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*Good Morning!*

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## **#1: NJ Supreme Court Addresses Admissibility of Expert Witness Testimony in Child Abuse Case**

**By: Kelly Strange Crawford**



On November 20, 2025, the New Jersey Supreme Court issued its opinion in a controversial case involving Shaken Baby Syndrome/ Abusive Head Trauma (SBS/AHT) and whether the science supporting the syndrome was sufficient to be presented to the jury in two criminal child abuse cases. *State v. Darryl Nieves* (A-26/27-23) (08863) (November 20, 2025).

In a 109-page majority opinion written by Justice Pierre-Louis, with a 44-page dissent by Justice Wainer Apter, the New Jersey Supreme Court upheld the trial court and Appellate Division rulings that the State had failed to meet its burden under *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) that the proposed expert

testimony is “GENERALLY ACCEPTED” in the relevant community to which the expertise belongs.

The opinion contains a complicated procedural history and detailed medico-legal analysis that is truly fascinating and I would recommend a read. Long story-short, the defendants had been charged with child abuse based only on the diagnosis and testimony of a treating doctor named Gladibel Medina, a child abuse pediatrician and medical director at the Dorothy B. Herseh Regional Child Protection Center at Saint Peter’s. Dr. Medina opined that the only explanation for the children’s symptoms to a reasonable degree of medical certainty was that the children were shaken by the defendant father caregivers. Thus, the children suffered from SBS/AHT. On that diagnosis, the defendants were indicted.

[Click here to read the entire article](#)

**[Kelly Strange Crawford](#)** is Co-Chair of **[Riker Danzig](#)** and head of the Firm's Products Liability and Mass Tort Practice Group. She concentrates her practice on complex litigation involving mass tort, products liability defense, and complex commercial matters, including state and federal class actions, multi-District litigation and state court coordinated proceedings.

**#2 New Podcast Released**

**LCJ's "Rules of Engagement"**



FRCP 16.1 took effect December 1, 2025, and provides for better management of MDL's. Join Executive Director of Lawyers for Civil Justice, Dan Steen as he and his panel of experts dive into the new Rule and its effect on our industry.

The panel includes practitioners Chris Guth, Senior Assistant General Counsel at Bayer; Alan Rothman, a Partner with the Sidley law firm; and Kaspar Stoffelmayr a Partner in the Chicago office of Bartlit Beck, LLP.

Listen in as the Panel of subject matter experts delves into the insights on the importance and impact of the new Rule, examine key provisions and how it will impact better management of MDL's, and review new strategies and provide helpful resources.

[Click here to listen to the Podcast Episode](#)



You can listen to this podcast and the other 310 FedSpeaks podcasts on Spotify, iTunes, Stitcher, the Fed365 app or wherever you get your podcasts. Find out what over 17,107 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for members of the FDCC.

**#3 It's Great to Nominate!**

**By: Eric Passeggio**



If you were at the Winter Meeting in Scottsdale, you already know the feeling. The Sonoran Desert sunset over the JW Marriott, Prince's purple piano, the laughter echoing through the Desert Saloon on Friday night – and everywhere you turned, conversations that reminded you why you joined the FDCC in the first place.

If you weren't there, you probably had a similar experience at another meeting, right?

Sometime during a meeting, you probably looked around a room – at a plenary session, over breakfast, during one of the many fantastic excursions – and thought, *I know someone who would love this*. Maybe it was a co-defendant's counsel who impressed you on a complex case. Maybe it was a corporate client who always brings sharp thinking and good energy. Maybe it was a speaker at a state bar event who made you sit up a little straighter. Well, that's a nomination waiting to happen.

One of the best-kept non-secrets of the FDCC is that **every member has the privilege to nominate**. You don't need anyone's permission. If you know an exceptional attorney, corporate counsel, or industry professional who would thrive in this community, you are exactly the right person to start that conversation.

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

[Eric Passeggio](#) is a Partner with [Wilson Elser](#) in Boston, MA, where his practice is focused on defending high exposure losses and complex claims involving catastrophic personal injuries, fatalities and extensive property/economic damage.

#### #4 Member in the Spotlight: Marie Trimble Holvick



We are shining the Federation's spotlight on FDCC Defense Counsel member [Marie Trimble Holvick](#) Managing Partner of the [Gordon Rees Scully Mansukhani](#) office in San Francisco, CA.

Marie secured an amazing defense verdict last week in a prolonged jury trial. The plaintiff was a long-time current employee who alleged that she was harassed and discriminated against based on her race, national origin and disability. She claimed that she had been denied promotions and pay increases, and was retaliated against after complaining about alleged harassment and discrimination. She further alleged that her employer failed to accommodate her, failed to engage in the interactive process, and interfered with her right to take a protected leave of absence.

