



FDCC
DEFENSE LAWYERS. DEFENSE LEADERS.



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Good Morning!

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#1 A Message from President Marc Harwell



I am filled with gratitude and humility for the honor to serve as your President. Thank you for this profound honor and for the trust you have placed in me to lead our beloved Federation.

With respect to humility, I didn't always understand why leaders often say that they are humbled by an honor, position, or award. I think that I now understand - because no one deserves such distinctions without having been the recipient of the gifts, work, and aid of others.

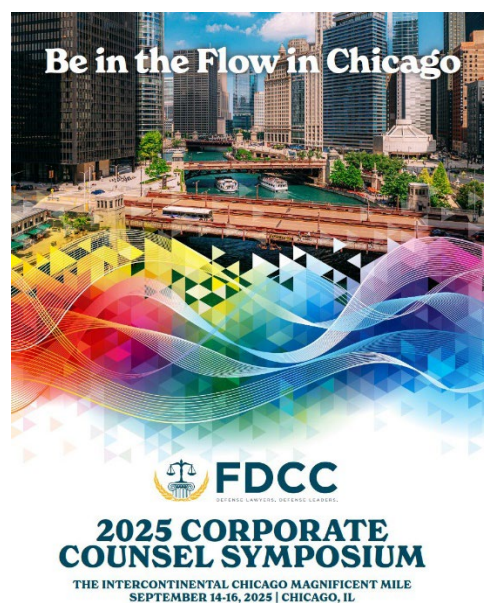
With respect to gratitude, I am grateful to my wife Holly for 28 years of a wonderful marriage and partnership and for her encouraging me to take the risk of leaving a secure position with a firm where I worked for 30 years to start my own firm. If Holly had not encouraged me to risk a substantial part of our livelihood, I would not have been able to take on the responsibilities related to this new opportunity of leadership. I also thank her for the patience and for the support that she has provided during my time as an Officer of this Board - while working full-time in my legal practice.

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

#2 Register for the Corporate Counsel Symposium (Defense Counsel are also Welcome)!

Are you ready to dive into the current of innovation, insight, and impactful legal leadership? The **2025 FDCC Corporate**

Counsel Symposium is your opportunity to step into the flow of ideas, practical solutions, and unparalleled connections. From **September 14–16 in the heart of Chicago**, FDCC will gather corporate and defense counsel leaders for three days of dynamic CLE, vibrant networking, and one-of-a-kind idea exchange.



Gain actionable guidance on today's most pressing legal and business challenges:

- AI in Legal Practice – Navigate the real-world implementation of generative and agentic AI with compliance and security in mind
- Environmental Risk & Regulation – Stay ahead of PFAS, climate claims, and citizen suits with practical risk strategies
- Legal Ops – From solo GCs to multi-layered teams, sharpen your approach to governance, outside counsel alignment, KPIs, and more
- Insurance Coverage & Executive Risk – Protect your leadership and coverage strategy from emerging legal pitfalls
- ADR & International Arbitration – Evaluate alternatives to litigation and design winning arbitration clauses
- Trade Secrets & DTSA – Learn how to preserve, enforce, and leverage your company's IP under increasing pressure

And don't miss FedTalks—concise, inspiring presentations designed to spark new thinking.

Connect with seasoned peers, build relationships with corporate counsel and industry leaders, and collaborate across sectors during:

- Receptions & Dine Arouns
- Interactive Panels
- Dedicated DEI Roundtable Luncheon

FDCC's unmatched community spirit fosters not just professional growth—but enduring camaraderie. Our thanks to CO-Chairs: [Nicole Benjamin](#), [Chelsey Golightly](#) and [Tim Moore](#) for organizing a valuable conference.

[Click Here to Register, to Reserve Your Hotel Room, See the Brochure and Secure Your Place at the Dine Arouns](#)

#3 FDCC Takes to the Skies!



If you were one of the over 500 members and guests attending last week's 2025 Annual Meeting, you will remember the encore to the final night as we "Mingled on the Mountain." An incredible drone show lit up the skies over Park City, UT to close out our time together. And for those unable to attend the meeting, or for those who saw and want to see it again, click on the image above to watch a video replay (you may need to start it from the beginning).

The drone show was another representation of the Federation living the composition of our membership by being "Over & Above!"

Our thanks again to Convention Chair [Tiffany Alexander](#) and Program Chair [Lee Hall](#) for all the dedicated time and efforts that made this meeting one of the very best....ever.

