

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



August 30, 2024 -- Issue 239

Happy
Labor Day
Weekend

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 Jody E. Briandi Receives

2024 John Alan Appleman Award



Each year, the FDCC honors the Substantive Law Section Chair who has made the most outstanding contribution to the advancement of the FDCC's educational goals through the work of his or her Section. Presented annually since 1984, the award carries the name of the late John Alan Appleman, a distinguished and widely recognized insurance law scholar who served as President of the Federation from 1950 to 1952.

At this year's Annual Meeting in Toronto, then President Craig A. Marvinney presented the 2024 Appleman Award to [Jody E. Briandi](#) of [Hurwitz Fine](#) in Buffalo, NY. Jodi is Co-Chair of the FDCC's [Law Practice Management Substantive Law Section](#)

and received the award for her trailblazing work in law firm management and for championing new ideas and initiatives for law firm managing partners and their colleagues.

Congratulations Jody on this well deserved honor and recognition!

**#2 FDCC Foundation Presents
First 2024 Diversity Scholarship**



Left to Right: FDCC Members John Fitts and Ned Currie; Duquesne Law School Dean April Mara Barton; Scholarship Winner Jurry Bajwah; FDCC Foundation President Stacy Broman; FDCC Board Chair Craig Marvinney and FDCC Member Deb Varner

During her lifetime, Barb Currie was a champion of diversity. She changed the lives of many young people in Mississippi through mentoring, teaching and providing guidance in life. The FDCC is committed to **diversity and inclusion** in our organization. Barb exemplified generosity of spirit. After her untimely passing and in honor of her lifetime of giving, Past President, Lewis Collins recommended that the Barb Currie Diversity Scholarship be created. The scholarship allows its recipients to move forward in being a

positive role model for society. As a consequence, Barb's initiative and impact are now bearing fruit nationwide. She would be proud.

This year, and based on your generous donations, the FDCC Foundation's Scholarship Committee is similarly proud to award two Barb Currie Diversity Scholarships of \$10,000 each. The first was awarded on Monday this week to Duquesne University Law School 3L Student Jurry Bajwah. His story is a compelling one, but as you will read in his [personal statement](#), it is an evolving story which will continue to exemplify both the intention and promise this scholarship affords to its recipients: a dedication to the profession of being a zealous advocate to and for those who are less fortunate. As Jurry states:

I want to lead a life of advocacy that transcends political point scoring and convoluting discussions around making policy changes to better the lives of millions of Americans that live in poverty. In FDCC, I see a mentor that I never had - an organization that advocates for diversity of thought, inclusion, and offers professional development resources to promote integrity and intellectual honesty in the legal profession.

Congratulations, Jurry!

#3 Upcoming Networking Opportunities

There's no better place than FDCC meetings to meet and mingle with your colleagues, expand your current network, and build those invaluable relationships that can lead to business referrals. And we have some outstanding opportunities for you to do so...just have a look below!

Corporate Counsel Symposium

September 15-17, 2024 in New Orleans, LA



CORPORATE COUNSEL SYMPOSIUM 2024

Over 145 attendees have already registered to attend the FDCC's exclusive Corporate Counsel Symposium - September 15-17, 2024 at the Windsor Court Hotel in New Orleans. And while the hotel room block is oversold, **the hotel still has rooms available**. If you have not yet had a chance to register, please consider the compelling program our Co-Chairs April Berman, Valerie Kellner and Shelly Masters have put together.

Here are links to the:

- [Brochure](#)
- [Registration](#)
- [Dine Arounds](#)
- [Diversity Book Club Event - "The Ballad of Perilous Graves"](#)
- [Diversity Committee Dinner with Author Alex Jennings](#)
- [Buy "The Ballad of Perilous Graves"](#)

Let's gather together in "Solving the Hard Problems in the Big Easy!"

