

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



May 13, 2022 -- Issue 119

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 conducting on behalf of all our members.

#1 FDCC Flyer Magazine Now Available

The Spring 2022 issue of the FDCC's Flyer magazine is filled with the latest updates on the Annual Meeting in Seattle, news, photos and announcements. You can get a copy of the digital version by clicking on the button below. The hard copy of the magazine is at the printer and will be mailed to you shortly.

The issue includes the following articles:

- Reports from the Officers
- Candidates for the Board of Directors
- Secretary Treasurer Candidate's Statement
- Details on the Annual Meeting



- Updates on the 2022 Corporate Counsel Symposium; Property Insurance Boot Camp; and Insurance Industry Institute
- Congratulating our newest Technology Master Advocates
- Reflections on the Winter 2022 Winter Meeting
- Reports from the many FDCC Committees and Lawyers for Civil Justice
- Updates from the Membership Development and Membership Recruitment Committees
- Announcing the winner of the 2022 Barbara Currie Diversity Scholarship
- Welcoming our new members
- Thanking our valued sponsors
-and much more!

Click on the button below to download your free copy of the FDCC Flyer today, and the watch your mailbox for the hard copy.

[Click here for the Spring 2022 "Flyer" magazine](#)

#2 How the Russian/Ukrainian Conflict Impacts US Cybersecurity

By: Sean Griffin





Russian cyberattacks aren't new. From NotPetya in 2017 to the Colonial Pipeline attack last year to countless ransomware attacks, Russia has been striving to beat out China and North Korea for the mantle of the world's biggest governmental cyberthreat. President Biden focused on combatting Russian ransomware attacks almost [as soon as he got into office](#) with good reason.

But the Ukraine invasion has turned the threat [up to eleven](#). Russia [launched denial of service attacks](#) on Ukrainian [banks and its defense industry](#) ahead of the invasion, and Russian malware [wiped Ukrainian software](#) before the attacks began. Russia also [targeted Ukraine's largest energy company](#) in an apparent attempt to cause widespread blackouts. [Ukraine is countering](#) with its own malware attacks against Russia, and [Microsoft has joined](#) anti-cyberattack efforts.

Recently, the cybersecurity authorities of the United States, Australia, Canada, New Zealand, and the United Kingdom released a [joint Cybersecurity Advisory](#) to warn organizations that Russia's invasion of Ukraine could expose organizations both within and beyond the region to increased malicious cyber activity. Separately, the Department of Energy, the Cybersecurity and Infrastructure Security Agency (CISA), the National Security Agency (NSA), and the FBI released a [joint Cybersecurity Advisory](#) warning that certain malicious actors could access critical US infrastructure, especially the energy sector, and it was not hard to figure out which country's actors were attracting the most concern. In case you need a hint, the FBI also just [announced](#) an occupation designed to disrupt and prosecute Russian cyber-criminal activity. And those are just a few of the warnings that governments around the world have issued within a month or so of this writing.

[Click here to read the rest of the article](#)

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#3 Sixty Seconds in Seattle



Although it was only built in 2012, the [Seattle Great Wheel](#) has quickly become a fixture of the city's skyline—plus it adds an entirely new sightseeing perspective, thanks to its location perched on the end of Pier 57.

Enjoy three revolutions around in one of the air-conditioned gondolas to see the city, water, and mountains on the horizon.

You can even enjoy a spectacular dinner and view of the Puget Sound while enjoying the Wheel featuring food from [The Fishermans's Restaurant and Bar](#). Let the amazing chef prepare a lovely 4-course dinner for you and pair it with a great bottle of Red or White wine to compliment your dining experience!

Registration is now open for the the FDCC's Annual Meeting in Seattle, WA at the Hyatt Regency Hotel, July 25-30, 2022. [Click Here to see the mini-Agenda.](#)

After registering for the meeting, you will then receive a code with which to make your hotel reservations. Register now to take advantage of the early-bird discount - by clicking on the button below. Our Convention Chair Heidi Goebel and First Lady Erin Christie look forward to seeing you in Seattle - and at our private President's Reception at the [Chihuly Garden & Glass Museum!](#)



[Please click here to Register for the Annual Meeting](#)

#4 Commanding Presence with Tim Pratt



Come to Seattle and “Fill the Room.”

How many of you remember THAT person, the one who walks into a room and commands attention with gravitas, comportment, effective communication skills, a comfortable and friendly demeanor and, well, “presence.” Such a person is an inspirational leader who induces confidence and respect. Do you have presence? Do you want it? If so, don’t miss the special session on Monday, July 25, 2022, from 3-5 pm at the FDCC Annual Meeting in Seattle.

This session is entitled “**Presence, Communication and the Power of Persuasion: In the Courtroom, Boardroom and Living Room.**” It will describe presence, demonstrate it, train on it, and provide tips and

techniques for every occasion. Among the topics to be discussed are storytelling as a component of presence, how presence differs across generations and genders, and how emotional intelligence can serve you well with jurors, friends and significant others.

Led by Tim Pratt, former FDCC President, and Margo Myers, former nightly news co-anchor in Seattle and currently consultant on executive presence and communication, this session will also showcase FDCC luminaries like Alison Christian, Frank Ramos, Molly Craig and Wayne Mason.

