

FEDERATION FLYER

WINTER 2024



A Place for Everyone at Charleston Place

FDCCs Winter Meeting
February 23-27, 2025
in Historic Charleston, SC

ALSO IN THIS ISSUE

Officer Reports

A Place for Everyone at Charleston Place

Toronto Summer Meeting Report

Best People in the Best Places

Welcome to Our New Members

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

UPCOMING EVENTS CALENDAR



February 23 - 26, 2025
Winter Meeting 2025

Charleston Place Hotel, Charleston, SC



July 27 - August 2, 2025
Annual Meeting 2025

Stein Erikson Lodge & The Chateau at Deer Valley; Park City, UT



September 14-16
Corporate Counsel Symposium 2025

InterContinental Hotel, Chicago, IL



November 5-7, 2025
Insurance Industry Institute

Westin Times Square Hotel, New York, NY



February 25-28, 2026
Winter Meeting 2026

J.W. Marriott Desert Ridge Resort, Scottsdale, AZ



July 27 - August 1, 2026
Annual Meeting 2026

Corinthia Hotel, Lisbon, Portugal



GUIDE TO MEMBER BENEFITS

FDCC Online: www.thefederation.org

Substantive Law Sections: Log into the website and click on the Committees & Sections Tab, and then the "View All Details" Tab to access the 25 Sections. Post blogs, discussion topics, and join with other members whose practice is focused on these areas of the law.

FDCC365 App: Find us in the App or Google Play Store at "FDCC365."

FedSpeaks Podcasts: Listen to any of the over 200 exclusive podcasts by clicking the "Podcasts" tab on the Home Page of the website – or find us on Apple iTunes, Spotify, Stitcher or wherever you get your podcasts.

Friday 5's Weekly Newsletter: Stay up to date with all FDCC and industry developments, upcoming meetings, new members and relevant content in our unique segment of the industry. The 5's are emailed to all members at 10:00am ET each Friday.

Find A Member: Search for members by name, location, and area of practice right from the app or website. Update your professional biography as members and industry members use this search tool to refer cases to FDCC members.

FDCC Roster: The "Blue Book" contains contact Information on all members, the FDCC Bylaws, past award winners, Emeritus Members, geographical index, past and upcoming meetings, and information on the FDCC Foundation.

Knowledge Archives: Find presentations, scholarly research papers and PowerPoint presentations from past meetings by clicking on the "Events" tab on the Home Page of the website and scroll down to "Past Events."

Register for Meetings & Events: Click on the "Register Now" tab for the upcoming event on the right side of the website's Home Page.

Advocacy: The FDCC On Demand tab of the website contains our amicus briefs to SCOTUS, state and federal courts, and our comments to state legislatures on issues to ensure the equitable administration of justice is afforded to all.

Donate to the Foundation: Help support our Barb Currie Diversity Scholarship program, Ladder Down initiative and keynote speakers at our meetings.

Diversity Initiative & Strategic Plan: Read the details on our working initiatives by clicking on the "About FDCC" tab on the Home Page of the website and scroll down to "Diversity Initiative" and "Strategic Plan."

Membership: Nominate candidates for Defense or Corporate Counsel and Insurance Industry Membership by sending an email to our Membership Coordinator: liz@thefederation.org.

Digital Newsroom: Find archive issues of all publications of the Federation on the website.

Get Published: Submit your topical articles, scholarly research and other content for publication in FDCC's "Insights" magazine by sending an email to bernie@thefederation.org.

Find... in the Resources tab of the website

...New Member Handbook
...Claims Desk Reference
...FDCC logos for your website & emails
...FDCC Books
...FDCC Shop





2025 Winter Meeting - A Place for Everyone at Charleston Place - Page 5

Contents

FEDERATION FLYER WINTER 2024

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OFFICER REPORTS

Finding Your Home in the FDCC by Finding a Way to Say Yes

Heidi Goebel, President 1

So You Want to be Secretary - Treasurer (said no one ever!)

Jennifer Johnsen..... 3

LEADERSHIP

Nominations Are Open for the Lifetime Achievement Award

Kile Turner 4

FDCC MEETINGS LOOKING AHEAD

A Place for Everyone, at Charleston Place!

Jeff Kelsey & Heather Kelsey 5

Learning to Lead - Being the Best One Can Be!

Dan MacGrath 8

Going For Gold In Park City, Utah: The FDCC 2025 Annual Meeting

Tiffany M. Alexander & Lee Hall 13

FDCC MEETINGS LOOKING BACK

2024 Toronto Annual Meeting Recap - Marisa Trasatti and Tiffany Alexander	15
Congratulations to the Federation's 2024 Award Winners.....	21
FDCC's 2024 Corporate Counsel Symposium: Closing Thoughts - Shelly Masters	23
CCS Diversity Book Club Event with Alex Jennings - Kelly Brilleaux	25
The Best People in the Best Places - Howard Merten.....	27

FDCC NEWS

The Membership Recruitment Committee Wants You! To Help Increase Its Membership - Alan Rutkin	29
Members, Engage! How The Membership Development Committee Gets And Keeps Our Members Involved - Sean Griffin	31
FDCC's State & International Representatives Have an Ambitious Agenda - Kelly Brilleaux.....	33
FedLife: Why I Wrote This Article about Attorney Wellness Even Though It Won't Make a Difference - Claire E. Parsons	35
The Membership Communication Committee: More Than Just Talk Alan Rutkin and Valerie Kellner.....	37
Continued Commitment to Diversity - Linda Knight	38
Buzzworthy - Aubrey Kuchar Noltemeyer	39

FDCC PILLARS

FDCC Foundation's Barb Currie Diversity Scholarship: Empowering the Next Generation of Diverse Legal Professionals - Edward J. Curie	41
New and Proposed Rules Changes Impact Litigation - Dan Steen.....	43
The National Foundation for Judicial Excellence The Twentieth Annual Judicial Symposium - Amy L. Miletich	45
Welcome New Members	47

YES



Finding Your Home In The FDCC By Finding A Way To Say Yes

By Heidi Goebel



Heidi Goebel

As we all know, the vetting process for admission to the FDCC is rigorous and thorough. As a result, each of us can be confident that we belong here.

However, finding which of our 23 committees and 24 substantive law sections is the best fit for your talents can be a bit of a challenge. As a new member, I struggled a bit to understand this organization and where I could add value.

Over time, I found my home here, starting in the Admissions Committee, working my way through the Product Liability section and eventually the Board of Directors. When I look back on the events that occurred and steps taken along the way, it occurred to me that my involvement in this organization, the business referrals I have received and the dear friends I have made, are all the result of a single action. I found a way to

say yes. Yes to opportunities as they arose. Yes to taking steps to welcome others. Yes to swallowing my anxiety and fears and expanding my circles and horizons. I encourage you to do the same.

Say Yes to Speaking and Writing Opportunities

Within the FDCC, we are surrounded by some of the finest legal minds in the country. Every day, each of us encounter complex legal challenges, novel issues in civil litigation, and evolving trends that have the potential to reshape our field. But what good is our knowledge, our insight, and our experience if we don't share it?

Our Substantive Law Sections and the Projects and Objectives Committee that oversees them are the heart of our intellectual property production. There are multiple opportunities to write scholarly articles, share cutting edge ideas, celebrate successes and share skills that help us all become even

better lawyers and people. If you've never written for the FDCC, if it has been a while, or you just have a great idea, reach out to the section chair of one of the substantive law sections in which you have an interest and volunteer. We will find a way to get it published.

Similarly, our CLE is routinely in the top tier of educational programs supporting the legal community. At our Winter and Annual Meetings each substantive law section is provided an opportunity to speak, whether in the more intimate section meetings, or on the larger plenary stage. For topics that are hot off the presses, get in touch with our Membership Communications Committee. We can get you an audience via podcast or webinar in short order. These are not just professional milestones; they are platforms that allow us to influence the direction of legal practice. Take advantage of these opportunities – reach out to newer members you know – they may have knowledge

and experiences not previously presented to the organization. And if someone approaches you, find a way to say yes to that opportunity. When you say yes to a speaking engagement, you not only increase your own standing, you enhance the reputation of your firms, and raise the bar of the FDCC itself.

Say Yes to Including Newer Members

For those of us who have been attending meetings for a long time, it is easy to focus on our immediate circles. We are so excited to see each other at each meetings – and for good reasons. We are really fun interesting people! Smiles and hugs abound and there is an urgency to catch up with those we have come to know over the years. It's easy to gravitate to those you already know.

This year I have a request that you step outside your comfort zone, just a tiny bit. I promise you this is will be a low-risk proposition.

There are two points of inquiry in the vetting process. The first, are you truly over and above your peers in terms of legal skills and experience? The second, are you a good person?

The second question is answered by asking the dozens (or hundreds) of members of the legal community, not only would you refer this person a case, but would you invite them to your home for dinner? Every person in this organization has passed this test. So, I encourage you to find out what is so intriguing about members you have not yet had the opportunity to get to know. Why did the legal community around them affirm they would invite them into their homes for dinner? I can think of no better way to accomplish this than by inviting them to dinner during a dine around night at the next meeting.

*There is **nothing comparable** to the relationships and brain trust found in the FDCC.*

Take a look at the registrants a few weeks prior to the meeting and reach out to someone to plan a dinner. When making your own reservations, make them with an extra seat or two. Sign up for a dine around or table at the gala where you don't know anyone else.

I volunteered to be a new member host at my second meeting. It was such a fantastic experience for me (Marisa Trasatti was my new member and we have been friends ever since) that I have volunteered to be a new member host nearly every time since then. Dinner on your own nights have been where I have made some of my closest connections. It gives you a nice block of time to find common interests. And, since this is a group of story tellers a/k/a trial lawyers, it is hard to get through an entire dinner without someone telling a side-splitting tale.

If after reading this you are still on the fence, I'll make you a deal. If you invite someone new to dinner and it ends up being more like an awkward first date than a celebration of a new friendship, I will personally buy you dinner at the next meeting. I'll try to dust off some good stories for you in advance.

The Collective Power Of Saying Yes

Our strength as an organization comes not only from our years of honing our practices, but also from our diversity—not only of practice areas, but of perspectives, experiences, and fresh energy. Newer members bring a wealth of untapped potential. Most are

eager to contribute, but they need opportunities to learn, grow, and collaborate.

When we say yes to including newer members—whether on a panel, in a publication, or in collaborative projects—we invest in the future of our organization. Because all our members have been practicing law for quite some time and have achieved a high level of success in their own community, the opportunity to share our knowledge and experience is one that should be cherished. The FDCC provides us a unique platform to learn from others similarly situated and to share our experiences with others. Expanding our circles can provide new insights in the way we approach our cases and issues with renewed vigor.

Saying yes is not about adding to an already full plate. It is about recognizing that every time we share our expertise or lift someone else up, we strengthen the entire organization. When you accept or extend that invitation to speak at a meeting, when you write that article for the Friday 5's, when you invite a newer member to join in the fellowship, you enhance your own life.

To steal a statement from fellow member Melanie Cheairs, as a resource, there is nothing comparable to the relationships and brain trust found in the FDCC. I encourage every one of you to take full advantage of it this year.

Heidi Goebel is the President-Elect of the FDCC and named partner at Goebel Anderson, P.C. in Salt Lake City, Utah. Heidi can be reached at hgoebel@gapclaw.com.

So You Want to be Secretary - Treasurer *(said no one ever!)*

By Jennifer Johnsen



Jennifer Johnsen

A Peek Behind the Curtain

Let's get real. No one becomes a member of the FDCC aspiring to be Secretary-Treasurer of the organization.

Instead, the position is viewed as simply a means to an end – the obligatory first step on the officer track leading to President. But I have learned in just my first few months of serving that the position is so much more than that.

Did you know that the Secretary-Treasurer chairs not just the Finance and Budget Committee, but also the Bylaws and Resolutions Committee and the Convention Review Committee? That every invoice and reimbursement paid out of the Federation's operating account is reviewed by the Secretary-Treasurer and President to ensure that payment is appropriate? That the officers meet monthly and, as members of the Executive Committee, make decisions during the period between formal Board of Director meetings? That the officers collaborate and seek guidance from one another to address the various issues that arise on a

day-to-day basis? That the Secretary-Treasurer works with the Executive Director on the all-important Blue Book roster and has the solemn honor of compiling and giving the In Memoriam report at the Annual Meeting?

As I get my feet wet in my new role, I have grown to appreciate the governance structure established in our bylaws. Although an officer has typically spent 6 years on the Board and has served on the Executive Committee, there is still so much to learn. The structure and responsibilities assigned to the Secretary-Treasurer give a newly minted officer time to adjust to the position and the daily cadence of the organization.

One of my most important responsibilities as Secretary-Treasurer is to monitor the finances of the organization. The significance of member dues to our operating account cannot be overstated – they are the largest source of funding for the operations of the organization. They are what help us keep the lights on and support the quality programming you have come to expect. This is where I need your help. All of you should have received your dues invoices in September. If you are still in arrears, you have also received several reminders from Headquarters. As we approach the holidays, now is the time to move your dues invoice to the top of the payment list. If you need a new invoice or have questions about your dues, please let us know.

