

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



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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 DEI Statement of the Sister Defense Organizations



At a meeting of the sister organizations (FDCC, ADTA, DRI and IADC), leadership decided that the sisters should work together in preparing a statement regarding diversity, equity, and inclusion. The FDCC took the lead in preparing the statement which was discussed, modified, and adopted by all of the sisters. The following statement is the result of that deliberation:

A Statement on Diversity, Equity, and Inclusion by the Association of Defense Trial Attorneys, DRI, Federation of Defense & Corporate Counsel, and International Association of Defense Counsel

The foundation of a just legal system is built upon the principles of equal protection under the law, civil rights, and the rule of law itself. These bedrock values ensure that every individual—regardless of race, gender, religion, ethnicity, disability, sexual orientation, political or ideological persuasion or background—is afforded the full rights and opportunities promised in the Constitution. We are all created equal; we all have the promise of inalienable rights and liberties.

Diversity, equity, and inclusion (DEI) are not merely corporate policies or social initiatives; they are essential expressions of justice and fairness, deeply embedded in our legal and moral

traditions. The Civil Rights Act of 1964, the Fourteenth Amendment's Equal Protection Clause, Americans with Disabilities Act and decades of legal precedent affirm that combating discrimination and expanding opportunities for all is not just a moral imperative, but a legal necessity. It is a fundamental value that must remain assured.

Actions that seek to curtail DEI efforts in businesses, educational institutions, and government agencies threaten to undermine these fundamental protections for all. The principles of diversity and inclusion were never about exclusion or preferential treatment; rather, they are about ensuring that every person, regardless of their identity, has a fair and equitable chance to contribute, compete, and succeed.

Opposition to DEI initiatives is often framed as a defense of meritocracy. However, true meritocracy can only exist when historical barriers to opportunity are acknowledged and addressed. The rule of law does not permit discrimination in any form, whether overt or systemic. It mandates that our institutions actively protect against inequity, just as they do against other forms of injustice. We remain committed to inclusion as it strengthens our democracy and economy. Institutions that embrace diverse perspectives perform better, innovate more, and serve a broader range of communities. More importantly, an inclusive society ensures that no one is left behind—not because of artificial constraints, but because they are empowered to realize their full potential.

As professional associations committed to justice and advancing the rule of law and equal access to legal and equitable protections, we recognize that equality before the law is not a passive principle—it is an active pursuit. Any effort to dismantle diversity initiatives under the guise of neutrality is, in effect, a step backward in the ongoing fight for civil rights. The rule of law demands that our institutions uphold fairness for all, not just for the privileged or the powerful.

We urge our leaders, lawmakers, and business communities to remain steadfast in their commitment to diversity, equity, and inclusion because it advances the rule of law, is legally sound, and is morally and ethically right.

[Click here for the FDCC's Diversity Initiative & Statement](#)

#2 The Physician-Patient Relationship and the "Curbside Consult"

By: Richards H. Ford



The existence of a legal duty is a prerequisite to liability attaching in any negligence case. The courts have almost unanimously held that, in medical negligence cases, the duty of care arises out of the physician-patient relationship. That is, a duty of care does not arise unless and until a physician-patient relationship is formed. In some instances, a claim for medical negligence can arise even where there has been no face-to-face interaction with a defendant

physician. Like in the case of a hospital radiologist or pathologist, a claim for negligent diagnosis can arise although the patient might not even know the defendant physician exists at the time of the alleged negligent diagnosis.

Another possibility is when a patient's attending physician engages in a sort of "curbside consult" with another specialist, arguably involving the specialist in the patient's care without the specialist ever seeing, treating, or billing for the patient.

In one view, this kind of interaction between physicians is collegial, commonplace, and an actually beneficial practice that can improve the quality of patient care. Physician-to-physician discussion should be encouraged by not automatically imposing liability on physicians only tangentially involved in a patient's care by virtue of engaging in such a conversation. Where both physicians understand that one is not and will not become involved in the patient's care, it should not be said that such a conversation has created a physician-patient relationship. There

is a clear distinction between this kind of a conversation and what we understand as a formal consult.

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



Richards "Dick" Ford is an FDCC Defense Counsel Member and Administrative Managing Partner and President of **Wicker Smith** in Orlando, FL, where his practice is focused upon Administrative Law, Commercial Litigation, Construction, Mass Torts/Class Action, Medical Law, Non-profit and Religious Institutions, Products and Professional Liability, Retail and Transportation.

He was assisted in writing this article by **Gregory Marlowe**, an Associate with the Firm.

