



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Chief Executive Officer at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought

Second Vice President* Secretary- Treasurer National Director

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes No

Name: **Tracey L. Turnbull**

Firm/Company: **Porter Wright Morris & Arthur, LLP**

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Education: Hamilton College, Clinton, NY, 1991, with departmental honors; Case Western Reserve School of Law, Cleveland, Ohio, 1996, cum laude

Awards and achievements:

Ohio Super Lawyers® Rising Star (2005, 2006, 2007, 2009)

Ohio Super Lawyers® (2015-2021)

Ohio Super Lawyers®, “Top 25 Women Cleveland Super Lawyers,” 2018, 2020

Ohio Super Lawyers®, “Top 50 Women Ohio Super Lawyers,” 2020

Best Lawyers®, Commercial Litigation (2013-2020) and Employment Law – Management (2020)

Cleveland Metropolitan Bar Association, Women in Law Making a Difference, Honoree (2014)

Crain’s Cleveland “Forty Under 40” (2007)

Areas of practice:

My practice began with a focus on product liability and drug & medical device matters. More recently, I have focused primarily on commercial disputes (*i.e.*, breach of contract, trade secrets and non-competition agreements), defense of consumer class actions and defending employment claims.

Employment history (Please do not include years):

I have spent my entire career at Porter Wright Morris & Arthur, LLP. I served on the firm’s management committee for nine years and became the Partner in Charge of the Cleveland Office in May 2020. I have served as the Chair of the firm’s Product Liability practice group and now lead the Class Action practice group.

Noteworthy defense work:

- Represented household appliance manufacturer in national class action resulting in settlement including significant reduction of attorney fee award in Sixth Circuit
- Obtained temporary restraining order for an equity research firm in state court and FINRA proceedings after significant number of employees started competing firm
- Defeated imposition of preliminary injunction against retail mail order pharmacy company in action involving trademark infringement and violations of the Ohio Deceptive Trade Practices Act claims
- Secured preliminary injunction for an aerospace company precluding use of trade secrets and intellectual property; defense verdict on several claims at trial.
- Received directed verdict for global insurance company on claims of securities law violation, vicarious liability, fraud and negligence in a case involving a viatical investment
- Obtained unanimous defense verdict for a telecommunications company in action involving claims of sexual harassment and retaliation
- Obtained summary judgment and successfully argued appeal for manufacturer in employment discrimination action
- Obtained summary judgment and successfully argued appeal for recreational vehicle manufacturer in a product liability action

Professional affiliations:

DRI, IADC, Cleveland Metropolitan Bar Association

Have you been a DRI member for 5 or more years? Yes

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

Committee Involvement

DRI Commercial Litigation Committee: (2010-present) Chair (2019-2021); Vice-Chair (2017-2019); Program Chair (2016); Pretrial Practice & Procedure SLG Chair (2013-2016); Webcast Subcommittee Chair/Vice Chair (2010-2013)

DRI Women in the Law Committee: (2014-present); Expert Witness/Mediator Subcommittee Co-Chair (2014-2016); Opportunity Calling Subcommittee (2018-present)

E-Discovery Committee: (2007-2011) Expert Witness Database Subcommittee (2010-2011); Annual Meeting Vice Chair (2009)

DRI Young Lawyers: (2001-2006) Women's Networking Subcommittee Chair/Vice Chair (2004-2006)

Publications:

Experts' Prior Testimony: The "Adoptive Admission" Provision of FRE 801(d)(2)(C), For the Defense (September 2012)

From the Chair: Experience it for Yourself, For the Defense (July 2020)

Dialed In: Opportunity Calling . . . Its Time to Pick Up, For the Defense (December 2018)

*I have also written several articles in the CLC's Business Suit and co-authored a chapter in the WITL e-book on Rainmaking.

Presentations:

Co-Presenter, Leading the Team, DRI Leadership Conference (January 2020)

Moderator, Is Your Case Special? The Use of Special Masters in Class Actions and Multidistrict Litigation, Business Litigation Superconference, Austin, TX (May 2019)

DRI C3 Presentation: Social Media in Hiring: the Good, the Bad and the Ugly (January 2015)

DRI Commercial Litigation Committee Drinking from the Firehose Presentation, Class Action Update (Annual Meeting)

List any leadership roles in other defense organizations.

Cleveland Metropolitan Bar Association:

Women in Law Section: Chair (2009-2010); Vice-Chair (2008-2009)

Justice for All Committee, Chair (2005-2007); Vice Chair (2003-2005)

Ohio Women's Bar Association, District 11 Trustee (2007-2009)

Describe your goals if you are elected to the above position.

