

ANDREW S. POLLIS

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Milton A. Kramer Law Clinic
Case Western Reserve University School of Law
11075 East Boulevard
Cleveland, OH 44106
(216) 368-2769

EDUCATION

Harvard Law School, J.D. *cum laude* (1990)

- Member, Director, Harvard Legal Aid Bureau
- General and Executive Editor, Harvard Civil Rights-Civil Liberties Law Review
- Author, Third-Year Paper: *Rights Up in the Air: Protecting the Interests of Airline Passengers*

Brown University, A.B. *magna cum laude*, American Civilization/Italian Studies (1986)

- Elected to *Phi Beta Kappa*
- Junior year at University of Bologna, Italy

CURRENT POSITION

Case Western Reserve University School of Law, Cleveland Ohio, Assistant Professor (July 2011 to present); Visiting Assistant Professor (August 2008 to June 2011)

- Courses Taught:
 - Civil Litigation Clinic (2010 to present)
 - Civil Litigation and Mediation Clinic (2008–10)
 - Mediation Training (2008–10)
 - Appellate Practice (2009–10)
- Faculty Advisor:
 - ABA National Appellate Advocacy Competition (2010–11)
 - American Intellectual Property Law Association Moot Court Competition (2008–09)
- Co-counsel in *Ortiz v. Jordan*, 131 S. Ct. 884 (2011)
- Faculty Web Bio at:
<http://law.case.edu/OurSchool/FacultyStaff/MeetOurFaculty/FacultyDetail.aspx?id=936>

PRACTICE EXPERIENCE

Hahn Loeser & Parks LLP, Cleveland, Ohio, Litigation Partner (1998–2008), Litigation Associate (1990–98)

- Chair, Appellate Practice Group (1998–2008)
- Notable cases:
 - Successful appeal of trial court's grant of summary judgment to police officer in false-arrest/malicious-prosecution case. *Knox v. Hetrick*, 2009-Ohio-1359 (Ct. App. Mar. 26, 2009).

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- \$41.5 million jury verdict in Arizona state court for title insurance company against former employee who breached fiduciary duties and against competitor that aided and abetted breaches. *Security Title Agency, Inc. v. Pope*, 200 P.3d 977 (Ariz. Ct. App. 2008) (reinstating punitive damages at 1:1 ratio), *review denied*, No. CV-08-0293-PR, 2009 Ariz. LEXIS 26 (Jan. 6, 2009).
- Representation of title companies in numerous class actions involving alleged overcharging of real-estate recording fees. *E.g.*, *Doll v. Chi. Title Ins. Co.*, 246 F.R.D. 683 (D. Kan. 2007) (denying class certification).
- Multi-district litigation involving oil industry's use of federally mandated oxygenate in gasoline and alleged effects of same on water supplies. Drafted and argued petition for writ of mandamus challenging district court's jurisdiction. *In re MTBE Prods. Liab. Litig.*, No. 07-4290 (2d Cir. Nov. 16, 2007) (denying mandamus review of *In re MTBE Prods. Liab. Litig.*, 510 F. Supp. 2d 299 (S.D.N.Y. 2007)).
- \$43.2 million verdict in favor of title insurance company against competitor that had wrongly induced former employee to breach non-compete agreement. *Chi. Title Ins. Corp. v. Magnuson*, No. 2:03-CV-368, 2005 WL 2373430 (S.D. Ohio Sept. 26, 2005), *aff'd in part, rev'd in part*, 487 F.3d 985 (6th Cir. 2007), *cert. denied*, 552 U.S. 1166 (2008).
- Series of commercial disputes between ExxonMobil subsidiaries and Saudi joint venture partner, including \$416.8 million verdict in contract/misappropriation case and U.S. Supreme Court case clarifying *Rooker-Feldman* doctrine. Decisions include:
 - *Saudi Basic Indus. Corp. v. ExxonMobil Corp.* 544 U.S. 280 (2005).
 - *Saudi Basic Indus. Corp. v. Mobil Yanbu Petrochem. Co.*, 866 A.2d 1 (Del. 2005).
 - *Saudi Basic Indus. Corp. v. ExxonMobil Corp.*, 401 F. Supp. 2d 383 (D.N.J. 2005).
- Successful defense on appeal of €1.7 million trial verdict for breach of partnership agreement involving sale of computer label-printing system. *Tharo Sys., Inc. v. cab Produkttechnik GmbH & Co. KG*, No. 05-3876, 196 Fed. App'x 366 (6th Cir. 2006).
- Successful defense on appeal of trial court's dismissal of claims against health insurer brought by plaintiff seeking reimbursement based upon coordination-of-benefits theories under ERISA. *COB Clearinghouse Corp. v. Aetna U.S. Healthcare, Inc.*, 382 F.3d 877 (6th Cir.), *cert. denied*, 543 U.S. 870 (2004).
- Successful appeal of multi-million-dollar age discrimination verdict against hospital system. *Olive v. Columbia/HCA Healthcare Corp.*, Nos. 75249, 76349, 2000 WL 263261 (Ohio Ct. App. Mar. 9, 2000).

