

ANNUAL CONFERENCE

prop. 65 clearinghouse

MONDAY, SEPTEMBER 18, 2023

JULIA MORGAN BALLROOM

1:45 to 2:45

What Can Be Done to Stop Over Warnings

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Moderator:

Laura Zuckerman, Supervising Deputy Attorney General

Panel:

Rachel Chatman, Attorney, Benesch Friedlander Coplan & Aronoff

J. Robert Maxwell, Partner, Rogers Joseph O'Donnell

Trent Norris, Partner, Hogan Lovells US

Eric Somers, Partner, Lexington Law Group

Bios

Laura Zuckerman

Supervising Deputy Attorney General

Laura Zuckerman is a Supervising Deputy Attorney General in the Environment Section of the California Department of Justice. Prior to joining the Environment Section in 2006, she spent five years as a member of the Attorney General's Energy Task Force, engaging in large-scale investigation of, and complex civil litigation involving, the California energy industry. Before joining the Attorney General's Office, Ms. Zuckerman practiced complex civil litigation at McCutchen, Doyle, Brown & Enersen, where she began her litigation career after clerking for the Honorable William H. Orrick, Jr., United States District Court, San Francisco.

At the Attorney General's Office, a significant portion of Ms. Zuckerman's work consists of matters undertaken in the Attorney General's independent capacity to enforce environmental laws, including Proposition 65 and other statutes relating to protection of human health and the environment.

Ms. Zuckerman received her J.D. from UC Berkeley School of Law, where she was an Articles Editor for the Ecology Law Quarterly. She received her A.B. magna cum laude in Social Studies from Harvard University.

Rachel Chatman

Attorney, Benesch Friedlander Coplan & Aronoff

Rachel Chatman is an attorney at Benesch, Friedlander, Coplan & Aronoff LLP with significant experience representing a wide range of clients in high stakes consumer, contract, and other commercial litigation. Her practice focuses both on consumer-facing and business to business disputes. She also has extensive experience in counseling clients on compliance and regulatory issues. She has handled litigation and regulatory enforcement matters at all stages, including through jury and bench trials and arbitration, as well as resolving cases informally, through mediation and in settlement conferences. She also advises clients on prelitigation compliance as well as litigation risk management.

Rachel has spent the bulk of her 20+ year career in private practice but prior to joining Benesch, she spent several years in government practice. She worked in the General Counsel's office at AC Transit and—immediately prior to joining Benesch—as a Deputy City Attorney in the city of Berkeley, where she was in charge of all third-party tort claims against the city as well as advising various city departments on a wide range of matters. This experience gives her a unique perspective and valuable insight to her clients, particularly when dealing with government agencies and regulatory compliance issues.

One of her specialty areas is Proposition 65 matters, where she has experience not only representing clients in litigation but also providing solution-oriented advice and counsel on compliance and risk management issues.

J. Robert Maxwell

Partner, Rogers Joseph O'Donnell

With over 25 years of experience, Mr. Maxwell specializes in complex civil and criminal litigation and in providing regulatory advice. His litigation and counseling practice focuses mainly on unfair trade practices, Proposition 65 and medical device related litigation. Mr. Maxwell is widely recognized for representing national and regional retailers and distributors in antitrust, unfair business practices, Proposition 65, and other consumer protection litigation in state and federal court. He has extensive experience responding to prosecutions for unfair trade practices brought by the State Attorney General's office, local District Attorneys, and the private plaintiff's bar.

Mr. Maxwell also has considerable white collar crime experience handling internal investigations for FDA-regulated medical device and pharmaceutical companies, and in ensuing civil litigation. His government contracts experience includes representing large and small contractors in disputes with the federal government and in federal, state and locally funded public works and public transit projects.

As part of his practice, Mr. Maxwell advises clients on regulatory compliance issues. He has significant experience advising clients on internet sales, and issues affecting sales of regulated products including alcohol and tobacco. He is an active member of the State Bar's Antitrust and Unfair Competition Law Section.

He received his law degree from the University of Michigan Law School, his B.A. from Texas Christian University, Cum Laude, and attended the Institute of European Studies, Paris, France.

Trent Norris

Partner, Hogan Lovells US

Trenton H. Norris litigates complex scientific disputes in the areas of consumer protection, food and product safety, and chemical regulations. His clients are consumer product manufacturers, distributors, and retailers facing challenges from plaintiffs' lawyers, activist groups, state attorneys general, and local district attorneys.

In 30 years of practice, Mr. Norris has represented over a thousand companies in lawsuits and regulatory matters concerning state consumer protection and toxics laws, with a particular focus on California Proposition 65.

Mr. Norris and his team have represented hundreds of manufacturers, retailers, and trade associations in Proposition 65 matters. He lobbies California environmental agencies and both challenges and defends regulatory actions in court. Mr. Norris is listed in Chambers USA for both Environmental and Food & Beverages Regulatory and Litigation and in Best Lawyers for Environmental Law. In 2023, he was named Lawyer of the Year for Environmental Litigation in San Francisco. He is a magna cum laude graduate of Harvard Law School, where he was an editor of the Harvard Law Review.

Eric Somers

Partner, Lexington Law Group

Eric S. Somers specializes in complex environmental and consumer public interest litigation on behalf of nonprofit organizations, aggrieved individuals and public entities. Mr. Somers has significant experience enforcing California's landmark Right-to-Know law, Proposition 65, against Fortune 500 companies in the food, tobacco, pharmaceutical, chemical, cosmetics, water quality, costume jewelry, fashion accessory and retail industries. These cases have led to reformulation of millions of products designed for children to eliminate exposures to toxic chemicals such as lead, cadmium and arsenic. Examples of consumer products that have been reformulated to remove these toxic chemicals include children's playsets (arsenic treated wood), water filters (lead and arsenic), children's jewelry (lead and cadmium), fashion accessories such as handbags, belts and footwear (lead) and cookies made with molasses (lead). Many of these private enforcement actions have been co-litigated with the California Attorney General and other public enforcement agencies.

Mr. Somers also has substantial experience in false advertising and unfair competition matters. Mr. Somers recently was lead counsel in a greenwashing case against a company making false environmental claims about disposable plastic bags. He has also represented a group of plaintiffs in a case against major inkjet printer manufacturers regarding false and misleading print speed representations. Mr. Somers was Liaison Counsel in a complex coordinated proceeding alleging violations of the Truth In Lending Act by California automobile dealers that resulted in industry wide changes in advertising practices. In a class action case alleging violations of the Fair Debt Collection Practices

Act against Chase Bank, Mr. Somers negotiated a significant class settlement.

Mr. Somers founded the Lexington Law Group in 1996. He currently serves on the Advisory Board of the Prop. 65 Clearinghouse. Mr. Somers has been selected as a California SuperLawyer in each year since 2014. When not working, Mr. Somers enjoys spending time with his wife and children, skiing down large mountains and playing golf.