

CURRICULUM VITAE

WAYNE J. MCKENNA

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1. PROFESSIONAL SKILLS AND EXPERIENCE

Entered the practice of law in 1980 in the private sector in Alberta, Canada. In over 20 years of litigation practice, handled cases in diverse matters, including: fire litigation, insurance defence work, plaintiffs' personal injury claims, commercial landlord and tenant law.

Has extensive courtroom experience including numerous preliminary motion hearings, trials in the Provincial Court and Court of Queen's Bench of Alberta, as well as appearances before the Court of Appeal and various administrative tribunals. In addition, has appeared before the Federal Court of Canada.

In 1993, founded the firm of McKenna Hewitt, focusing on commercial and insurance litigation including fire cases, and personal injury litigation.

Immigrated to the United States in 2002 to continue work in the areas of fire and explosion investigations and litigation, fire service liability and risk management, arson control and related matters. Admitted to the practice of law in Colorado in 2005 having passed the Colorado Bar Exam.

Naturalized as a U.S. Citizen in April 2008, thereby becoming a dual citizen of the U.S. and Canada.

2. EDUCATION AND PROFESSIONAL QUALIFICATIONS

2.1.1. Graduated with Distinction in May, 1976 from the University of Alberta, Faculty of Arts, Bachelor of Arts, General degree.

2.1.2. Graduated with Distinction in May, 1977 from the University of Alberta, Faculty of Arts, Bachelor of Arts (Special) degree in History.¹ Granted the Queen Elizabeth Scholarship.

¹ The B.A. is a three-year university degree, and the B.A. (Special) is an additional year.

- 2.1.3. Graduated in 1980 from the University of Alberta, Faculty of Law, Bachelor of Laws degree.²
- 2.1.4. Articles of Clerkship with the Law Firm of Peterson Ross and admitted to the Alberta Bar in 1981.³
- 2.1.5. Trained and Certified as a Mediator by John Haynes, Ph.D. (1984).
- 2.1.6. Admitted to the Colorado Bar in June 2005 (having passed all bar exams and completed other necessary requirements for admission to practice).
- 2.1.7. University of Denver, Sturm College of Law, Co-Instructor, Comparative Law (2007, 2008).
- 2.1.8. Appointed to the “Bar Success Program” team at the University of Denver Sturm College of law to assist graduating law students prepare for the Colorado bar exam.

3. ACKNOWLEDGEMENTS AND CONTRIBUTIONS TO PUBLICATIONS

- 3.1.1. Contributor to T.D. Hewitt, *"Fire Loss Litigation in Canada: A Practical Guide"* (Carswell: Toronto, 1993, 1994, 1995, 1997, 1998 & 1999).
- 3.1.2. Contributor to the online course “*Ethics and the Fire Investigator,*” available at CFITrainer.net (sponsored by the International Association of Arson Investigators, 2005).
- 3.1.3. T. D. Hewitt & W. J. McKenna, “921 In Court: A Fire Litigation Handbook for Investigators and Attorneys,” (publication pending).

² This degree is equivalent to a *Juris Doctor* degree from an accredited university in the United States.

³ In order to practice law in Canada, a law school graduate must not only pass the bar examinations, but is also required to work under the tutelage of an experienced practising lawyer for a period of one year prior to being eligible to practice law. The "articles of clerkship" is similar to an apprenticeship.