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Sugarman, Rogers, Barshak & Cohen, P.C., Boston, Massachusetts, Summer Associate (1989)

Sirianni & Youtz, Seattle, Washington, Summer Associate (1988)

Hendricks & Lewis, Seattle, Washington, Litigation Paralegal (1986–87)

City of East Providence, Rhode Island, Law Clerk (1985–86)

PUBLICATIONS

Article, *The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation*, 79 *Fordham L. Rev.* 1643 (2011), available at <http://ssrn.com/abstract=1651271>.

Book, Co-Author (with Judge Mark P. Painter), *OHIO APPELLATE PRACTICE* (Thomson/West 2008–09, 2009–10, 2010-11, and forthcoming 2011–12 editions).

Book, Contributing Co-Editor (with Lawrence J. Fox and Susan R. Martyn), *A CENTURY OF LEGAL ETHICS: TRIAL LAWYERS AND THE ABA CANONS OF PROFESSIONAL ETHICS* (First Chair Press 2009).

Article, *Recovering Costs and Damages on Appeal*, 2 *Cleve. Metro. Bar J.* 22 (Dec. 2009).

Article, *Analyzing a New Era in Ohio's Appellate Courts*, 69 *Cleve. Bar J.* 32 (Sept. 1998).

PRESENTATIONS

Presenter, "Final Appealable Orders," Ohio Court of Appeals Judges Association, Columbus, Ohio (February 2012).

Presenter, "What Can Be Appealed and When?" Ohio Judicial Conference 2011 Annual Meeting, Columbus, OH (September 2011).

Presenter, "Sixth Circuit Year in Review," Squire, Sanders & Dempsey, Cleveland, OH (September 2011).

Working-Group Discussion Leader (Community Lawyering), AALS Conference on Clinical Legal Education, Seattle, WA (June 2011).

Moderator and Presenter, "The Ins and Outs of Appellate Practice," Cleveland Metropolitan Bar Association (June 2011).

Presenter, "Appellate Jurisdiction," ABA Section of Litigation "Sound Advice" series, posted May 10, 2011, for online play at http://www.americanbar.org/groups/litigation/resources/sound_advice.html/.

Moderator, "Ethics and Discovery in the 21st Century," for the ABA's Fifth Annual National Institute on E-Discovery, Washington, DC (May 2011).

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Moderator, “As Judges See It—Top 10 Objections Mistakes,” National Business Institute, Telephonic Seminar (December 2010).

Presenter, “The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation,” University of Maryland Law School, Baltimore, Maryland (October 2010).

Presenter, “The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation,” Northeast Ohio Scholarship Colloquium, Twinsburg, Ohio (October 2010).

Presenter, “The Need for Non-Discretionary Interlocutory Appellate Review in Multidistrict Litigation,” University of Toledo College of Law, Toledo, Ohio (September 2010).

Presenter, “Abuse of Abuse of Discretion: Ensuring a Standard Standard of Review,” Ohio Court of Appeals Judges Association, Geneva-on-the-Lake, Ohio (June 2010).

Presenter, “For Your (*En Banc*) Consideration: Pending Amendments to Ohio R. App. P. 26(A),” Ohio Court of Appeals Judges Association, Geneva-on-the-Lake, Ohio (June 2010).

Moderator, “A View from the Bench: Top 10 Mistakes Attorneys Make in the Courtroom,” National Business Institute, Telephonic Seminar (December 2009).

