

R. Jason Richards

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Legal Experience

Aylstock, Witkin, Kreis & Overholtz, Pensacola, FL

Partner/Shareholder, 2009 – Present

Associate, August 2004 – December 2008

- Practice in mass tort, product liability, class action and insurance litigation

Law Office of R. Jason Richards, Fort Collins, CO

Sole Practitioner, June 2003 – July 2004

- General practice

Office of the District Attorney, Sterling, CO

Deputy District Attorney, July 2001 – May 2003

- Prosecutor (felonies and misdemeanors)

EchoStar Communications Corp. (Dish Network), Littleton, CO

Legal Consultant, October 1999 – December 2000

- Drafted and negotiated contracts for the second-largest satellite television provider in the U.S.; responsible for overseeing small-claims lawsuits; worked with business development manager on securing new business for satellite content

Education

DePaul University College of Law, Chicago, IL

Master of Laws (LL.M.), Health Law, 1999

- Recipient, Kamensky & Rubenstein Scholarship
- Thesis: *Disabilities in Notary Law and Practice*, published in 32 JOHN MARSHALL LAW REVIEW 1033 (1999)

University of Illinois Chicago School of Law, Chicago, IL

Juris Doctor, 1998

- Editor, *John Marshall Journal of Computer & Information Law*, 1996-1997
- Recipient, Allen H. Schwartz Scholarship (1996-1998)
- Recipient, Ambassador of the Year Award (1998)
- Research Assistant, Professor Michael L. Closen (1995-1998)
- Author/Co-Author of three law review/journal articles

- Contributing Writer, *The Decisive Utterance* (JMLS newspaper)

University of Colorado, Denver, CO

Master of Arts, U.S. History, 2006

- Member, Phi Alpha Theta (History Honor Society)

University of Alabama at Birmingham, Birmingham, AL

Bachelor of Arts, Economics, 1994

- Member, Omicron Delta Epsilon (Economics Honor Society)

University of Alabama at Birmingham, Birmingham, AL

Bachelor of Arts, Political Science, 1993

- Member, Pi Sigma Alpha (Political Science Honor Society)

Bar Admissions

Florida

Colorado

United States Supreme Court

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court, Northern/Middle/Southern Districts of Florida

U.S. District Court, District of Colorado

U.S. District Court, Eastern District of Wisconsin

**Court Appointments
& Committee Service**

Appointed to Plaintiffs' Executive Committee in In re: Fluoroquinolone Products Liability Litigation, MDL 2642, U.S. District Court, District of Minnesota (2016).

Appointed to Plaintiffs' Steering Committee, Multi-District Coordinator, in In re: Effexor (Venlafaxine Hydrochloride) Products Liability Litigation, MDL 2458, U.S. District Court, Eastern District of Pennsylvania (2013).

Member of Plaintiffs' Discovery, Marketing and Law and Briefing Committees in In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL 2342, U.S. District Court, Eastern District of Pennsylvania (2012).

Appointed class counsel in certified state-wide class action in Baker, et al. v. Baptist Hospital, Inc., Case No. 10-CV-1591, First Judicial Circuit, Santa Rosa County, Florida (2011).

Member of Plaintiffs' Law and Briefing Committee in In re: Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871, U.S. District Court, Eastern District of Pennsylvania (2007).

Member of Plaintiffs' Discovery/Law and Briefing Committee in In re: Viagra Products Liability Litigation, MDL 1724, U.S. District Court, District of Minnesota (2006).

**Professional
Activities**

Adjunct Professor, University of West Florida
Member, UWF Legal Studies Advisory Board
Member, Escambia-Santa Rosa Bar Association
Member, American Association of Justice
Member, Florida Justice Association
Member, Scribes–The American Society of Legal Writers
Member, Florida Bar Journal/News Editorial Board, 2012-2018;
(Chair, 2015-2016; Vice-Chair, 2014-2015)

Awards/Honors

AV® Preeminent Peer Review Rated by Martindale-Hubbell, 2013-Present

Selected as one of the “Top 100” civil trial lawyers in Florida by The National Trial Lawyers, 2013-Present