4. PROFESSIONAL PRESENTATIONS⁴

4.1. PRESENTATIONS COMPLETED

- 4.1.1. Lecturer for *Edmonton Public Schools Continuing Legal Education Program*, 1981 – 1989.
- 4.1.2. Panel Member for televised program, *Saturday Morning at The Law School*, on the topic “The Impact of Matrimonial Law On Wills and Estates,” sponsored by the Canadian Bar Association, Edmonton, Alberta, April 23, 1988.
- 4.1.3. Speaker at seminar, *The Medical/Legal Interface: A Programme for Physical Therapists*, (Edmonton, Alberta, November 7, 1992.)
- 4.1.4. Guest Lecturer on the topic *Overview of Canadian Law and Legal Systems In Contrast to Those in the U.S.A.*, for Professor Paula Rhodes Comparative Law Class, University of Denver College of Law (Denver, Colorado, March 25, 2003.)
- 4.1.5. Speaker on the topics *Expert Testimony: Preparation, Direct and Cross-Examination*, and *Using Modern Technology in the Courtroom*, at the “National Seminar on Fire Analysis Litigation” hosted by the National Association of Fire Investigators, (Sarasota, Florida, August 12, 2004.)
- 4.1.6. Speaker on the topic *Use of Codes and Standards in Fire Litigation: A fresh look at Qualification of Experts, Admissibility of Expert Opinions, and Spoliation of Evidence*, at “Insurance Day,” hosted by the Colorado Chapter of the International Association of Arson Investigators, as part of the “Denver Advanced Arson Seminar” hosted by The City of Denver Fire Department, (Denver, Colorado, September 15, 2004).
- 4.1.7. Speaker on the topic *NFPA 921 Guide to Fire and Explosion Investigations in the Post-Daubert Era*, at 2005 NFPA World Safety Conference & Exposition (Las Vegas, Nevada, June 8, 2005).
- 4.1.8. Speaker on the topics *An Anthology of NFPA 921 Court Decisions*, and *NFPA 921 Guide to Fire and Explosion Investigations in the Post-Daubert Era*, at 2005 National Seminar on Fire Analysis Litigation hosted by the National Association of Fire Investigators and the National Fire Protection Association (Sarasota, Florida, August 11-12, 2005). Presented the same topics at the 2006 seminar (Sarasota, Florida, August 10-11, 2006).

⁴ Further details are available with respect to any of the presentations listed, upon request.

- 4.1.9. Speaker at the Defense Research Institute (“DRI”) Fire & Casualty Seminar, on the topic *A Primer on the Use of Codes and Standards in Fire Litigation*, hosted by the Defense Research Institute, Product Liability Committee, Fire and Property Damage Specialized Litigation Group (Chicago, Illinois, November 17, 2005).
- 4.1.10. Guest Lecturer on the topic *Canadian Vignettes*, Masters in American and Comparative Law (“MACLAW”) Forum hosted by Professor Paula Rhodes, University of Denver College of Law (Denver, Colorado, March 14, 2006.)
- 4.1.11. Speaker at the International Symposium on Fire Investigation Science & Technology, on the topic *A Primer on the Use of Codes and Standards in Fire Litigation*, sponsored by: National Association of Fire Investigators, University of Cincinnati, National Fire Protection Association, Eastern Kentucky University, and The Fire College (England), (University of Cincinnati, Cincinnati, Ohio, June 28, 2006).
- 4.1.12. Speaker for the “International Codes Training Seminar,” on the topic, *NFPA 921 In Court*, sponsored by Colorado Chapter, International Codes Council, Educational Institute (Denver, Colorado, March 9, 2007.)
- 4.1.13. Guest Lecturer for the Masters in American and Comparative Law (“MACLAW”) Forum, on the topic *Canadian Vignettes*, hosted by Professor Paula Rhodes, University of Denver College of Law (Denver, Colorado, March 29, 2007.)
- 4.1.14. Speaker for the “International Fire Service Journal of Leadership and Management Research Symposium 2007,” presenting paper, *Dispelling Myths About the Law as a Driving Force in Political Change for the Fire Service*, sponsored by Oklahoma State University (Tulsa, Oklahoma, July 7, 2005.)
- 4.1.15. Speaker on the topic *NFPA 921 & NFPA 1033 In Court*, at the 2007 “National Seminar on Fire Analysis Litigation” hosted by the National Association of Fire Investigators and the National Fire Protection Association (Sarasota, Florida, August 9-10, 2007).
- 4.1.16. Speaker on the topic *NFPA 921 In Criminal Courts*, at the “South Area Fire and Explosion Task Force (S.A.F.E.)” meeting hosted by South Metro Fire Rescue (Centennial, Colorado, September 14, 2007).
- 4.1.17. Speaker on the topic *NFPA 921 & NFPA 1033 In Court*, at the 2007 “Advanced Fire Investigation Seminar” hosted by The Denver Fire Department and The Bureau of Alcohol, Tobacco, Firearms, & Explosives (Denver, Colorado, September 21, 2007).
- 4.1.18. Speaker on the topic *Courtroom Testimony Techniques*, at “Advanced Fire Investigation School” hosted by Phoenix Investigations, Inc. (Arvada, Colorado, November 5-9, 2007).

