



Merton A. Howard

Partner

Mert's practice covers all aspects of civil litigation and business risk management. He is experienced in legal project management and strategic planning, alternative dispute resolution, trials and appeals. In the product liability area, he handles mass torts and class actions. His cases have involved catastrophic injuries, children's products, chemicals, pesticides, pharmaceuticals, medical devices, food and related services, sports equipment, consumer goods, aviation equipment, asbestos and other toxic substances. He also represents clients in matters concerning California's Proposition 65, contractual interpretation, unfair competition and premises liability. Additionally, he assists companies with regulatory compliance, warnings and instructions, and best practices.

Mert has been certified by NHTSA as a child passenger safety technician and counsels companies regulated by the Consumer Product Safety Commission.

Mert is a frequent author and speaker on a wide range of topics, including best practices for e-discovery and litigation management, deposition strategy, trial, and numerous procedural and substantive issues.

He is a member of the faculty of the University of San Francisco School of Law's Intensive Advocacy Program. This includes an annual lecture on taking and defending depositions.

Published Decisions

Conte v. Wyeth, Inc. (2008) 168 Cal. App. 4th 89 (Review denied by *Conte (Elizabeth Ann) v. Wyeth, Inc.*, 2009 Cal. LEXIS 233 (Cal., Jan. 21, 2009))

Publications

"Forecasting Liability While Connecting to the Internet of Things," co-author, *USLAW Magazine* (Spring/Summer 2016)

"Product Liability: The Resale of Children's Products Online," co-author, *In-House Defense Quarterly* (October 2014)

"The Erosion of California's Sophisticated User and Purchaser Defenses

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Firm Leadership

Product Liability Practice Group
Leader

E-Discovery Task Force
Pro Bono Committee

Practices/Industries

Litigation & Dispute Resolution

Product Liability & Torts

Proposition 65

Food and Beverage

Class Actions

Privacy, Data Security and

Information Governance

Environment & Natural Resources

- in Product Liability Litigation," co-author, *IADC Product Liability Committee Newsletter* (August 2014) Business Litigation
- "California Product Liability Law Liasion Report," *Juvenile Products Manufacturers Association* (July 2013) Cannabis Law
- "Defending Your Case Through Social Media and In Court," co-author, *Association of Defense Counsel of Northern California* (December 2012)
- "Prop 65 for Non-California Companies," *Hanson Bridgett Video Update* (May 2010)
- "Green Chemistry in California," *Hanson Bridgett Video Update* (May 2010)
- "Review of New and Proposed State Laws Regarding Children's Products," *DRI Products Liability* (2010)
- "The California Electronic Discovery Act," co-author, *The Marin Lawyer* (August 2009)
- "Punitive Damages: A State-by-State Compendium – California" co-author, *DRI Defense Library Series* (2009)
- "Design and Manufacture of Products for Sale in the United States – A Summary of American Product Liability Law – Chapter Five – The Risk of Punitive Damages," *Globalaw Product Liability and Toxic Tort Initiative* (2006)
- "Summary of Published California State Cases Concerning Asbestos Exposure," co-author, *University of San Francisco School of Law Continuing Legal Education* (May 2004)
- "Deposition Strategy for Deposing the Asbestos Plaintiff," *ADC 2004 Asbestos Training Series* (March 2004)
- "Putting the Toxic Tort Case Together – Discovery and Investigation Strategy Checklist and Preparing for and Conducting Depositions," *ADC Seminar, Toxic Torts 101* (September 2003)
- "Changes to California's Statute of Limitation for Personal Injury and Wrongful Death Claims and the Summary Judgment Statute," co-author (September 2002)
- "Handling The Disappearance or Spoliation of Third Party Evidence in The Product Liability Case: Beware The Double Edged Sword," co-author, *ALFA Product Liability Seminar* (May 2000)
- "How The CPSC Handles And Discloses Information On Product Performance And What You Can Do About It," *DRI 2000 Product Liability Conference* (January 2000)
- "Product Liability Update," *Hanson Bridgett* (various)
- "Product Liability Newsletter," *Globalaw* (various)

Blog Posts

- "Court Grants Reprieve From Warning Obligations Related To Glyphosate For California Proposition 65 On Basis Of Inadequate Scientific Evidence," co-author, *HB Briefly* (March 2018)
- "In Bristol-Myers, CA Supremes Find Contacts Insufficient For General Jurisdiction, But Expand the Scope of Specific Jurisdiction," *HB Briefly* (August 2016)

"The Internet of Things: Expanding Everywhere And Growing Faster Daily," HB Briefly (March 2015)

Presentations

"Ethical Concerns of Delegating," DRI Young Lawyer Seminar (June 2017)

"Career Development For Senior Associates," DRI Young Lawyer Seminar (June 2017)

"Even a Good Recall Causes Turbulence: Best practices for managing the press, litigation, and investigations after the recall announcement," USLAW LawMobile Product Liability Seminar (May 2017)

"Product Recalls and Crisis Management: How to Protect Your Company," 2016 USLAW Fall Client Conference (September 2016)

"Take Another Look Before You Leap: Avoiding New Pitfalls Arising from Defense and Indemnity Agreements in the Product Chain of Commerce," co-speaker, USLAW Product Liability Webinar (April 2016)

