



August 19, 2022 -- Issue 133



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 Corporate Counsel Symposium:
Registration is Now Open**

2022 CORPORATE COUNSEL SYMPOSIUM



Resilience & Grit in the Face of Change

October 16-18, 2022 - Philadelphia, PA - Marriott Downtown Hotel

If we have learned one thing from the pandemic and the continuing variants, it is that the new measurement of success is based upon a relentless resilience and a determination to forge ahead in the face of continuing challenges and changes in the legal landscape.

In that spirit, the Federation's **Corporate Counsel Symposium returns on October 16-18, 2022 to the Philadelphia Marriott Downtown Hotel**, to deliver unparalleled knowledge, firsthand access to justice and fellowship, and to provide attendees with information, tools and resources to enhance their daily responsibilities and activities. The event is open to corporate counsel, defense counsel, colleagues and clients. Corporate Counsel understand the value of attending the Symposium...in fact they outnumbered the number of defense counsel attendees during the last session! You do not need to bring a client to attend.

Topics to be presented include:

- Developments on the cyber front, attacks and security breaches...and how to respond to them
- Inclusion in the Workplace during the Great Resignation and the Era of Reimagination
- Corporate Counsel Roundtable to discuss recruiting diverse attorneys internally and externally, cutting-edge issues and what lies ahead
- Moderated Women's Networking Luncheon
- War, Pandemic, Reputational Risks, Recalls, Regulatory Impacts, ESG, Casualty Events: Becoming Resilient in Crisis Management and Beyond
- Dealing with Substance Abuse and Mental Health
- Contract Issues for Small and Midsized Organizations
- Practicing Mindfulness
- Electric Vehicles and Battery-Operated Products
- EEOC on the Rise: Strategies for Responding to Increased Investigations
- Assessing the Implementation and Effectiveness of Environmental, Social and Governance programs

Please join our Conference Co-Chairs, [Elizabeth Fitzpatrick](#); [Matt Cairns](#) and [Paul Finamore](#) and the rest of your FDCC colleagues for this informative and relevant program by registering for the event and your hotel room today.

[Click here to register for CCS](#)

[Click here to secure your hotel room](#)

#2 Annual Meeting Award Winners: Part II

Each year, the Federation bestows awards on members who have distinguished themselves within the organization by going above and beyond in their commitment and dedication to advancing the core values and objectives of the FDCC. In one of his last official acts as President, [Bob Christie](#) presided over the awards ceremony during the 2022 Annual Meeting in Seattle, WA.

Over the next several weeks, we will highlight this year's award winners and share their many accomplishments with you.



[Marisa Trasatti](#) (left) of Cipriani & Werner in Hunt Valley, MD receives the **2022 FDCC Connect Award**, honoring the member who best exemplifies the spirit of using our unparalleled referral network to send business from one Defense Counsel member to another or from Corporate Counsel members to Defense Counsel members throughout the past year.



[Larry Smith](#) (right) of Rumberger, Kirk & Caldwell in Orlando, FL, receives the **2022 FDCC Diversity Award** in recognition of his efforts during the year which embody the spirit of the organization's Diversity Statement, to expanding the mandate of inclusiveness within our profession, and in recognition of his dedication to advancing diversity within his community.

#3 Answering Your Questions!

Last week, we debuted a new weekly feature of surveying the membership and taking a pulse check on topics of general interest.

We received a significant number of responses to the question of how to develop more fellowship among members between our in-person meetings? The top two answers received were:



1. "When taking the kids off to college, call an FDCC member in that city to grab lunch or dinner." And we liked this added comment from one of those responses "Just be sure you've wiped off the smudged mascara from listening to The Best of Barry Manilow songs! I was a wreck!"
2. Would like to get to know more members from my area through local meetings so we can stay in touch and network better.

Here's this week's question:

What methods do you use to have Associates turn time sheets in on time?

Please e-mail your answers to the Federation at: bernie@thefederation.org.

We'll post the results next week!

#4 Latent Impacts of Covid 19 on Large Construction Projects



This article was written by [Meredith C.K. Sellers, Ph.D., P.E., CEng.](#), Senior Managing Engineer; [Elise Salerno](#), Senior Manager and [Neil Cook](#), Senior Engineer of Exponent

The impacts of COVID-19 on large construction projects have mirrored those experienced by other industries—stalled projects, supply chain delays, dramatic shifts in workforce availability, and restrictions on travel—yet construction companies have risen to the challenge. The pandemic helped push rapid digital transformation and technology initiatives, with many businesses implementing online contracts, clauses, and recordkeeping; virtual credentialing and trainings; site inspections via drone; and more. The construction industry has also already begun to address the initial wave of claims arising from COVID-19 related to top-line issues such as subcontractor payments for workers affected by illness and site shutdowns. (All this in addition to the heavy costs of sanitization, testing, transport, and social-distancing protocols for multinational teams.)