The pandemic has fundamentally changed the practice and business of law. The move to more virtual and remote opportunities in the practice of law has eliminated critical opportunities for personal connections in the legal world. While in many instances video conferencing can satisfy the basic needs of litigants, clients and courts – it is no substitute for in person meetings, exchanges and gatherings. One of my goals in applying to become a National Director is to emphasize the need for DRI to fill the gaps created in the post-pandemic virtual world. The limited number of in person meetings and events over the last 18 months has resulted in a decreased opportunity for our young lawyers to learn from more experienced practitioners, less opportunity for all attorneys to meaningfully connect with our clients and limited the development and strengthening of networks and referral sources. It has also resulted in allowing non-active members and non-members to lose sight of the importance and value of membership in DRI. DRI must help its members overcome these gaps by continuing to provide meaningful in person opportunities to build and strengthen connections and develop skills and experience. DRI must ensure that the programming presented in the coming 18 months exceeds the expectations of our members and non-members on all fronts including: content and networking opportunities.

To distinguish itself, DRI must continue to encourage and foster collaboration throughout the entire organization. The substantive law committees cannot function as silos in their specific areas of law, but rather should acknowledge and build upon their natural overlapping areas of interest. Acknowledging the overlap in substantive areas of law and interest, will lead to collaboration which naturally expands the opportunities for our members to connect with clients, and expand their referral sources. One of my goals as a National Director would be to continue to develop collaboration opportunities for DRI's members. These opportunities would include connecting the members of committees across the substantive practice areas. While DRI encourages its members to join multiple substantive law committees and affinity groups – the committee structure does not always function to provide the best product for our members in specific areas. For example, DRI must work to connect the class action practitioners in its different substantive committees. This connection does not require another committee and may not warrant a return to the standalone seminar, but DRI must offer easy and meaningful ways to connect its members with expertise in this area (and many others). Offering a pathway for these connections will eliminate committees competing against themselves to attract members, participants and attendees at their programs. Collaboration among these members will result in greater opportunities for networking and in-house involvement. Such increased opportunities and participation would serve only to raise the profile of DRI and its members in the legal world by improving the various products and content presented by the DRI's substantive committees. There are several other opportunities for such collaboration across DRI's substantive committees.

Another one of my goals as a National Director would be to continue to expand the recognition, understanding and use of the existing resources available to DRI's members. During the pandemic, DRI worked tirelessly to expand its virtual and on demand offerings. The virtual library must become a well-known and easily accessible resource for our members. This library

must be continually updated and expanded to maintain its reputation and utilization. DRI must also work to demonstrate the value of its other existing resources. Access to all DRI publications and seminar materials on Legal Point and the expert witness and neutral databases can be invaluable to any practitioner on any given day. Similarly, the value of the Committee Community Boards should not be forgotten and should be emphasized. Finally, DRI must continue to keep pace with trends in technology and promote more podcasts and informal programming. Increasing the use and recognition of these resources will demonstrate the value of membership and allow the organization to maintain and even expand its membership.

What do you believe is the most important issue confronting the defense bar?

The COVID-19 pandemic has presented the largest challenge facing the defense bar (and any other organization). The pandemic has forced the legal world to adapt to a new playing field which includes the use virtual appearances at depositions and court proceedings – including trials. The virtual practice also includes advances in technology which eliminate the need for certain support roles at law firms and opportunities for young lawyers to become an integral part of legal teams. For example, new software applications can now perform certain aspects of document review and eliminate the tasks typically performed by our young lawyers. The new playing field has also caused our clients to see the practice of law in a different light. During the shutdown, many clients saw litigation continue while the amount of legal fees decreased due to the forced virtual world. Changing legal budgets for defending litigation will be a big issue as the corporate world emerges from the pandemic. The defense bar must assist its members to harness the use of technology while at the same time demonstrating the value and need for continued personal interaction with courts and clients. Finally, the defense bar must keep pace with technology and offer sufficient educational opportunities to enable its members to effectively defend and advocate in the virtual courtroom.

Define the appropriate role for DRI as the national defense bar organization.

DRI must strive to be and become the most recognized organization for legal education (substantive and skill-based) and leadership within the defense bar. DRI must continue to provide outstanding and cutting edge legal education in a variety of formats which cannot be replicated by the local defense organizations or sister organizations. This programming must be careful not to compete with these other defense organizations. Instead, DRI should work to collaborate with other organizations. These joint efforts will not only encourage membership in multiple organizations, but will also assist in the effort to provide the best programming possible because it will encourage the participation of the “best of the best” around the country and the world. In terms of leadership among the defense bar, DRI must also continue to be known as the organization which brings together practitioners who represent corporate America to formulate strategies for addressing the new challenges posed by the plaintiffs’ bar. DRI must offer the forum for industry discussions to occur. This forum will be used to develop and strengthen the relationships between the defense bar and its clients.