Happy holidays and I look forward to seeing you in 2025 in Charleston and Park City.

Jennifer Johnsen is an FDCC Defense Counsel member and a Partner with Gallivan White & Boyd in Greenville, SC. Contact her at: jjohnsen@gwblawfirm.com

Nominations Are Open For The Lifetime Achievement Award

By Kile Turner



Kile Turner

The Lifetime Achievement Award Committee is hard at work considering possible awardees for one of the most prestigious awards given by the FDCC. What makes this award so special is what it takes to even be considered – years of exemplary service to this great organization.

All one needs to do is look at the list of past awardees to understand the level of dedication required. They are all FDCC icons. Of course, what makes this committee's work so special is also what it makes it so difficult – to find that one person whose FDCC career stands above everyone else. In an organization full of amazing and successful people, there are certainly many to choose from. When nominees are vetted during the admissions process, we look for candidates that are “over & above” other lawyers.

This award goes to those who have spent decades of their professional and personal life serving the FDCC with their time and talents.

Our official charter is to award members “who are ‘over and above’ in their career, in the Federation, and in their community.” The award is given annually at the Winter Meeting and Charleston will be no exception.

Looking at the list of past recipients reminds me of how proud I am to be member of an organization with such impressive leaders. This award serves as a public reminder of their service.

Please feel free to contact me with any names you believe are worthy of this prestigious honor.

Kile Turner is an FDCC Defense Counsel member and a Senior Director on the Board of Directors. He is also a Partner with Norman, Wood, Kendrick & Turner in Birmingham, AL.
Contact him at: Kturner@nwkt.com

The following is a list of past recipients of the Lifetime Achievement Award

2024

Michael Neil
Neil Dymott & Hudson

2023

John R. Woodard, III
Emeritus Member

2022

Dan D. Kohane
Hurwitz & Fine, PC

2021

Susan M. Popik
Special Active Member

2020

D. Dudley Oldham
Norton Rose Fulbright

2019

John “Jack” Trigg
Wheeler Trigg O'Donnell LLP

2018

Marvin L. Karp
Ulmer & Berne, LLP

2017

Douglas G. Houser
Bullivant Houser Bailey, PC



A Place for Everyone at Charleston Place!

**FDCC Returns to Historic Charleston, South Carolina, Rated the No. 1
US Small City Destination by Conde Nast Traveler.**

REGISTER NOW!

When you consider everything it has to offer—history, culture, food, charm—it's no wonder the so-called Holy City has repeatedly topped our list of the best small cities in the US. While its robust food and beverage scene, which includes a steady annual circuit of nationally recognized food and culture festivals, continues to be a draw, visitors are rarely prepared for the city's good looks. Stately homes, cobblestone streets, waterfront views, and an abundance of flowering window boxes only add to its welcoming vibe. Find a seat among its many outdoor terraces for a drink and some fresh oysters, and try to resist the urge to up and move here.

The FDCC returns to Charleston, South Carolina for the Winter Meeting, February 23 – 27, 2024 at the luxurious Charleston Place Hotel, and the convention team is working hard to ensure guests enjoy a meeting filled with cutting edge legal knowledge, presented by leading legal professionals, with plenty of opportunities for networking and socializing in the luxurious environment that FDCC members expect.



Jeff Kelsey & Heather Kelsey

Charleston, South Carolina is renowned for its history, amazing food scene, natural beauty, and Southern charm and was recently recognized by Conde Nast Traveler magazine as the number one

destination among U.S. small cities. With its cobblestone streets, pre-Revolutionary War architecture, and Civil War sites, Charleston offers a glimpse into the past that will excite those with a love of history. Our afternoon activities will allow us to explore this rich history through walking, biking, and carriage tours of downtown, visits to Ft. Sumter National Park, and excursions to historic homes and gardens. The recently opened International African American



Museum “tells the unvarnished stories of the African American experience across generations, the trauma and triumph that gave rise to a resilient people,” and we will have an opportunity to explore this important and moving site through an afternoon excursion and a diversity dinner.

Our home for the meeting will be the luxurious Charleston Place hotel, which has recently updated and renovated its meeting space, and FDCC will be among the first groups to take advantage of this newly refined space. The hotel regularly appears on lists of best hotels and resorts in the U.S. and will undoubtedly provide the upscale experience that FDCC members expect and deserve.

The program theme, “Learning to Lead – Being the Best One Can Be,” developed by Dan McGrath and his committee, will give you practical tips and cutting-edge information presented by practitioners who are at the top of the legal profession. Speakers include the Chief Justice of the South Carolina Supreme

The final night gala features a 10-piece band for those who want to dance the evening away, and cozy lounge areas and craft cocktails for those who prefer to visit and watch all the action in laid back style.

Court, federal appellate court judges, the Dean of the University of South Carolina Law School, a former Governor of South Carolina, and exceptional attorneys from private practice and corporate legal departments. (See Dan’s article on the program immediately following this one for more information).

This enlightening program features keynote speakers Diane Foley, Colum McCann and Dennis Fitzpatrick. Ms. Foley is the president of the Foley Foundation,



and the subject of Colum McCann’s recent best-selling book *American Mother*, which is the heart rending story of a mother, who in the course of confronting her son’s killer after a federal court trial and conviction, comes to understand violence, understanding, and forgiveness; Mr. McCann is the author and Mr. Fitzpatrick is the former Assistant U.S. Attorney who prosecuted the case.

Our opening reception will be held at the Riviera Theater, a beautifully restored art deco theater just across the street from the hotel, where guests can enjoy a pre-dinner cocktail in a festive and elegant



setting while catching up with FDCC friends.

The President's Reception will be at the South Carolina Aquarium, a short ride from the hotel and overlooking the waterfront. With views of the Ravenal Bridge outside, and a host of aquatic exhibits inside, the Aquarium will provide a unique and fun setting as we dine and enjoy each other's company. The final night gala features a 10-piece band for those who want to dance the evening away, and cozy lounge areas and craft cocktails for those who prefer to visit and watch all the action in laid back style.

FDCC members certainly enjoy a good meal in a beautiful setting, and we will have ample opportunity to indulge our favorite food and drink in Charleston through an evening "Dining with Friends" and various afternoon activities. For those who want five-star meals from award winning chefs, Charleston offers dozens of options including The Charleston Grill in the hotel:

The sounds of soft jazz greets you as you enter the dining room. This place is elegant without being overly stuffy, and there's a general anticipation that this is old school fine dining as its high-level best.

For those who crave something more casual, Charleston has a burgeoning barbecue scene that we will sample through an afternoon brewery and barbecue tour. For those who would prefer to learn how to make their own Charleston favorites at home, we have a cooking class from Chef Bob Waggoner "inspired by the many farmers, fishermen, and artisans of the lowcountry." Of course, a good meal deserves a well-crafted drink to accompany it, so we are offering a variety of fun afternoon activities including a mixology class in a Prohibition-style speakeasy, distillery and pub tours, and a wine blending class.

After all of that fine food and drink, some light exercise and an afternoon in the outdoors gets

the blood flowing, so we have a number of options to get everyone moving and enjoying nature. Our afternoon eco-tour explores the winding tidal creeks on the way to a pristine barrier island reachable only by boat, where wildlife and natural wonders await. We also have kayaking, fishing, and sailing adventures for those who want to further explore the natural beauty surrounding Charleston. And no meeting would be complete without a Pickleball outing, and golf.

We look forward to seeing you there.

Jeff Kelsey is an FDCC Corporate Counsel member and Managing Director of Labor & Employment Law at FedEx Express in Memphis, TN. Jeff and his wife, Heather Kelsey, are the Convention Chairs for the FDCC Winter Meeting. Contact Jeff at: jkelsey@fedex.com.

LEARNING TO LEAD BEING THE BEST ONE CAN BE!

FDCC 2025 WINTER MEETING PROGRAM
CHARLESTON, SOUTH CAROLINA

By Daniel W. McGrath



Daniel W. McGrath

The Convention Theme for the FDCC 2025 Winter Meeting in Charleston, South Carolina is “A Place for Everyone at Charleston Place” and our Program Theme is “Learning to Lead—Being the Best One Can Be.” The meeting program is designed to teach our members and guests to lead their firms, corporations, and associations, irrespective of their position and title. It will include programming tailored explicitly for corporate counsel and law firm lawyers and leaders. We have planned a dedicated Trial Master program and a number of presentations will focus on trial practice and strategy.

The 2025 Winter Meeting features as speakers and panelists the Supreme Court Chief Justice of the State of South Carolina; two United States Circuit Court judges; two United States District Court District

judges; the Mayor of Charleston, South Carolina; the Dean of the University of South Carolina School of Law; a past Governor of the State of South Carolina; and several corporate counsel including members of the legal departments of Microsoft, Oracle, the Schmidt Special Competitive Studies Project, Textron, FedEx, Zurich Insurance and other corporations. We have made a concerted effort to invite thought leaders to this meeting for the benefit of both our outside counsel members and particularly our corporate counsel members. These judges, scholars, and legal department leaders appeal to a large audience and will provide attendees with insightful and diverse perspectives on important issues facing the legal profession and its clients.

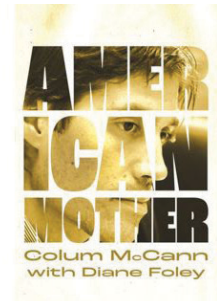
Our invited keynote speakers are Diane Foley, Colum McCann and Dennis Fitzpatrick. Ms. Foley is the president of the Foley Foundation,



Diane Foley



Colum McCann



the subject of Colum McCann’s recent best-selling book *American Mother*; Mr. McCann is the author; and Mr. Fitzpatrick is the former Assistant United States Attorney who prosecuted the case which is the subject of the book.



Dennis Fitzpatrick

American Mother, written by Colum McCann with Diane Foley, is the heart-rending story of a mother, who in the course of confronting her son's killer after a Federal Court trial and conviction, comes to understand violence, understanding, and forgiveness. Diane Foley is the mother of James Foley, an American journalist, who was captured and killed in Syria by terrorists in 2014. Seven years later, in 2021, Diane Foley had the opportunity to confront and meet with the murderer of her son in an Alexandria, Virginia courthouse, thereafter, inspiring her to tell her life and son's life story. What unfolds is one of the most compelling narratives in recent literature, channeled into searing reality by National Book Award Winner Colum McCann, who brings the reader along with Ms. Foley on her journey of strength, resilience, empathy, and forgiveness.

FDCC member John Delany of Marshall Dennehy of Philadelphia, Pennsylvania, a nationally recognized trial attorney, will moderate a discussion amongst Ms. Foley, Mr. McCann, and Mr. Fitzpatrick to explain how a prepared, empathetic and sincere defense trial attorney can best marshal the evidence and law to present a compelling case on behalf of his or her client and avoid the



catastrophe of an adverse nuclear verdict.

Diane Foley founded the James W. Foley Legacy Foundation to advocate for the freedom of innocent Americans held hostage or wrongfully detained abroad and for the safety of journalists. The Foley Foundation has raised awareness about international hostage taking through the advocacy of Ms. Foley before governments, the James Foley story as published in *American Mother*, and various opinion pieces in leading publications such as *The New York Times*, *The Washington Post*, and *USA Today*. Colum McCann of Dublin, Ireland has won multiple awards and honors for his seven novels and three collections of short stories. Dennis Fitzpatrick, the prosecutor of those responsible for James Foley's death, is presently a partner in the Washington, D.C. firm of Whiteford, Taylor & Preston, LLP where he concentrates his practice in investigating and defending complex criminal cases and investigations, both domestic and abroad. Mr. Fitzpatrick served as an Assistant United States Attorney for the Eastern District of

Virginia focused on investigations and trials as part of the National Security and International Crime Unit when he tried the case which is the subject of the book. This is a trial tactics presentation you will not want to miss!

Our Trial Master program consists of an intensive two-hour presentation in trial techniques lead by some of the FDCC's most experienced and outstanding trial attorneys. The program is a case study based upon a federal sexual harassment lawsuit prepared and tried to verdict. Speakers will address how to craft and present compelling opening statements and persuasive closing arguments and best practices for the preparation, examination, cross-examination, and rehabilitation of a corporate representative witness. Amanda Cialkowski will guide us in the strategy, writing and presentation of a compelling opening statement with John Worden addressing the effective preparation and delivery of closing argument. L. Johnson Sarber III and William Toles will present, examine, cross-examine, and rehabilitate the corporate representative witness portrayed

by Michael Spencer. Linda Knight of Spencer Fane LLP of Denver, Colorado and Kyle Turner of Norman Wood Kendrick & Turner of Birmingham, Alabama will serve as moderators of what promises to be an informative and fascinating presentation.

Artificial Intelligence and the law is a topic of keen interest and import for all attorneys and their clients. We have invited three outstanding speakers who are recognized leaders in the field of artificial intelligence and the law to address our members in a moderated discussion led by Sean Griffin of Robinson & Cole of Washington D. C.

