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CORPORATE COUNSEL SYMPOSIUM 2023

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FEDERATION OF DEFENSE & CORPORATE COUNSEL



**FDCC**

DEFENSE LAWYERS. DEFENSE LEADERS.

THE LEADER IN

**WE**

**Leading Together  
in a Challenging  
and Turbulent World**

October 22 through October 24, 2023  
Philadelphia, PA Marriott Downtown Hotel

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REGISTRATION NOW OPEN

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## How do we become the stronger leaders

our organizations need? We live in challenging times. After coming off a worldwide pandemic, instead of a period of rest, we find upheaval caused by the war in Ukraine, manufacturers migrating away from China, amidst uncertainty over Taiwan, and robust debate over the increasing power of artificial intelligence.

This year's Symposium will provide timely information and meaningful answers on building leadership to navigate the mounting challenges and hurdles faced by legal counsel in every business.

Additionally, as a bonus for our outside counsel, law firm managers who attend the Symposium will be able to join a Leadership Workshop on Law Practice Management. This Workshop will be offered as a breakout session for firm managers who want to attend.

In order to foster interactive discussions we are bringing you this Symposium without PowerPoint presentations. The Program has been specifically designed to include problem-solving ideas, from all-star panels, about issues that legal departments are confronted with every day. In addition to the dynamite CLE, the Symposium will feature ample opportunities for fellowship and networking, including dine-a-round dinners in some of the best restaurants in Philly. All FDCC defense and corporate counsel members are welcome to attend and encouraged to bring a client or colleague, although bringing a client is not required.

We are offering a highly discounted \$99 registration fee to all in-house counsel, as a result space will be at a premium for this year's event. Therefore, do not delay! Register early to reserve your spot at the CCS (and to reserve a room at the hotel).

## Who Should Attend

- FDCC Corporate and Defense Counsel Members
- Corporate Counsel responsible for Law Departments and Litigation/Claims Management/Contracts
- Corporate Executives engaged in information technology
- Compliance, Risk and Human Resources Managers

## PROGRAM TOPICS & PANELS

This year's Symposium includes a terrific set of cutting-edge topics. The presentations will come from a stellar group of in-house counsel and practitioners from some of the world's top law firms and corporations, including FedEx, Liberty Mutual, Google, Bayer, AmTrust Financial Services, Rimini Street, Sciton, Acceptance Insurance, Asurion, Tata Consumer Products and Gallup. The speakers will engage in an interactive discussion with the audience. To enhance discussion, PowerPoints will not be used. Instead, the panels will encourage questions, thoughts and discussions from the attendees at the Symposium. The topics could not be more necessary for the challenging business environment that all in-house counsel encounter. These topics include

- ChatGPT and Digital Health
- Two Employment Law Blockbuster Panels
- A review of recent Supreme Court decisions affecting the corporate world and a prediction of what decisions will come down in 2024
- New developments in Class Action Litigation
- Update on Multi-District Litigation
- Strengths-based leadership for high performing in-house legal teams and departments
- Diversity: Selecting outside counsel who embrace diversity and inclusion – why it works for everyone
- The increasing importance of corporate legal departments in driving ESG strategy
- Doing business beyond U.S. borders
- Lessons from the Varsity Blues scandal

*Additionally, the Leadership Workshop will cover topics of interest to law firm managing partners and leaders.*

## AGENDA

### Sunday, October 22, 2023

- 2:00 pm – 4 pm Registration
- 4:00 pm – 4:15 pm Welcome by CCS Chairs and FDCC President
- 4:15 pm – 5:30 pm Employment Panel I – Pay Transparency Laws, Modern Labor Organizing and the NLRB  
Moderator: Jeff Kelsey – Managing Director, Labor and Employment Law - FedEx  
Panelists: Dessi Day – Greene & Roberts LLP – San Diego, CA  
Jean Faure – Faure Holden, P.C. – Great Falls, MT

The world of Employment Law is in upheaval as states require transparency in employee salaries, the NLRB relentlessly pushes its anti-business agenda and labor organizing becomes an increasingly important aspect of running a business.

