

## MARKLAND HANLEY

### The Technical Law Firm for the 21<sup>ST</sup> Century

During my entire career I have had the dream of creating what I now describe as “The Technical Litigation Firm for 21<sup>ST</sup> Century.” This would be a new and unique type of law firm.

The roots of my dream are deep—beginning when I was an Assistant District Attorney of Dallas County, Texas, during which time I tried approximately 200 cases to a jury and dealt extensively with medical, toxicological, ballistic and other forensic issues.

My dream continued to grow through some thirteen plus years at the established Dallas law firm of Strasburger & Price. This firm was founded by the legendary Texas civil trial lawyer, Henry Strasburger. During the time that I was there, I devoted myself principally to the defense of products liability cases for major corporations, including General Motors, Chrysler, and what is now known as Navistar, Inc. (which, at that point in time, was known as International Harvester Company). While at Strasburger, as well as devoting myself to motor vehicle products liability cases, I was also principally responsible for developing the firm’s toxic tort practice and expanding the firm’s products liability practice to include heavy equipment and other products beyond motor vehicles. During this time frame, I was selected as one of the small initial group of outside counsel in the country to be named a “Sustaining Member” of the Products Liability Advisory Council, Inc. I believe there were initially 43 lawyers in the country asked to be in this organization as Sustaining Members.

In 1991, I moved to the preeminent Texas based law firm, Vinson & Elkins, LLP to develop a products liability, toxic tort, and general technical litigation practice for their Dallas office. During the sixteen plus years that I was at Vinson & Elkins, I served a lengthy stint as the head of the firm’s Products Liability Practice Group. During this time frame, my dream of a genuine advanced technology litigation firm continued to grow. While at Vinson & Elkins, I continued to represent vehicle manufacturers, all types of manufacturers and suppliers in the widest possible variety of toxic tort cases, pharmaceutical manufacturers, tire manufacturers, engine manufacturers, petrochemical providers, industrial gas and gas container manufacturers, and a significant number of advanced technology companies, including semiconductor manufacturers and an internet banking service provider. I continued during these years with my lifelong education in medical, toxicological, engineering, biotechnological, pharmaceutical and other technical litigation areas. During my years at Vinson & Elkins, I played an integral role in many of the most significant products liability and technical litigation matters of our generation, including mass toxic torts, hazardous waste generators liability, the Firestone tire/Ford Explorer litigation (in which Vinson & Elkins represented Firestone) and the Wyeth diet drug/phen-fen litigation (in which Vinson & Elkins represented American Home Products/Wyeth

Pharmaceuticals). I believe I can say without equivocation that I am one of the most experienced technical litigation attorneys in the country.

My present partner, Tara Hanley, worked with me as a summer clerk at Vinson & Elkins after her second year in law school and, upon graduation, began working with me as my right hand attorney in the technical litigation arena. She is as instrumental as I in the vision and development of our unique technical litigation firm for the 21<sup>st</sup> Century. She is also the finest overall attorney that I know.

My idea when I left Vinson & Elkins, was to devote significant time in the first few years of practice at Markland Hanley to the following prioritized goals:

- To continue to provide our core group of clients with the best possible service in on-going cases
- To devote very significant non-billable time (which I had not been able to do at prior law firms) toward the goals of gaining extreme knowledge in each of our envisioned areas of practice and organizing this knowledge to such an extent that we could squeeze out as many time inefficiencies as possible in the provision of legal services. This was a capital investment that was needed prior to the full launching of our law firm vision. This extensive capital investment of our time over the last two years has included attendance by myself and my partner at numerous seminars and conferences dealing with advanced technology issues including nanotechnology, biotechnology and biogenetic engineering, and pharmaceutical litigation and technical issues arising in those areas. These non-billable efforts have also included hundreds of hours of time putting together the most comprehensive summary that exists of the law of products liability in Texas and of defensive approaches in products liability cases. This effort also included putting together the most comprehensive summary of the law relating to exclusion of expert testimony under Texas and federal law that I know of. We have also spent a great amount of time putting together a set of standard deposition questions for technical experts that cover virtually all defensive points under Texas products liability law and all points that we can utilize under Texas and federal law to exclude the expert's testimony. This set of standard deposition questions for technical experts when completed, will be tied in with specific portions of our products liability law summary and our exclusion of experts law summary, which will expedite the briefing regarding exclusion of such experts and regarding summary judgment. Our non-billable efforts have also included putting together the most efficiently utilized forms for virtually all activities in products liability cases, including such detailed forms as a form for standard responses to Texas requests for disclosure, that can be easily fitted to the nature of a particular case. In other words, we have put in great efforts to date to truly live up to two of the three elements in our firm slogan—"extreme knowledge," and "efficient actions."

- The third element of our firm slogan is “Diverse Insights.” It is our goal to have an extremely diverse law firm. Our devotion to this goal has led to our firm’s being awarded client Navistar, Inc.’s 2008 Law Department Diversity Recognition Award. We are very proud of our client’s recognition of our efforts. We have begun to assemble the greatest group of diverse young trial lawyers and soon to be trial lawyers imaginable to assist us in representing our clients most effectively. We are very excited about the team of diverse personnel we are putting together. Our team members’ biographical information can be found in the Biographies Section of our website.
- We have also utilized much of this past year putting together the necessary marketing elements, including web site, firm résumé, and other such marketing necessities, and we are now beginning a program to attract the type of clients that fit with our vision of the firm. The clients that we will actively seek include high technology clients such as those in the nanotechnology, biotechnology, pharmaceutical, electronics, and computer chip industries. It is our goal to represent a few of the top companies in individual high technology areas and to provide them with the most cost effective, superb representation available in the technical litigation arena.

We founded Markland Hanley to meet the litigation needs of twenty-first century companies involved in technical litigation in which medical, biotechnological, nanotechnological, pharmaceutical, computer chip, electronics, engineering and other technological issues are of significance. We founded the firm to meet the needs of the emerging, and soon to be dominant, industry sectors in the global economy. We also founded the firm because we love the process of learning and growing, because we love the task of searching for the truth, and because we love to be able, through our efforts, to strengthen the ability of advanced technology companies to create a better life for all on the planet.

Dale Markland  
Co-founding and Co-Managing Partner  
*Markland Hanley*  
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*21<sup>st</sup> Century*