Rama G. Ellura of the Schmidt Special Competitive Studies Project LLC is Senior Director for Society and Public Policy and focuses on emerging technologies and Artificial Intelligence (AI) governance. She was previously a director of research and analysis at the National Security Commission on Artificial Intelligence and has practiced intellectual property law for more than 20 years. The Schmidt Special Competitive Studies Project LLC, established by Eric Schmidt of Google, has as its mission the strengthening of America's long-term competitiveness in artificial intelligence and other emerging technologies reshaping our national security, economy and society. This organization is dedicated to ensuring the United States is positioned and organized to win the techno-economic competition now underway in the world.

Dennis Garcia, Assistant General Counsel of Microsoft Corporation, has practiced at the intersection of law, technology and business for

over twenty-five years. Mr. Garcia leads the legal support function for the Microsoft Americas Partner Solutions and Sales Enablement & Operations teams, serving as a general counsel to two Microsoft Corporate Vice-Presidents and their teams of nearly 2,000 professionals, focused on a wide range of sales enablement, activation and solution delivery activities for customers

A panel consisting of four distinguished Federal Court jurists will address the current state of the judiciary in the Federal Courts in the United States.

and partners across the Microsoft Americas region. He also leads the legal scale services function for the Microsoft Americas legal team responsible for frontline matter intake and initial legal services to 10,000+ Microsoft Americas business professionals.

Ameen Haddad is Vice President and Associate General Counsel of Oracle. Mr. Haddad focuses on the spectrum of corporate and technology transactions and legal operations for Oracle and advises its management on strategic business development initiatives and its global operations. He manages Oracle's global team of lawyers, analysts, and IT professionals who operate Oracle's knowledge management and training programs. Mr. Haddad frequently

speaks and teaches on the subjects of technology, cloud computing, software and data licensing, and professional services.

A panel consisting of four distinguished Federal Court jurists will address the current state of the judiciary in the Federal Courts in the United States. Mohamed Bakry of Marshall Dennehy of Philadelphia, Pennsylvania and Shelly Masters of Cokin Young of Austin, Texas will moderate this discussion.

Circuit Court Judge J. Michelle Child of the District of Columbia Circuit Court of Appeals was appointed to her current position in 2022 after serving as District Court Judge of South Carolina from 2010 to 2022 and as a state court judge. Judge Childs was a partner at Nexsen Pruet in Charleston, South Carolina focusing on labor and employment matters before becoming a judge. She is an active member of several national, state and local bar organizations and is president of the Federal Judges Association. She is also a member of the American Law Institute and its Council, having served as an Advisor to the Restatement (Third) of Employment Law.

Circuit Court Judge A. Marvin Quattlebaum of the Fourth Circuit Court of Appeals was appointed to his current position in 2018. Judge Quattlebaum is a Fellow of the American College of Trial Lawyers and was a partner specializing in complex civil litigation at Nelson Mullins Riley & Scarborough before appointment to the bench. Judge Quattlebaum is a past president of the South Carolina Bar Association.

United States District Court Judge Mia Roberts Perez of the USDC



Judge Mia Roberts Perez



Judge Joseph Dawson

Eastern District of Pennsylvania was appointed to the bench in 2022. She was elected to serve as a Judge in the Philadelphia, Pennsylvania Court of Common Pleas in 2015 and served in that position until coming on to the federal bench. Judge Roberts Perez was previously an assistant public defender and the principle of her own law firm in Philadelphia.

United States District Court Judge Joseph Dawson of the USDC of South Carolina was appointed to the bench in 2020. Judge Dawson was engaged in private practice in general civil litigation and served as Charleston County, South Carolina County Attorney before coming on to the bench.

A panel of distinguished speakers will address third-party litigation funding, mass tort advertisements, and the questionable science often associated with such matters. The panel will speak to the current state of affairs in third party litigation funding, enacted and contemplated

federal and state legislation and regulation, and the legal and media aspects of this phenomenon. Mark Behrens is a partner at Shook Hardy & Bacon LLP and co-chair of the firm's public policy practice group. Ruston Silverstein, president of X Ante and The Silverstein Group, provides attorneys and businesses with a leading source of actionable intelligence in mass tort litigation advertising. X Ante specializes in research and analysis of mass tort advertising counseling Fortune 500 pharmaceutical, medical device, and other manufacturers. The Silverstein Group is a Washington D.C. policy and communications consulting firm focusing on the intersection of government, business, law and media. Lisa M. Bellino is Vice President of Claims, Judicial and Legislative Affairs at Zurich Insurance Company. Ms. Bellino's responsibilities include addressing social inflation and other factors affecting our courts and working to improve the civil justice system. Stuart Simon of American Jury Centers is an attorney who counsels attorneys and corporations in the development of litigation and trial strategies for civil litigation matters

from a social science perspective. William Vita of Shook Hardy & Bacon of New York City will moderate this panel discussion.

A prominent civic leader and law school dean will address the unfortunate collapse of the rule of law and actions that can be taken to restore its place of prominence in American jurisprudence and society. University of Southern Carolina Law School Dean William C. Hubbard and former South Carolina Governor David Beasley will address our membership in a panel discussion moderated by Jay Davis of Clement Rivers of Charleston, South Carolina. Dean Hubbard served as president of the American Bar Association and led efforts to increase access to justice and strengthen the rule of law. He is a past president of the American Bar Foundation and American Bar Endowment. Dean Hubbard is the co-founder and chairperson of the Board of the World Justice Project, a multinational and multidiscipline initiative to strengthen the rule of law worldwide. David Beasley was elected Governor of South Carolina after serving in the South Carolina House of Representatives. Governor Beasley is Executive Director of the



Third Party Litigation Funding



World Food Programme (WFP), an international organization within the United Nations that provides food assistance worldwide and is the world's largest humanitarian organization.

A panel of leading experts will speak about the diversity, equity, and inclusion issues presently confronting businesses and professional firms today, particularly in the field of labor and employment. Shannon O'Connor Berube of Textron, Inc. represents this corporation in multi-party employment matters, breach of contract and other business disputes, and regulatory and compliance matters. Atoyia S. Harris of Proskauer Rose LLP practices in the field of labor and employment law matters across the United States counseling businesses on a broad assortment of employment and labor issues. Other panelists will include corporate counsel Camille Bryant of Ochsner Health and Temitope Yusef of NBC Universal. Michon Spinelli of Ropers Majewski will moderate this presentation.

FDCC law practice sections are combining their resources

to present several compelling presentations. A program addressing data breaches and resulting litigation in health care, logistics, and supply chain industries with related extra-contractual liability and insurance coverage issues will be presented by the health care, data breach and cyber security, transportation, life, health, and disability, professional liability, extra-contractual, and insurance coverage sections. An analysis of students, social media, and the First Amendment after *Mahanoy Area School District v. B. L.* decision by the U. S. Supreme Court will be presented by the Civil Rights/Public Entity Liability Section. Recent U.S. Supreme Court decisions of import that FDCC members need to be know about will be provided by our Appellate Section and a panel of outstanding appellate attorneys. The Law Practice Management Section will give guidance on preparing for retirement and the implementation of effective succession plans both for attorneys engaged in private practice and their corporate counsel counterparts.

The intersection of construction and premises liability issues in high

profile cases will be addressed by the Construction and Premises Liability Sections. Recently developments and hot topics in class actions, MDL matters, product liability cases and toxic tort matters will be addressed by those sections. The arbitration of employment disputes, pros and cons, will be addressed by the Employment and Alternative Dispute Resolution Sections.

We expect these accomplished and distinguished judges, scholars, and business legal department leaders to appeal to provide a diverse and insightful perspective for our members at what we believe promises to be an exciting and vibrant meeting. We look forward to seeing everyone at Charleston Place.

Daniel McGrath is an FDCC Defense Counsel member and a Partner at Hinshaw & Culbertson LLP in Chicago, Illinois. Dan is also an FDCC Senior Director and, along with his wife Patti McGrath, are the Program Chairs of the 2025 Winter Meeting in Charleston. Contact him at: dmcgrath@hinshawlaw.com.



GOING FOR GOLD IN PARK CITY, UTAH

FDCC 2025 ANNUAL MEETING

By Tiffany M. Alexander & Lee Hall

Mark your calendars now for the 2025 Annual Meeting at the luxurious Stein Eriksen Lodge in Park City, Utah from July 28, 2025 – August 2, 2025. Nestled in the breathtaking Wasatch mountains of Utah, and just a short drive from the Salt Lake City airport, Park City offers an unparalleled backdrop for the Annual Meeting. This magical mountain town is the home of the 2002 and 2034 Olympics, Olympic Park and Training Facility, Sundance Film Festival, and endless outdoor adventure.

According to President Heidi Goebel, people come to Park City for Winter but stay for the Summer. With average highs of 82 and almost no rain, Park City is a perfect site for a late summer family vacation. So, gather your troops and prepare for



Tiffany Alexander
Convention Chair



Lee Hall
Program Chair

adventure. Park City is brimming with activities that cater to all ages. Soar above the mountains in a hot air balloon, zipline over the valleys, or test the over 400 miles of trails on foot, bike or horseback. Want more adventure? Fly down the bobsled track at Utah's Olympic Park or brave the mountain coaster. If you are looking for a more relaxed pace, no worries! Park City will not disappoint. It is the ultimate foodie destination, with fabulous restaurants, wine bars,

galleries, history museums, and the nationally recognized High West Distillery, all set in "The Prettiest Town in America." Twice voted "Best Town in America," Park City checks every box.

To relax and reboot, simply return to the Stein Eriksen Lodge, a lavish Forbes Five-Star hotel and spa, with a coveted spot on the *Forbes List for the Most Luxurious Hotels in the World*. The guest rooms are spacious, relaxing and invigorating, all with an unmatched view and world class amenities. In addition to the Stein Eriksen Lodge, we have obtained additional rooms at its companion hotel next door, the Chateaux at Deer Valley, which despite its 4 star rating, features a room rate that is unprecedentedly low for 2025.



Both hotels feature suites and room arrangements that are perfect for families and those wanting a little more room.

We Will Party Like Champions!

In addition to festivities set against an alpine mountain backdrop which has earned the Stein Eriksen the coveted “2024 United States Best Ski Hotel,” we will journey off-site on Thursday, July 30, 2025, for an exciting dinner and a show at the Utah Olympic Park. Built for the Salt Lake 2002 Olympic Winter Games, the Park City features an Olympic Winter Games museum, an alpine slide, ziplines rides on the bobsled track, and a whole host of adrenaline-inducing activities. And finally, no Park City trip would be complete without a nod to the Sundance Film Festival. We are bringing the Sundance to you in our Closing Gala, with a red-carpet ceremony befitting Little Miss Sunshine and Uncle Rico. So find your dance shoes and get ready to join Napoleon Dynamite for our closing gala.

At the FDCC, we work hard and play hard We cannot think of a better spot to “Train with Champions,” than Park City, Utah.

Park City is brimming with activities that cater to all ages.

Our CLE program is designed to train, cultivate and inspire the champion in each of you. Keynote speakers will include David McRaney, author of *How Minds Change*, who will offer techniques for effective persuasion in an increasingly polarizing environment, Justice Elizabeth Walker from the West Virginia Supreme Court, and 2024 ESPN Sports Personality of the Year, Holly Rowe. We will present programs on the dangers and legal ramifications of deep fakes, the use of cutting-edge technology in trial, navigating the hours, days and weeks immediately following a verdict or crisis, and the impact of recent Supreme Court decisions on our civil defense practice. You will hear presentations on maximizing the First Golden Minutes in trial or at oral argument. Our program will offer you a boot camp of training opportunities with champions from inside and outside the FDCC on cutting edge techniques, legal developments and advocacy.



We can't wait to see you all in Park City!

Tiffany Alexander is a Partner with Nelson Mullins Riley & Scarborough LLP in Berwyn, Pennsylvania and an FDCC Senior Director. Tiffany is convention chair of FDCC 2025 Annual Meeting and can be reached at tiffany.alexander@nelsonmullins.com

Lee Hall is a Partner with Jenkins Fenstermaker PLLC in Huntington, West Virginia and an FDCC Senior Director. Lee is program chair of the FDCC 2025 Annual Meeting and can be reach at lmh@jenkinsfenstermaker.com

TORONTO 2024 Annual Meeting Recap

By Marissa Trasatti & Tiffany M. Alexander



Thank you to FDCC Past-President Craig Marvinney and Past-First Lady Paula McQueen, Program Chair Tiffany and Steve Alexander, Bernie and Martha Heinze and Kimberly Cavender (our Convention Team); FDCC Annual Meeting Sponsors Profile Discovery, American Jury Centers, Avalon Health Economics, Exponent, Relevant Data, Rimkus, JS Held, InQuis, Rust Consulting, S-E-A, and YA Engineering Services; our Speakers; all Excursion Hosts; New Members Hosts; and our Canadian Delegation. The Toronto Annual Meeting would not have been a success without the support of so many.

