



Kurt B. Gerstner  
Shareholder

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Mr. Gerstner is a trial lawyer and a shareholder in the Boston office of Campbell Campbell Edwards & Conroy, a nationally recognized law firm dedicated to the litigation of complex, high stakes cases throughout the United States. Mr. Gerstner graduated from the University of Rochester and earned his law degree *cum laude* from Boston College Law School. During law school, he was Executive Editor of Matthew Bender's UNIFORM COMMERCIAL CODE REPORTER-DIGEST. Immediately following law school, he was in private practice at one of the largest law firms in New Mexico, where he was a member of the New Mexico Medical-Legal Review Commission. His practice there involved general litigation, including the defense of medical malpractice, products liability, insurance and commercial litigation cases.

Mr. Gerstner's practice at Campbell Campbell Edwards & Conroy encompasses a wide range of commercial and personal injury litigation. He has represented clients in disputes that have included contracts, intellectual property and fidelity & surety bonds, as well as professional malpractice, products liability, toxic torts and aviation. He also advises clients about managing risk. He has lectured extensively on a variety of legal subjects throughout the United States and in Korea, including employment law, intellectual property, lender liability, liquor and hazing liability, products liability and risk management.

He is admitted to the bars of New Mexico, Massachusetts, New York and the District of Columbia. He is also admitted to practice in the U.S. Courts of Appeals for the First and Tenth Circuits and in the U.S. District Courts for the Districts of New Mexico, Massachusetts, Connecticut and Vermont, Eastern, Southern and Northern Districts of New York and the Eastern District of Michigan. Mr. Gerstner co-authored an *amicus curiae* brief in the Arkansas Supreme Court on behalf of the Product Liability Advisory Council, Inc., advocating the limitation of the liability of manufacturers of firearms and other products.

Mr. Gerstner is a member of the American Bar Association and its Construction Industry

Boston, MA

Portland, ME

Bedford, NH

Providence, RI

Hartford, CT

Mt. Laurel, NJ

Philadelphia, PA

Wayne, PA

Forum, Business Law Section, Business and Corporate Litigation Committee, Tort Trial & Insurance Practice Section (“TIPS”) and Fidelity and Surety Law Committee. He has held various offices in the Defense Research Institute’s Commercial Litigation Committee and is a member of its Intellectual Property Law and Class Action Subcommittees, as well as a member of DRI’s Aerospace Law and Construction Law Committees. He is a member of the International Association of Defense Counsel and its Product Liability, Drug, Device and Biotechnology, Business Litigation and Aviation and Space Law Committees. Mr. Gerstner is also a member of the Massachusetts Bar Association and Massachusetts Defense Lawyers Association. He is a past President of the Korea-New England Alliance. He is also the Chairman of the Legal Affairs Committee of the Sigma Chi International Fraternity and the founder and current President of the Sigma Chi Bar Association.

## CURRICULUM VITAE

### Professional:

Shareholder. Trial counsel, Campbell Campbell Edwards & Conroy, a nationally recognized law firm dedicated to the litigation of complex, high stakes cases throughout the United States. Mr. Gerstner's practice focuses on aviation, commercial litigation, construction, environmental, fidelity & surety, general personal injury, insurance, intellectual property, professional malpractice, products liability and toxic tort litigation. For a variety of clients he provides risk management consulting. He has lectured extensively throughout the United States and in Korea on legal topics that include taking discovery abroad, construction law, lender liability, employment law, intellectual property, liquor and hazing liability, products liability and risk management.

