

FEDERATION OF DEFENSE & CORPORATE COUNSEL



**FDCC**

DEFENSE LAWYERS. DEFENSE LEADERS.



**August 2, 2024 -- Issue 234**

***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.

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## #1 Thank You for Making the 2024 Annual Meeting One for the Books!



We close out the FDCC's 2024 Annual Meeting here in Toronto today...and what a week it has been! We will provide a full summary in next week's issue.

The Annual Business Meeting is currently taking place - which includes voting on the slate of the 2024 - 2025 Board of Directors and Secretary Treasurer as recommended by the Nominating Committee.

President [Craig Marvinney](#) of The Marvinney Law Firm in Cleveland, OH will soon be taking the stage to deliver his final State of the Federation Address, and will, thereafter, pass the gavel to Incoming President [Heidi Goebel](#) of Goebel Anderson in Salt Lake City, UT who will share her inaugural remarks and plans for the year ahead.

Over 400 FDCC members and families enjoyed spectacular weather as we embraced the City of Toronto and the varied cultural events and excursions; spent an evening at Casa Loma; learned from inspiring keynote speakers and subject matter experts from our Substantive Law Sections; and enjoyed a day of fellowship...that actually defined the entire week. We will celebrate again tonight with a memorable Gala event, and then start preparations for the [Corporate Counsel Symposium](#) in New Orleans, September 15-17, 2024, and the Winter Meeting in Charleston, SC on February 23-27, 2025.



We are very grateful for the generous support of our 2024 Annual Meeting Sponsors, whose generosity helped make this meeting - and our other events throughout the year possible. Please consider calling upon their unique areas of expertise as the needs arise.

**Platinum Sponsors:** [American Jury Centers](#); [Avalon Health Economics](#); [Exponent](#); [JS Held](#); [Relevant Data Technologies](#).

**Event Sponsors:** [InQuis](#); [Rimkus](#); [Rust Consulting](#); [Profile Discovery](#); [S-E-A](#); [YA Engineering Services](#)

## #2 The Leadership of Heidi Goebel



**Shelly Masters**



**Heidi Goebel**

At around 10:45am today, [Heidi Goebel](#) of Goebel Anderson in Salt Lake City, UT will be taking over the reins as President of the FDCC. Her path to this position has been a laudable one and her experiences over the years certainly make her imminently qualified to bring her unique and exceptional qualities to the opportunities and challenges we will face in the year ahead.

In her podcast series on FedLeads, Defense Counsel member [Shelly Masters](#) of Cokinos | Young interviews our new President, which you can listen to by [clicking here](#).

Listen in as Heidi explains how her leadership coaching style has evolved over the years; how she uses that to bring out the best in others on her team; and in how she will exemplify that in her new role. If this podcast episode is any indication, the FDCC and our segment of the defense bar are in for a year of positive accomplishments under Heidi's leadership. We hope you will enjoy listening to this FedLeads podcast episode!



You can listen to the over 250 free FedSpeaks podcasts on Apple iTunes, Stitcher, Spotify, on the FDCC365 App, or wherever you listen to your podcasts. Over 10,000 downloads of FedSpeaks podcasts have already been released. Join in today!

### **#3 A Trial Story: Working Together & Winning Together**

**By: Elizabeth Lorell**



Recently, I was hired to "helicopter in" as defense counsel for trial in an employment case for a franchisee of a national chain restaurant in Federal Court, in the Eastern District of PA. Discovery was closed and trial was weeks away. Making the task more difficult was that the plaintiff was alleging discrimination, under eight separate counts for violations of federal and state civil rights statutes based on his transgender status, and I would never have an opportunity to meet the plaintiff (or any of his witnesses) until the first day of jury selection.

Then, just several days out from trial, a fellow FDCC Member, David MacMain of MacMain Leinhauser from West Chester, PA, gave me a call out of the blue. David had checked the docket in my case, saw the change of defense counsel, and let me know that he was currently handling a case, with the very same plaintiff, in another civil rights case that had also been filed in Federal Court. In a nano-second, David graciously provided me key discovery items from his case, including 450 plus pages of deposition transcripts of the plaintiff and one of the witnesses (all of which I might add were terrific)! Those transcripts, which were devastating to the plaintiff's case on cross (and to which I held in

my hand throughout the trial), were incredibly insightful and instrumental to the defense of the case.

In fact, David even came to a day of trial in support of a fellow FDCC Member. I extend my heartfelt thanks to David, for being the consummate professional (and friend) and who exemplifies (in spades) the FDCC's motto of "knowledge, justice and fellowship". This is just one of many stories our FDCC Members can tell that demonstrate that our members just don't "talk the talk" but "walk the walk" with our "trusted relationships" and "invaluable network". So cheers to David! The result? "We" won.

[Elizabeth Lorell](#) is a Partner with [Gordon Rees](#) in Florham Park, NJ. [David MacMain](#) is a Partner with [MacMain Leinhauser](#) in West Chester, PA.

#### #4 Louisiana Legislative Developments

By: Raven Fielding Benoit



The 2024 Louisiana Regular Legislative Session recently ended, and there were several changes made to the law which will affect litigation and insurance in Louisiana. These amendments go into effect in July and August 2024. For the most part, these changes are favorable to defendants and their insurance carriers.