This Convention Team ran like a well-oiled machine and managed the meeting with precision. Everyone gave their A-game and throughout the planning process willed a successful meeting that was purist (back to basics) FDCC. Putting Tiffany and I on the



Marissa Trasatti



Tiffany Alexander

same team for this meeting was brilliant. Working with someone who was like-minded made the planning process smooth, efficient, enjoyable, and, proved successful. I also want to recognize Bernie, Martha, Kim, and Marty, who made Tiffany's and my work so much easier during the planning and execution stages. Also, Martha's last minute surprise brought a second Rembrandt charm tour for members and spouses and resulted in Rembrandt's exhibiting at the meeting and offering members a formidable sale.

Marty Bair and FDCC Past President Steve Farrar get a special shout out for working with me on many

iterations of the Toronto budget going into the 2023 Annual Meeting and set the stage for a successful financial finish to the 2024 Annual Meeting. The exchange rate and foresight of leadership to buy Canadian Dollars in advance of the 2024 meeting positively impacted our financial finish and allowed us more flexibility in our excursion and programming spend. Together, we made an urban, "outside the United States" meeting memorable for all our members and their families. Mission Accomplished!

Our Canadian delegation proved critical to the planning stages, gathering by Zoom, at the Convention Team's request, multiple times prior to the 2023 Annual Meeting, so we could craft teaser videos and other promotional pieces more than a year before our Toronto meeting. They were giving of their time, and provided countless restaurant, excursion, and other helpful



hints as we swung into full-time planning for the meeting. Our FDCC Canadian ambassadors were critical to streamlining our site visits and later, winnowing down excursion lists, restaurants, speakers, topics, etc.

Reflecting on some of the key themes and experiences we shared during our memorable week in Toronto:

We had the privilege of hearing from notable speakers, including CNN and Sirius XM host **Michael Smerconish**, who reminded us of the importance of independent thinking and civil discourse in our increasingly polarized world.

Throughout our sessions, we explored the concept of the **Platinum Rule** - treating others as they would like to be treated. This principle is not only crucial in our personal interactions but also in our professional lives as we strive to build more inclusive and empathetic workplaces. Speaking of organizational culture, we delved into strategies for building successful company cultures. As leaders in our respective fields, it is our responsibility to foster environments that promote growth, innovation, and collaboration.

Our time in Toronto would not have been complete without

May we continue to learn, grow, and contribute to the betterment of our profession and society at large.

experiencing some of the city's most iconic attractions- not the least of which was our Hockey Hall of Fame sport jersey themed night for members and their families. We immersed ourselves in the rich history of Canada's beloved sport. The passion and dedication displayed in those exhibits served as an inspiration for excellence in our own pursuits. We also had the chance to explore Casa Loma, a testament to ambition and architectural grandeur. As we walked through its halls, we were reminded of the importance of vision and perseverance in achieving our goals.

The Gala, on our final night in Toronto, brought top notch food, atmosphere, and music. It was self-evident from the active dance floor that attendees were having a genuinely fun time.

Now, I cannot conclude without mentioning the unexpected

appearance of our impromptu "guest" - the streaker. While certainly unplanned, this moment of levity served as a reminder that even in our most serious endeavors, we should maintain our sense of humor.

May we carry forward the spirit of the **Platinum Rule**, the commitment to building positive cultures, and the dedication to excellence we saw in Toronto. May we continue to learn, grow, and contribute to the betterment of our profession and society at large.

Again, thank you, All, for your participation and engagement. Huzzahs to the Convention Team and Friends who helped us make this meeting a success! And, here is to our next meeting in Charleston!

Marisa A. Trasatti is an FDCC Defense Counsel member and a Partner with Bowman & Brooke in Baltimore, MD. She is a Senior Director on the Board and was Convention Chair of the 2024 Summer Meeting. Contact her at: Marisa.Trasatti@bowmanandbrooke.com

Tiffany Alexander is an FDCC Defense Counsel member and a Partner with Nelson Mullins in Berwyn, PA. She is a Senior Director on the Board and was the Program Chair of the 2024 Summer Meeting. Contact her at: tiffany.alexander@nelsonmullins.com



FDCC Meetings - Looking Back







CONGRATULATIONS

TO THE FEDERATION'S 2024 AWARD WINNERS

There are truly many pillars of the Federation that are built upon the sturdy foundation of our many activities and leaders since 1936. FDCC members continue distinguishing themselves through their service to the profession, as well as to their clients, their respective firms and companies and within our organization – and continue doing so today.

The following members were recognized at the 2024 Annual Meeting at the Royal York Hotel in Toronto, Ontario, and presented with awards based upon having selflessly given of their time and talents to further advance the Federation and exemplifying our commitment of truly being “over and above.”



Joseph R. Olshan Award is presented each year to the Chair of a Board Committee, administrative Branch Committee or Project, initiative, or Ad Hoc Committee whose work has made the most outstanding contribution to the advancement of the Federation's aspirational goals. It further



epitomizes the organizational skills and dedication of Joseph R. Olshan together with his character, warmth, dedication and limitless contributions to the Federation. The Olshan award was presented to **Valerie Kellner** of Wilson, Elser, Moskowitz, Edelman & Dicker, in Philadelphia, Pennsylvania and **Alan S. Rutkin** of Rivkin Radler, LLP in New York, New York in recognition of their joint efforts in advancing the Federation's Communications Committee and growing the FedSpeaks Podcast Channel.



John Alan Appleman Award honors the Substantive Law Section Chair who has made the most outstanding contribution to the advancement of the FDCC's educational goals through the work of their Section. This year, the award was presented to **Jody E. Briandi** of Hurwitz Fine in Buffalo, New York for her leadership as Chair of the Law Practice Management Section.



Andrew C. Hecker Award is presented to the author of the most outstanding article in FDCC Insights during the year. **Francisco Ramos, Jr.**, of Goldberg Segalla in Miami, Florida was presented with the award for authoring the outstanding article

on “Artificial Intelligence Primer for In-House Counsel, Claims Professionals and Law Firms”.



Corporate Member Award is presented to the Corporate or Industry Member who has made a particularly meaningful contribution to the Federation and brings attention to the individual's participation in the FDCC's projects, seminars, programs and committees, as well as their encouragement and support of new members. **Kelley J. Barnett** of AmTrust Financial Services, Inc. in Cleveland, OH was honored with the award for her tireless dedication to the Federation as well as with the FDCC Foundation's Ladder Down Chapter in Cleveland.



FDCC Diversity Award is presented annually on behalf of the entire Federation to a deserving member whose efforts during the year embody the spirit of the organization's Diversity Statement and Initiatives, and to expand the mandate of inclusiveness within our profession.



This year, the Diversity Award, was presented to **Dafney Dubuissou Stokes** of Wong Fleming in Princeton, New Jersey and to **Kelly E. Brilleaux** of Irwin Fritch Urquhart Moore & Daniels in New Orleans, Louisiana for their joint

efforts in championing the Federation's diversity efforts throughout the year.



FDCC Awardee recognition honors members who have rendered distinguished service to the industry, to the community and for their dedication to the ideal of free enterprise. **Amy L. Miletich** of Miletich, P.C. of Denver, Colorado was presented the award for exemplary and distinguished service to the American system of free enterprise, the legal industry and the FDCC's Community of Members and for her leadership within the National Foundation for Judicial Excellence.



FDCC Connect Award honors the FDCC member who best exemplifies the spirit of using our unparalleled referral network to send business from one Defense Counsel Member to another, or from a Corporate Counsel Member to other Defense Counsel Members. **Martin P. Lavelle** of Travelers Insurance Company in Hartford, Connecticut received the award.



2024 President's Award is presented to a member or certain members at the discretion of the President based upon extraordinary service having been provided to the Federation. **Heidi G. Goebel** of Goebel Anderson, P.C. in Salt Lake City, Utah and **Marc H. Harwell** of Harwell & Hurst, PLLC in Chattanooga, Tennessee were honored with the award for their dedicated and tireless efforts in renewing the Federation's management contract.



The Federation's outgoing Directors were also recognized for their commitment and dedicated years of Board service: **Alison R. Christian** (2021-2024); **John C. Trimble** (2022-2024); and **Jennifer E. Johnsen** (2018-2024).

**CONGRATULATIONS TO ALL OUR
AWARD-WINNING MEMBERS!**



2024 CORPORATE COUNSEL SYMPOSIUM

CLOSING THOUGHTS

By Shelly Masters



Shelly Masters

The 2024 Corporate Counsel Symposium (CCS), held on September 15-17 in New Orleans, brought together over 150 corporate counsel and defense attorneys to tackle tough legal challenges under the theme “Solving the Hard Problems in the Big Easy.” CCS is a bite-sized version of the FDCC, delivering impactful content in a condensed timeframe that leaves members eager for more at the annual and winter meetings. This year’s CCS brought the FDCC to a new

destination with renewed energy, earning high praise from attendees for its engaging content, delicious dine-arounds, and first-class accommodations.

With four Ted Talks, a dozen panels, and more than 40 panelists, many of whom were corporate counsel members, it is impossible to recap everything but here are some notable highlights:

- U.S. Magistrate Judge Janis van Meerveld led a dynamic interactive session where participants played “Bingo” to the theme of “It is Literally

Impossible to Be a Woman [Lawyer]” from the recent *Barbie* movie sparking conversations on sexism and bias that persist in the legal community, particularly for women.

- A series of four engaging “Ted Talks” featured corporate counsel members sharing personal and insightful stories with real-world examples of how in-house counsel balance the demands of their multifaceted roles within large organizations. The speakers highlighted the importance of adaptability, strategic thinking,

and effective communication. Others discussed how they strive to be better leaders by fostering collaboration and connection, illuminating blind spots, mentoring teams, and aligning legal strategies with business objectives to support overall success.

- Burnout is a significant challenge for lawyers, with over 52% experiencing it, according to a recent ABA study. Strategies to combat it include fostering a supportive work environment, setting realistic expectations, and addressing the root causes of stress to help legal professionals manage their day-to-day workloads effectively while maintaining well-being.
- An animated discussion centered around the recent amendments to Federal Rule of Evidence 702, which is significantly changing federal court culture. Panelists emphasized the importance of ensuring that judges adhere to the updated rule and avoid reverting to outdated interpretations, such as the Daubert standard. Attendees were encouraged to update their legal forms and practices to align with the new rule, reinforcing its application and strengthening its impact. This proactive approach aims to solidify the amendments' role in improving the consistency and reliability of expert testimony in federal courts.
- Attendees delved into defense strategies against the "reptile" or rebranded "edge" litigation tactics, which are increasingly used to influence juries. With concerns about runaway juries, defense attorneys were reminded of the critical need

to humanize the defendant, be reasonable, be likeable, admit fault (sometimes) and thoroughly prepare corporate representatives for the onslaught of aggressive litigation styles. Discussions focused on the importance of working with vendors to enhance witness appeal and utilizing persuasive anchors during trial to effectively communicate key points. By steering the narrative and providing clear, relatable messages, defense teams can help juries focus on fair and reasonable verdicts, minimizing the impact of emotional or manipulative tactics.

Most importantly, the event emphasized the importance of fostering a deeper understanding of corporate operations and needs when advising in-house clients, emphasizing the value of swift, clear, and concise communication.