### Previous Associations

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| 1984-1988 | Peabody & Arnold<br>Boston, Massachusetts                          |
| 1982-1983 | Modrall, Sperling, Roehl, Harris & Sisk<br>Albuquerque, New Mexico |

### Education:

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| 1979      | B.A., University of Rochester                             |
| 1982      | J.D., <i>cum laude</i> , Boston College Law School        |
| 1981-1982 | Executive Editor, Uniform Commercial Code Reporter Digest |

### Bar Admissions:

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| 1982 | New Mexico, U.S. District Court, District of New Mexico and U.S. Court of Appeals, Tenth Circuit    |
| 1983 | Massachusetts   |
| 1985 | U.S. District Court, District of Massachusetts and U.S. Court of Appeals, First Circuit             |
| 1994 | District of Columbia  |
| 1995 | New York  |
| 1997 | U.S. District Court, District of Connecticut and U.S. District Court, Northern District of New York |
| 2003 | U.S. District Court, Southern and Eastern Districts of New York                                     |
| 2005 | U.S. District Court, District of Vermont  |
| 2006 | U.S. District Court, Eastern District of Michigan   |

Mr. Gerstner has been specially admitted to handle particular cases in 15 additional states.

## Professional Associations:

### American Bar Association

- Member, Construction Industry Forum
- Member, Business Law Section
  - Member, Business and Corporate Litigation Committee
- Member, Tort Trial & Insurance Practice Section (TIPS)
  - Member, Fidelity and Surety Law Committee

### Defense Research Institute

- Aerospace Law Committee
- Commercial Litigation Committee
  - Intellectual Property Subcommittee
  - Class Action Subcommittee
- Construction Law Committee

### International Association of Defense Counsel

- Aviation and Space Law Committee
- Business Litigation Committee
- Drug, Device and Biotechnology Committee
- Product Liability Committee

### Korea-New England Alliance

- President, 1993-1996

### Massachusetts Bar Association

### Massachusetts Defense Lawyers Association

### Sigma Chi International Fraternity

- Chairman, Legal Affairs Committee, 2009–
- Member, Risk Management Committee, 2009–

### Sigma Chi Bar Association

- Founder
- President, 2009–

## Publications:

Shocking News: Absence of a Defibrillator May Lead to Liability for Failure to Treat Victims of Sudden Cardiac Arrest, *MEDICAL DEFENSE AND HEALTH LAW COMMITTEE NEWSLETTER* (International Association of Defense Counsel), January 2010

Accident Investigations by the National Transportation Safety Board, *AVIATION AND SPACE LAW COMMITTEE NEWSLETTER* (International Association of Defense Counsel), January 2009

*A COMPLEX SOLUTION* (a Jerry Taylor mystery), AuthorHouse 2005.

False Advertising Claims under the Lanham Act, *Intellectual Property Litigation and Insurance* (Defense Research Institute), October 2004

“Defibrillator Liability Revisited,” *THE RISK MANAGEMENT LETTER*, Vol. 24, Issue 1, 2003

“Developments In Professional Malpractice Litigation Part II: Accountant Auditor Malpractice Litigation,” *D&O and E&O Liability: The New Environment* (Defense Research Institute), June 2003

“A Cross-Border Perspective: Personal Tort Liability for Directors and Officers,” FOR THE DEFENSE (Defense Research Institute), March 2003

“Payment Bonds and Performance Bonds,” Construction Issues In Massachusetts (Lorman Educational Services), August 21, 2002

“Packaging Software Contracts,” FOR THE DEFENSE (Defense Research Institute), June 2002

“Practical Considerations for Defending Suits Involving Violations of Non-Competition Agreements,” The Business Suit (DRI Commercial Litigation Committee), Summer 2001

“Lenders’ and Title Insurers’ Perspectives,” Construction Lien Law In Massachusetts (Lorman Educational Services), March 23, 2001

“Failure to Provide A Defibrillator Could Lead To Premises Liability,” THE RISK MANAGEMENT LETTER, Vol. 21, Issue 6, 2000

“Legal Concerns and Opportunities for Massachusetts Businesses in 1996,” BOSTON BUSINESS JOURNAL

“Responsibility & Liability: Two Other ‘Names of the Game,’” PAINT CHECK, August 1991

Various case digests and comments, UNIFORM COMMERCIAL CODE REPORTER-DIGEST, Matthew Bender Publishing Co., 1981, 1982

#### Presentations:

“Fraternity Legal Liabilities: How to Stay Out of Trouble,” Kappa Eta Chapter, Sigma Chi Fraternity, Harvard University, Cambridge, MA, March 2010

