



---

April 14, 2023 -- Issue 167



**BUILDING NETWORKS BUILDING FRIENDSHIPS**

---

***Good Morning!***

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

---

---

## **#1 Assessing Damages in Product Liability**

**By: Dr. John Schneider**



*Can the total be greater than the sum of the parts?*

In product liability matters it is often the case that some harm or cost is alleged to have been caused. But it is often the case that, distinct from any litigation, health economists and health researchers have studied the topic and derived national estimates of attributable harms or costs and published the results in professional peer-

reviewed journals.

Insofar as these studies are reliable (and there are ways of assuring that they are), then these studies can provide an abatement cost “ceiling.” In other words, the sum of the costs of the harms attributable to the product or intervention, to the extent that there are any costs, cannot logically be *more* than the total amounts already calculated by experts in the field. If there are several studies of total costs already published, it is possible to conduct a meta-analysis and combine those results.

It is also possible to make adjustments to those published amounts to align them with the specifics of the cases. These “cost ceiling” models are reasonable and accurate ways of deriving maximum plausible damage amounts without implying that the maximum is the “true” amount; it is only the maximum amount. This type of model may be useful in cases where the “sum of the parts” is leading to implausibly high total damages.

---

[Dr. Schneider](#) is the CEO & Principal with [Avalon Health Economics](#), an FDCC Platinum Sponsor, in Morristown, NJ. Contact him at: [John.Schneider@avalonecon.com](mailto:John.Schneider@avalonecon.com).

---

**#2 Thought Leader Theatre at the FDCC  
Annual Meeting  
By: Marisa Trasatti - Program Chair**



You guessed it. Time for another preview of the FDCC 2023 Annual Meeting at the Broadmoor! This week we want to showcase one of our program topics that has been trending all over the news: ChatGPT.

On Monday, July 24 from 11:00AM – 12:00PM Stephen Embry, Robert Christie, and Tara Cheever will discuss how ChatGPT is impacting the legal field during their presentation “**Get Ready to be Revolutionized with Legal Tech and AI.**” It is no secret that we operate in a fast-changing profession, and these new tools are the next advancement. Our experts will show you how innovative technological products can streamline law firm efficiency and make our team’s lives easier. So, if you are ready to tackle the upcoming trends that all legal practitioners are trying to understand better then join us so we can **Be More at Broadmoor!**

Register here for the FDCC's Annual Meeting at Colorado Springs, CO at The Broadmoor Hotel, July 23-28, 2022. [Register Now!](#)

---

[Marisa Trasatti](#) is an FDCC Defense Counsel and Board member, She is also General Counsel of Sciton, Inc., and Program Chair of the 2023 Annual Meeting.

---

## #3 New Juror Attitudes Call for New Defense Strategies



**Jack Delany**

**Jimmy Wilkins**

*Ed. Note: FDCC Defense Counsel [Jack Delany](#) of [Marshall Dennehey](#) and [Jimmy Wilkins](#) of [Watkins & Eager](#) were interviewed this week by the Philadelphia Legal Intelligencer on the utilization of new strategies and technology to help tell the story in their winning presentations.*

In recent years, jurors have grown more likely to see verdicts as a means to enact broader change. The shift has placed corporate defendants at a particular disadvantage, and some defense lawyers have been slow to adapt. Some experts say defense lawyers must change their messaging and storytelling techniques in order to keep up. Juries are changing, and so are plaintiff tactics.

Defendants, meanwhile, aren't always keeping up.

According to trial experts, tried-and-true defense strategies alone are no longer enough to stave off significant plaintiff wins. "You need to be innovative and connect with the jurors because plaintiffs' attorneys certainly are," John Delany III, a shareholder at Marshall Dennehey Warner Coleman & Goggin, said.

Delany said many defense lawyers need to adapt to shifts in juror attitudes, which he sees as one factor in the rise of high-value verdicts following the pandemic.

---

This article first appeared in the Philadelphia Legal Intelligencer on April 10, 2023 and is written by Aleeza Furman.

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

**Want to be innovative and connect with jurors and others by making your presentations more memorable and powerful?**

[Click here](#) to attend

**FDCC's FedTechU, April 28-30, 2023 in Philadelphia, PA.**  
**Associates and others from your firm/company are also welcome.**

**#4 Virtual Corporate Counsel Roundtable**  
**April 18 at 2:00PM ET**

**FDCC Corporate Counsel Members are invited to the next in the series of Roundtables, arranged exclusively for them.** The agenda for our next Roundtable on **Tuesday, April 18th at 2:00PM ET / 11:00AM PT** will be an interactive discussion on how Corporate Counsel advise on a wide and diverse range of issues from a risk management perspective, but must also view those issues through the financial and business lens of their company.