Marie argued that plaintiff was good at her job but did not perform well in an interim supervisor position, which is why she was not promoted. She further argued that the employer appropriately accommodated all disabilities. The jury agreed with the employer, and the defense prevailed on all causes of action.

Way to Go, Marie!

## #5 Welcome to Our New Members!

Please join us in welcoming our  
newest members to the Federation!



**Lance D. Meyer** is a Shareholder in the **O'Meara Wagner, P.A.** firm in Edina, MN, where he focuses his commercial litigation practice on insurance-coverage, construction, products liability, and other general liability matters. In his insurance-coverage practice, Lance counsels insurers on a variety of complex coverage issues, including trigger, allocation, other-insurance, duty-to-defend, bad-faith, coordination-of-coverage, and construction-defect issues, and represents them in all stages of insurance-coverage disputes in state and federal court.

In addition to insurance-coverage matters, Lance represents contractors involved in claims, arbitration, and litigation involving construction projects and

businesses and individuals involved in products liability and other commercial litigation matters

Lance and his wife [Emily](#) reside in Plymouth, MN.



[Jean Back](#) is a Shareholder with [Schwabe](#) in Portland, OR where she focuses her practice on consumer products, manufacturing and retail, Indian Country and Alaskan Native Corporations and Technology, as well as on the mediation and settlement of employment and business tort claims.

Jean also creates and develops Office of Federal Contract Compliance Programs (“OFCCP”) Affirmative Action Plans, Wage Hour Audits, and Equal Pay Audits for clients in a variety of industries, and is the Secretary/Treasurer on the Board of the Oregon Manufacturing Extension Partnership.



[Kevin Cunningham](#) is President of [Acies Crane Underwriters](#) in Atlanta GA, where he is engaged in the executive management, captive program development and customer claims/litigation containment.

Prior to his current position, Kevin worked with Redstone Underwriters, Houston International

Insurance Group and Special Risk Services Group.

Except for a brief time playing professional football, Kevin has spent his entire career in Risk Management, focused on the Crane and Heavy Construction Trades.

**Welcome Aboard!**



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

- **April 21, 2026 at 12:00PM ET / 9:00AM PT: Corporate Counsel Roundtable "Playbook for Newly Minted General Counselors"** with [Marisa Trasatti](#), General Counsel of Sciton, Inc., and [Jeff Kelsey](#), General Counsel of IMC Logistics. [Click here](#) for Corporate Counsel members and their colleagues to register.

- **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](#). [Click here](#) to register.
- **September 27-29, 2026: Corporate Counsel Symposium - "From Bourbon Street to the Boardroom Suite: Navigating Risks & Opportunities"** at the Windsor Court Hotel, New Orleans, LA. Co-Chairs are: [Beth Bauer](#), [Chad Hatmaker](#) and [Geneau Thames](#). Registration coming soon!
- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#). Convention Chair: [Valerie Kellner](#) and Program Chair: [Jody Briandi](#).
- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#). Convention Chair: [Alycen Moss](#) and Program Chair: [Shelly Masters](#).

..and finally, Have a Nice Day...

Marie Chafe!



Please join us in congratulating FDCC Defense Counsel member [Marie Chafe](#), a Partner with the [Conn Kavanaugh](#) law firm in Boston, MA where her practice focuses on the defense and a trial of matters including wrongful death and a catastrophic injuries in complex product liability matters (automotive, medical devices, construction and industrial equipment, building products, consumer, beauty, and recreational products), transportation issues, toxic torts and asbestos litigation, business and franchise disputes, and consequential warranty claims against U.S. and international manufacturers, distributors, and insurers).

Marie was recently recognized by her peers in being awarded this year's Mary Massaron Leadership Award from [DRI](#). The award is presented to recognize "innovative leadership, service as a role model, and significant efforts to advance women in the legal profession," which clearly defines Marie.

In reflecting on the honor, Marie notes that the "recognition belongs as much to the remarkable women who have been in my corner as it does to me. Their generosity, mentorship, and friendship shaped how I practice—and the example I try to set for the next generation."

During the ceremony, Marie shared that her grandmother, Marie E. Jessen, was admitted to the bar on July 31, 1926. Her certificate of admission hangs on Marie's office wall and inspires her every day. "While her path may not have been easy, I never questioned that she, and anyone else who wants to be part of this profession, belongs here."

Please join us in congratulating Marie and for the exceptional example she sets within our profession and the Federation by sending her an email to:

[mchafe@connkavanaugh.com](mailto:mchafe@connkavanaugh.com)

Congratulations Marie, and all our very best wishes to you and Matthew.

Thank you for being a valued member of the FDCC since 2015.



### Why FDCC?

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