Recipient, UWF Outstanding Community Partner Award, 2019

Selected as a Florida Rising Star by *Super Lawyers*® Magazine, 2009

**Law Review & Peer –
Reviewed Publications**

1. *The Fallacy of Statistical Significance Under “Daubert,”* NEW JERSEY LAW JOURNAL, May 5, 2021.
2. *Third Circuit Uses Recent Guidance in “Merck” to Reinstate Drug Claims,* NEW JERSEY LAW JOURNAL, February 27, 2020.
3. *Can Fluoroquinolones Cause Peripheral Neuropathy? The Drugs’ Manufacturers Say “Yes.”* Letter to Editor. OPEN ACCESS JOURNAL OF NEUROLOGY & NEUROSURGERY, 2017; 6(3).
4. *Reflecting on Hill’s Original Causation Factors,* 52 TRIAL 45 (2016).
 - Cited in Clevenger v. John Crane, Inc., 12 Wash.App.2d (2020).
5. *We, the Class: What the Founding Generation Can Tell Us About Adequate Representation in Class Action Litigation,* 48 SUFFOLK UNIVERSITY LAW REVIEW 769 (2015) (co-author) (lead article).

6. *A Primer on the Origins and Implications of the Thomas Becket Affair*, 1 LINCOLN MEMORIAL UNIVERSITY LAW REVIEW 145 (2014).
7. *Capping Non-Economic Medical Malpractice Damages: How the Florida Supreme Court Should Decide the Issue*, 42 STETSON LAW REVIEW 113 (2012) (symposium issue).
 - Cited and quoted in Clemons v. United States of America, 2013 WL 3943494 (S.D. Miss. June 13, 2013).
8. *The Politics of Extradition in Post-War Holland*, 15 TOURO INTERNATIONAL LAW REVIEW 122 (2012).
9. *Cheap Meat: How Factory Farming is Harming our Health, the Environment, and the Economy*, 4 KENTUCKY JOURNAL OF EQUINE, AGRICULTURE & NATURAL RESOURCES LAW 31 (2012) (co-author).
10. *Answering Discovery “Subject to” Objections: Lessons from Florida’s District Courts*, 35 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 127 (2010).
11. *The National Flood Insurance Program: A “Flood” of Controversy*, 82 FLORIDA BAR JOURNAL 9 (2008) (cover article).
12. *Courting Wikipedia*, 44 TRIAL 62 (2008).
 - Cited and quoted in Lee v. Mallinckrodt Enterprises, LLC, 456 F.Supp.3d 1089 (E.D. Mo. 2020)
 - Cited and quoted in Free the Nipple-Fort Collins v. City of Fort Collins, 916 F.3d 792 (10th Cir. 2019).
 - Cited in Advanced Mechanical Serv. Inc. v. Auto-Owners Ins. Co., 2017 WL 3381366 (W.D. Ky. 2017).
 - Cited and quoted in D. Magazine Partners, L.P. v. Rosenthal, 529 S.W.3d 429 (Tex. 2017).
 - Cited and quoted in Fire Ins. Exchange v. Oltmanns, 285 P.3d 802 (Utah App. 2012).
 - Cited and quoted in Grissom v. Arnott, 2012 WL 1309266 (W.D. Mo. April 16, 2012).
 - Cited and quoted in Hamilton v. Menard, Inc., 2011 WL 3652449 (N.D. Ohio 2011).
 - Cited and quoted in Rainey v. Grand Casinos, Inc., 47 So.3d 1199 (Miss. App. 2010).
 - Cited and quoted in Crispin v. Christian Audigier, Inc.,