#3 FDCC Civil "Writes" Monthly Newsletter

By: David MacMain



FDCC Defense Counsel **David MacMain**, Managing Partner of **MacMain Leinhauser, PC** in West Chester, PA is the Guest Editor of the April edition of our Civil "Writes" newsletter, the monthly publication of the **Civil Rights & Public Entity Substantive Law Section**.

Click below to read some of David's fascinating "Trial Tales" and lessons learned from his over 125 trials during the past 35 years, including what it was like for him to go up against a proverbial "Reverend Jim Ignatowski" from the old Taxi TV series; the importance of doing some "dry runs" before trying to execute a demonstration at trial; and of always expecting the unexpected.

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

#4 Law Practice Management Section Webinars April 24th & May 7th



Stacy Broman



Gena Sluga



Jody Briandi



Nick Haigler

The Federation's Law Practice Management Section has scheduled two very timely interactive Zoom sessions that will be of interest to anyone looking to enhance internal management opportunities within their firm.

Thursday, April 24, 2025 | 12:00 Noon EST

Are origination credits causing friction in your firm? Join our exclusive, intimate roundtable where you'll connect with fellow law firm leaders facing the same challenges. This will be a collaborative problem-solving session where you can share your experiences, learn from peers, and develop practical solutions to some of the most contentious issues in law firm management like:

- Client origination credit allocation

- Business development recognition
- Maintaining firm harmony while rewarding rainmakers

FDCC Defense Counsel members: [Stacy Broman](#) of Meagher Geer and [Gena Sluga](#) of Christian Dichter & Sluga will facilitate this candid conversation, ensuring you leave with actionable strategies.

[Please click here to register](#) and feel free to invite others from your firm to join our roundtable discussion.

Wednesday, May 7, 2025 | 2:00 p.m. EST

Is your firm struggling with attorney retention? Looking to strengthen your professional development programs? Our subject matter experts [Jody Briandi](#) of Hurwitz Fine and [Nick Haigler](#) of Robinson Gray will team up with culture specialist Kelly Reese to share proven strategies that have transformed law firm environments across the country.

We'll discuss:

- Actionable professional development frameworks that engage associates
 - Communication techniques that build trust and transparency
- Retention tactics that actually work in today's competitive legal market

[Click here to register](#) for this opportunity to gain practical insights you can implement immediately, and feel free to share the invitation with others from your firm.

**#5 Generative AI & Cyber Liability Report:
Recent US Legal and Insurance Developments
By: Richard S. Dukes, Jr.**

Turner **Padget**

**CYBER LIABILITY & GENERATIVE AI:
COVERAGE AND LITIGATION TRENDS**

A CLE Presentation for In-House Counsel
(Insurance Carriers)

Rich Dukes, attorney
April 2025

Generative AI systems like large language models and image generators have seen explosive adoption across industries, bringing unprecedented capabilities – and novel liability risks.

Unlike traditional software that follows predefined rules, generative AI can produce unpredictable outputs (“hallucinations”) that may be false, infringing, or harmful ([Judge Denies Motion to Dismiss AI Defamation Suit](#)). Businesses using these tools face potential legal exposure in areas ranging from data privacy breaches and intellectual property (IP) infringement to defamation and professional malpractice.

U.S. regulators and courts have begun grappling with these issues, while insurers and policyholders are evaluating how existing coverage (cyber, E&O, D&O, etc.) applies to AI-related risks. This report surveys recent U.S. legal and regulatory developments involving generative AI and cyber liability, and examines how insurance policies might respond or exclude these emerging exposures. It is intended for in-house counsel at insurance carriers to understand the evolving landscape and coverage implications.

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

[Click here to access the PPT Deck](#)



Rich Dukes is an FDCC Defense Counsel member and a Shareholder with **Turner Padgett** in Charleston, SC where his practice is concentrated on high-stakes class actions across industries, including financial institutions, municipalities, and developers. Notable victories include defeating class certification in cases involving over \$100 million in potential liabilities and securing summary judgments for clients in breach of fiduciary duty and negligence claims. In commercial litigation, he has represented healthcare providers in disputes with insurance carriers and successfully argued before the Joint Panel on Multidistrict Litigation. This presentation was recently provided to the Professional Liability Attorney Network.

#5.1 New FDCC Podcasts Episodes Released

What new things will you learn this week from the FDCC Podcasts?



We're pleased to share these new FDCC podcasts that have been released this week. Click on the links below to listen to these fascinating episodes:

- **"[Beyond the Sales Pitch](#)":** Managing Partner Jody Briandi and Steve Embry Talk with Smokeball's Jordan Turk on Law Practice Management.
- **[FedLife Podcast: "The Youngest One in the Room."](#)** FedLife Committee Chair, Claire E. Parsons, interviews new author, Dayna Adelman about her book, *The Youngest One in the Room*. Adelman is not a lawyer but as communications professional for international corporations she has worked closely with lawyers. In the interview, Dayna

shares about her experience as a young professional in the first ten years of professional life and what lessons this has for lawyers, especially those who might be interested in writing a book someday.