- 4.1.19. Speaker for the “International Codes Training Seminar,” on the topic, *Use of Codes and Standards in Court*, sponsored by Colorado Chapter, International Codes Council, Educational Institute (Denver, Colorado, March 7, 2008.)
- 4.1.20. Speaker on the topics *Legal Issues in NFPA 921 & Effective Fire Case Testimony*, at the 2008 “National Fire Arson and Explosion Training Program” hosted by the National Association of Fire Investigators and the National Fire Protection Association (Denver, Colorado, March 17-20, 2008).
- 4.1.21. Speaker on the topic *Ethics in the Investigation and Litigation of Fire and Explosion Cases*, at the 2008 “Annual Training Program” hosted by the International Association of Arson Investigators (Denver, Colorado, April 27 – May 2, 2008).
- 4.1.22. Speaker on the topics *Legal Issues in NFPA 921 & Effective Fire Case Testimony*, at the 2008 “Advanced National Fire Arson and Explosion Training Program” hosted by the National Association of Fire Investigators and the National Fire Protection Association (Sarasota, Florida, August 3 - 6, 2008).
- 4.1.23. Speaker on the topic *NFPA 921 & NFPA 1033 In Court*, at the 2008 “National Seminar on Fire Analysis Litigation” hosted by the National Association of Fire Investigators and the National Fire Protection Association (Sarasota, Florida, August 7 – 8 , 2008).
- 4.1.24. Speaker on the topic *NFPA 921 & NFPA 1033 Update*, at the 2008 “Advanced Fire Investigation Seminar” hosted by The Denver Fire Department and The Bureau of Alcohol, Tobacco, Firearms, & Explosives (Denver, Colorado, September 19, 2008).

5. MEMBERSHIPS

- 5.1. Undergraduate representative on the Committee to Select the Chairman of the History Department, University of Alberta (approx. 1976-1977).
- 5.2. Member of the Discipline, Interpretation and Enforcement Board which was charged with the responsibility of interpreting sections of the University of Alberta, Student’s Union Constitution, 1978 – 1979.
- 5.3. Participant in Student Legal Services Program, University of Alberta, Faculty of Law, 1978-1979.

5.4. Member, *Law Society of Alberta*,⁵ 1981 – present.

5.5. Member, *Canadian Bar Association*,⁶ 1980 – approx. 1991:

✓ Member *CBA Insurance Section* 1985 – 1990.

5.6. Director of the *Sheltered Workshop Society*,⁷ 1988 – 1991.

5.7. Chairman of the Standards Committee of the *Alberta Family Mediation Society*,⁸ 1985 – 1986.

5.8. Member, *Honorable Order of Blue Goose*,⁹ 1984 – approx. 1996.

⁵ This is a professional association, membership in which entitles one to engage in the practice of law in Alberta.

⁶ The Canadian Bar Association is a professional, voluntary organization which was formed in 1896, and incorporated by a Special Act of Parliament on April 15, 1921. Today, the Association represents some 35,000 lawyers, judges, notaries, law teachers, and law students from across Canada. Its main mandates are 1) to improve the law; 2) improve the administration of justice, and; 3) improve and promote knowledge, skills, ethical standards, and well being of members of the legal profession.

⁷ This Society promoted the development of opportunities for disabled persons in Edmonton, Alberta, Canada.