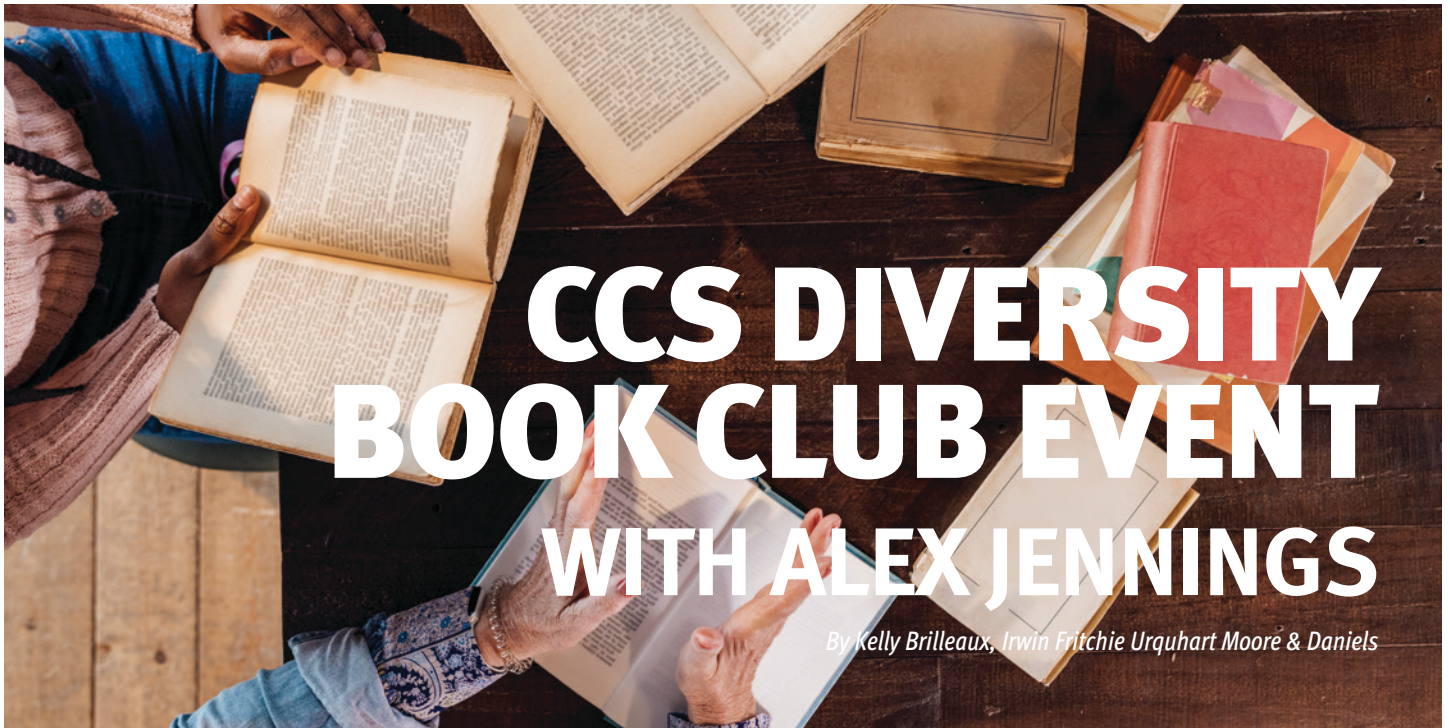
Most importantly, the event emphasized the importance of fostering a deeper understanding of corporate operations and needs when advising in-house clients, emphasizing the value of swift, clear, and concise communication. On any given day, corporate counsel may wear a myriad of hats: Chief Security Officer, PR Specialist, Director of Operations,

Guidance Counselor, Caterer, Liaison, Therapist, Cat Herder, Fixer, Teacher, Flight Traffic Controller and, sometimes, even Lawyer. While numerous suggestions were offered on how outside counsel can provide valued support, one piece of advice from inside counsel resonated with everyone for its simplicity and impact: "Be bright. Be brief. Be gone!"

The Royal Windsor Court Hotel, located in the heart of New Orleans' business district, exceeded expectations by providing exceptional accommodations, service, and amenities for this year's CCS. The venue's popularity was evident as an informal poll among attendees overwhelmingly favored a return for future events. In addition to the venue itself, participants enjoyed the culinary delights of local Creole and Cajun cuisine, with rave reviews for the dine-around dinners at renowned local restaurants like Commander's Palace. This unique combination of luxurious accommodations and local flavor added an extra layer of enjoyment to the conference experience.

The symposium concluded with an invitation to all members (yes, you too!) to attend the FDCC's next Corporate Counsel Symposium in Chicago, which will be chaired by Tim Moore, Nicole Benjamin, and Chelsey Golightly.

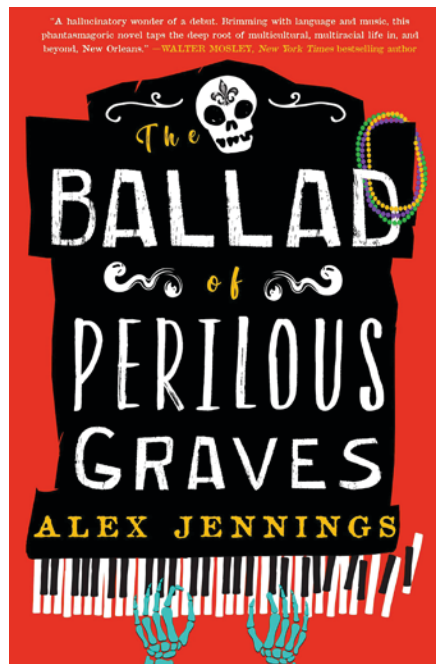
Shelly Masters is a member of the FDCC's Board of Directors and a Principal in the Austin, Texas office of Cokinos Young. Contact her at smasters@cokinoslaw.com



Kelly Brilleaux

On Sunday, September 15, the first day of the Corporate Counsel Symposium in New Orleans, the FDCC Diversity

Committee welcomed local author, Alex Jennings, to speak about his novel, *The Ballad of Perilous Graves*. Properly classified as Afro-Surrealist fantasy literature, this book combines vivid descriptions, complex characters, and elements of authentic New Orleans culture to create a riveting story that is imaginative, thrilling, and magical. The book explores a fictionalized parallel version of New Orleans called "Nola" and follows Perilous ("Perry"), his sister Brendy, and their friend Peaches as they set out to save their city through elements of music and adventure. Within the fantastical plot, the book also addresses and provides context to a multitude of cultural, gender, and racial diversity issues.



I had the privilege of leading the question-and-answer session with Alex, during which we explored the influences on Alex as a writer, Alex's writing process, and the development of the novel's characters. I know I speak for everyone in recognizing the

extraordinary way in which Alex was able to connect with audience, along with his overall candor and authenticity in discussing the book and his own experiences. Alex began by sharing about his upbringing as the child of a United States diplomat, including his experience moving around as a child—from Germany to Botswana, and then Surinam and Tunisia, to name just a few—and his exposure to different views and ways of life in the process. This ultimately segued into a discussion about Alex's first trip to New Orleans in 2003, his path to becoming a New Orleans resident, and the manner in which he has learned and immersed himself in the City's culture.

We spent a great deal of time talking about the characters in his novel. For example, in developing Peaches, Alex reimagined Pippi Longstocking, the beloved childhood character of so many of us, as "a little red-boned girl

living in Central City.” The main character, Perry, was based on an imagined version of his father as a boy, which revealed itself to Alex as he wrote the story. Alex—who wrote the book for and with the intention of sharing it with his father, Hartford Terry Jennings Sr.—told our group that, because of this, he struggled with writing the story’s end, knowing what Perry had to face as he continued his journey. Another significant aspect of our discussion was Alex’s explanation of developing Casey, a transmasculine character in the story.

Alex was forthright in his discussion of the character, using the opportunity to challenge his own beliefs around trans issues as a cisgender man, particularly

Within the fantastical plot, the book also addresses and provides context to a multitude of cultural, gender, and racial diversity issues.

in light of his upbringing. Finally, Alex talked about renowned Afro-Futurist author, Octavia Butler, and her role as one of his literary mentors and most significant sources of inspiration. Alex answered additional questions from our members and, in doing so, shared details about his writing process; about listening to music,

and about how music influences his writing; about future projects.

After the book club discussion, Alex and his fiancé (now his wife), Nkechi, joined our group for the CCS Networking Reception that evening, as well as the Diversity Dinner, with our members and guests. We are grateful to Alex and Nkechi for their time and fellowship during such a meaningful and memorable event.

Kelly Brilleaux is an FDCC Defense Counsel member, Chair of the State & International Representatives Program and a Partner with Irwin Fritchie Urquhart Moore & Daniels in New Orleans, LA. Contact her at: kbrilleaux@irwinllc.com



THE BEST PEOPLE IN THE BEST PLACES

By Howard Merten



Howard Merten

The FDCC offers a panoply of meeting options to its members. The Corporate Counsel Symposium and the Insurance Industry Institute are short, business-focused meetings. Our Annual and Winter Meetings are in diverse places and offer longer windows to build stronger and broader networks amongst our members. Whichever meetings you attend, those meetings are where the magic of the FDCC happens. We vet our members with great care. We ensure that we admit the best lawyers and the best people. Then, we bring these tremendous people together and let trust, respect, and relationships build.

This article highlights our next several Annual and Winter meeting locations which are nothing less than spectacular. This was not by accident. In 2023, we sent a written survey to our members and asked what they wanted from meetings. Just under 70% of the respondents agreed that we are an organization of pre-eminent Defense Leaders and should go to top resorts and hotels that comport with who we are. We listened and strategically are moving upstream to the best locations we can find.

So plan ahead to make sure you get to spend the best time with the best lawyers and people at



Families of the FDCC Family are the Best

the best places. We added some new locations, but also a return to perhaps our members' most favorite (certainly my favorite) venue.

For novelty's sake, each of the below descriptions (with only modest revisions) was generated by ChatGPT in response to the prompt question, "provide one paragraph on the best reasons to visit ____." Here are the results for what lies ahead – not from me, but from the infinite knowledge of the digital world. But the internet cannot tell the personal stories of the connections built at FDCC meetings. Come and build your own such stories.

The Charleston Place Hotel (Winter 2025), located in the heart of historic Charleston, South Carolina, is a premier luxury hotel that embodies Southern elegance and charm. Renowned for its sophisticated design and

impeccable service, the hotel offers spacious, beautifully appointed rooms and suites, with views of the city's iconic cobblestone streets and historic landmarks. Its central location makes it an ideal base for exploring Charleston's rich history, boutique shopping, and vibrant culinary scene. The Charleston Place Hotel offers a refined yet welcoming experience, with timeless Southern hospitality.

Visiting Stein Eriksen Lodge and The Chateaux in Park City, Utah (Annual 2025), during the summer offers a unique opportunity to experience the beauty of Deer Valley. The mountains transform into a paradise for outdoor enthusiasts, offering world-class hiking, mountain biking, and scenic chairlift rides with breathtaking views. Both properties provide luxurious accommodations and amenities, from relaxing spa treatments to gourmet dining. Summer guests can also enjoy



So plan ahead to make sure you get to spend the best time with the best lawyers and people at the best places.



nearby golf courses, horseback riding, and outdoor concerts, all set against the backdrop of the stunning Wasatch Mountains. It's the perfect destination for those seeking adventure, relaxation, and luxury in a pristine natural setting.

The JW Marriott Desert Ridge Resort & Spa in Phoenix, Arizona (Winter 2026), is a luxurious desert retreat offering both relaxation and recreation. Surrounded by the Sonoran Desert, the resort features lush gardens, sparkling pools, and two championship golf courses. Guests can relax at the award-winning Revive Spa or enjoy diverse dining options. With family-friendly amenities like lazy rivers, tennis courts, and nearby trails, the resort caters to both families and couples, providing a peaceful escape near Phoenix's vibrant city life.

Lisbon (Annual 2026), Portugal's vibrant capital, offers a perfect mix of historic charm, stunning architecture, and modern culture. Visitors can explore its iconic landmarks, such as the Belem Tower and Jerónimos Monastery, wander through the colorful streets of Alfama, and enjoy panoramic views from the city's many hills. The city's lively food scene, highlighted by traditional pastéis de nata and fresh seafood, along with its rich cultural history, make it a must-visit

destination. Beyond Lisbon, to the north, Porto is famous for its port wine and picturesque riverfront, while the Douro Valley provides stunning vineyard landscapes. The southern Algarve region is renowned for its golden beaches, dramatic cliffs, and charming coastal towns. Inland, the medieval towns of Évora and Sintra boast palaces, castles, and rich history. Portugal offers something for every traveler, and at price points that will astonish you.

The Fontainebleau Hotel in Miami (Winter 2027) was Sinatra's favorite hotel outside of Las Vegas. This iconic oceanfront resort is renowned for its luxury, glamour, and rich history. Located right on Miami Beach, this legendary hotel offers upscale accommodations with stunning ocean or skyline views. The resort is famous for its lavish pools, award-winning restaurants, and vibrant nightlife. With a world-class spa, stylish boutiques, and direct beach access, the Fontainebleau provides a luxurious escape from cold northern climes. Relax by the pool, enjoy fine dining, take in the Miami Beach vibe, all at the Fontainebleau.

The Fairmont Banff Springs (Annual 2027), often referred to as the "Castle in the Rockies," is a luxurious and historic resort nestled

in the heart of Banff National Park in Canada. Surrounded by majestic mountains and dense forests, this iconic hotel offers breathtaking views and unparalleled access to wildlife like elk, grizzly bears, and mountain goats. With world-class amenities, a championship golf course, and exquisite dining options, the Fairmont Banff Springs combines opulence with outdoor adventure. Guests can enjoy scenic touring, glaciers, crystal clear Alpine lakes, hiking or soaking in the natural hot springs, all while experiencing the grandeur and timeless charm of this legendary mountain retreat.

Thanks to all that made these destinations a reality for our members, especially recent past Sites Chair Mike Glascott and our intrepid Meeting Planner Martha Heinze. More great venues are on the horizon. If any readers have suggestions about destinations that should be on our radar, please email me at Hmerten@psh.com.

Howard Merten is a Board Chair and a Past-President of the FDCC and a Partner and Executive Committee member of Partridge, Snow & Hahn in Providence, Rhode Island. Howard can be reached at

Hmerten@psh.com

THE MEMBERSHIP RECRUITMENT COMMITTEE WANTS YOU!

TO HELP INCREASE ITS MEMBERSHIP

By Alan Rutkin



Alan Rutkin

The FDCC's Membership Recruitment Committee ("MRC") is off to a great start. Nominations are being made almost every day. We

received more than 10 nominations during our Toronto meeting. Other nominations were made during our Corporate Counsel Symposium. Section Chairs have promised nominations.