Cocktail Reception at DRI Annual Meeting

October 16, 2024 from 5:00PM - 6:00PM in Seattle, WA



If you are attending the DRI Annual Meeting at the Hyatt Hotel in Seattle, WA - or happen to be in or near the City on October 16th from 5:00PM - 6:00PM, please bring a friend, colleague or prospective member(s) and join us in the Exhibitors Hall for an adult beverage. Look for the "FDCC" signage and make your way over to the reception and network in a relaxed atmosphere with your Federation friends.

No registration is required for this Reception, but you must be a registered attendee of the DRI Annual Meeting.

Here are some useful links for the DRI Annual Meeting: [Details and Registration](#) | [Hotel](#) | Early bird pricing remains open until September 9). See you in Seattle!

FDCC Winter Meeting

February 23-27, 2025 in Charleston, SC



The room block is now open - so please plan to join us for the Winter Meeting on February 23-27, 2025 right in the heart of Charleston, SC by [registering for the event](#) today! The link for obtaining your hotel room will be sent to you in the confirming email.

[Click here](#) to see excellent educational sessions our Program Chair [Dan McGrath](#) has organized and the memorable on-site and off-site experiences, which Convention Chairs [Jeff & Heather Kelsey](#) have arranged for you and your guests to enjoy.

The full brochure will be coming soon. In the meantime, please join us in congratulating FDCC Defense Counsel member [Todd Roberts](#) of Ropers Majeski in Menlo Park, CA, who was the very first to register!

#4 U.S. Judicial Conference's Proposed Amicus Brief Amendments Are Unfriendly To The Civil Defense Bar

By: Lawrence S. Ebner



On July 31, 2024 the U.S. Judicial Conference's Committee on Rules of Practice and Procedure (commonly known as the "Standing Committee") published notice of proposed amendments to Federal Rule of Appellate Procedure 29 (Brief of an Amicus Curiae). See 89 Fed. Reg. 61498. The amendments, proposed by the Standing Committee's Advisory Committee on Appellate Rules, would make it more difficult for defense bar organizations such as FDCC to file amicus briefs in federal courts of appeals in cases involving legal issues important to their members.

Under the proposed amendments, an amicus brief no longer could be filed if, as almost always is the case, "all parties have consented to its filing." Fed. R. App. P. 29(a)(2). Instead, an amicus brief could be filed "only with leave of court" ([click here to read a Preliminary Draft of the proposed Rule 29 amendments](#), among others). I explained last

April in a Law360 Expert Analysis why [*Requiring Leave To File Amicus Briefs Is A Bad Idea*](#). Burdening federal courts of appeals with motions for leave accompanying every non-governmental amicus brief is an inexplicable step backward—especially in light of the Supreme Court’s own rules change, effective January 1, 2023, allowing timely amicus briefs to be filed there *without* the parties’ consent or the Court’s permission.

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



Lawrence S. Ebner is an FDCC Defense Counsel member and Executive Vice President & General Counsel of the [Atlantic Legal Foundation](#). He oversees ALF’s judicial advocacy activities, including its renowned, nationwide, amicus curiae (“friend of the court”) program. In addition to monitoring and analyzing cases for possible ALF amicus participation, Larry reviews requests for ALF amicus support and personally authors ALF’s amicus briefs on a wide variety of cutting-edge legal issues in the Supreme Court, federal courts of appeals, and state appellate courts. This article is submitted on behalf of the [FDCC Appellate Law Section](#).

#5 How Can Fresh Perspectives Improve Product Safety?



FDCC Platinum Sponsor

Knowledge Center

We’re pleased to present this second in a four-part series written by subject matter experts at [Exponent](#), one of the FDCC’s valued Platinum Sponsors. This week’s installment is written by **Rich Klopp, Ph.D.**; **Qiming Zhang, Ph.D.**; and **Farooq Siddiqui, Ph.D.**

For more information on the full suite of services offered by the experts at Exponent, please contact [Bette McKenzie](#).



Five ways bringing new insights to safety design reviews can support product reliability

Safety design review is a critical step in the product development process, supporting the performance, safety, and reliability of finished products. Safety design reviews are complex undertakings, requiring careful consideration of real-world use, foreseeable misuse, environmental and operating conditions, aging, and more. Importantly, many product failures and recalls occur even though they underwent testing and were fully compliant with existing safety standards and regulations.

