



FDCC



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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 Gone "Phishing"



Thanks to those of you who have written and called to advise of the phishing attempt by a company seeking to sell the FDCC member contact list to FDCC members for \$150. We received it as well. After some digging, here's what we discovered.

The firm is called by a number of different names (e.g., Ava Rapport), and operates mainly off-shore but has a drop box in a title insurance company in Dover, DE. We responded to the solicitation using a non-FDCC email address to see exactly what

information they were selling and it is essentially an Excel spreadsheet or CSV of the name, firm, address and email address of our members.

We have sent two cease and desist letters over the past month and alerted the state Attorney General and Better Business Bureau who are aware of the organization. Their scheme is to extract data from websites and then try to sell it. Unfortunately, there's nothing more they can do. In the meantime, we are

working to see what we can do without diminishing the ability of non-members to avail themselves of the “Find a Member” function of the website to effectuate referrals of new business.

We apologize for the inconvenience and will keep you advised of our progress to try and find a solution. If you receive one of these emails, just delete it. Please know the FDCC does not disclose, sell or market the contact information of any members, and undertakes every effort to protect your privacy.

#2 FDCC Joins Industry Effort to Advance Rule 702 Reforms in KY



Earlier this week, we joined with our colleagues in the Kentucky Defense Counsel Association, Lawyers for Civil Justice, DRI, IADC and ADTA in advocating that the state Supreme Court adopt a proposed amendment to KRE 702.

The proposed amendment clarifies and emphasizes that the proponent of expert testimony

must demonstrate “to the court that it is more likely than not” that the Rule’s requirements are met. As expressed, we asserted that the amendment reminds courts of their gatekeeping role and reflects existing law. *See Renot v. Secura Supreme Ins. Co.*, 671 S.W.3d 282, 287 (Ky. 2023) (“Trial courts are charged to act as gatekeepers regarding expert opinions in order to prevent the admission of pseudoscientific, unreliable evidence.”).

The proposed amendment also provides that an expert’s opinion must reflect “a reliable application” of the principles and methods to the facts of the case, would be consistent with the national trend seeking to harmonize the state and federal rules relating to expert testimony, and would promote the fair administration of justice particularly with regard to forensic experts.

[Click here to read the full Comment](#)

#3 Newly Constructed Homes to Bring New Warranties in Florida

By: Jacob Liro



With construction defects of equipment, material, and workmanship becoming increasingly prevalent and litigated in the State of Florida,

House Bill 623 (“HB 623”), which if enacted by Governor DeSantis, is poised to redefine warranty standards for construction industry representatives. This potential new

rubric for warranty claims promises to raise new concerns to which Florida builders should pay close attention.

HB 623, which stands to be enacted as F.S. 553.837 on July 1, 2025, requires that builders provide a one-year warranty to purchasers of a newly constructed home. HB 623’s one-year requirement is limited to one year after the date of the original conveyance or one year after the initial occupancy of the dwelling, whichever occurs first. HB 623 calls for builders to warrant against construction defects relating to equipment, material, and workmanship by the builder, subcontractor, or supplier where such defects would result in a material violation of the Florida Building Code. HB 623’s warranty would require that the builder remedy any defect, at its own expense. Failure to abide by HB 623’s warranty will result in a purchaser retaining the ability to enforce the requirements against the builder in civil court.

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



[Jacob Liro](#) is an FDCC Defense Counsel Member and a Partner with Wicker Smith in Miami, FL. The article is submitted by the [Construction Law Section](#), which you can also join as a member benefit to engage with other FDCC members concentrating their practice in this area of the law.

#4 Revisiting Life Expectancy

By: Dr. John Schneider & Cara Scheibling

Our colleagues at Avalon Economics have agreed to share their expertise in a 5 part series that briefly discuss 5 strategies that can be employed to help manage medical expenses in personal injury and product liability cases. Here's Part 4...



Life care plans (LCPs) are increasingly part of personal injury and product liability cases. In our previous three installments in this series, we have discussed how LCPs can benefit from a thorough assessment of causation, reasonable value, and medical necessity. What often gets overlooked is that LCPs can also benefit from an assessment of life expectancy (LE). There are two questions that sometimes arise when the topic of LE

comes up: (1) Why not just use standard life tables? And (2) if there is some other way of calculating LE, what is the basis for it, and who can do it?

Starting with the first question, the short answer is that if anyone has documented comorbid pre-existing conditions, they are no longer on the “curve” represented in standard life tables. For example, if someone is a smoker, we know that their LE will be reduced by around 15%. Significant decrements also exist for obesity, diabetes, chronic obstructive pulmonary disease, cardiovascular disease, etc. In the field of biostatistics, if we don't know anything about an individual, we assign them the average (life table) LE. However, if we have information about an individual, we typically use that information to estimate life expectancy, not a generic population-based life table.