Learn how to increase your effectiveness and value to the company by **understanding the company's strategic business goals and how to align your counsel to achieve those goals.**

[Please click here to register for the Corporate Counsel Roundtable](#)

## #5 FedMEETS in San Francisco: April 25th



**Calling all FDCC members in the Bay area!**

[Carla Hartley](#) at Dillingham Murphy is inviting you to join your fellow members on **Tuesday, April 25th from 5:30PM - 7:30PM** at [One Market Restaurant](#) located in One Market Plaza, One Market Square in San Francisco for a Happy Hour (or two), and wear your "San Francisco" best for a team photo. [Please RSVP to Karen Nguyen](#) no later than next Wednesday, April 19th.

Remember...your first adult beverage is on us! We're looking forward to seeing you there!

## FedMEETS in Birmingham



Our members in the Birmingham, AL area got together on Wednesday night for a Happy Hour networking event at the Key Circle Commons hosted by [John Scott](#) of [Scott, Dukes & Geisler](#).

Check out this great looking group! From left to right: **Andrew Johnson** – Bradley; **Robert Lockwood** – Wilmer & Lee (Huntsville); **Sharon Stuart** – Christian & Small; **Steve Casey** – Jones Walker; **Robert Given** – Burr & Forman; **John Scott** – Scott Dukes & Geisler; **Kile Turner** – Norman Wood Kendrick & Turner; and **Scott Salter** – Starnes Davis Florie.

If you'd like to host a FedMEETS get together of fellow members in your area, please contact [Dan McGrath](#) for all the details.

---

## #5.1 FDCC Members to the Rescue! By: Gena Sluga

Please allow me to publicly thank [Mercedes Colwin](#) and her firm, [Gordon & Rees](#), for their kindness toward a fellow FDCC firm! One of my law partners was defending a two-week jury trial in New York. Our firm is in Arizona, so he was going to be trying the case without admin support. He hit the end of his proverbial rope when his hotel couldn't even provide the conference space he'd been counting on, so I reached out to a handful of FDCC firms in the area with a cry for help. Mercedes and Gordon & Rees stepped up and offered more generous support than we'd even hoped for!



**Mercedes Colwin**

One of the things that sets the FDCC apart from other organizations is the members' incredible kindness to one another. I've witnessed, and benefited from it for years, but never want to take it for granted. This warmth is such a critical part of our culture that I wanted to take a moment to both express my appreciation and to show our newer members what this FDCC Family is all about. **Thank you, Mercedes!** And thank you, FDCC, for building the friendships and culture that make stories like this possible.



**Gena Sluga**

[Gena Sluga](#) is an FDCC Defense Counsel Member and a Shareholder with at [Christian Dichter & Sluga](#) in Phoenix, AZ.

## #5.2 In Memoriam Frank Walker Mosley



FDCC members who have attended meetings of the Federation at the iconic Greenbrier Resort in White Sulphur Springs, WV, will fondly remember the first person greeting them and their families at the front entrance, was Frank Walker Mosley. His warm and genuine welcome as he held open the door became a tradition in a life of service for a gentleman who worked at the Resort for over 60 years.

Mr. Mosley passed away on Monday.

The impression he made on FDCC members was so kind that we featured him on the cover of the Summer 2021 *Flyer* magazine. His exemplary character will

remain a legacy of an incredible life well lived, with a smile and kind word to everyone he met regardless of stature or position. Today we join with his family and multitude of thankful guests in remembering Mr. Mosely. What better tribute can there be than to be remembered for the very first impression we make on others.

## #5.3 Welcome to Our New Members!



Please welcome our newly vetted and approved members!



[David R. Hudson](#) is a partner with [Reminger Co., L.P.A.](#), and a member of the firm's Management Group. He serves as the managing partner for the firm's Toledo, OH office. His national practice focuses on civil defense litigation with particular experience in the defense of trucking and transportation claims, professional liability matters, employment practices liability issues, and directors and officers liability claims.

David represents a diverse national client base in complex civil litigation, class action disputes and catastrophic injury cases. He is also the Chairperson of the firm's Oil, Natural Gas, and Energy practice group. He has extensive experience handling complex oil, gas, and real estate litigation involving land use, lease rights, royalty litigation, and other real estate title issues. David and his wife [Meagan](#) reside in Perrysburg, OH.