Members throughout the organization have been proposing "over and above" people who would enjoy FDCC membership. Nominations have come in from all corners: new members, long-time members, in-house members, and sponsors.

If you are new to FDCC, consider bringing along a friend for what we hope will be a long FDCC journey. If you are closer to the end of your journey, consider someone in your organization who might continue behind you.

Nominators have also included people who are not very active in the FDCC, and that's great. We welcome both your nominations, and your increased activity.

Nominees have also come from far and wide. Our international members are actively participating in recruitment. And an American member recently suggested someone from Iceland.

To continue our progress, please think about the people you know, respect, and like. Do you work

with people who might enjoy FDCC Membership? In your firm or company, are there impressive colleagues or "up and comers"? Have you had a case or transaction where one of the other lawyers impressed you? Are you active in other groups where you know people who would add to the FDCC professionally, personally, or culturally? These are the people we want. Nominate them.

When talking with prospects, please explain the benefits of membership. Being accepted is an accreditation; it's a prestigious recognition. Membership provides access to cutting edge training and resources. Membership is a unique and valuable networking opportunity. And membership provides wonderful opportunities



If you are new to FDCC, consider bringing along a friend for what we hope will be a long FDCC journey.

for fellowship. Members routinely see other members as being among their closest friends.

Helpful resources are on our website, including a short paper listing our benefits and a video.

Hopefully, you've heard that the MRC is trying to frontload its process this year. We'd like to get our nominations in before January 1, 2025. This is ambitious, but beneficial. It will give our Admissions Committee more time, add to our rolls sooner, and spare you from the continuous push you'll hopefully enjoy a few months off.

While we still want more nominations, the biggest challenge may be converting nominees to completed applicants. Our application process is comprehensive and time consuming. This process is needed to ensure that we get the best of

the best. Still, to get applications completed, some nominees will need a push, and I again ask for your help. If you are the nominator or the second for anyone, please contact the nominee. Invite the nominee to lunch or another event. Encourage the nominee to submit the application and remind them of the benefits of membership.

Remember, your favorite charity can get an award for your good work. The member who generates the most completed applications before January 1, 2025 gets \$1000 to the accredited charity of the nominator's choice. Second place gets \$500.

If you need help, please contact Alan Rutkin at Alan.Rutkin@Rivkin.com. Alan is the Chair of the Membership Recruitment Committee and a member of the FDCC's Board of Directors. Alan is also a Partner in Rivkin Radler LLP's New York office.



MEMBERS ENGAGE! HOW THE MEMBERSHIP DEVELOPMENT COMMITTEE GETS AND KEEPS OUR MEMBERS INVOLVED

By Sean Griffin



Sean Griffin

If you are a new member, congratulations and welcome! And if you are a more experienced member, we are delighted that you have chosen to remain with the FDCC.

It has been my pleasure to serve as Chair of the Membership Development Committee (“MDC”) since 2023. Under the Bylaws, the MDC is meant to, “welcome and retain new and existing members of the Federation.” I thought I would take this opportunity to let you know how the MDC welcomes new members and aims to keep our current members happy.

“Welcome to the FDCC!” The Four-Contact Rule for New Members

When I became Chair of the MDC, I instituted a “four-contact rule” for all new members. That is, new members now receive at least four contacts from the FDCC within 60 days after being notified of admission.¹

The first touch comes from President-Elect Marc Harwell, who welcomes every new admittee to the FDCC.

For the second contact, I email every new member to congratulate and welcome them to the FDCC. For new members who don’t already know someone in the

organization, the FDCC can be daunting, so my email offers all new members a FDCC mentor.

The third contact comes through the “Welcome to the FDCC!” podcast that the MDC co-hosts with the Membership Communication Committee (“MCC”). Conceived by MCC Co-Chair Alan Rutkin, the podcasts showcase new members’ personalities and aspects of their life that do not appear in their firm bios. Last year, Alan and I interviewed 55 new members, a surprisingly high number of whom were semi-professional musicians, krewe members, and Stephen King fans. During the podcast, we asked about the members’ practice, then Alan would connect the member

¹ Some people might notice that I am just reviving this idea Bob Christie had when he was President. I would point out that Bob only had a “three-contact rule,” so I improved upon the idea that I stole from Bob.



with the Section Chair in those practice areas. This year, Micalann Pepe and Marcus Dean will take over the podcast and we are excited to see what they will do.

The fourth contact is the virtual New Member Orientation. The virtual orientations started as a pandemic-era substitute for the in-person New Member Orientations. Although we can now meet in person, we are continuing the practice. Caroline Berdzik and Micalann Pepe have done a great job managing and hosting the orientations with 49 attendees.

Retaining Our Existing Members: A Survey, Our Meetings, and Other Engagement

Welcoming new members is necessary and good, but we also have to deliver for our existing members. To that end, the MDC has commissioned a professional survey from FDCC sponsor American Jury Consultants. AJC has graciously agreed to help us reach out to every existing member and our past members to collect data addressing several issues, with a special focus on:

Return on Investment. At the end of the day, we promise that involvement with the FDCC will develop business. This has proven true for me, and I know it has for our members generally. If you have given or gotten business within the FDCC, please let Bernie Heinze and me know. Your information can remain as confidential as you like, but we are eager to quantify the enormous amount of the business we know the FDCC generates.

Our meetings are the “secret sauce” that make the FDCC what it is.

Members Engage!

Enhancing Corporate Counsel Engagement. In connection with the Corporate Counsel Committee, which reformed as of August 2, 2024, the MDC will work to ensure that we are providing excellent value to our corporate members. We give our corporate counsel in-depth access to the best trial attorneys in the country, programming relevant to their interests, and ways for them to use the FDCC to benefit their companies. This year, we will look for more ways to benefit our corporate counsel.

Continuing to Increase Meeting Attendance. Our meetings are the “secret sauce” that make the FDCC what it is. They give us the opportunity to form the lasting relationships that enhance not only our career, but our personal lives as well. Attending Winter and Annual Meetings regularly helps form those bonds. Once new members come to a couple of meetings and see us in action, they usually stick around for the long haul.

This is probably because FDCC meetings blow everyone else’s out of the water. Our meeting

attendance is rivaling that of much larger organizations, and more members are attending FDCC meetings since the pandemic than before. Our St. Petersburg meeting broke attendance records for the Winter Meetings, and Charleston and Park City are on track to do great things as well.

Aside from our meetings, the MDC is also boosting the FDCC’s diversity initiatives. Last year, we worked with the Diversity Committee to host Diversity Breakfasts at the Broadmoor and during CCS and Diversity Dinners at I-3 and in St. Petersburg. This year, we look forward to supporting the efforts of new Diversity Committee Chair Linda Knight to make the FDCC into a diversity thought leader.

But in the end, member engagement begins with you. If you proposed or seconded a new member, reach out to them, make sure they have joined a Section, and encourage them to come to Charleston or Park City. If you served as a New Member Host, reach out to your new member and see how they’re enjoying the FDCC. Look for FDCC members you know on social media so you can react to or share their posts. And encourage everyone to come to our upcoming meetings. Together, we can help everyone find their place in the FDCC.

Sean Griffin is a Senior Director of the FDCC and a Partner in the Washington D.C. office of Longman and Van Grack, LLC. Contact him at sean@lvglawfirm.com.



FDCC'S STATE & INTERNATIONAL REPRESENTATIVES HAVE AN AMBITIOUS AGENDA

By Kelly Brilleaux



Kelly Brilleaux

It is my absolute privilege to serve as the 2024-2025 Chair of the FDCC State and International Representative Program. Along with the Regional Chairs, Imoh Akpan, Vicki Smith, Chelsey Golightly, Jamie Huffman Jones, and Jennifer Thomas. A full list of State Reps is available on the FDCC website.

The State and International Representatives, appointed by FDCC President, Heidi Goebel, serve a vital role in our

organization. The State Rep role has evolved over time and is a bit amorphous—but in the best way! Historically, the state and international representatives have been asked to remain available to members in their respective states to respond to questions about the Federation, encourage nominations of new members, encourage attendance at our meetings, write articles for the Friday Fives and Insights magazine as needed, look for opportunities to convene local informal gatherings, keep an eye and ear out for anything members in their states may need generally

and, as to let us know if any member(s) encounter any distress or is in need of anything with which the FDCC may be able to provide assistance.

In sum, the most significant aspect of the State Rep role is being a point of contact for—and generally available as a resource to—the membership within your State, and particularly to new members. Importantly, State Reps are encouraged to identify members within their state who are interested in becoming more involved in the Federation generally



and involve them in attending (and even organizing) regional or local gatherings. But ultimately, as with most activities within the FDCC, the primary objective is to foster connection within our organization and to maximize the benefits of membership.

On Monday, November 11, the State Reps and Regional Chairs met to discuss the objectives for the 2024-2025 year. The first objective is to continue holding informal city-wide/regional networking events, with a focus on connecting with members who have not yet, or not recently, attended a meeting. The FDCC has likewise invested in this goal by creating a budget for these events. Specifically, the goal for these events—which, ideally, will coincide with the registration periods for the 2025 Winter Meeting in Charleston and the 2025 Annual Meeting in Park City—is to serve as a reminder to our current members about the dual benefit of fellowship and professional networking that the FDCC provides. Anecdotally, I have noticed that these informal local meetings get people excited and serve as a great opportunity to encourage registration. State Reps are encouraged to coordinate with the membership in their state and region to organize these events.

And if you're reading this and are interested in hosting or coordinating an event—particularly if you live in an area with a significant number of FDCC members—please reach out to me or your designated State Rep!

A second objective for this year is to establish a network within the State

Rep program dedicated to helping our fellow members during natural disasters and their aftermath. Hurricanes Helene and Milton have each been a timely and somber reminder of just how critical the need for assistance may be. For example, if multiple members are required to evacuate their hometown or are displaced following a natural disaster, members in other cities within the region could provide access to office space and other professional resources and could even assist in

Our primary objective is to foster connection within our organization and to maximize the benefits of membership.

locating temporary housing for the displaced member and their family. There is undoubtedly a need for this in each of our regions; however, the ways in which our members can provide assistance will necessarily vary based on the circumstances and the issues specific to each region. If you are reading this and happen to have ideas on any region-specific assistance the FDCC could provide to its membership, we would love to hear them!

Third, and finally, the State Rep program will be coordinating a competition-style food bank

drive this holiday season through Feeding America, previously known as Second Harvest. Feeding America is part of a nationwide network of over 200 food banks and 60,000 meal programs so people can access food without judgment or stigma. Inspired (in part) by the sense of community and local pride evoked during our Hockey Hall of Fame event at the 2024 FDCC Annual Meeting in Toronto, the goal is to provide donations to programs that directly help our individual local communities while uniting in our efforts to raise funds for the same worthy cause. Beginning on November 18 and continuing through the month of December, each Regional Chair, along with the State Reps within their respective regions, will lead fundraising efforts for Feeding America by encouraging the FDCC members in their state to donate to the Feeding America food bank of their choice.

On behalf of the FDCC State Reps, we are excited to provide even more value to FDCC membership by strengthening relationships in shared communities, celebrating our common ground, and serving the needs of the membership within our individual regions.

Kelly Brilleaux is an FDCC Defense Counsel member, Chair of the State & International Representatives Program and a Partner with Irwin Fritchie Urquhart Moore & Daniels in New Orleans, LA. Contact her at: kbrilleaux@irwinllc.com



WHY I WROTE THIS ARTICLE ABOUT ATTORNEY WELLNESS

EVEN THOUGH IT WON'T MAKE A DIFFERENCE

By Claire E. Parsons



Claire E. Parsons

As the deadline to submit this article approached, I still didn't have a clear idea what it should say. Gordon Walton reached out to me as the Chair of the FedLife Committee and asked for a piece for The Flyer, but he assigned no specific topic. I write and speak about lawyer well-being often. This did not seem like a challenge when I accepted it. Then the ensuing days filled with business, as they do, and I found myself at a loss. As an elder millennial, I took to the internet to crowdsource ideas from other lawyers. I got some good suggestions and hope to share some

with you later, but one idea stood out: the suggestion that I shouldn't bother writing at all.

This cynicism was not new to me. I teach mindfulness to lawyers, so I am usually ready for it. In fact, I rely on the skeptics in the group to help me teach the concepts to everyone. They usually do a great job because skepticism forces me to be practical and real and avoid overselling or magical thinking. When it comes to wellness programs for lawyers, skepticism is to be expected. Good wellness programs and offerings should embrace it.

On the other hand, cynicism is much harder to accept. Skeptical reactions to attorney well-being



F e d L I F E

programs express uncertainty about efficacy or utility. That's fair, human, and shows a willingness to investigate. Cynicism, though, expresses something else. It

conveys hopelessness, a refusal to consider efficacy, and proclaims that trying to make change isn't worth it.

When I hear things like this, it makes me sad in a way that the skepticism never does. I am not naïve to the limitations of attorney wellness presentations and articles. I have no illusions that a single article or a webinar can change someone's life. I know that political, cultural, and organizational factors beyond any of our individual control, including legal requirements for medical insurance and health systems, access to paid family leave, and billable hours, have huge consequences for lawyer well-being.

