

Marci A. Eisenstein
Biographical Summary

Ms. Eisenstein is the Chair of Schiff Hardin's Diversity Committee and co-leader of our firm's Insurance and Class Action Groups. She has been with Schiff Hardin since 1979, and served for five years as a member of the Firm's Executive Committee. Ms. Eisenstein has concentrated her practice in recent years in defending insurers and other major corporations against consumer class actions and other complex, multi-party litigation filed in state and federal courts throughout the country. She has served as lead trial counsel and national coordinating counsel in a number of these matters, and has litigated scores of class actions in state and federal courts throughout the country.

Her experience includes:

- Trying the *Avery v. State Farm* class action to judgment in a several-month-long trial in Illinois state court;
- Handling extended evidentiary hearings on class certification motions, a number of which resulted in dismissal of the class claims;
- Managing discovery involving the production of hundreds of thousands of documents;
- Heading joint defense efforts in multi-party litigation;
- Negotiating, structuring, and administering complex class-wide settlements, both nationwide and statewide in scope;
- Working as national coordinating counsel to:
 - develop and implement strategies for defending class action cases
 - develop procedures for the appropriate retention, organization, and production of documents
 - assure that consistent legal and factual positions are taken where the Company is faced with duplicative or overlapping litigation in multiple venues
 - retain and supervise local counsel.

In the spring of 2005, Ms. Eisenstein was a speaker on an ABA TIPS-sponsored panel discussion of the Class Action Fairness Act (“CAFA”) where she presented a paper discussing highlights of the Act. She also spoke and presented a paper on CAFA at the ABA TIPS-sponsored seminar, “The Future of Class Action Litigation in America,” in November of 2005.

Ms. Eisenstein also spoke at the ABA TIPS-sponsored class action seminar in 2003, where she presented a paper on “The Enforceability of Arbitration Clauses in Consumer Class Actions: Will Enforcement Blunt Class Actions or Lead to Classwide Arbitrations?” She has also authored a chapter on "Discovery" in a treatise entitled *Class Actions* published by the Illinois Institute for Continuing Legal Education, 2001.

Other speeches include: “How to Get Class Certification of an Insurance Coverage Issue,” where she represented a defendant insurer's position in a mock class certification hearing at TIPS Section, 1997 ABA Annual Meeting, San Francisco, California; “Duty of Insureds to Notify Excess Carriers -- Viewpoint of the Self Insured Policyholder,” TIPS Section, 1993 ABA Annual Meeting, New York, New York; and “Defense Sharing Agreements: Discoverability and Enforceability,” CBA Antitrust Section, November 1990.

Ms. Eisenstein received her undergraduate degree (B.A., *cum laude*, 1976) from Harvard University/Radcliffe College and her law degree (J.D., *cum laude*, 1979) from the New York University School of Law.

She is admitted to practice in Illinois and before the United States District Court for the Northern District of Illinois and various other United States District Courts, as well as United States Courts of Appeals for the Sixth, Seventh, and Eleventh Circuits.