Nevertheless, new hurdles are coming into view. Engineers and project control teams are beginning to experience a “second wave” of pandemic-related impacts that will soon cross the desks of attorneys and arbitrators—and inevitably start heading toward alternative dispute resolution (ADR) processes, including international arbitration. On large construction projects, particularly “megaprojects” (those with billion-dollar-plus budgets), the inherent complexity of disputes is increasing, and the resulting issues are likely to prove even more difficult for stakeholders and their counsel to disentangle.

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

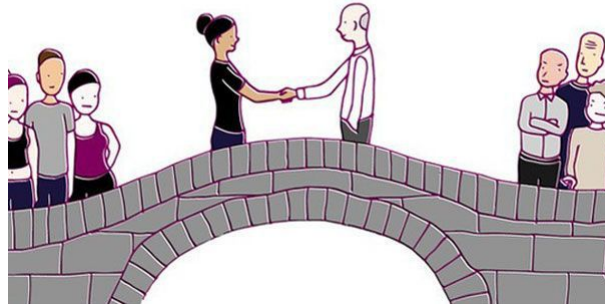
For additional information of the suite of expert services offered by our valued business partners at [Exponent](#), please contact: [Bette McKenzie](#). We thank our colleagues at Exponent for their valued friendship and continued sponsorship of the FDCC and our meetings.



#5 Bridging the Generational Gaps at Law Firms

The next live webinar in our Law Firm Leadership Town Hall Series takes place **Wednesday, August 31st at 2:00PM ET** and will discuss:

- what law firms have done to balance the different needs of younger associates versus seasoned attorneys in terms of working environment, benefits and firm culture,
- how to address the dwindling interest of attorneys wanting to become partners at law firms while preserving the business model of a law firm and
- how the pandemic has accelerated some of the change advocated by Millennials and younger generations and what this means for the future practice of law.



[Register here](#) to join your colleagues in an exclusive look at one of today's most important law firm management issues. Join facilitators: FDCC President [Howard Merten](#); and Defense Counsel: [Caroline Berdzik](#), [Jody Briandi](#); and [Frank Ramos](#) - and bring your questions, ideas and contributions to the interactive discussion.

[Click here for the Podcast](#)

**#5.1 Virtual Deposition Bootcamp
Declared a Success!
By: Joanne Blackburn**



I write to remind all of us that our friendships extend beyond the social gatherings FDCC hosts, it extends into our work.

This week FDCC hosted its first FDCC Virtual Deposition Bootcamp seminar. We had attorneys participate from across the U.S. If I were to name every FDCC member that participated and donated their time and experience to make this seminar a success, you would fall asleep. My reason for this short article is to emphasize that the FDCC members are an amazing group of trial lawyers that are committed to assisting each other in our professional lives, as well as our personal lives. When I have had trials in other states, local FDCC members have assisted in

gathering information on the trial judge, jury pool, etc. The same has occurred when I have had clients need local counsel for a case, or I have needed local counsel. FDCC members are always dependable to act when called upon for legal assistance.

The Bootcamp this week reinforced the FDCC members commitment to help individual members as well as the organization. We had issues arise last minute that effected the availability of instructors that were lined up for the seminar. Without hesitation, other FDCC members stepped up to assist when called upon. [Jody Guillot](#) and I want to give a very heartfelt and professional thank you to [Tiffany Alexander](#), [Bruce Parkerson](#), [Marisa Trasatti](#), [Robert Scott](#) and [Valerie Kellner](#) for acting as instructors at the seminar. Participants were impressed with this teaching group and praised their input. We had over 20 taped zoom presentations, with 20 different FDCC members presenting, we also had a Manual with written materials, some of these by the presenters but some not. Overall, we had over 30 members assist in making this CLE a success.

A heartfelt thank you to all those who participated and thank you for confirming that FDCC members are always available to assist when a member reaches out for assistance in or out of the Courthouse.

[Joanne Blackburn](#) is a Partner with [Gillaspy & Rhode, PLLC](#) in Seattle, WA and along with [Jody Guillot](#), Area Senior Vice President at Arthur J. Gallagher & Co., are the Co-Chairs of the Deposition Bootcamp.

