

MICHAEL ROMAN GESKE

3420 16TH Street, NW Apt. 602
Washington, D.C. 20010
202-904-1077
michaelgeske@hotmail.com

Aphelion Legal Solutions
1912 Sunderland Place, NW
Washington, D. C. 20036
202-904-1077
mgeske@aphelionlegal.com
<http://www.linkedin.com/in/michaelgeske>

APHELION LEGAL SOLUTIONS

Member of the Board, August 2007 through present
Chief Operating Officer, August 2007 through January 2011

Aphelion Legal Solutions is a legal process outsourcing (LPO) firm. Together with Aphelion Staffing, a related legal staffing consultancy, the Aphelion companies combine talented lawyers and paraprofessionals in the U.S. and India under the management of experienced U.S. litigators from AmLaw 100 firms. Aphelion Legal Solutions provides litigation consulting and legal support services at significantly reduced expense while matching and often exceeding the quality of similar work provided by the best U.S. law firms. Aphelion focuses on document management, review, analysis, and production; analysis, logging, and defending privilege claims; contract management; and similar legal services. Through alliances with other companies, Aphelion also offers the full range of e-discovery services in customized packages with unified, one-stop client management. Our clients range from Fortune 100 multinational corporations to small privately held companies and law firms. Aphelion Legal Solutions has offices in Houston and Washington, D.C. and an operating facility in Chennai (Madras), India, designed specifically for Aphelion's work and staffed with Indian lawyers who are permanent employees of Aphelion.

ARNOLD & PORTER, LLP

Washington, D.C., 1990-2007
1990-2007 (as Special Counsel, 1999-2007)

17 years practicing all phases of complex civil litigation, from initiation through discovery, evidentiary hearings, trial, and appeal in high profile antitrust, products liability, consumer

protection, federal and state securities, fraud, and professional negligence actions, as well as administrative and regulatory inquiries, including H.S.R. pre-merger reviews.

- Federal bench and jury trial experience for Fortune 100 companies:
 - AMR Pharm Holland, B.V. v. American Home Products Corp.* (D.D.C.) (Hogan, J.): Presented witnesses to federal jury and otherwise represented Wyeth-Ayerst and American Home Products in 3-month trial to defense verdict on multi-billion dollar antitrust and contract claims involving analysis of phase-III clinical trial of hormonal drug.
 - New York v. Kraft General Foods, Inc. and Philip Morris Cos.*, 926 F. Supp. 321 (S.D.N.Y. 1996) (Wood, J.), *aff'd*, 14 F.3d 590 (2d Cir.): Presented witnesses in bench trial and otherwise represented Kraft General Foods and Philip Morris Cos. to defense judgment upholding acquisition of R.J.R. Nabisco's Shredded Wheat against NY AG's antitrust claims.
- Expertise in federal and state court *Zolin* hearings to defend or challenge claims of attorney-client privilege, work product, and government-specific protections from discovery. Successfully challenged claims of attorney-client, work product, and governmental privileges by numerous federal agencies and the President in *United States v. Philip Morris, et al.* (D.D.C.) (Kessler, J.). Three years day-to-day supervision of more than 30 staff lawyers, contract attorneys, and legal assistants.
- Represented Visa USA in two federal antitrust actions brought by competitors and other market participants. Supervised more than 120 contract attorneys and numerous staff attorneys, legal assistants, and contractors in extensive privilege review and logging. *American Express et al., v. Visa USA et al.* (S.D.N.Y.) (Jones, J.) (Eaton, Mag. J.); *In re Payment Card Interchange Fee Antitrust Litig.*, MDL No. 1720 (E.D.N.Y.) (Gleeson, J.) (Orenstein, Mag. J.).
- Represented Philip Morris U.S.A. in all phases of healthcare cost-recovery lawsuits in federal and state courts brought by United States Department of Justice, various states' attorneys general, union health-care funds, and other third-party healthcare payers who asserted novel products liability, consumer protection, and equitable theories. *E.g.*, *New Jersey v. Philip Morris et al.* (D.N.J.) (Trump, J.); *Blue Cross and Blue Shield of Louisiana et al. v. Philip Morris* (E.D.N.Y.) (Weinstein, J.); *Group Health Plan, Inc. et al. v. Philip Morris et al.*, (D. Minn.) (Magnuson, J.); *United Steamworkers Healthcare Fund et al. v. Philip Morris et al.* (N.J. Super.).
- 2 ½ years representation of large wealth management and foreign currency-trading firm throughout an IRS tax-shelter promoter audit and related federal regulatory investigations. Supervised scores of lawyers and legal staff researching and drafting responses to more than 500 sets of discovery requests about more than 250 L.L.C.s and S-Corporations, each encompassing multiple tax years.

- Represented pro bono the League of Women Voters of Ohio, other organizations, and individual voters in the only successful, federal constitutional rights action seeking a remedy for the failures of Ohio's voting system in 2004. Supervised defense and enforcement of subpoenas to all 88 county Boards of Election in Ohio seeking massive document discovery spanning decades. *L.W.V. of Ohio et al. v. Taft, Blackwell* (N.D. Ohio) (Carr, C.J.) & (S.D. Ohio) (King, Mag. J.).
- Represented pro bono two non-profit associations of therapists to investigate and assert equitable and legal claims arising from alleged embezzlement by third-party management agent and to render other legal advice. Conducted discovery and moved for summary judgment on contract, fraud, professional negligence, and conversion claims in D.C. Superior Court, brought successful fraudulent transfer action in New Mexico state court, and recovered the largest cash settlement amongst unsecured creditors in defendants' New Mexico bankruptcy proceedings. *NAPT, Inc. et al. v. Daniel and DMG, Inc.* (Super. D.C. 2003); *NAPT, Inc. et al. v. Daniel and Carnevale* (XIII Dist. N.M. 2003); *In re Daniel* (Bankr. N.M. 2004); *In re DMG, Inc.* (Bankr. N.M. 2004).
- Represented Coopers & Lybrand (now PriceWaterhouseCoopers) from 1990-1993 in various federal lawsuits alleging securities violations, accountants' and professional liability, and related claims. Prepared motions to dismiss, litigated discovery disputes, conducted numerous depositions, and prepared cases for summary judgment and trial.
- Represented Fortune 500 companies in numerous Hart-Scott-Rodino pre-merger reviews involving clients such as AlliedSignal, Boston Scientific, Kraft, and Philip Morris Cos. with respect to high technology, scientific, commercial, aerospace, medical, pharmaceutical, and consumer products.

