

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



August 16, 2024 -- Issue 237



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.



In today's issue:

- Let the Good Times Roll at Corporate Counsel Symposium
- Look Who's Coming to CCS
- Multiple Claimants & Limited Coverage Available
- Risk Transfer Zoom Session - August 20th
- On the Docket
- Have a Nice Day: Michael Bridwell!



#1 Let the Good Times Roll at the Corporate Counsel Symposium in NOLA

By Ebony S. Morris



New Orleans is well known for many great and unique things: culture, delicious food, music, Mardi Gras, voodoo, gator bites, crawfish, festivals, architecture, and so much more. However, one of the most unique things about New Orleans (well, Louisiana overall) is its unique legal system and its challenges.

As a defense attorney in New Orleans, I (along with my fellow New Orleans colleagues) can attest to the uniqueness of Louisiana's quirky legal system and the challenges with defending claims in Louisiana, especially in New Orleans (one of Louisiana's more plaintiff-friendly venues). Thankfully, FDCC's Corporate Counsel Symposium will cover Louisiana's unique legal challenges and offer tips on how practitioners can best defend claims in Louisiana.

For the first time, FDCC will host its 2024 Corporate Counsel Symposium in New Orleans from **September 15 – 17, 2024** at the Windsor Court. To kickoff the Symposium, my panel, **Haunted Venues and Legal Voodoo**, will cover some of the most unique legal systems and will offer practical tips (or, spells) on how to tackle legal outliers and challenges posed by these systems. You do not want to miss this discussion! For lagniappe, we will have some surprise goodies for those who attend our session!

If you have not registered for the Symposium, register here: [Register for Corporate Counsel Symposium](#). Lastly, if you have not secured your hotel room, don't delay! The deadline is August 23. You can book your hotel room here: [Book Your Hotel Room!](#)

We look forward to seeing you in New Orleans!

P.S. Go Saints! #WhoDat

#2 Look Who's Coming to CCS!



CORPORATE COUNSEL SYMPOSIUM 2024

Over 110 of the corporate and defense industry's best will be gathering to understand and learn how to solve "the hard problems in the Big Easy." Here is the [brochure](#) listing the relevant topics impacting the marketplace; and below is a list (so far) of all those who have registered and with whom you will have the personal opportunity to network and collaborate:

A. O. Smith Corporation

Acadian Ambulance

Adams and Reese, LLP

Adler Pollock & Sheehan PC

Asurion

Augmedix

Avalon Health Economics

Baker, Sterchi, Cowden & Rice, LLC

Bayer

Bradley Arant Boult Cummings LLP

Buchanan Ingersoll & Rooney PC

Builders FirstSource

Bulkmatic, LLC

Bullivant Houser Bailey, PC

HeplerBroom LLC

Hill Ward Henderson PA

Hurwitz Fine P.C.

HWG, LLP

Island Companies

J.S. Held

Jenkins Fenstermaker, PLLC

Jones, Skelton & Hochuli, PLC

Kay Casto & Chaney PLLC

Larson King, LLP

Latitude

Lawyers for Civil Justice

Lewis Rice LLC

Lewis Wagner, LLP

Burr Forman LLP

Carr Allison - Orlando

Cokinos Young

Corium

Cozen O'Connor

Crenshaw, Ware & Martin, P.L.C.

CSC ServiceWorks, Inc.

DAA Draexlmaier Automotive

Delmar Systems

Dillingham & Murphy, LLP

Dream hotels Group

Duplass APLC

Engineering Systems Inc. (ESi)

Equipment Share

Erlingson Banks, PLLC

ESi

Exponent

Federal Express Corporation

First Acceptance Insurance Company

Flaherty Sensabaugh Bonasso PLLC

Flanagan Partners LLP

Gallivan, White & Boyd, PA

Galloway Johnson Tompkins Burr & Smith

Gillette Children's

Goebel Anderson, PC

Goldberg Segalla

LK Asset Advisors, LLC

Lockton Cos.

Lockwood & Associates

McCranie, Sistrunk, Anzelmo, Hardy,
McDaniel & Welch, LLC

Meyers, Roman, Friedberg & Lewis

Monogram

Monogram Food Solutions, LLC

Munsch Hardt Kopf & Harr, P.C. - Dallas,
TX

Norman Wood Kendrick & Turner

Perez Morris

Plauche Maselli Parkerson LLP

Richmond National

Rimini Street, Inc.

Rivkin Radler, LLP

Robins Kaplan LLLP

Robinson + Cole

SECURA Insurance

Shelter Insurance Companies

Shook Hardy & Bacon, LLP

Society Insurance

Swyfft Holdings, LLC

Tata Consumer Products US

The Marvinney Law Firm

UFG Insurance

U-Haul International, Inc.