While products can fail or malfunction in the hands of users for a variety of reasons, year over year, recall statistics underscore the high stakes associated with overall product safety and performance. The [Hong Kong Trade Development Council](#) (HKTC) tracks recalls from mainland China, the world's largest product manufacturer, drawing on data from the U.S. Consumer Product Safety Commission. According to HKTC, in 2022:

- There were 81 recalls affecting 7.4 million units involving products for adults and 68 recalls affecting 1.9 million units involving products for children.
- There were 53 recalls affecting 4.8 million units involving fire and electric shock hazards.
- There were 21 recalls affecting 831,880 units involving suffocation and choking hazards.
- There were 15 recalls affecting 665,023 units involving lead content.

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

#5.1 FDCC Dues Are Due



Please be on the lookout in early September for an email from the FDCC containing your annual dues renewal opportunity. We appreciate your continued confidence and will work to return the value of your investment in the years ahead.

The Federation's select programs and meetings provide excellent opportunities for you to foster your personal relationships, expand your professional network and deepen your friendship with others in our profession who, like you, have distinguished themselves in our profession.

There is no increase in the annual dues. The email, invoice and attached letters will provide instructions on how to renew your dues for 2024-2025 electronically, by mail or wire transfer. Please also consider making a donation to the [FDCC Foundation](#) to help with diversity law school scholarships (see #2 above), keynote speakers at our meetings, the [Ladder Down](#) program and other initiatives. If you are having difficulty logging into your personal page of the website, did not receive the dues statement or have any questions, please contact: danielle@thefederation.org.

Thank you for helping us keep the FDCC as the most respected professional defense organization in the industry by virtue of the people like you who comprise our membership. We look forward to returning the investment you make in the Federation.

#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:

- **Today at 12:00PM ET: Webinar - "Recent Trends in the Enforcement of Non-Compete & Non-Solicitation Agreements,"** presented by [Brian Nally](#) of Reminger Co., LPA. [Click here to register](#) for the webinar.
- **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](#).
- **September 14-16, 2025: Corporate Counsel Symposium** at the InterContinental Hotel in Chicago, IL.

...and finally,

"Have a Nice Day"

Christopher Scott D'Angelo!



Christopher D'Angelo is an FDCC Defense Counsel member and a partner in [Montgomery McCracken's](#) Litigation Department and Chair of the firm's Product Liability, Toxic Torts and Catastrophic Events Practice Group and its International Business Practice Group.

His practice emphasizes litigation and preventive counseling in the fields of business and business torts, intellectual property, class actions, products liability and construction, including in his role as national counsel for several major U.S. clients and his representation of foreign concerns in the United States and United States concerns abroad, as well as

litigation and other matters in the probate courts.

Christopher serves as national counsel for several multinational and domestic companies regarding business and products liability litigation and regional counsel for a multinational insurance company for products liability and other litigation. The industries in which Christopher has experience range from medical devices and pharmaceuticals, to chemicals, manufacturing and industrial equipment, automotive and other vehicles, railroad equipment, computers, construction (builders, architects and manufacturers of tools, machinery, building systems and building materials), shipbuilding, transportation,

robotics and other electronics, amusements and sporting goods, children's products, food and food supplements and consumer and household products.

Christopher is working with the EU Commission and members of the European Parliament with regard to proposals for collective redress in Europe, and has been involved in the reform of Brussels.

And today is his birthday. Please join us in filling his In Box with congratulatory wishes:

cdangelo@mmwr.com

Happy Birthday Christopher, and all our very best to you, Betsy 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 2009!

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 pair of scales of justice, positioned above the text. The text "KEEP CALM AND DEFEND ON" is written in a large, bold, white, sans-serif font, centered within the dark blue square. The word "AND" is smaller than the other words and is positioned between "CALM" and "DEFEND".

Be Exceptional Today!