- 5:30 pm – 6:30 pm Networking Reception
- 7:00 pm Dine Arounds

### Monday, October 23, 2023

- 7:30 am – 8:15 am Registration and Continental Breakfast
- 8:15 am – 8:30 am Welcome and Introduction of Committee Members
- 8:30 am – 9:30 am Employment Panel II – Independent Contractors and the FLSA, Mass Layoffs and Non-Compete Agreements under Attack by the Federal Trade Commission  
Moderator: Chad Hatmaker – Woolf, McClane – Knoxville, TN  
Panelists: Kelley Barnett – Senior Vice President and Managing Group Counsel, AmTrust Financial Services  
Paul Finamore – Pessin Katz Law, P.A. – Columbia, MD

Employment law is undergoing sea-changes. Legal Departments must confront mass layoffs caused by the pandemic. The new digital economy created an increased need for independent contractors and those arrangements are now closely scrutinized under the Fair Labor Standards Act.

Non-Compete Agreements, which were previously used as a tool for protecting businesses from disloyal employees, are now under siege by the Federal Trade Commission. This preeminent panel will discuss best practices to overcome these challenges.

**9:30 am - 10:30 am The Increasing Importance of ESG:  
In-house Counsel's Role in Driving  
ESG Strategy**

Moderator: Alison Christian - Corporate  
Litigation Counsel -Liberty Mutual  
Insurance

Panelists: April Berman - Senior Vice  
President, Deputy General Counsel  
-Asurion  
Damon Hart - EVP and Chief Legal  
Officer - Liberty Mutual Insurance  
Travis Miller - Head of Supply Chain  
Compliance and Social Responsibility -  
Google

**10:30 am - 10:45 am Networking Break**

**10:45 am - 11:45 am Strengths-based Leadership for High  
Performing In-house Legal Teams and  
Departments**

Moderator: Valerie Kellner - Wilson Elser  
Philadelphia, PA

Panelists: Nicole Benjamin - Adler  
Pollock & Sheehan PC -Providence, RI  
Sarannah McMurtry - General Counsel,  
Acceptance Insurance  
Mike Ritz- Executive Director - Gallup

In 2013 Gallup released a report on the State of the American Workforce: Employee Engagement Insights for U.S. Business Leaders. The study concluded the vast majority of U.S. workers are not engaged or are actively disengaged at work. According to Gallup, actively disengaged employees cost the U.S. between \$450 billion and \$550 billion each year in lost productivity. Gallup concluded that employees in certain workforces were not only disengaged, they were actively disengaged, meaning they were actively trying to hurt their employers through missed work days and negative energy.



among other things. Out of those results an idea was born. What if employees and their employers identified and focused on their strengths (not their weaknesses) in the workplace? The concept was that awareness of one's own strengths as well as the strengths of those on their teams would allow companies to assemble teams strategically to leverage the strengths of all team members. Employees who use their strengths in their jobs have been proven to be more engaged and productive members of the workforce. In this seminar, the presenters will explore how identifying and using strengths in the workplace can result in high-performing litigation teams and legal departments.

**11:45 am - 1:00 pm Networking Lunch**

**Afternoon General Session**

**1:00 pm - 2:00 pm Diversity - Selecting Outside Counsel  
Who Embrace Diversity and Inclusion -  
Why It Works for Everyone**

Moderator: Alonzo Washington -  
Flaherty Sensabaugh Bonasso PLLC -  
Morgantown, WV

Panelists: Kelley Barnett - AmTrust  
Financial Services  
Michael Spencer - Rimini Street  
Dr. Sabriya K. Jubilee - Chief DEI Officer  
for the School District of Philadelphia  
Larry Smith - Rumberger Kirk &  
Caldwell- Orlando, FL

This dynamic panel consists of in-house counsel, outside counsel, and a diversity policy decision maker with the

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Philadelphia School District. The panel will discuss why increasing diversity works for all employees and benefits all clients. The panel will also discuss ways to increase diversity at the workplace, and various obstacles and impediments faced when implementing and executing a diversity program.

