

CHERYL A. FALVEY

EMPLOYMENT HISTORY

CROWELL & MORING LLP, Washington , DC

October 2012-Present

Partner, Co-Chair Advertising and Product Risk Management Group
Member, Litigation & Trial Department Steering Committee

Serves as lead counsel in defending consumer class action, unfair competition and related tort claims arising out of the marketing and distribution of consumer products, food, cosmetics and personal care items, as well as trade secret, intellectual property, and other technology litigation related to consumer products; counsels clients on compliance with CPSC, FDA, and FTC regulations, product recalls, anti-counterfeiting, the defense of federal agency enforcement actions; provides advice on licensing, claim substantiation and product advertising, labeling, telemarketing, and a variety of Internet-related legal issues such as online advertising and sweepstakes, data collection, privacy, and cybersecurity; assists clients in protecting their brand and reputation from unwarranted complaints, build safety into their products with science-based risk assessment, and successfully navigate product safety challenges with rapid response; significant experience in crisis management and media relations for clients.

U.S. CONSUMER PRODUCT SAFETY COMMISSION, Bethesda, MD

2008-2012

General Counsel March 2008 - Present

Served as chief legal officer for the Commission responsible for all federal court litigation and CPSC enforcement proceedings as well as providing legal counsel to the Commission and its operating divisions on issues of law and policy in connection with all of the acts the CPSC administers, including implementation of the new Consumer Product Safety Improvement Act; provided advice on a range of legal issues such as information sharing, the public database, anti-counterfeiting, privacy, social media, employment disputes, federal procurement, trade programs such as the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS) and FOIA; appointed by the Chairman to serve as Designated Agency Ethics Officer and voting member of the Administrative Conference of the United States; served on the White House Task Force for Children's Health. Completed Dynamics of Public Policy Seminar, Office of Personnel Management, Management Development Center, Sheperdstown, WV, July 2008.

AKIN, GUMP, STRAUSS, HAUER & FELD, LLP, Washington, DC

1990-2008

Practice Management Head, Washington, DC Litigation Section 2006-2008

Partner, Litigation Section 1996 -2008

Associate, Litigation Section 1990-1995

Represented defendants in consumer class action, toxic tort, mass tort, and other tort claims arising out of consumer, occupational and environmental exposures, as well as trade secret and intellectual property litigation related to consumer products; counseled manufacturers of consumer electronics, appliances, and infant and children's products regarding compliance with FDA, FTC and CPSC regulations, the development of effective recalls and the defense of CPSC enforcement actions; counseled clients on regulatory issues related marketing of consumer products, including advertising and sweepstakes issues as well as matters involving data collection, security, privacy and claims relating to spamming, telemarketing, and credit and debt collection; managed litigation section

supervising the development of section business plans and the progress of associate professional development and assignments to ensure client-focused, efficient representations.

DEWEY BALLANTINE BUSHBY PALMER & WOOD, New York, NY **1987-1990**

Associate, Litigation Section

Worked in litigation section handling defense of antitrust investigations by the Federal Trade Commission and Department of Justice.

HOWREY & SIMON, Washington, DC **Summer 1986**

Summer associate assisting with litigation and antitrust matters.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA **Summer 1985**

Judicial intern for the Honorable Thomas F. Hogan conducting research and drafting legal opinions.

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC **J.D. 1987**

American Criminal Law Review, Staff 1985-86; Articles Editor 1986-87

WELLESLEY COLLEGE, Wellesley, MA **B.A. 1984**

Varsity Lacrosse

Student Government Representative

OTHER PROFESSIONAL ACTIVITIES

GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, DC **2005-2007**

Adjunct Professor, Legal Research and Writing

BAR ADMISSIONS

New York, 1988

Washington, DC 1988

Virginia, 2001

REPRESENTATIVE SPEAKING ENGAGEMENTS

- "Navigating the New Regulatory Landscape: Developments in Consumer Protection, Advertising and Privacy at the Agencies and in the Courts," ACC and Crowell & Moring Event (June 26, 2014). Presenters: Cheryl A. Falvey, Steven D. Allison, and Jennifer S. Romano.
- "The Regulatory Environment: Consumer Product Safety Improvement Act of 2008" and "Reflections of 2 Former CPSC General Counsels," Regulatory Compliance Workshop, Saint Louis University, John Cook School of Business – Center for Supply Chain Management (May 21, 2014).

