

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



April 11, 2025 -- Issue 272

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Good Morning!

Here are your top 5+ things to know about developments, upcoming events and progress being made on initiatives the Federation of Defense & Corporate Counsel is undertaking on behalf of all our members.

#1 Agentic AI: The Next Big Thing

By: Bill Vita



Despite the constant barrage of stories about AI in the media, the truth is that AI is still in its infancy. Comparing current AI capabilities to future capabilities is sort of like comparing Orville and Wilbur's Kitty Hawk Flyer, which flew a few hundred feet, to a modern jetliner that can fly nonstop from New York to Tokyo. They are both flying machines but that is where the similarity ends.

So too with AI. Here is an example of how AI will be used in the near future.

Let us say that the manager of a manufacturing facility regularly experiences delays in shipments of component parts from component suppliers. Currently, this manager might use Generative AI to write a letter to the tardy component suppliers, complaining about production delays. While the Generative AI program is helpful and no doubt saves time for the manager, it will not necessarily produce actual, on-time delivery of the required component parts.

[Please click here to read the entire article](#)



Bill Vita is an FDCC Defense Counsel and a Partner with **Shook Hardy & Bacon** in New York City, NY, where he represents national and international corporate clients in many forms of complex civil litigation, including business and employment disputes, product liability, premises liability, mass torts, class actions and multi-district litigation.

#2 Duty to Disclose Insurance Agreements...

All of Them

By: Eric Gillett

What to disclose



The civil rules of most states as well as the Federal Rules of Civil Procedure require defendants to produce copies of insurance. FRCP 26(a)(1)(A)(iv) requires:

for inspection and copying as under [Rule 34](#), any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Under the Federal Rules, this is part of the “Initial Disclosure.” Under most State’s rules, such as Washington State, where I am based, it is an obligation that follows a discovery request.

The obligation is not limited to production of primary limits. It includes “other insurance” as well as excess policies. The problem arises when all limits are not disclosed, and the opposing party relies on the representation that they have been. In a case last month, a Washington Superior Court Judge in Pierce County issued a painful reminder of how serious an error it is for defense counsel not to take steps to ensure that all applicable policies have been produced.

[Please click here to read the entire Article](#)



Eric Gillett is an FDCC Defense Counsel member and a founding member of **Preg O'Donnell & Gillett** in Seattle, WA, where his practice includes civil defense litigation in the areas of Construction Defect, Injuries, and Project Safety; Errors & Omissions/Professional Liability; Hospitality & Food Borne Illness; Insurance Defense; Maritime; Product Liability; Transportation and Trucking Litigation; and as a mediator.

#3 New Podcast Episodes Released

We're pleased to share some of the new FDCC podcasts that have been released this week.

Click on the links below to listen to these fascinating episodes:



- **AI & The Future of Depositions**: Join FDCC Defense Counsel member **Steve Embry** as he speaks with **Mitchell Kossoris**, Co-Founder of **Deposely** on his new AI Tool that serves as a second chair at depositions.
- **Rocking the Bay**: FDCC Defense Counsel Members **John Worden** and **Alan Rutkin** talk about John's new rock album, "**I Am Icarus**." Hear how John played most all of the instruments....with no filters; how he produced his album; and who his inspirations are.
- **Welcome to our New Members!** FDCC Defense Counsel member **Marcus Dean** chats with our newest exceptional members (the links below will take you to the episodes):
- **Apollo Carey** one of the managing partners at Lewis Rice in St. Louis, MO as he talks about his love of his family, fast cars, wines (he favors a good Pinot!), hiking, and the law; and

- **Chris Kelly** of Gallivan, White & Boyd, the partner in charge of the Charlotte, NC office. Chris talks about his experience being in the band at Notre Dame University (he plays the trombone); being a third generation lawyer; his family (he has 34 cousins!); and his practice specialty in commercial transportation.

You can listen to these podcasts and the other 277 FedSpeaks episodes on Spotify, iTunes, Stitcher, the Fed365 app or wherever you get your podcasts. Find out what over 13,656 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for members of the FDCC.

#4 EEOC Guidance on DEI Programs

By: Eric Kinder & Jean Faure



The current Administration’s antipathy towards diversity, equity and inclusion (“DEI”) policies has put all employers, public and private alike, on notice that efforts to create and maintain a diverse workforce while honoring long-standing obligations to provide equal employment opportunities will be under scrutiny. To this end, the Equal Employment Opportunity Commission (“EEOC”) published guidance to employees and employers regarding “What You Should Know About DEI-Discrimination At Work.” <https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work>

To an extent, this guidance reaffirms doctrines long-established under Title VII of the Civil Rights Act of 1964 (“Title VII”). For instance, it states that the protections under Title VII “apply equally to all workers.” This is not new for the EEOC, as the

agency's 2006 Compliance Manual stated "Congress drafted the statute broadly to cover race or color discrimination against anyone – Whites, Blacks, Asians, Latinos, Arabs, American Indians and Alaska Natives, Native Hawaiians and Pacific Islanders, persons of more than one race, and all other persons." See EEOC, Section 15 Race and Color Discrimination, Compliance Manual § 15-II, EEOC-CVG-2006-1 (Apr. 19, 2006); see also *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 280 (1976) (holding that Title VII protects all races, including white employees, from employment discrimination and observing that the EEOC "has consistently interpreted Title VII to proscribe racial discrimination in private employment against whites on the same terms as racial discrimination against nonwhites").