⁸ The Mission of the Alberta Family Mediation Society (AFMS) is to draw together the community of dispute resolution practitioners to promote awareness and use of mediation in the resolution of family conflicts. AFMS is a non-profit organization promoting the development and appropriate use of mediation as an alternative to emotionally and financially costly court actions

⁹ This is a fraternal organization of men and women who work in the property/casualty insurance industry. The formal name is the Honorable Order of The Blue Goose, International, which has local groups, called Ponds, throughout the United States and Canada.

- 5.9. Member, *International Association of Arson Investigators, Inc.* ("IAAI"),¹⁰ 1984 – present:
- ✓ Member, Attorney's Advisory Committee, 2003 – present.
 - ✓ Member, Fire Investigation Standards Committee, 2003 – present.
- 5.10. Member, Alberta Chapter International Association of Arson Investigators, Northern Alberta Section (now called *Fire Investigation Association of Alberta*), 1984 – 2002.
- 5.11. Member, Colorado Chapter International Association of Arson Investigators ("CIAAI"), 2002 – present.
- 5.12. Member, *National Fire Protection Association "NFPA" 1201 Task Group on Deployment and Organization of Fire Investigation Services for the NFPA Technical Committee on Emergency Services Organization Risk Management*,¹¹ 2003 – 2008.
- 5.13. Member, *National Fire Protection Association "NFPA" 921 Task Group on Fire Origin for the NFPA Technical Committee on Fire Investigations*, 2004 – present.
- 5.14. Active Member, Attorney-at-Law, *Colorado Supreme Court*,¹² 2005 – present.
- 5.15. Member, *Colorado Bar Association*,¹³ 2005 – 2006.

¹⁰ The IAAI is a non-profit organization, formed in 1949 to further the professional development of fire and arson investigators and to assist those public officials and private persons engaged in the control of arson and related crimes. The IAAI's primary mission is investigator education. The IAAI also represents the interests of fire and arson investigators with Federal, State and Provincial Governments. It has chapters in most of the states of the United States, in many of the provinces in Canada as well as in over 30 other countries. It has approximately 7000 members worldwide. The IAAI is incorporated in Missouri and has its head office in St. Louis.

¹¹ This Task Group is charged with drafting an Annex to NFPA 1201 "Standard for Providing Emergency Services to the Public." The new Annex will provide public fire investigation units with guidance on how to organize a fire investigation unit and deploy its staff.

¹² This is a professional licensing association, membership in which entitles one to engage in the practice of law in Colorado. Passing the bar exam and passing a character and fitness background check are required before becoming licensed as an Attorney-At-Law in Colorado.

¹³ Membership limited to licensed attorneys who are in good standing to practice law in Colorado. This is a voluntary association that provides a number of benefits to members,

- 5.16. Member *National Association of Fire Investigators*,¹⁴ 2005 – present.

including continuing legal education, access to legal research resources, insurance, and financial services.

¹⁴ NAFI is a non-profit organization incorporated in 1961. Its primary purposes are to increase the knowledge and improve the skills of persons engaged in the investigation of fires, explosions, arson, subrogation, and related fields, or in the litigation which ensues from such investigations.

- 5.17. Member, *National Fire Protection Association Technical Committee on Fire Investigations*,¹⁵ responsible for NFPA 921 *Guide to Fire and Explosion Investigations*, 2005 – present.
- 5.18. Member, *Faculty of Federal Advocates*,¹⁶ 2007.

¹⁵ The NFPA's Technical Committee on Fire Investigation is responsible for the development of the *Guide to Fire and Explosion Investigations*, known as "NFPA 921," which has become one of the most significant authoritative treatises in the field of fire investigations. NFPA 921 was developed to assist in improving the fire investigation process and the quality of information on fires resulting from the investigative process. The guide is intended for use by both public sector employees who have statutory responsibility for fire investigation and private sector persons conducting investigations for insurance companies or litigation purposes. The goal of the committee is to provide guidance to investigators that is based on accepted scientific principles or scientific research.

¹⁶ The Faculty of Federal Advocates is an organization of attorneys dedicated to improving the quality of legal practice in the United States District Court for the District of Colorado.