## 2:00 pm – 3:00 pm Supreme Court Roundup

Moderator: Gray Culbreath –  
Gallivan White & Boyd – Columbia, SC

Panelists: Mary Christine Sungalia –  
Buchalter – Newport Coast, CA  
Jamie Huffman Jones – Friday Eldredge  
& Clark – Little Rock, AR  
Susan Kidwell – Locke Lord – Austin, TX

A review of Supreme Court decisions affecting the business community, including cases on corporate personal jurisdiction and attorney/client privilege. With a look ahead to cases to be heard and decided in 2024.

## 3:00pm – 3:15 pm Networking Break

## 3:15 pm – 4:15 pm Multi-District Litigation Updates

Moderator: Shelly Masters –  
Cokinis Young – Austin, TX

Panelists: Kathleen Frazier – Shook  
Hardy & Bacon LLP – Houston, TX  
Christopher Guth – Senior  
Counsel- Bayer U.S. LLC

Alex Dahl – Lawyers for Civil Justice  
Mark Behrens – Shook Hardy  
& Bacon LLP – Washington, D.C.

The vortex of MDLs continues to bedevil corporate defendants. We'll look at what defense tactics work and what tactics may not, with particular attention to recent rulings and trends, including new rules under consideration by the Federal Judiciary Rules Advisory Committee.

## 4:15 pm – 5:15 pm ChatGPT & Digital Health: Will A Robot Take Your Desk Job?

Moderator: Marisa Trasatti –  
General Counsel, Sciton, Inc. –  
Baltimore, MD

Panelists: Sean Griffin – Robinson +  
Cole – Washington, DC  
Steven O'Malley – J.S. Held, Inc. – Senior  
Managing Director  
Frank Ramos – Clarke Silverglate, P.A. –  
Miami, FL

Some leading tech visionaries believe ChatGPT will lead to the end of the world as we know it. Are they right? Or is it an inevitable, necessary and controllable tool for every business moving forward? Let's discuss the benefits and pitfalls of ChatGPT, and learn how to use ChatGPT effectively as in-house counsel, as well as third party vendors using AI to help lawyers. This topic is truly of extraordinary interest to all.

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## 1:00 pm to 4:00 pm Afternoon Breakout Session for Law Firm Managers- Law Firm and Corporate Counsel Leadership Workshop.

Firm, People and Looking Forward. This 3-hour workshop is divided into 3 sessions. While there will be discussion leaders on the three topics identified below, these sessions will not be panel presentations but rather interactive discussions. They will be an opportunity for a small group of law firm and industry leaders to exchange ideas, learn from one another and reenergize – all within the spirit of trust and mutual support that is a unique hallmark of the FDCC. This workshop would be most valuable to managing partners, executive committee or practice group leaders, or leaders within their companies. Come prepared to interact, ask questions and share your own first-hand experience.

Moderator: Jody Briandi – President and Managing Partner Hurwitz Fine PC.

**Session 1 Creating a Culture of Innovation** Lawyers can be set in their ways, and many do not like change, yet change is needed to stay current, attract and retain talent, service clients, meet business demands and remain profitable. And as leaders, you are the change agent responsible for all these things. During this session, we will ask the discussion leaders and workshop participants to share their views on why change is hard, overcoming challenges, as well as techniques and approaches that have worked in the real world to foster innovation and creativity at our firms and businesses.

### Discussion Leaders:

- Sean Griffin – Robinson + Cole – Washington, DC
- April Berman – Senior Vice President, Deputy General Counsel – Asurion
- Craig Marvinney – Bricker Graydon – Cleveland, OH

**Session 2 Leadership During Adversity** During this session, we will ask 3 law firm and industry leaders to share their stories of leading their firms, organizations, practice groups or teams through a time of adversity, how they navigated the experience and what they learned from it. Workshop participants will be asked to share similar experiences and lessons learned.