Health economists do this all the time as part of economic modelling, where it is necessary to calculate mortality or survival for various subpopulations or treatment groups and control groups. If someone is a known smoker or is known to be obese, there is no medical rationale for assigning them the same LE as a non-

smoker or a non-obese individual. The medical literature, including the biostatistics literature, has relatively well-developed studies of how various pre-existing chronic conditions impact life expectancy, so a very robust basis can support an opinion that there will be a decrement in LE. These types of adjustments to LE are of course very important in LCPs, where estimated future medical expenses are a multiple of remaining years of life.

Coming up next week: "Dealing with Medical Funding." [Dr. John Schneider](#) is the CEO and Principal of [Avalon Health Economics](#) and [Cara Scheibling](#) is its Vice President and Principal. They have been a valued Platinum Sponsor of the FDCC for many years and invite you to visit them at the Annual Meeting, July 28-August 3, 2024 in Toronto, ON.

[Click here to listen to the FDCC's "Managing Medical Expenses" podcast with Defense Counsel member Jennier Hoffman and Dr. John Schneider](#)

#4 Member in the Spotlight: Heather Sanderson



We are shining a well-deserved spotlight on FDCC International Defense Counsel [Heather Sanderson](#) of [Sanderson Law](#) in Calgary, Alberta this week. Heather recently learned that she has been awarded the honorary title of "King's Counsel for the Province of Alberta." Appointments are made by the Attorney-General for Alberta on the recommendation of an Advisory Committee.

[Criteria](#) for the award are to have held a practicing certificate for at least 10 years; demonstrated outstanding practice as a lawyer; acted with integrity throughout their career to date; contributed to the development of excellence in the legal profession through, for example, mentorship, legal scholarship, teaching or continuing legal education.

Please join us in congratulating Heather on this very well deserved honor!

#5 Welcome Our New Member

Please join us in welcoming the following new member who has been admitted to our membership:



Dan Steen is Executive Director of [Lawyers for Civil Justice](#) in Arlington, VA, where he leads the management of the organization and supports LCJ's advocacy program. Dan has been a frequent speaker and moderator at FDCC meetings.

Prior to his current responsibilities, Dan worked with the American Property Casualty Insurance Association, Owens Illinois, Inc., and the Reed Smith law firm - all in Washington, DC.

He has also served on the Boards of Directors for Keep America Beautiful; the American Tort Reform Association; and the National Association of Manufacturers, among many others. He and his wife [Anne](#) reside in Arlington, VA.

Welcome Aboard, Dan!

#5.1 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, 2024: FDCC Annual Meeting at the Fairmont Royal York Hotel in Toronto, ON.** Convention Chair: **Marisa Trasatti**; Program Chair: **Tiffany Alexander**.
- **September 15-17, 2024: Corporate Counsel Symposium** at The Windsor Court Hotel in New Orleans, LA. Co-Chairs: **April Berman**, **Valerie Kellner** & **Shelly Masters**
- **February 23-27, 2025: Winter Meeting** at the The Charleston Place Hotel in Charleston, SC. Registration Coming Soon! Convention Chair: **Jeff Kelsey** and Program Chair: **Dan McGrath**
- **July 27 - August 2, 2025: Annual Meeting** at the **Stein Erikson Lodge** & **The Chateaux at Deer Valley** in Park City, UT. Convention Chair: **Tiffany Alexander** and Program Chair: **Lee Hall**

.....
**...and finally,
"Have a Nice Day"
Audrey Bentz!**



Audrey is a Partner with the [Janik, LLP](#) law firm in Cleveland, OH, focusing her practice on tort and professional liability matters. She has been a valued Defense Counsel member of the Federation since 2023.

Audrey earned her Juris Doctorate from Valparaiso University School of Law. While a law student, she served as a judicial extern for the Honorable Philip P. Simon of the United States District Court for the Northern District of Indiana and the Honorable Ronald F. Bartkowicz of the Cook County Circuit Court. Audrey has handled cases thru trial and appeal, including arguing twice before The Supreme Court of Ohio. She has also handled administrative proceedings before various state professional boards.

And on Sunday, Audrey will be celebrating a birthday. Please join us in sending her an email to:

audrey.bentz@janiklaw.com

Congratulations Audrey and all the very best to you, Matthew and the family for continued good health, success and happiness in the years to come.

Why FDCC?

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

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



**KEEP
CALM
AND
DEFEND
ON**

Be Exceptional Today!