#4 The End of "Woke" AI? Navigating Executive order 14319 in Federal Procurement

By: Dessi N. Day & Eric E. Kinder



Dessi N. Day



Eric E. Kinder

On July 23, 2025, the President of the United States published an executive order titled “Preventing Woke AI in the Federal Government.” This order follows the ongoing efforts to erase all “diversity, equity and inclusion” initiatives, describing DEI as one of the most destructive “ideological biases or social agendas” and “ideological dogmas.” A brief summary of the key provisions of the order is below along with dos and don’ts for federal agencies and vendors procuring services for the federal government.

Executive Order 14319 in a Nutshell

The order applies to every executive-branch agency and any “wholly owned Government corporation” as defined in section two of the order. Section 3

provides that those agencies may only procure large language models (LLMs) that must satisfy two “unbiased AI principles:”

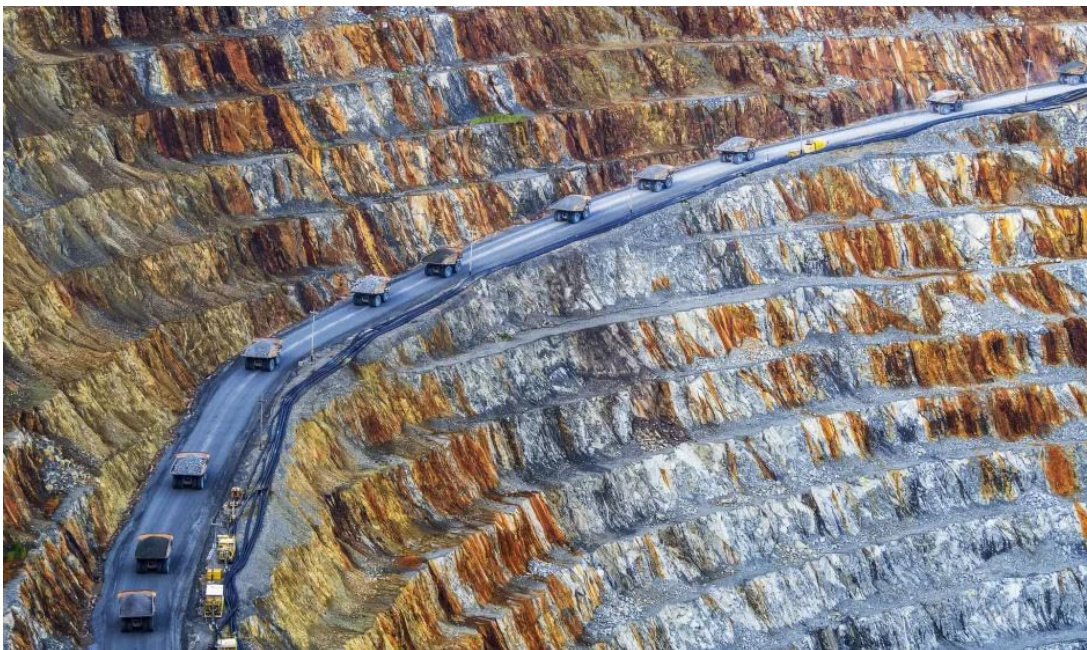
- *Truth-Seeking* – prioritizing historical accuracy, scientific inquiry, objectivity, and candor about uncertainty.
- *Ideological Neutrality* – prohibiting models that “encode partisan or ideological judgments,” specifically singling out concepts associated with DEI, critical race theory, intersectionality, etc.

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

Dessi N. Day is an FDCC Defense Counsel member and a Partner at **Pierson Ferdinand** in Los Angeles, CA. She represents employers in wage and hour class and representative actions, wrongful termination, discrimination, harassment, and trade secret litigation. She advises employers on discipline, leaves of absence, accommodations, internal investigations, and HR policy compliance.

Eric E. Kinder is an FDCC Defense Counsel member and a member at **Spilman Thomas & Battle** in Charleston, WV. His primary areas of practice are labor and employment law with an emphasis on wage and hour, including class and collective actions, age discrimination, and daily advice and counsel.

#5 And Now a Word from Our Sponsor...Exponent



Unearthing Successful Strategies in Critical Minerals Mining Disputes

By: Harri Kytömaa, Ph.D., Blake Whitley, Ph.D., Kate Murdock, Ph.D.,
and John Harmon, Ph.D.