Presenter, “Recovering Costs on Appeal,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (October 2009).

Presenter, “Appellate Jurisdiction,” Ohio Court of Appeals Judges Association, Maumee, Ohio (June 2009).

Presenter, “Litigation Section Annual Meeting and CLE,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (June 2009).

Panelist, “Impact Litigation or Impact Education: Striking the Right Balance in Law School Clinics,” AALS Conference on Clinical Legal Education, Cleveland, Ohio (May 2009).

Moderator, “Trials and Tribulations: Ethical Dilemmas That Occur During Trial,” ABA Section of Litigation Annual Conference, Atlanta, Georgia (May 2009).

Presenter, “Raising the Bar: The Art of Appellate Practice,” Cuyahoga County Bar Association, Cleveland, Ohio (October 2007).

Presenter, “Annual Appellate Practice Essentials,” Cleveland Bar Association, Cleveland, Ohio (May 2005).

Presenter, “Supreme Court Practice Update,” Cleveland Bar Association, Cleveland, Ohio (May 2004).

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Presenter, “Annual Convention Seminar,” Ohio State Bar Association, Dayton, Ohio (May 2003).

Moderator, “The Scottsboro Trial: Seventy Years Later,” ABA Section of Litigation Annual Conference, Boston, Massachusetts (April 2002).

Presenter, “Appellate Jurisdiction,” Ohio Court of Appeals Judges Association, Geneva-on-the-Lake, Ohio (November 2001).

Presenter, “Final Appealable Order,” Cleveland Bar Association, Cleveland, Ohio (March 2001).

Panelist, “Selected Issues in Appellate Practice,” Cleveland Bar Association, Cleveland, Ohio (May 2000).

Presenter, “Annual Appellate Practice and Procedure Clinic,” Cleveland Bar Association (April 2000).

OTHER TEACHING EXPERIENCE

Harvard Law School, Legal Methods Instructor under then-Professor Martha Minow (1989–90)

Seattle Central Community College, Italian Language Instructor (1986–87)

Brown University, Italian Language Teaching Assistant (1985–86)

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

Counsel to Appellate Rules Subcommittee of the Commission on the Rules of Practice and Procedure in Ohio Courts (2009 to present)

American Bar Association, Litigation Section Leadership (2001 to present)

- Co-Chair, Consumer & Civil Rights Litigation Committee (2010 to present)
- Co-Chair, Ethics and Professionalism Committee (2007–10)
- Co-Chair, *Amicus Curiae* Briefs Committee (2004–05)
- Co-Chair, Membership Committee (2005–07)
- Co-Chair, Appellate Practice Committee (2001–04)

American Bar Association, Judicial Division, Appellate Judges Conference, Council of Appellate Lawyers, Founding Secretary (1999–2001)

Ohio State Bar Association

- Chair, Litigation Section (2004–06)
- Founding Chair, Appellate Practice Committee (2002–04)

Cleveland Metropolitan Bar Association

- Chair, Litigation Section Appellate Courts Committee (2007 to present)
- Secretary, Litigation Section Appellate Courts Committee (1999–2002)

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Cuyahoga County Bar Association

- Chair, Young Lawyers Section (1992–93)

ACKNOWLEDGMENTS

- Certified as a specialist in Appellate Law, Ohio State Bar Association (2008)
- Included in *Best Lawyers in America* for appellate litigation (2008–09)
- Listed as one of *Law & Politics* Magazine’s “Ohio Super Lawyers” for General Litigation (2004–09)

CIVIC/COMMUNITY

- Coach Cleveland Heights High School Mock Trial Team (2007–10)
- Lillian and Betty Ratner School Board of Trustees, Pepper Pike, Ohio (2001–07)
- Council Gardens Board of Trustees, Cleveland Heights, Ohio (2004–06)
- Cleveland Association of *Phi Beta Kappa* Board of Trustees (2001–05, 2008 to present)
- Tutoring for Ohio Proficiency Test, John Hay High School, Cleveland, Ohio (2001–03)
- Cleveland Bar Association “3R’s” Program, East High School, Cleveland, Ohio (2006–07)

LANGUAGES

- Italian (fluent)
- French (proficient)