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT 1989-1990

Judicial Law Clerk to Hon. Bruce M. Selya
Providence, RI and Boston, MA

PUBLICATIONS, SPEAKING ENGAGEMENTS and ACTIVITIES

White Paper, *Lawsuit Alleges Unauthorized Practice of Law in India by Western Law Firms and an LPO* (August 2010), at http://www.aphelionlegal.com/Balaji_Lawsuit.pdf.

Served as Topic Authority in TREC Legal Track 2010. TREC is the Text Retrieval Conference, sponsored by the National Institute of Standards and Technology in cooperation with the Department of Defense. TREC/s Legal Track exercise is intended to develop industry best practices and articulate standards for evaluating computer assisted search and retrieval tools designed specifically for litigation discovery.

Webinar Faculty, Solutions that Meet FRCP 26's Reasonableness Requirements, with Anne Kershaw and Patrick Oot of the eDiscovery Institute (December 2009). The webinar presented developments in the field of computer assisted discovery techniques that reduce the cost and complexity of reviewing and producing electronically stored information and are currently approaching, if not matching, the quality of human review. A recording of the webinar with slides is at <http://www.aphelionlegal.com/FRCPRReasonablenessRequirements.wmv>. The slides alone are at <http://www.aphelionlegal.com/FRCPRReasonablenessRequirements.pdf>.

Served as Topic Authority in TREC Legal Track 2009. *See* Reflections of the Topic Authorities about the 2009 TREC Legal Track Interactive Task, at <http://trec-legal.umiacs.umd.edu/2009TaReflections.pdf>; *see also* Hedin, Tomlinson, Baron, Oard, Overview of the TREC 2009 Legal Track, at 5, 36, available at <http://trec.nist.gov/pubs/trec18/papers/LEGAL09.OVERVIEW.pdf>; Rangan, Jiang, Clearwell Systems at TREC 2009 Legal Interactive, at § 4, available at <http://trec.nist.gov/pubs/trec18/papers/clearwell09.legal.pdf>.

White Paper, The Changing Scope of Work Product and Privilege Protections in the Age of Electronic Discovery (July 2009), at <http://www.aphelionlegal.com/EdiscoveryNarrowsWP.pdf>.

Faculty Presenter, Strategic E-Discovery: Taking Steps to Avoid Litigation's Black Hole (Knowledge Congress Webinar, Feb. 9, 2009) at http://docs.google.com/Presentation?id=dghf296t_34gmvm3dgm. Discussed best practices in and practical limits to outsourcing electronic discovery offshore.

Faculty and Panelist, Practice Settings Forum (Indiana University Maurer School of Law – Bloomington, Oct. 29-30, 2008). Spoke to entire 1L class in two sessions about (1) the development of the legal process outsourcing (LPO) industry and potential implications for current law students and (2) quality of life and ethics issues encountered during my time as an associate and Special Counsel at Arnold & Porter.

Faculty Panelist, The Ethics of Outsourcing Legal Work Offshore and Presenter of White Paper, Electronic Surveillance and Offshore Legal Communications (American Conference Institute's LPO Summit, New York City, Sept. 15-16, 2008). The presentation slides are available at http://docs.google.com/Presentation?id=dghf296t_31dxrgmtd6 and the White Paper is at <http://www.aphelionlegal.com/RespondNMH.pdf>.

Geske, Michael R., Ethical Considerations Applicable to Outsourced & Offshore Legal Work, available at <http://legalprocessoutsourcingnetwork.com/MonthlyNewsletter.aspx>, Negroni, A.L., ed., LPO Network, Vol. 1, No. 8 (Dec. 1, 2007).

Geske, Michael R. (as co-author), Attorney-Client Privilege and Attorney Work Product Protections, appearing as Chapter 33 in Haig, Robert, ed., Successful Partnering Between Inside and Outside Counsel (West Group 2002, 2004, and 2006).

Geske, Michael R., Statelessness and Citizenship, appearing as Chapter IX in NGO Manual on International and Regional Instruments Concerning Refugees and Human Rights (UNHCR Regional Bureau for Europe, Geneva, 1998).

Note, Statutes Limiting Mental Health Professionals' Liability for the Violent Acts of Their Patients, 64 Ind. L.J. 391 (1989).

EDUCATION

Juris Doctor *summa cum laude*

Indiana University Maurer School of Law – Bloomington 1986-1989

Graduated first in class of 206

Activities and Memberships: Order of the Coif; Executive Editor, Indiana Law Journal (1988, 1989); Law School Liaison on Advisory Council to Vice President of Indiana University

Master of Arts, Ethics

Indiana University 1985-1988

Thesis: The Uses of Scripture by Some Contemporary Christian Ethicists (May 1988)

Bachelor of Arts, Philosophy *maxima cum laude*

St. Meinrad College 1979-1983

Graduated first in class of 52

Thesis: The Identity of Being and Goodness (1983)