#5.2 FRE 702 Amendment Set for Judicial Conference Consideration



With the unanimous decision of the Committee on Rules of Practice and Procedure on June 7, 2022, to approve the FDCC supported Amendment to Rule 702 of the Federal Rules of Evidence, the amendment is now set for consideration next month by the Judicial Conference,

which is expected to recommended it to the Supreme Court. If the Supreme Court approves the proposed Amendment, it will be sent to Congress before May 1, 2023, and will take effect on December 1, 2023, unless Congress votes to reject or modify the Amendment.

Our colleagues at [Lawyers for Civil Justice](#) have led the effort in advocating for the Amendment which clarifies that (1) the proponent of expert testimony must establish its admissibility to the court by a preponderance of the evidence before it can be presented to a jury, and (2) an expert shall not assert a degree of confidence in an opinion that is not derived from sufficient facts and reliable methods.

As the [FDCC Comments](#) to the Committee on Rules of Practice and Procedure noted, some courts do not understand their "gatekeeping" function and rather allow expert opinion testimony that does not meet admissibility standards. LCJ's many efforts in this area, along with its comments to the Committee also recognized that misapplications of the rule can have huge consequences because they unfairly influence trial verdicts, especially in high stakes multidistrict litigation which can have thousands of cases and billions of dollars at risk. The amendment will go a long way toward ensuring that Rule 702, and not outdated *Daubert* case law, is applied when courts consider the admissibility of expert opinion testimony.

We will keep our members advised of further progress being made toward approval of the Amendment.

**DON'T SAY
~~DAUBERT~~**

#5.3 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:

- **August 31st - at 2:00PM ET / 11:00AM PT: FDCC Law Firm Leadership Town Hall.** [Click Here to Register!](#)
- **September 30 - October 2, 2022: FedTechU/West** at Gordon & Rees in San Francisco, CA. [Click Here to Register!](#) (class is limited to 20 attendees). Chair: [Jimmy Wilkins](#).
- **October 16-18, 2022: FDCC's Corporate Counsel Symposium** at the Downtown Marriott in Philadelphia, PA. [Click Here to Register!](#) Co-Chairs: [Elizabeth Fitzpatrick](#), [Matt Cairns](#) and [Paul Finamore](#).
- **November 9, 2022: FDCC's Property Insurance Boot Camp** at the Sheraton Times Square Hotel in New York City, NY. Registration coming soon. Chair: [Alycen Moss](#).
- **November 9-11, 2022: FDCC's Insurance Industry Institute (I-3)** at the Sheraton Times Square Hotel in New York City, NY. Registration coming soon. Co-Chairs: [Micalann Pepe](#) and [Kile Turner](#).

- **November 30 - December 2, 2022: LCJ Meeting** at the Westin New York at Times Square Hotel.
- **February 19 - 23, 2023: FDCC's Winter Meeting** at the Omni Hotel in Nashville, TN. [Click Here to Register!](#) Convention Chair: [Lauren Curtis](#); Program Chair: [Sean Griffin](#).
- **July 23 - 28, 2023: FDCC's Annual Meeting at The Broadmoor Resort & Hotel** in Colorado Springs, CO. Convention Chair: [Casey Stansbury](#). Program Chair: [Marisa Trasatti](#).
- **February 25 - 29, 2024: FDCC's Winter Meeting at the Vinoy Renaissance Hotel** in St. Petersburg, FL. Convention Chair [Sean Griffin](#); Program Chair: [Frank Ramos](#)

...and finally... Have a Nice Day Edward F. Hennessey, IV !



Ted Hennessey is a Partner with Robinson Bradshaw in Charlotte, NC, where he focuses his practice on the efficient and creative resolution of complex public and close corporation merger and shareholder rights matters, along with health care, construction, real estate and other commercial disputes.

He represents clients in the real estate development, construction contracting, investment banking, hedge and other investment fund

management, and transportation industries.

Ted has served as lead counsel in more than a dozen jury trials, as well as numerous matters tried to the bench or to arbitrators. He also regularly serves as lead counsel in cases before the North Carolina Business Court. In addition,

Ted advises and represents clients in the negotiation of construction and other commercial contracts and corporate governance documents. He heads teams conducting internal investigations and representing the targets of both state and federal investigations.

Ted is a frequent speaker at seminars and meetings on trial and litigation practice and other issues regarding commercial dispute resolution. He also presides as an arbitrator in matters before the American Arbitration Association and American Health Lawyers Association.

Oh...and Monday is Ted's birthday! Please join with us in sending him an email to:

thennessey@robinsonbradshaw.com

to wish him a very Happy Birthday along with continued good health, success and happiness in the years to come. Happy Birthday, Ted!

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!