---



[Charles A. Walker](#) is a partner with [Sewell & Neal, PLLC](#) in Louisville, KY where his practice is concentrated on Civil Litigation; Personal Injury; Products Liability; Automobile Liability; Premises Liability; Insurance Defense; Construction Defects; Trucking Defense; and Insurance Coverage. When Charlie is not helping his clients, he enjoys spending time with his wife Kristin and five children who all live in Goshen, KY. He writes periodically about the intersection of parenting and trying civil cases and how being a husband and father teaches him life lessons that help him connect with juries.

---



[Julie A. Crocker](#) is an attorney with [Taft Stettinius and Hollister, LLP](#) in Cleveland, OH where she focuses her practice on commercial transactions and business litigation matters. She regularly represents clients in shareholder disputes, real property matters, and M&A-related claims involving private equity and venture-backed companies.

Julie also has experience in prosecuting and defending commercial mortgage foreclosures, commercial collection actions, and litigation involving sales, negotiable instruments, banking, and secured transactions under the Uniform Commercial Code. Julie and her husband [Joshua](#) reside in Kirtland, OH.

**Welcome Aboard!**

## #5.4 What's on the Docket? FDCC's Upcoming Events



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

- **April 18, 2023 at 2:00PM ET - Corporate Counsel Virtual Roundtable** with Moderator Marisa Trasatti on understanding the company's strategic business goals and how to align your counsel to achieve those goals. [Click here to register.](#)
- **April 19, 2023 at 1:00PM ET - FDCC Law Practice Management Town Hall Meeting: "Law Firm Economics."** Join Moderator



## Andre J. Webb!



Andre is a Partner with German Gallagher & Murtagh in Philadelphia, PA where he concentrates his practice on the defense of insured and self-insured entities in a variety of litigation matters, including premises liability, dram shop/liquor liability cases, motor vehicle accidents (inclusive of UM/UIM claims), and professional liability matters. Andre also manages the investigation, litigation, and defense of numerous high-impact, complex cases involving catastrophic injury or death.

Prior to joining German, Gallagher & Murtagh, Andre was Trial Counsel for a large Insurance Company where he led an expansive range of cases in both state and federal courts. Andre's professional activities extend beyond the courtroom as he is very active in the legal community. He Andre was listed as one of 2023 Best Lawyers: Ones to Watch in America, named one of Pennsylvania Legal Award's "2021 Lawyers on the Fast Track" by The Legal Intelligencer, and recognized as a Pennsylvania Super Lawyer "Rising Star." Andre is an elected member of the Philadelphia Bar Association's Board of Governors; he served as Chair of the Executive Committee of the Young Lawyers Division ("YLD") and is an Executive Committee member of the Philadelphia Association of Defense Counsel ("PADC"). Andre is also active with the Pennsylvania Bar Association, where he serves in the House of Delegates.

When Andre is not practicing law, he enjoys traveling, listening to podcasts, and reading (during the pandemic, he created a book club with friends). He also enjoys spending time with his family at Smith Memorial Playground & Playhouse, where he serves on the Board of Directors.

And today, is Andre's birthday! Please join us in sending him a congratulatory email to:

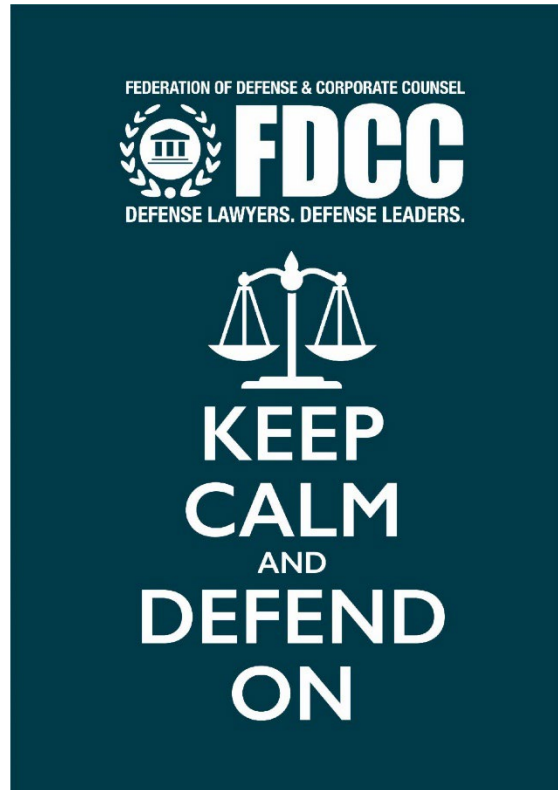
[webba@ggmfirm.com](mailto:webba@ggmfirm.com)

Congratulations Andre, and all the very best to you and the family in the years to come!

---

## Why FDCC?

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



**Be Exceptional Today!**