- 717 F.Supp.2d 965 (C.D. Cal. 2010).
- Cited and quoted in Badasa v. Mukasey, 540 F.3d 909 (8th Cir. 2008).
13. *How We Got Where We Are: A Look at Informed Consent in Colorado—Past, Present and Future*, 26 NORTHERN ILLINOIS UNIVERSITY LAW REVIEW 69 (2005).
 14. *Florida’s “Valued Policy Law:” Clarifying Some Recent Misconceptions*, 79 FLORIDA BAR JOURNAL 18 (2005).
 15. *Reasonable Doubt: An Overview and Examination of Jury Instructions in Colorado*, 33 THE COLORADO LAWYER 85 (2004).
 - Cited and quoted in State v. Ricks, 821 N.W.2d 286 (Iowa App. 2012).
 - Cited and quoted in State v. Anderson, 784 N.W.2d 320 (Minn. 2010) (Meyer, J., concurring).
 16. *Using Anonymous Tips to Establish Reasonable Suspicion for a Stop*, 32 THE COLORADO LAWYER 61 (2003).
 17. *The Future of E-Commerce and Colorado’s Government Electronic Transactions Act*, 29 THE COLORADO LAWYER 4 (2000).
 18. *Disabilities in Notary Law and Practice*, 32 JOHN MARSHALL LAW REVIEW 1033 (1999).
 19. *The Utah Digital Signature Act as “Model” Legislation: A Critical Analysis*, 17 JOHN MARSHALL JOURNAL OF COMPUTER & INFORMATION LAW 873 (1999).
 20. *Stop! . . . Go Directly to Jail, Do Not Pass Go, and Do Not Ask for a Notary*, 31 JOHN MARSHALL LAW REVIEW 879 (1998) (symposium issue).
 21. *Richards v. Jefferson County: The Supreme Court Stems the Crimson Tide of Res Judicata*, 38 SANTA CLARA LAW REVIEW 691 (1998).
 - Cited in Buechel v. Bain, 766 N.E.2d 914 (N.Y. 2001) (Levine, J., dissenting).
 - Cited and quoted in Richman v. FWB Bank, 712 A.2d 41 (Md. 1998).

22. *Notaries Public—Lost in Cyberspace, Or Key Business Professionals of the Future?*, 15 JOHN MARSHALL JOURNAL OF COMPUTER & INFORMATION LAW 703 (1997) (co-author).

**Legal Newspaper/
Periodical Publications**

1. *Common Practice Makes Bad Law*, CHICAGO DAILY LAW BULLETIN, April 26, 2011, at 5.
2. *Cyberbusiness Needs Supernotaries*, NATIONAL LAW JOURNAL, Aug. 25, 1997, at A19 (co-author).

**Miscellaneous
Publications**

1. *Historic Structures in Pensacola*, PENSACOLA HISTORY ILLUSTRATED, Vol. 6, No. 1 (Summer 2016), 6-34 (lead article).
2. *Legal Ethics: Solutions to the Most Common Challenges*, CLE seminar, NATIONAL BUSINESS INSTITUTE, Nov. 22, 2013.
3. *A Bitter Pill*, COASTAL LIFESTYLE MAGAZINE, April/May 2013, at 37.
4. *Find it Free and Fast on the Net: Strategies for Legal Research on the Web*, CLE seminar, NATIONAL BUSINESS INSTITUTE, Feb. 5, 2010.
5. *Understanding Wills and Probate*, THE FORT COLLINS FORUM, Feb. 12, 2004, at 21.
6. *Florida Case Dramatizes Significance of Living Wills*, THE FORT COLLINS FORUM, Dec. 11, 2003, at 4.
7. *Missed the HIPAA deadline? Don't panic*, NORTHERN COLORADO BUSINESS REPORT, Nov. 28, 2003, at 6B.
8. *On Cybernotaries, Personal Jurisdiction, and Legal Liability*, AMERICAN NOTARY, Third Qtr. 1999, at 6.

Media References

“US FDA probing allegations of benzene in sun-care products,” Chemical Watch, August 4, 2021 (quoted from interview on contaminated sunscreen).

Zack Needles, “As Sunscreen Consumer Class Actions Swell, Personal Injury Claims are Riding the Wave Behind Them,” www.law.com, July 22, 2021.

Amanda Bronstad, “Lawyers Say More Sunscreen Recalls—and Lawsuits—Are on the Horizon,” www.law.com, July 19, 2021 (quoted from interview on contaminated sunscreen litigation)

Michael A. Mora, “‘Something Needs to Be Done’: Sunscreen Makers Hit With Nationwide Class Action,” www.law.com, June 21, 2021 (quoted from interview on contaminated sunscreen).

Alex Wolf, “Girardi Keese Urges Justices To Hear \$10M Avandia Fee Fight,” *Law360*, January 15, 2016 (quoted from interview on Supreme Court case).