Rising demand for critical minerals like rare earth elements is driving rapid growth in the mining sector, which comes with the risk of project delays, cost overruns, accidents, and equipment failures. Exponent empowers stakeholders in the critical minerals mining sector with rapid, multidisciplinary failure analysis to minimize downtime and financial loss following incidents.

By leveraging advanced tools like DEM, CFD, FEA, and NDT, Exponent delivers precise root-cause insights and litigation-ready expertise that clarify complex technical failures. Our proactive risk management strategies help clients strengthen operational resilience, reduce future disputes, and thrive amid accelerating global demand.

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



[Exponent](#) is a Platinum Sponsor of the FDCC. For more information of the entire suite of experts and services, please contact [Bette McKenzie](#).

#5.1 Welcome to Our New Members!



Please join us in extending a warm welcome to our newly admitted members:



Kevin J. Willging is Executive Counsel with **Travelers** in Cockeysville, MD where he manages high exposure extra-contractual litigation against the Company. He also trains the claim staff on strategies to avoid extracontractual exposure and advises claim clients on potential extracontractual matters.

Prior to his current responsibilities, Kevin practiced with the Niles, Barton & Wilmer law firm in Baltimore, MD.

Kevin and his wife Kimberly reside in Finksburg, MD



Jamie S. Schacter is a Partner with **Zuber & Company, LLP** in Toronto, ON, where he practices in all aspects of litigation with an emphasis on representing both plaintiffs and defendants in the areas of insurance law, personal injury, medical malpractice, property damage, contractual disputes, landlord / tenant disputes, and sexual assault.

His depth of experience in property damage cases involving oil spills, resulted in the largest general damage jury award in Canada arising from a residential oil spill. This has led to his practice expanding significantly to include a homeowner's claim for mold damages from faulty construction, claims from large-scale oil spills and cleanups; and the largest tar spill and confined space cleanup in North America. Jamie is a member of Canadian Bar Association

(Ontario), Canadian Defence Lawyers, The Advocates Society, and The Medico-Legal Society.

Jamie resides with his wife [Sari](#) in Toronto, Ontario.

Welcome Aboard!

#5.2 What's On the Docket



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

- **September 14-16, 2025: Corporate Counsel Symposium** at the InterContinental Hotel in Chicago, IL. Co-Chairs: [Chelsey](#)

[Golightly](#), [Nicole Benjamin](#), and [Tim Moore](#), Click on the links for the [Brochure](#) and to [Register](#).

- **November 5-7, 2025: Insurance Industry Institute** at the Westin Times Square Hotel in New York City. Co-Chairs: [Sarannah McMurtry](#) and [Jeff Van Volkenburg](#). Registration coming soon.
- **February 24-28, 2026: Winter Meeting** at the [J.W. Marriott Desert Ridge Resort](#) in Scottsdale, AZ: "**Together We Rise From the Valley**". Convention Chair: [Frank Ramos](#); Program Chair: [Micalann Pepe](#).
- **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](#).
- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#).
- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#).

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

Heidi L. Vogt!



Heidi is an FDCC Defense Counsel member and an attorney with [von Briesen & Roper, SC](#) in Milwaukee, WI where her practice has a particular focus on insurance coverage disputes, commercial disputes and complex litigation.

Heidi serves as the co-Chair of the firm's Insurance Coverage and Risk Management Section. She has represented insurance companies in Wisconsin and across the country in both state and federal courts in complex insurance coverage matters for more than 30 years. She represents and counsels insurance clients on a wide variety of topics including general liability, environmental, asbestos, toxic tort, products, construction defect, mold, bad faith, mass tort, trucking, intellectual property, firearms litigation, employer liability, first party property, and professional liability. She is frequently retained to negotiate and draft allocation agreements among insurers and develop creative solutions to various insurance coverage issues.

Heidi lectures on a wide variety of topics including environmental insurance coverage, claims handling best practices, bad faith litigation, motor carrier issues, and advertising injury liability/personal injury liability coverage.

And today, she is celebrating her birthday! Please join us in sending her an email with best wishes to:

heidi.vogt@vonbriesen.com

Happy Birthday, Heidi, and all the very best on your special day. We wish you, Brian and the family all the very best of continued good health, success and happiness in the years ahead.

Thank you for being a valued member of the FDCC since 2016!

Why FDCC?

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

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