### Discussion Leaders:

- John Trimble – Lewis Wagner, LLP – Indianapolis, IN
- Howard Merten – Partridge, Snow & Hahn LLP – Providence, RI
- Frank Ramos – Clarke Silvergate, P.A. – Miami, FL

**Session 3 How to Handle the Tough Situations?** For many law firm leaders, we began our careers as lawyers not business executives, HR Directors, Diversity Officers, or COO's and we have had to learn on the job. We all know the feeling when someone walks into our office closing the door behind them. We will tackle three fact patterns and ask our discussion leaders and participants how they would handle them. Discussions about other tough situations and suggestions for handling them will be encouraged.

### Discussion Leaders

- Carolyn Berdzik – Goldberg Segalla – Princeton, NJ
- Nicholas Haigler – Robinson Gray – Columbia, SC
- Alycen Moss – Cozen O'Connor – Atlanta, GA

5:30 pm – 6:30 pm Networking Reception

6:30 pm Dine Arounds

## Tuesday, October 24, 2023

8:00 am – 8:30 am Breakfast

8:30 am – 9:30 am Doing Business Beyond U.S. Borders

Moderator: Vincent Castiglione – VP, GC and Secretary, Tata Consumer Products – US

Panelists: Christof Gaudig – Oppenhoff – Cologne, Germany

David Archer – Archer Evrard &

Sigurdsson LLP – London, England

Marisa Trasatti – General Counsel – Sciton Inc.

How in-house counsel can help, in a very practical way, their employers navigate compliance orders in light of world events in 2023 – and beyond. In a round-table format, the panelists will tackle themes and provide practical actionable guidance to in-house practitioners in areas such as: dealing with the legal fallout emanating from a host of current world

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conflicts/U.S. tensions including Russia/Ukraine, China/Taiwan, North Korea; managing ex-U.S. legal compliance across and within your company's geographically dispersed, highly matrixed functions; the importance of training, training, training and how it differs between "Large Law" in-house groups and "Small Law" in-house operations and the resources available to each; and how a company's "corporate culture" can conflict with "national cultures" across which the company does business and how in-house counsel can drive U.S. company compliance across those bridges and gaps.

**9:30 am – 10:30 am**    **Current Developments and Best Practices in Class Action Litigation**

Moderator: Dan McGrath – Hinshaw & Culbertson – Chicago, IL

Panelists: Sonia Bjorkquist – Osler Hoskin & Harcourt LLP – Toronto, Canada

Wyston Ackerman – Robinson + Cole – Hartford, CT

Daniel Herling – Mintz Levin – San Francisco, CA

Robert Adams – Shook, Hardy & Bacon LLP – Kansas City, MO

Class Actions are unceasing and growing at alarming levels. It is difficult to find a segment of corporate America that is not

the target of class actions. This panel of skilled and experienced class action attorneys will discuss not only what to do when your corporation becomes the target but how to discourage further class actions in the future.

**10:30 am – 10:45 am**    **Networking Break**

**10:45 am – 11:45 am**    **Lessons from the Varsity Blues Scandal**

Moderator: Dan McGrath – Hinshaw & Culbertson – Chicago, IL

Panelists: Neil Hartzell – Freeman Mathis & Gary – Boston, MA

Mohammed Bakry – Marshall Dennehey – Philadelphia, PA

Edward Stanton – Butler Snow – Memphis, TN

This scandal revealed why every corporate counsel must be prepared to defend the enterprise against claims of civil and potentially criminal liability arising from honest services fraud, bribery, conspiracy and other claims due to the actions of rogue employees. No corporation is immune to such risks. This is another must-see panel.

**11:45 am**                    **Closing Remarks**

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## CONTINUING LEGAL EDUCATION CREDITS

Accreditation will be sought in those jurisdictions requested by registrants that have continuing education requirements.

## FDCC MISSION STATEMENT

We are a professional association of peer-reviewed, premier defense and corporate counsel and industry executives, dedicated to leading the profession by advancing the principals of civil justice, actionable knowledge, and fostering the trust and value of fellowship.

## WHY FDCC?

To be THE inspired community of vetted defense counsel, exceptional leaders and even better people.

## 2023 CCS CO-CHAIRS



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Liberty Mutual Insurance Co.



**Bill Vita**  
Shook Hardy & Bacon, LLP

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