I don't write this article or any other to claim that I know all the answers or to suggest that mindfulness is a magic bullet solution. I keep doing what I do, though, because it is worth it to try. Lawyers do more than represent clients. In most cases, lawyers, especially those in FDCC, are community leaders. They touch lives across the many divides that separate Americans today. The other good thing about lawyers is that we understand the persuasive value of evidence. Like anyone, we can be misled by biases and assumptions, but we regularly change our minds based on proof and upon finding a better way.

My point here is this: even if there are reasons to doubt the prospects

Instead of forcing help on lawyers, the major goal of these options should be community.

of making change in the legal profession, there are reasons for hope too. And when there are reasons for hope, there are reasons to try. Wellness committees, including FedLife, would be well-served by acknowledging and accounting for the skepticism and even the cynicism that some lawyers feel and express. The numbers tell us that many lawyers are struggling. Programs and articles should focus on practical utility and remind organizations that they have a significant role to play when it comes to the well-being of their attorneys.

Though I think there is a place for offerings that support individuals, they should be offered with humility and respect. Nobody wants to be told what to do, especially lawyers accustomed to taking charge of situations for clients. Instead of forcing help on lawyers, the major goal of these options should be community. Loneliness is a public health crisis in the United States and an acute problem for the legal profession. Using stories and shared experience can build skills

for lawyers but the primary goal ought to be building community first.

That's my goal as the Chair of FedLife. I don't want to convince you I am right or that meditation or clean eating or 5 am workouts are the only ways to go. I want to bring you in, whether you are a true believer, a wellness advocate, a skeptic, or a cynic. As my searching for the topic of this article illustrated, "wellness" means a lot of things. Our best shot in making change in the profession is in exploring that together. If you want to join in, whether with an article, a podcast, sharing an idea that you think is cool or even a respectfully stated criticism, please do not hesitate to reach out. This article won't make a difference but, if it inspires you to reach out or join in, then maybe we can.

Claire E. Parsons is Of Counsel at Bricker Graydon LLP in the Cincinnati, OH area and the Chair of FDCC's FedLife Committee. Claire is also a mindfulness and compassion teacher, author of two books, and the founder of the Brilliant Legal Mind blog. Contact her at cparsons@brickergraydon.com or connecting with her on LinkedIn.



THE MEMBERSHIP COMMUNICATION COMMITTEE MORE THAN JUST TALK

By Alan Rutkin and Valerie Kellner

The Membership Communication Committee (“MCC”) is actively generating content for FDCC’s members. Most of the material is through podcasts. Our work falls into three general categories.

First, We Deliver Substantive Information On Substantive Issues That Our Members Face.

We’ve continued our popular in-house roundtables where we talk about issues affecting our in-house members such as privilege, cost control, and vendor management. Roundtables are limited to in-house members to ensure confidentiality and promote candor.

We also address other emerging legal issues. The MCC’s Products Section and Artificial Intelligence Task Force are leading series in this regard. We are inviting other sections to propose programs.

Much Of Our Work Concerns The Administration Of The FDCC.

Our President’s theme for the year is “Finding Your Place In The FDCC.” The MCC has recorded podcasts on this topic to assist the members



Alan Rutkin



Valerie Kellner

in determining how they can flourish in the FDCC.

We’ve continued our series of new member podcasts. Every new member is invited to record a podcast, and most accept the invitation. Once recorded, new members can post the podcast on their social media and other platforms.

We work with the Flyer’s leaders to prepare this publication.

We Have Developed Engaging Programs To Promote The Personal Well-Being Of FDCC’s Members.

The MCC is proud to introduce its latest series entitled “Life de Novo.” This particular series interviews prominent individuals on the issues of recovery from substance dependencies.



FED SPEAKS
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The MCC is constantly striving to improve the content it offers to FDCC’s members and invite you to propose new ideas or topics that you would like for us to showcase. Most of all, the MCC invites your participation, as both producers and listeners.

The MCC is co-chaired by Alan Rutkin and Valerie Kellner. Alan Rutkin is a Partner in Rivkin Radler LLP’s New York, NY office and is a member of the FDCC’s Board of Directors. Alan can be contacted at alan.rutkin@rivkin.com

Valerie Kellner is a Partner in Wilson Elser’s Philadelphia, PA office and is a member of the FDCC’s Board of Directors. Valerie can be reached at Valerie.Kellner@wilsonelser.com



Linda Knight

It has been a tremendous year for the FDCC Diversity Committee. In keeping with the FDCC's Diversity Initiative, the

Committee continues its work, on behalf of our membership, to advocate for inclusiveness in the legal profession. There is a recognition that the more diverse we are, the better equipped we become to understand and relate to our colleagues, clients, juries, and the communities we serve.

Achieving inclusion in our profession requires a focused and collaborative approach that addresses the challenges faced by underrepresented groups. By actively working to increase the diverse membership within our organization, it becomes more reflective of the clients and

The Committee remains focused on its goals to increase our diverse membership while proactively engaging our current diverse members.

industries we advise. The result is new perspectives and different approaches to advise our clients and help our corporations thrive. The Committee remains focused on its goals to increase our diverse membership while proactively engaging our current diverse members.

We have a lot to be proud of as an organization. Our FDCC colleagues have led thoughtful and instructive

presentations of case law and trends affecting DEI programing and policies at our firms and corporations. We have expressed the fatigue associated with advancing the cause for diversity in the face of skepticism and criticism. But we continue to persevere. To that end, we have hosted podcasts, book clubs, cultural events, and fellowship to both educate and advance our collective objective of diversity, equity, and inclusion.

The Diversity Committee is here to serve you, and we invite your participation and collaboration in future events. If you have any questions, thoughts, or ideas, please reach out to me at:

lknight@spencerfane.com

Linda Knight is an FDCC Defense Counsel member, as well as a Partner and Women ADVOCATE Committee Chair at Spencer Fane in Denver, CO. Contact her at lknight@spencerfane.com



BUZZWORTHY

By Aubrey Noltemeyer



Aubrey Noltemeyer

The FDCC was founded more than 75 years ago. Those who led the organization since its formation, to those leading the organization at present, have their eyes focused on the future of the FDCC. As part of this focus on the future, the FDCC is extending its outreach, which is why it recently formed a Social Media Committee. The purpose of the Social Media Committee is fourfold: 1. share information; 2. generate excitement; 3. encourage family engagement; and 4. solidify organizational community bonds. While these are the initial reasons for the Social Media Committee's formation, there are additional benefits that will arise as a byproduct of the Committee's good work.

Share Information

The primary purpose of social media at its heart is to share information with the poster's audience. The information shared can be informative, amusing,

As part of this focus on the future, the FDCC is extending its outreach, which is why it recently formed a Social Media Committee.

and/or helpful. In the case of the FDCC, one of its goals within its current strategic plan is to provide consistent and informative communications. While updated information can regularly be found on its website, posting the information on its social media platforms can and will provide real time updates and reminders to its audience of the organization's purpose and mission as well as the unique opportunities it offers its members to enhance skills and leadership. Further, by sharing the information on social media, its audience has the opportunity to share the posts with their network

of connections there by expanding the spread of consistent and informative communications from the FDCC.

Generate Excitement

Through posting persistent, high-quality content on social media platforms, the FDCC will create a "buzz" of excitement about the benefits of membership and upcoming events. The posts will provide continual coverage of the anticipated meetings, the exciting host cities, and, importantly, the cutting-edge legal education and networking that FDCC members will have access to. Creating a "buzz" around the upcoming events will further position FDCC membership and events as elite and appealing.

Encourage Family Engagement

A unique attribute of the FDCC from other legal organizations is its focus and offering of family engagement at its largest events of the year. Until a person is further acquainted with the FDCC, they may not know of this opportunity. The FDCC engages with its

members at various phases of the members' lives, and the acceptance by the FDCC of those phases is one of the ways that the organization deepens its connection and support of its members. Social media engagement will foster the education of the FDCC community and its' members audience of this unique attribute and its authentic support of its members. Looking at this purpose a step further, social media will also allow a members' social media audience to stay tied into the members' experience with the organization, show their support of the great things that the member is a part of, and raise potential for further engagement in the FDCC by a members' related contacts, who may be an exceptional defense counsel or industry thought leader

not presently associated with the FDCC.

Solidify Organizational Community Bonds

The FDCC communicates its organizational "WHY" as being an "inspired community of vetted defense counsel, exceptional leaders and even better people." A key benefit of membership with the FDCC is the networking opportunity within every part of the organization with its great people. Building a social media network will encourage members to strengthen their connections and engage with one another outside of formal FDCC events resulting in deepened, genuine connections across its members. Positive network relationships that can carry over not only into the professional, but also the personal, daily-life spectrum

are relationships that can last and stay top-of-mind for support or assistance when needed, buffering the members' referral network and collaboration in life's success.

The expansion of outreach by the FDCC, through the newly formed Social Media Committee, is exciting and brings fantastic opportunity for growing and fortifying its membership community. Stay tuned to the FDCC social media platforms for the next great "buzzworthy" communication.

Aubrey Kuchar Noltemeyer is the Chair of the FDCC's Social Media Committee and a Senior Partner at Kightlinger & Gray, LLP in Indianapolis, Indiana. Aubrey can be reached at ANoltemeyer@k-glaw.com



GIVE ME 5 THINGS TO KNOW

FDCC Friday 5's: Be the First to Know

- Meeting registrations
- Announcements
- FDCC Amicus Briefs and Comments
- Substantive Law Section articles
- Links to the FedSpeaks podcasts
- Qualitative articles from our Sponsors
- Meet our new members

See what events are coming up; and who's getting a "shout-out" this week...you can find it all the weekly Friday 5's.
Watch your inbox at 10:00am ET every Friday!

FDCC Foundation's Barb Currie Diversity Scholarship: Empowering the Next Generation of Diverse Legal Professionals

By Edward J. Currie



Edward J. Currie

At the heart of the FDCC's mission lies a commitment to participation and inclusion—not only within the Federation but also throughout the legal profession. In 2015, then-FDCC Foundation President Lewis Collins spearheaded the creation of the Barb Currie Diversity Scholarship to support diverse law students and aspiring legal professionals. This initiative honors Barb Currie, the late wife of an FDCC member, who passed away earlier that year while traveling home from an FDCC event.

During her lifetime, Barb Currie profoundly impacted the lives of many disadvantaged young people in Mississippi's minority communities through mentorship, teaching, and guidance. She embodied generosity, inspiring others to achieve their potential. In that same spirit, the scholarship aims to empower its recipients to become role models, advancing diversity within society and the legal profession. Today, her legacy continues to bear fruit nationwide.

Scholarship Growth and Impact

The Barb Currie Diversity Scholarship began with an annual



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FOUNDATION

Since its inception, the FDCC Foundation has distributed \$65,000 in scholarships to ten promising law students.

award of \$5,000, presented to law students selected by the FDCC Foundation's Scholarship Committee. The selection criteria emphasize not only academic excellence but also a demonstrated commitment to diversity and service. In recent years, thanks to generous donations, the scholarship award doubled to \$10,000 per recipient.

Since its inception, the FDCC Foundation has distributed \$65,000 in scholarships to ten promising

law students. In 2024, buoyed by your contributions and a significant donation from FDCC President Heidi Goebel in honor of outgoing President Craig Marvinney, the Foundation awarded two \$10,000 scholarships.

2024 Scholarship Recipients



Jurry Bajwah

Duquesne University Law School, 3L Student

The first 2024 recipient, Jurry Bajwah, is a 3L student at Duquesne University Law School. His story reflects the very essence of the scholarship's mission—serving those less fortunate through advocacy. As Jurry expressed in his personal statement:

"I want to lead a life of advocacy that transcends political point scoring and convoluted discussions about policy changes. My goal is to improve the lives of millions of Americans living in poverty. Through the FDCC, I have found the mentor I never had—an organization that champions diversity of thought, inclusion, and professional development to foster integrity and intellectual honesty within the legal profession."

Jurry was presented with his \$10,000 scholarship check at a ceremony at Duquesne Law School. The event was attended by FDCC members John Fitts, Ned Currie, and Deb Varner; FDCC Foundation President Stacy Broman; FDCC Board Chair Craig Marvinney; and Duquesne Law School Dean April Mara Barton.



Emori Reece

University of North Texas-Dallas Law School, 2L Student

The second \$10,000 Barb Currie Diversity Scholarship was awarded to Emori Reece, a 2L student at the University of North Texas-Dallas College of Law. This award also honored Craig Marvinney's tenure as FDCC President during 2023-2024.

In her personal statement, Emori shared that her passion for diversity and inclusion in the legal profession was sparked by a traumatic incident in college when she became the target of a racially motivated threat at Texas A&M University. However,



this experience fueled her resilience and inspired her to champion diversity initiatives. She launched "Round Table Talks," which created a platform for open conversations on campus, and extended her efforts into the broader community.