Gordon Rees Scully Mansukhani LLP

Harford Mutual Insurance Group

Hawkins Parnell & Young, LLP

HDL Global Insurance Company

von Briesen & Roper, s.c.

Waev Inc.

Western National Mutual Insurance Co.

Woolf, McClane, Bright, Allen &
Carpenter, PLLC

Zachry Industrial, Inc.

#3 Multiple Claimants and Limited Coverage Available:

Is it a New Day in Florida?



By: [Michael K. Kiernan](#) - Traub,
Lieberman, Straus & Shrewsberry LLP and
[James B. Thompson, Jr.](#) - Thompson Miller
LP

There is perhaps a no more vexing conundrum for trial lawyers and insurers than the task of addressing claims where there is limited insurance coverage and multiple claimants from a single covered incident - the "multiple claimant scenario". That is especially true in the great State of Florida, where liberal juries and plaintiff-friendly venues are abundant. Traditionally in Florida, liability insurers had been faced with a "no-win" scenario and almost certain bad faith claims arising from these unfortunate situations.

Without the benefit of any meaningful legislation or statutory guidance, case law developed which required defense lawyers and insurers to accomplish the herculean task of identifying and evaluating all potential claimants and then attempting to somehow resolve these known claims to the satisfaction and protection of their insureds and clients. To seek out and identify all claimants, often with inaccurate and incomplete police crash reports, insurers and their counsel had to nevertheless pursue avenues of investigation with the hoped for cooperation of claimants, witnesses and their insureds/clients, with the goal ultimately of having an informal settlement conference,

mediation or old-fashioned one by one negotiation. All in an effort to globally resolve all of the known claims. Without question, this amounted to the proverbial "herding of cats" with an uncertain fate to be sure.

Fortunately, though, in 2023, and for perhaps the first time (or at least in recent memory...), the Florida Legislature rose to the occasion and enacted meaningful tort and bad faith reform legislation to protect for insurers. Specifically, in 2023 significant revisions to FS § 624.155 were enacted which not only codified certain bad faith standards but also provided a safe harbor period for an insurer to tender its policy limits. More germane to this article, the legislation provided insurers with a framework for dealing with the multiple claimant scenario.

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

This article is submitted on behalf of the FDCC's [Trial Tactics, Practice & Procedures](#) Substantive Law Section - which you can also join as a member benefit. Just click on the blue "Join Section Now" button on the webpage!

#4 Risk Transfer Primer Zoom Training: August 20th

Zoom Training

Back by Popular Demand!

Risk Transfer Primer

How to Respond to Tenders for Additional Insured Coverage and Contractual Indemnity



Dan D. Kohane
Hurwitz Fine P.C.
Buffalo, NY



John C. Trimble
Lewis Wagner, LLP
Indianapolis, IN

Tuesday, August 20th
12:00 pm EDT/1:00 pm CDT
(90 minutes)

To register, send an email to ddk@hurwitzfine.com or jtrimble@lewiswagner.com

#5 What's on the Docket?



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

- **August 20, 2024 at 1:00PM ET: Risk Transfer Primer Zoom Session.** Register by sending an email to [Dan Kohane](#) or [John Trimble](#).
- **September 15-17, 2024: Corporate Counsel Symposium** at The Windsor Court Hotel in New Orleans, LA. Co-Chairs: [April Berman](#), [Valerie Kellner](#) & [Shelly Masters](#). Click on the links for the [brochure](#) and to [register](#).
- **October 16, 2024 at 2:00 PM ET: Corporate Counsel Roundtable "Legal Department Cost Pressures in the Post-Pandemic World."** Moderator: [Daniel C. DeMerchant](#), Vice President & General Counsel American Nuclear Insurers. **OPEN TO FDCC CORPORATE COUNSEL MEMEBRS ONLY.** Click here to register.
- **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 28 - August 3, 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"

Michael Bridwell!



Michael is a Principal in the Beaumont, TX office of [Germer, PLLC](#) where he handles personal injury, premises liability, products liability, toxic tort, commercial litigation, general litigation, occupational and environmental chemical exposure, asbestos and contract litigation.

He has represented companies in premises liability cases, products liability cases, severe burn personal injury cases, groundwater contamination cases, community chemical exposure cases, and pipeline right of way and eminent domain disputes. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization and AV rated by Martindale Hubbell. He is also a certified mediator.

And on Tuesday, he will be celebrating a birthday. Please join us in filling his In Box with congratulatory wishes:

mbridwell@germer.com

Happy Birthday Michael and all our very best to you, Maris and the family for continued good health, success and happiness in the years to come.

Thank you for being a valued member of the Federation since 2012!

Why FDCC?

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



**KEEP
CALM
AND
DEFEND
ON**

Be Exceptional Today!