[Please click here to read the entire article](#)



[Jean E. Faure](#) is an FDCC Defense Counsel Member and owner and managing shareholder of Faure Holden Henkel Terrazas, P.C. in Great Falls, MT. Jean

represents public and private employers in all labor and employment-related issues throughout Montana. Since 2009, Jean has been selected to the Mountain States Super Lawyers® in labor and employment law and employment defense litigation and now is among the Mountain States Top 100 Super Lawyers.



[Eric Kinder](#) is an FDCC Defense Counsel Member and a Member at [Spilman Thomas & Battle](#) in Charleston, WV,

where his practice is focused on labor and employment law with an emphasis on wage and hour, accommodation, and leave issues. He has been recognized by The Best Lawyers in America and Chambers USA—America's Leading Lawyers for Business for Labor & Employment Law. Eric is also and is the Editor-in-Chief of Bloomberg Law's treatise on the Age Discrimination in Employment Act.

#5 What's on the Docket?



Please register and mark your calendar to attend the following FDCC events of relevant and timely substantive content:

- **July 28 - August 3, 2025: Annual Meeting** at the [Stein Eriksen Lodge & The Chateaux at Deer Valley](#) in Park City, UT. "Go for Gold" with Convention Chair: [Tiffany Alexander](#) and Program Co-Chairs: [Lee Hall](#) and [Kile Turner](#). [Click here to register.](#)
- **September 14-16, 2025: Corporate Counsel Symposium** at the InterContinental Hotel in Chicago, IL. Co-Chairs: [Chelsey Golightly](#), [Nicole Benjamin](#), and [Tim Moore](#), Registration coming in Spring 2025.
- **November 5-7, 2025: Insurance Industry Institute** at the Westin Times Square Hotel in New York City. Co-Chairs: [Sarannah McMurtry](#) and [Jeff Van Volkenburg](#). Registration coming in Summer 2025.

- **February 24-28, 2026: Winter Meeting** at the [J.W. Marriott Desert Ridge Resort](#) in Scottsdale, AZ: "**Together We Rise From the Valley**". Convention Chair: [Frank Ramos](#); Program Chair: [Micalann Pepe](#).
- **July 26 - 31, 2026: Annual Meeting** at the [Corinthia Hotel in Lisbon, Portugal](#): "**A Mosaic of Memories in Lisbon**". Convention Chair: [Lee Hall](#); Program Chair: [Alycen Moss](#).
- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#).
- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#).

...and finally,

Have a Nice Day...FDCC!



The FDCC Board of Directors

On Wednesday this week, the Federation celebrated its 89th Anniversary! Since April 9, 1936, the FDCC has been advancing the interests of its members and our unique segment of the bar....and we couldn't do it without you.

For nearly nine decades, the FDCC has brought together the most accomplished defense attorneys, corporate counsel, and insurance industry leaders. Our educational programs, thought leadership initiatives, and commitment to the highest standards of professional ethics and conduct, are complemented by the meaningful relationships forged at our meetings and by the referrals of business among members throughout the year. Our sponsors further enhance our abilities to represent our clients with competent experts and services that are the best in the industry.

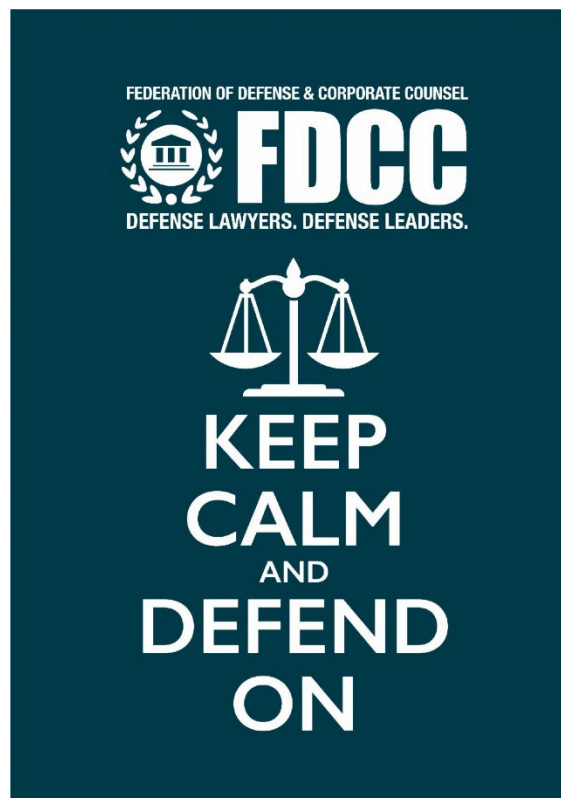
On behalf of the FDCC Board of Directors, thank you for your continued support and confidence as we work together in blending the traditions of our legacy with

the commitment to address the evolving challenges facing the legal profession in an increasingly complex world of tremendous challenges and opportunities.



Why FDCC?

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



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