Amanda Bronstad, “Girardi Keese Loses SCOTUS Bid in Avandia Fee Fight,” *National Law Journal*, February 29, 2016 (quoted from interview on Supreme Court case).

Amy E. Bivins, “User-Generated Content: Volunteer Editors Complicate Interactive Service Safe Harbor Questions,” *Bloomberg BNA—Electronic Commerce and Law Report*, February 4, 2009 (quoted from interview on legal citations to social networks).

Jana Winter, “Social Networking Sites Not Just for Friends – They’re Also for the Feds,” *FoxNews.com*, September 11, 2008 (quoted from interview on legal citations to social networks).

Azell Murphy, “A Third ‘Homer’ to Cap His Law School Career,” *Chicago Daily Law Bulletin*, December 5, 1997 (featured in subject of article).

M.A. Stapelton, “A Law Student Whose Name May Ring a Bell,” *Chicago Daily Law Bulletin*, June 26, 1996 (featured in subject of article).

M.A. Stapelton, “Student-Plaintiff Takes Case to Supreme Court,” *Chicago Daily Law Bulletin*, March 22, 1996 (featured in subject of article).

Co-presenter, “Neutrogena Sunscreen Litigation,” HarrisMartin’s Webinar Series (2021).

Guest Lecturer, “Civil Procedure,” University of West Florida, 2021.

Presentations

Co-presenter, “Zantac: Key Considerations for Consolidation,” HarrisMartin MDL Conference (Tampa), 2020.

Invited Speaker, HarrisMartin’s Zantac Litigation Conference (Miami), 2020.

Co-presenter, “Zantac – The Cancer Within,” CAMG Webinar, 2019.

Presenter, “Gadolinium Contrast Agent Litigation Update,” HarrisMartin’s MDL Conference (Miami), 2019.

Presenter, “Fluoroquinolones,” HarrisMartin’s MDL Conference: Pharmaceutical and Environmental Mass Tort Litigation (Santa Barbara), 2016.

Co-presenter, “The Decade-Long Deception: FLQs and the Risks of Permanent Peripheral Neuropathy,” CAMG Webinar, 2016.

Presenter, “Fluoroquinolone (FLQ) Litigation,” HarrisMartin’s MDL Conference (San Francisco), 2015.

Presenter, “SSRI Antidepressant Birth Defect Cases Litigation Group CLE Program: Litigation Update,” American Association for Justice Summer Convention (Montreal), 2015.

Presenter, “Litigation Update: Fluoroquinolones,” HarrisMartin’s MDL Conference (San Diego), 2015.

Presenter, “Litigation Update: Fluoroquinolones,” HarrisMartin’s MDL Conference (Charleston), 2014.

Presenter, “Status of Litigation & Potential Venues,” American Association for Justice Fluoroquinolone Webinar, 2014.

Presenter, “Legal Ethics: Solutions to the Most Common Challenges,” National Business Institute Seminar, 2013.

Co-presenter, “Birth Defects: Zoloft and other SSRI Drugs—The State of the Litigation,” 2012.

Presenter, “Find it Free and Fast on the Net: Strategies for Legal Research on the Web,” National Business Institute Seminar, 2010.

Guest Speaker, “Contracts,” Johnson & Wales University, 2004.

Guest Speaker, “Torts,” Northeastern Junior College, 2002.

Co-presenter, “Verification of Electronic Transactions,” National Notary Association Annual Conference (Washington D.C.), 1999.

Guest Speaker, “Electronic Document Transactions,” John Marshall Law School, 1998.

Guest Speaker, “Richards v. Jefferson County,” John Marshall Law School, 1998.

Guest Speaker, “Notary Law and Practice,” John Marshall Law School, 1998.

Reported Cases

Baptist Hospital, Inc. v. Baker et al., 84 So.3d 1200 (Fla. 1st DCA 2012).

In re Viagra Prods. Liab. Litig., 658 F.Supp.2d 950 (D. Minn. 2009).

Florida Farm Bureau Cas. Ins. Co. v. Freeman, 1 So.3d 178 (Fla. 1st DCA 2009).

Parker v. Stryker Corp., 584 F.Supp.2d 1298 (D. Colo. 2008).

In re People v. Cardenas, 62 P.3d 621 (Colo. 2002).