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 13,715 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for members of the FDCC.

#5.2 The Passing of Fred Ober



We are saddened to report that FDCC Past President (1992-93) and Defense Counsel member Fred Ober of Miami, FL has passed away on April 9th. He was 88 years old. Fred was most recently a member of the Florida Mediation Group and prior thereto, was a Partner with the Fowler White law firm in Miami.

The portion of his life that brought him the most pride was Fred's service in the Air Force as a JAG Captain. He served during an interesting period of time and loved sharing tales of his behind-the-scenes involvement in the Cuban Missile Crisis and the time surrounding the Kennedy assassination.

He was a law clerk at the Third District Court of Appeals, after which he joined the Fowler White law firm in the casualty litigation department.

In lieu of services, Fred's family has asked people to remember him by doing something good for someone who needs it – call, text or visit a shut-in; give some relief to a caregiver; volunteer where help is needed. "Find a way to bring some kindness into this world. Make time for and think of others. The time to show you care is while someone is alive."

Please also join is in expressing our heartfelt condolences to Fred's loving wife and ever-loyal caregiver, Tammy McIntyre; daughter, Heidi Ober; stepchildren, Dr. Melissa Abdo (daughter, Alira) and Michael Abdo (Evelyn and children, Mikey, Arianna and Bella).

#5.3 What's on the Docket?



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

- **April 24, 2025 at 12:00 PM ET: Law Practice Management Section interactive discussion on law firm business origination credit and client management allocation;** facilitated by [Gina Sluga](#) and [Stacy Broman](#). [Click here to register](#).
- **May 7, 2025 at 2:00PM ET: Law Practice Management Section interactive discussion on "Culture Building Strategies"** with FDCC Defense Counsel members [Jody Briandi](#) and [Nick Haigler](#), who will be joined by Kelly Reese, a subject matter expert on building positive law firm work environments. [Click here to register](#).

- **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...Ebony Morris!



Ebony Morris is an FDCC Defense Counsel Member and a an Attorney in [Foley Mansfield's](#) New Orleans office.

Her practice concentrates on transportation, mass tort, complex casualty, and talc defense litigation matters. Ebony's clients, which include educational institutions, Fortune 100 and 500 corporations, insurance companies, small businesses, and individuals, trust her to

successfully resolve matters which arise during litigation.

She serves on the Board of Directors for the Louisiana Association of Defense Counsel, an organization of over 1,100 Louisiana attorneys who are primarily engaged in the defense of civil litigation. In her spare time, she enjoys mentoring younger minority and underrepresented attorneys and serves as a First Assistant Examiner for Constitutional Law for the Louisiana Supreme Court Committee on Bar Admissions.

And today is her birthday! Please join us in filling her In Box with congratulatory emails:

emorris@foleymansfield.com

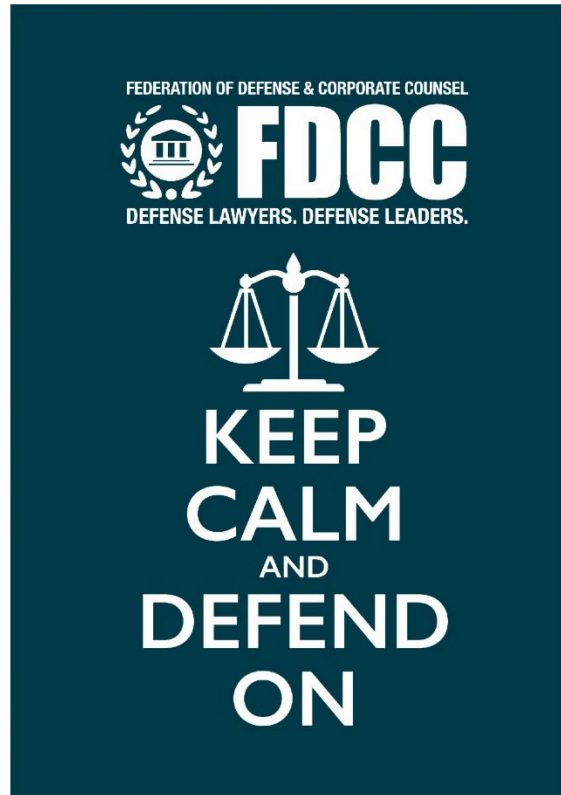
Happy Birthday Emily and all the very best for continued good health, success and happiness in the years to come.

Thank you for being a valued member of the FDCC since 2023!



Why FDCC?

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



Be Exceptional Today!