"Do's and Don'ts of Record Preservation," 2016 USLAW Spring Client Conference, Transportation Track, Rancho Palos Verdes, CA (April 2016)

"The Internet of Things Continued," DRI Product Liability Conference, Children's Products Meeting (February 2016)

"Cutting Edge Technology and Litigation Impacts," moderator, International Association of Defense Counsel, Product Liability Webinar (December 2015)

"Developments in U.S. Cyber Liability," DRI Annual Meeting, Commercial Litigation (October 2015)

"The Internet of Things (IoT) and Product Liability: Hot Buttons in 2015," co-presenter, The Knowledge Group (August 2015)

"Legal Intersection: Product Liability, Privacy, Cyber Security, and The Internet of Things," DRI Product Liability Conference, Children's Products Panel Counsel Meeting (February 2015)

"2014 University of San Francisco School of Law Reunion Gala," master of ceremonies (November 2014)

"DRI Annual Meeting Keynote Presentation," moderator (October 2014)

"2014 University of San Francisco School of Law Alumni Graduate Dinner," master of ceremonies (May 2014)

"Liability Surrounding the Re-Sale of Children's Products On-Line," DRI Product Liability Conference (April 2014)

"Vapor Intrusion: New Trends in Toxic Tort Litigation," American Bar Association TIPS Toxic Tort and Environmental Law Conference (April 2014)

"Taking and Defending Depositions in California," Intensive Advocacy Program, University of San Francisco School of Law (May 2004-2013)

"Defending Your Case Through Social Media and In Court," Association of Defense Counsel of Northern California

and Nevada (December 2012)

"Social Media and the Toxic Tort Juror," Association of Defense Counsel of Northern California and Nevada (June 2012)

"Advocacy on the Edges of the Web: Navigating Ethical Boundaries When Confronting Social Media During Litigation," moderator, ABA 21st Annual Spring CLE Meeting (March 2012)

"Managing Global Litigation Risks," chair, Globalaw Litigation Program (November 2010)

"Judges Roundtable for Northern California Asbestos Litigation," chair, Association of Defense Counsel of Northern California, Consumer Attorneys of California and San Francisco Trial Lawyers Association (June 2010)

"Untangling the Web: Update on Reconciling and Deciphering the New and Proposed State Laws Introduced in the Wake of the Children's Product Recalls," DRI Product Liability Conference (April 2010)

"Spreading the Fault, The 'Nuts and Bolts' of Fault Diverting Defenses," Association of Defense Counsel of Northern California, Toxic Tort Series (May 2009)

"Best Practices for E-Discovery and Litigation Management," moderator, Globalaw in North America (April 2009)

"Untangling the Web: Reconciling and Deciphering the New and Proposed State Laws Introduced in the Wake of the Children's Product Recalls," DRI Product Liability Conference (April 2009)

"Johnson v. American Standard: The 'Sophisticated User' Defense in California," Association of Defense Counsel of Northern California, Toxic Tort Committee (May 2008)

"Emerging Issues and Hot Topics in Toxic Tort and Environmental Law, including (a) Lead; (b) Endocrine Disrupters in Water; and (c) Arsenic," ABA Toxic Tort & Environmental Law Committee Spring Conference (April 2008)

"The Industrial Hygienist as an Expert Witness – Admissibility," California Industrial Hygiene Council Conference (December 2007)

"Current Practices and Cutting Edge Issues," Association of Defense Counsel of Northern California, Toxic Tort Committee (May 2007)

"Emerging Issues and Recent Developments in Chemical and Product Liability Law," American Bar Association, Litigation Section Workshop on the Changing Face of Chemical Product Liability Claims (September 2006)

"Emerging Chemical and Mass Torts: What's New? What's Next?" DRI Product Liability Conference (February 2006)

"Identifying and Managing Potential Conflicts in Joint Defense Groups," Mealey's Asbestos Premises Liability Conference (December 2004)

"Asbestos Litigation 2004: California and Its Impact on National Litigation – Trends and Solutions," co-chair, University of San Francisco School of Law CLE Symposium (May 2004)

"Deposing the Asbestos Plaintiff," Association of Defense Counsel Toxic Tort Committee (March 2004)

"Putting The Toxic Tort Case Together," Association of Defense Counsel of Northern California and Nevada Toxic Tort

Committee (September 2003)

"Document Retention Requirements by CPSC/NHTSA and their Discovery Protections," DRI Product Liability Conference, Children's Products Specialized Litigation Group (February 2003)

Community Involvement

Marin Bicycle Coalition

North Haven Arts & Enrichment, Trustee

Professional Affiliations

American Bar Association

USLAW NETWORK Board of Directors

ABA TIPS—Toxic Tort and Environmental Law, Vice-Chair

Association of Defense Counsel of Northern California

Defense Research Institute

Globalaw

International Association of Defense Counsel

International Consumer Product Health and Safety Organization

Bar Association of San Francisco

University of San Francisco School of Law, Board of Governors

USLAW

Education

J.D., *summa cum laude*, University of San Francisco School of Law (1992)

B.A., *cum laude*, University of Connecticut (1989)

Admissions and Courts

California

U.S. Court of Appeals for the Ninth Circuit

Merton A. Howard
Partner



U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California