“New Reporting Requirements under the Medicare Secondary Payer Statute,” International Association of Defense Counsel Midyear Meeting, Naples, FL, February 2010

“Alcohol/Drug Risk Mitigation,” Sigma Chi Fraternity Connecticut/Rhode Island Province Conference 2010, New Haven, CT, January 2010

“Avoiding Legal Liabilities for Fraternities,” Sigma Chi Fraternity North Atlantic Province Conference 2009, Boston, MA, November 2009

“International Discovery: Do You Need It and How Do You Obtain It,” Behind The Curtain: Insight into the Aviation Practice from Go-Team to Trial, Aviation & Space Law Committee, Tort Trial & Insurance Practice Section, American Bar Association, Washington, D.C., October 22-23, 2009

“Party Risk Management: Mock Trial,” Balfour Leadership Training Workshop, Sigma Chi International Fraternity, Chapel Hill, NC, August 2009

“New Reporting Requirements under Medicare Secondary Payer Statute: Settling/Paying Party Beware,” IADC Webinar, 2009

“Consumer Surveys in False Advertising and Trademark Infringement Cases,” DRI Annual Meeting, DRI, Chicago, 2008

“Electronic Presentations Prior to and During Trial,” Kansas Association of Defense Counsel Annual Conference, Kansas City, KS, December 5-6, 2008

“Party Risk Management: Mock Trial,” Balfour Leadership Training Workshop, Sigma Chi International Fraternity, Columbia, MO, August 2008

“Consumer Confusion under the Lanham Act and the Use of Survey Evidence,” Intellectual Property Litigation, DRI, Chicago, 2008

Program Chair, Damages in Complex Commercial Litigation, DRI, Boston, 2008

“Discovery with an Eye Toward Electronic Trial Presentation,” Linking Technology to Victory, Massachusetts Continuing Legal Education, Boston, 2008

“Where and How to Use Electronic Presentations Prior to and During Trial,” Linking Technology to Victory, Massachusetts Continuing Legal Education, Boston, 2008

Program Chair, Complex Commercial Litigation – Smart Strategies for Hard Cases, DRI, Phoenix, 2007

“Practicing in the District Court,” District Court Survival Guide Seminar, Massachusetts Bar Association, 2006.

“September 11<sup>th</sup> Litigation after Closure of VCF and Issuance of Kean Commission Report: What’s Left and What’s Next,” DRI Annual Meeting, 2005

“Prosecution and Defense of False Advertising Claims under the Lanham Act,” DRI Intellectual Property and Litigation Seminar, 2004

“Developments in Professional Malpractice Litigation: Accountant/Auditor Malpractice,” DRI, D&O Liability Seminar, 2003

“Payment Bond and Performance Bond Issues,” Lorman Educational Services, 2002

“International Discovery for Commercial Litigation,” DRI Annual Meeting, 2002

“Lenders and Title Insurer Perspectives in Construction Projects,” Lorman Educational Services, 2001

“American Product Liability Law for Korean Companies Doing Business in the United States,” Korea Trade Promotion Center, New York 1990, Los Angeles 1991 and Seoul 1992

“Liquor and Hazing Liability,” Leadership Training Workshops, Sigma Chi Fraternity International 1987-1988; Western Connecticut State University 1989; Boston University 1990, Massachusetts Institute of Technology 1990 and 1991, Northeastern University 1992; Boston College 1995

“Avoiding Lender Liability for Hazardous Waste Cleanup; Training for Commercial Loan Officers,” USTrust, 1991

“Managing Personnel in a Bi-Cultural Environment: Identifying and Resolving Legal Issues,” The Korea Society, New York, 1991

“Training in Lender Liability for Commercial Loan Officers,” Bank of New England 1988 and USTrust, 1989

#### Description of Practice:

**Commercial Litigation:** Aviation, Contracts, Construction, Employment, Environmental, Fidelity & Surety, General Business, Intellectual Property, Professional Liability

**Personal Injury:** Aviation, Insurance Defense, Product Liability, Toxic Torts

**Risk Management Consulting**