- "Overview & Guidance to New Proposed Mandatory CPSC Voluntary Product Recall Regulations," SFIA Legal Task Force Thought Leadership Webinar (March 27, 2014). Panelist: Cheryl A. Falvey.
- "6(b) Information Disclosure - CPSC's Coming Changes," Product Safety Letter Webinar (March 19, 2014). Presenter: Cheryl A. Falvey.
- "California's Safer Consumer Products Regulation: Are You Ready? Technical and Legal Strategies to Prepare Now!" Webinar (March 13, 2014). Presenters: Cheryl A. Falvey and Monica M. Welt.
- "CPSC/ABA - Afternoon Plenary Panels - Important Legal Developments/Updates," ICPHSO's 2014 Annual Meeting and Training Symposium (February 25-28, 2014). Speaker: Cheryl A. Falvey.
- "Prop 65...It Changes Everything," 2014 Casual Living Conference, Orlando, FL (February 20, 2014). Presenter: Cheryl A. Falvey.
- "How Will the New California Regulations Impact Your Business? Safer Consumer Products in California," American Cleaning Institute, Orlando, FL (January 29, 2014). Presenter: Cheryl A. Falvey.
- "September Consumer Protection Update," ABA Section of Antitrust Law, Consumer Protection, Private Advertising Litigation, Privacy and Information Security, and Corporate Counseling Committees Webinar (September 20, 2013). Panelists: Christopher A. Cole, Cheryl A. Falvey, and Michael L. Kuppersmith.
- "3rd Safer Consumer Products Summit: National Policy Outlook," Almas Temple Club, Washington, D.C. (September 17-19, 2013). Panelist: Cheryl A. Falvey.
- "Changes in U.S. Chemical Laws: Impacts of TSCA Modernization," Webinar (September 4, 2013). Presenters: Cheryl A. Falvey, Warren Lehrenbaum, John Phillips, and Josh Tzucker.
- "Cyber Nightmares in the Law Office - Why Law Firms & General Counsels Must Care: Firsthand Experiences in Handling (and Surviving) Data Security Attacks," American Bar Association Section of Science and Technology, Annual Meeting, San Francisco, CA (August 10, 2013). Moderator: David Z. Bodenheimer, Panelist: Cheryl A. Falvey, Mary E. Galligan, Retired SAC of Special Operations/Cyber Division, Rich McClain, Hunton & Williams, Peter McLaughlin, Morrison & Foerester.
- "How to Comply with the FTC's Green Guides," ACI's 3rd Advanced Regulatory and Compliance Summit of Food & Beverage Marketing and Advertising, Washington, D.C. (July 18, 2013).
- "Minimizing Company Harm from No Injury Class Actions—How Regulatory Enforcement Fuels Class Actions," "View from the Bench: The Judicial Perspective of Trying a Products Liability Case from Administering Multi-District Litigation, Controlling Discovery and Motions Practice to the Trial Phase and Settlement," American Conference Institute, Consumer Products Regulation & Litigation Seminar (June 26-27, 2013). Presenter, Moderator, and Co-Chair: Cheryl A. Falvey.
- "Strategies for Success at the CPSC," Outdoor Power Equipment Association, Annual Meeting 2013, Williamsburg, VA (June 19, 2013). Presenter: Cheryl A. Falvey.
- "Hot Topics at the CPSC: Administrative Actions, Compelled Compliance Programs, and the CPSC Public Database," Product Liability Advisory Council, Spring Meeting, Colorado Springs, CO (April 25, 2013). Presenters: Cheryl A. Falvey, Commissioner Robert S. Adler, Former Commissioner and Congresswoman Anne M. Northup.
- "The CPSC's Publicly Searchable Database," Section of Litigation Roundtable Webinar (April 11, 2013). Presenters: Cheryl A. Falvey; Scott Michelman (Public Citizen).
- "Managing the Cyber Threat Crisis: An Interactive Workshop on Cyber Threats and Cyber Security," Crowell & Moring, Washington, D.C. (April 4, 2013). Panelists: David Z.

Bodenheimer, Bryan Brewer, Stephen M. Byers, Robin B. Campbell, Morris F. DeFeo Jr., Cheryl A. Falvey, Jeffrey L. Poston, Jeffrey L. Snyder, Michael J. Songer, and Scott L. Winkelman.

- "What is Happening at the CPSC?: Making Sense of the Enforcement Activity and Administrative Cases" (April 2, 2013). Presenter: Cheryl A. Falvey.
- "Designing Safety Into Your Product from the Start," Staying Afloat When Your Brand is Under Pressure: How to Avoid, Mitigate and Manage Product Crises, Crowell & Moring, Washington, D.C. (March 19, 2013). Presenter: Cheryl A. Falvey.
- "Consumer Protection and What Obama's 2nd Term Means to Your Business (Including Advertising; Data/Privacy Protection; Product Safety & More)," Association of Corporate Counsel San Francisco Bay Area Chapter, San Francisco and Palo Alto, CA (February 12-13, 2013). Presenters: Bridget E. Calhoun; Christopher A. Cole; Cheryl A. Falvey; John Fuson.
- "State of the Art of Endocrine Disruptor Science, Regulation and Litigation," Webinar with Exponent (November 20, 2012). Presenters: Cheryl A. Falvey, Clifford J. Zatz, James C. Lamb IV, Ph.D., DABT, Principal Scientist, Exponent, Barbara H. Neal, DABT, Senior Managing Scientist, Exponent.
- "Understanding U.S. Product Safety Apparel Requirements and Risk-Based Targeting at the Border," Canadian Apparel Federation Webinar (October 17, 2012). Presenters: Bridget E. Calhoun, Cheryl A. Falvey, Natalia R. Medley and Jini Koh.
- "International Regulatory Cooperation and Incorporation by Reference of Voluntary Standards," U.S. Chamber of Commerce, ACUS Recommendations Implementation Summit, Washington, D.C. (May 2012). Panel Member: Cheryl A. Falvey.
- "Xie Xie: Thanks for Using our Chinese Drywall...and our Toxic Toys, Importing Products from China Implications for Quality and Safety," ABA Section of Litigation, Annual CLE Conference, Washington, D.C. (April 2012). Panel Member: Cheryl A. Falvey.
- November 2011, Retail Industry Leaders Association, Retail Law Conference, Chicago, IL, "Current Developments in Products Safety: Implications for the Supply Chain."