidence – *Daubert* and *Frye* and Their Application in Minnesota," *Minnesota Trial Lawyer*.
- 07/00 "Lessons From Life: How Does That Make You Feel?," *Trial Magazine*.
- 05/99 "The Consumer Protection Act," and "Fraud and Misrepresentation" *Minnesota Cause of Action Manual*, updated chapters.
- 05/94 "Prescription for Harm: Pharmacist Liability," *Trial Magazine*.
- 05/93 "Nancy's Story. . . Proving Damages In a Breast Implant Case," *CTLA Forum*.
- 11/92 "Death Of A Wage Earner," *Minnesota Trial Lawyer*.

- 11/92 "Drug Overpromotion: When Is a Warning Not a Warning?" *Trial Magazine*.
- 11/91 "Protecting Your Evidence Against 'Junk Science' Attacks," *Trial Magazine*.
- 07/91 "Obtaining Discovery Abroad in U.S. Cases" - Used in Presentation at MILE Global Markets Seminar.
- 01/91 Chapter: "Consumer Protection Laws," *Minnesota Causes of Action Manual*, 2nd Edition.
- 10/89 "Resisting Allegations of Juror Misconduct: Using Rule 606(B) to Protect Your Verdict," *Minnesota Trial Lawyer*.

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