Emori also led Texas A&M's debate team to victory in the 12th Annual National Diversity Case Competition, triumphing over 32 other university teams. She reflected:

"With a diverse group of lawyers, fresh ideas and distinct perspectives lead to innovative thinking. For meaningful change to take place, diversity must remain a continuous priority. I have learned to be part of something bigger than myself—fostering a diverse community of exceptional lawyers."

The scholarship ceremony took place at the University of North Texas-Dallas College of Law, attended by Dean Felicia Epps, Deborah Taylor (Business Operations Manager), and Keisha Ware (Dean of Students). FDCC Past-President Craig Marvinney, Member Ned Currie, and his

wife, Sue Currie, also joined the celebration. In a special moment, Barb Currie's sister, Jennifer Stucky, and her husband, Darrell Stucky, traveled from Katy, Texas, to attend the ceremony.

A Legacy of Impact

The Barb Currie Diversity Scholarship exemplifies the FDCC's commitment to fostering diversity in the legal profession by supporting the next generation of leaders. Through the generosity of donors and the dedication of its recipients, the scholarship continues to promote inclusion and meaningful change. The stories of Jurry Bajwah and Emori Reece serve as powerful reminders of the transformative impact of advocacy and perseverance.

Together, we honor Barb Currie's legacy, ensuring that her spirit of generosity and mentorship continues to inspire and shape a more inclusive legal community for years to come.

Edward J. "Ned" Currie is an FDCC member and Partner of Currie, Johnson & Myers, P.A. in Madison, MS. Ned can be reached at ncurrie@curriejohnson.com

New and Proposed Rules Changes Impact Litigation

By Dan Steen



Dan Steen

There is real progress in the on-going work to improve civil litigation rules. Lawyers for Civil Justice, which advocates for federal

procedural and evidentiary rule changes, continues to have a significant impact on the litigation terrain through its advocacy in the federal judiciary's rulemaking process and through its support for the work of its members in the federal process and in the states.

LCJ's members -- the three major defense bar organizations including the FDCC, 70 law firms, and over 35 major companies -- utilize their experience in federal and state court, to collaborate on meaningful rule-focused litigation reform. The Federation is a founding member of LCJ and remains a close partner in its work.

LCJ's initiatives to secure improved litigation and evidentiary rules has seen strong progress in 2024 and the year ahead should be just as eventful:

- Following the adoption of improved expert evidence admission standards through the amendment to FRE 702 last December, work has accelerated to ensure that federal courts are appropriately



applying the amended rule. The amendment to Rule 702 clarifies the important and on-going gatekeeping role of judges in determining the admissibility of expert evidence. Amicus support has been provided in a number of cases. Scores of court decisions this year have applied Rule 702 to address expert admission, and numerous decisions have excluded experts and rendered verdicts based on the exclusion of their testimony.

- LCJ, working with the FDCC, is supporting state initiatives around the country on behalf of improved state expert evidence rules consistent with amended Rule 702. These efforts have already secured results. Five states -- Arizona, Kentucky, Louisiana, Michigan, and Ohio, as well as the US Virgin Islands, have adopted the federal rule on admission of expert evidence. Initiatives are underway in another dozen states in support of proposals to improve state rules, which should reduce the amount of

junk science from reaching juries.

- The Advisory Committee on Civil Rules this Spring recommended, and the U.S. Supreme Court will soon consider, proposed new Federal Rule of Civil Procedure 16.1, which will improve the conduct of multi-district litigation. Over 70% of federal cases are now pending in MDL's so this new rule will be highly impactful.
- Running in tandem with the new MDL Rule, rule amendments improving flexibility in privilege logging have been adopted by the U.S. Judicial Conference and are expected to be adopted by the Supreme Court. Privilege logging is expensive and often wasteful -- these rule changes encouraging the move away from document-by-document logging should prove significant.
- The Advisory Committee on Civil Rules is considering new rules on remote testimony. While LCJ opposes plaintiff bar-sponsored proposals which could lead to the misuse of remote testimony, LCJ is also advocating that any new rules place appropriate limits on the practice.

- In October, the Advisory Committee on Civil Rules initiated an examination of third-party litigation funding (TPLF). Per the practice of the Advisory Committee, it has formed a subcommittee which is expected to include in its consideration of TPLF an examination of the inconsistent and sometimes ineffective approaches of federal courts in securing TPLF agreement disclosures. Based on that subcommittee's work, the Advisory Committee will determine if a federal rule on TPLF disclosure is warranted.
- The action of the Advisory Committee on Civil Rules to begin work on TPLF followed the submission of a letter signed by 124 major companies from various sectors calling for national court rules to provide a uniform and efficient procedure for disclosure of TPLF agreements in civil cases. A concurrent LCJ comment urged the Advisory Committee to address the patchwork of inadequate federal practices on TPLF disclosure.



Engagement of FDCC members on these and other rule changes has been vital to the success of LCJ and more is needed.

- Courts increasingly recognize the need to know about TPLF in their cases, but they are using varied and often insufficient means of inquiry. LCJ has launched the “Ask About TPLF” campaign, designed to

highlight both effective and inadequate practices by courts in obtaining TPLF disclosure and to encourage attorneys to advocate for TPLF disclosure in their cases.

Engagement of FDCC members on these and other rule changes has been vital to the success of LCJ and more is needed.

Dan Steen is an FDCC Defense Counsel Member and Executive Director of the Lawyers for Civil Justice. Contact him at: dsteen@lfcj.com

For more information on these and other proposed rule changes and how you can participate in the efforts to improve civil litigation rules, visit www.lfcj.com.

To learn more about “Ask About TPLF,” visit www.askaboutTPLF.com.

THE NATIONAL FOUNDATION FOR JUDICIAL EXCELLENCE

20TH ANNUAL JUDICIAL SYMPOSIUM

By Amy L. Miletich



Amy L. Miletich

Bombarded by legal advertising that tout the monies that some have received by retaining a lawyer, it is difficult at times to appreciate that we are stewards of a noble and dignified profession. Roman Emperor Claudius first legalized the practice of law and allowed lawyers to charge a limited fee. In 1878, the American Bar Association (ABA) was established to organize a national code of ethics. Most of us were raised in an era in which the fictional character Atticus Finch embodied the graceful solemnity of what it means to be a lawyer. Despite the admitted business aspects of our profession, there remains a solid core of dignity and professionalism in the modern-day practice of law and our American



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legal system. The judiciary's impact upon our system of justice has never been more important.

Twenty years ago, the National Foundation for Judicial Excellence (NFJE) was created by leaders of the defense bar. It is a 501(c)(3) organization with a stated mission to:

Address important legal policy issues affecting the law and civil justice system by providing meaningful support and education to the judiciary, by publishing scholarly works and by engaging in other efforts to

continually enhance and ensure judicial excellence and fairness for all engaged in the judicial process.

In July, 2024, the NFJE held its Twentieth Judicial Symposium in Washington DC. State appellate judges and justices from across the United States attended. The presentations were superb. The keynote speaker was Daniel Kiel, Professor of Law, who discussed his book, *The Transition: Interpreting Justice from Thurgood Marshall to Clarence Thomas*. Professor Kiel lamented that changes in the Court's personnel seem to have driven decisions more than facts and law and examined this particularly impactful judicial transition.

An esteemed panel discussed the amendments to Rule 702,

It is imperative that our judiciary is informed of the tools and education to support a robust, independent and responsive system of justice.

privilege log woes, and the impact of attorney advertising on potential jury pools and verdicts. How artificial intelligence is rapidly disrupting the practice of law in fields such as product liability, intellectual property, privacy, medical negligence, consumer protection, and evidence was addressed, along with third-party litigation funding and the critical ethical, conflict-of-interest, and related concerns associated with secret funding agreements. Other panels discussed state courts and challenges to corporate diversity

and inclusion efforts and why and how judicial collegiality matters.

The prestige of the NFJE rises every year as a testament to the importance of its stated goals and objectives. It is imperative that our judiciary is informed of the tools and education to support a robust, independent and responsive system of justice. I encourage all of you to personally invite the appellate judges from each of your states to attend the NFJE Annual Judicial Symposium next summer. From personal experience, prior

attendees have expressed their gratitude for making them aware of the symposium, and the rare but precious opportunities for judge-to-judge interactions in a relaxed and supportive environment.

Finally, amongst all of the deserving causes that ask for your financial donations, please consider providing at least a small contribution to the NFJE, which can only do its work through the donations of others. A heartfelt thank you to each and every one of you who has supported the NFJE.

Amy Miletich is an FDCC Defense Counsel member and an Emeritus Member of the NFJE Board of Directors. She is also the founder and Partner of Miletich, PC in Denver, CO. Contact her at amiletich@miletichpc.com

SAVE THE DATE FOR THESE UPCOMING FDCC EVENTS

July 27 - August 2, 2025
Annual Meeting 2025

Stein Erikson Lodge & The Chateau
at Deer Valley; Park City, UT

September 14-16
Corporate Counsel Symposium 2025

InterContinental Hotel, Chicago, IL

November 5-7, 2025
Insurance Industry Institute

Westin Times Square Hotel, New York, NY

February 25-28, 2026
Winter Meeting 2026

J.W. Marriott Desert Ridge Resort, Scottsdale, AZ

July 27 - August 1, 2026
Annual Meeting 2026

Corinthia Hotel, Lisbon, Portugal

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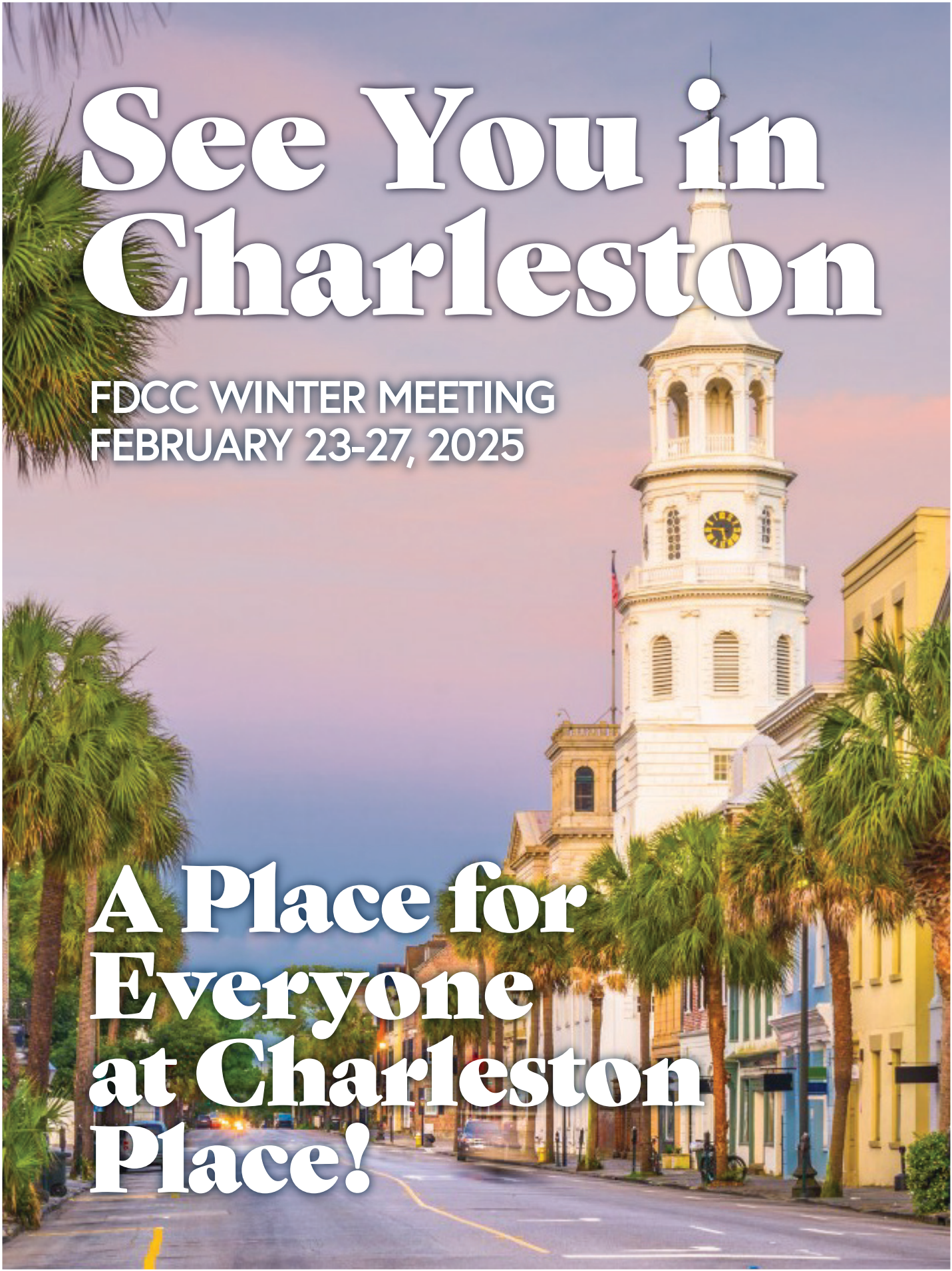
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