##### **Act 275, Louisiana's new direct-action**

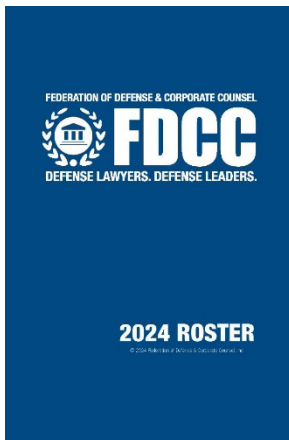
**statute.** Act 275 amends several provisions to the Louisiana Direct Action Statute, La. R.S. § 22:1269, and repeals Louisiana Code of Evidence article 411(D). In general, the Louisiana Direct Action Statute provides an injured party with a right of direct action against the tortfeasor's insurance carrier. Some amendments and additions made by Act 275 change procedural rules to limit an injured party's right of direct action. The old law permitted an injured party to directly sue a tortfeasor's liability insurer, while the new law limits the right of direct action to seven enumerated circumstances. These circumstances are:

1. An insured files for bankruptcy in a court of competent jurisdiction or when proceedings to adjudge an insured bankrupt have commenced.
2. An insured is insolvent.
3. Service of process has been attempted on the insured without success or the insured refuses to answer or otherwise defend the action within 180 days of service.
4. The cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.
5. The insurer is a UM carrier.
6. The insured is deceased.
7. The insurer is defending the lawsuit under a reservation of rights or denies coverage to the insured, but only for the purpose of establishing coverage.

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

**Raven Benoit Fielding** is a Shareholder with **Duplass Zwain Bourgeois Pfister & Weinstock** in Metairie, LA where her practice is focused on defending corporations and their insurers in matters involving complex trucking and transportation litigation, product liability, insurance coverage, general liability, and personal injury claims.

**#5 Please Check/Update Your Contact Details & Headshot Photo**



Whether you are a new member or have been one for a while, please be sure your contact information, areas of practice and photo are up to date on your personal biography page on the FDCC's website by August 9th.

We will be going to press soon to produce the 2024-2025 edition of the Roster, and download your contact information directly from the membership database.

***How to check your personal page and do an update?*** Log into [the website](#), click the hyperlink in the upper right hand corner that says "Welcome (and your name)," and check the accuracy of the information on your personal page.

The Federation Roster is the #1 "go to" resource members use to refer business to one another; staying in contact; and in networking with the premier members of our profession. Be sure to double check/update your contact information and photo at your earliest opportunity. Please [email us](#) if we can be of help.



## #5.1 The Passing of Don Smith



We are saddened to pass along news on the passing of FDCC Past President Don L. Smith, who led the Federation as its President in 1980-1981. Don was a founding partner at Smith Cashion & Orr in Nashville, TN and celebrated his 62nd anniversary as an esteemed member of the bar last fall.

Among other accomplishments, Don founded the Tennessee Association of Construction Counsel and served as its initial chairman. Now, TACC annually recognizes a leading construction law sector attorney with the "Don L. Smith Award." He was

commissioned as an officer in the United States Navy in December of 1956 and served on active duty until 1961, and in the Naval Reserve until his retirement in 1991, with the rank of Commander.

An avid golfer and leader in civic activities, he also cherished his trips to the Gulf Coast of Florida with his wife, Sandra, his three sons and their families. Don was always sporting a suntan given his love of the outdoors. He was given the nickname of "Big" due not only to his physical stature but also as a result of the impact he had in the lives of lifelong friends who were often subjected to his legendary lists of numerous questions, which they willingly answered. He rarely missed a grandchild's endeavor at school performances, soccer, softball or track.

Services will be held this morning at First Presbyterian Church. In the meantime, we send our heartfelt condolences to his loving wife of 65 years Sandra, and the Smith family. The family has requested donations be made to the First Presbyterian Church 4815 Franklin Pike, Nashville, TN 37220 in lieu of flowers.



#### #5.4 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"**

**Craig Marvinney & Paula McQueen!**



During our Annual Business Meeting here in Toronto this morning, we will commemorate and celebrate Craig Marvinney's past year as President of the FDCC.

Always supported and accompanied by his wife and our First Lady, Paula McQueen, the Marvinney's travelled across the country and internationally to represent our membership and advance the

mission of the Federation. Their "life partnership" was on full display this year - as well as here during the annual conference - which they helped in planning and executing in exceptional style and fashion.

Today, the membership of the FDCC congratulates Craig and Paul on the culmination of their year and wish them continued good health, success and happiness in all the years still to come. Please join us in sending them both a congratulatory email to:

[camarvinney@gmail.com](mailto:camarvinney@gmail.com) | [paula@paulamcqueen.com](mailto:paula@paulamcqueen.com)

**Why FDCC?**

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



**KEEP  
CALM  
AND  
DEFEND  
ON**

The central graphic of the poster is a white icon of a balance scale, symbolizing justice and defense. Below the icon, the words "KEEP CALM AND DEFEND ON" are written in a large, bold, white, sans-serif font, arranged in five lines.

**Be Exceptional Today!**