Don’t miss this. You will walk out as a different you!! See you there.

#5 Enforcing Statutory Prohibition on

Liability Coverage for Willful Acts

By: Andy Downs



California has long had a statutory prohibition of insurer liability for a policyholder's willful acts in [Insurance Code § 533](#). On April 19th California's First District Court of Appeal held section 533 precludes coverage for lead paint manufacturers' public nuisance liability arising out of their promotion of lead paint for residential use while knowing the hazards of lead paint, including childhood lead poisoning.

[***Certain Underwriters at Lloyd's London v. ConAgra Grocery Products Co., No. A160548 \(April 19, 2022\)***](#) resulted from a nine-digit public nuisance liability ConAgra, as successor to a paint company, owed to a number of California cities and counties. The underlying litigation against a number of paint companies resulted in a judgment that the paint companies had assisted in the creation of a public nuisance by promoting lead paint for interior and exterior use despite having known of lead's hazardous qualities for nearly a century. In the ensuing insurance coverage litigation, the trial court found Insurance Code § 533 applied to eliminate liability insurance coverage because the defendants "intentionally promoted lead paint with knowledge that damage to children was at least highly probable." The Court of Appeal affirmed, addressing three issues: The extent to which section 533 applied to successor liability, the causal connection required between the willful conduct and the harm, and the degree of knowledge required to invoke section 533.

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

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#5.1 The Golden Rules of Rain Making, Connecting & Relationship Building By: John Trimble



One of the best pieces of advice that I was given as a young lawyer was to make and build friendships and relationships for a lifetime. My mentor, Robert Wagner, loves people, and over a period of many years, I compiled a list of "golden rules" that I had gleaned from his example.

Periodically, I have added a few of my own. I hope that this is a list that you will keep and find time to remember. I can assure you that the very best in any profession adhere to some or all these rules. Here goes:

1. Always be responsive. No one will hire or give repeat business to a lawyer who is not extremely responsive. Make sure that your staff and team are responsive on your behalf.

2. Do good work and guard your reputation. Your reputation includes your integrity, your substantive competence, your attention to detail and your reliability, among others. Never lie...ever.

3. When you meet me, tell me your first name and your last name. As a daddy of daughters, I realize that sometimes you hold back on personal information as a matter of personal security, but in professional meetings you want people to be able to find you later for referrals and other opportunities.

Grab your umbrella and read the rest of the article by clicking
here

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#5.2 Welcome Our New Member



The FDCC is proud to announce the following Corporate Counsel has been admitted into the Federation this week.

Please join us in welcoming them!

- [Valyce D. Woolaston](#) is in-house Litigation Counsel at [Dominion Energy Services, Inc.](#), in Raleigh, NC, where she is responsible for managing tort litigation related to Dominion Energy's operations in North Carolina and South Carolina. This involves retaining and managing outside counsel, liaising with insurers, and making strategic legal decisions with business partners. She also advises operations and claims organizations on matters that have the potential to lead to litigation. She and her husband [Dorian](#) reside in Raleigh, NC.

Welcome Aboard!

5.3 In Memoriam Wendy Trigg



There's an old adage that it's "the clothes that make a man." In actuality, it is the life partner that stands beside him.

No truer words than these were ever spoken as they apply to Wendy Trigg, the stalwart and ever-present right hand of FDCC Defense Counsel Member and Past President, **Jack Trigg** of **Wheeler Trigg O'Donnell LLP** in Denver, CO. Wendy passed away at home surrounded by her family on May 7th.

Wendy and Jack had built their lives, and a beautiful family, together over the past 60 years. Having initially met at the University of Colorado, Wendy supported Jack by

working at the Mountain Bell Telephone Company while he attended the University of Denver Law School.

Raising and caring for their 3 children (Robert, Nancy and David) and their 8 grandchildren, Wendy was always at Jack's side during his years with the Federation and was a fabulous First Lady, emblematic of all the wonderful qualities accompanying that title during the year Jack was our president in 1995-1996. She was the first to greet new members with her warm and caring smile and remained as one of our greatest emissaries.

Wendy was also very active outside of the home where she served in and advanced numerous community organizations, including the Art Museum and Junior League of Denver. She was a lover of classical music, art and reading history. She and Jack traveled the world and, not surprisingly, she made life-long friends wherever they went. To be certain, she made a lasting impact on everyone.

A Celebration of Life service will be held on Sunday, May 15, 2022, at **Denver Country Club**, 1700 E 1st Ave, Denver, CO 80218 from 2:00 PM to 2:30 PM, with a reception following until 5:00 PM. Those wishing to honor her life can make donations to the **Junior League of Denver**, 1720 S. Bellaire St. Suite PH, Denver, CO 80222, or the **Delta Gamma Anchor Center for Blind Children**, 2550 Roslyn St., Denver, CO 80238.

In the meantime, we offer our heartfelt condolences to Jack and the family. We are all better people for having had the privilege of knowing and befriending Wendy.

#5.4 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:

- **July 25 - 30, 2022: FDCC's Annual Meeting** at the Hyatt Regency Hotel in Seattle, WA. [Click here to register.](#)
- **October 16-18, 2022: FDCC's Corporate Counsel Symposium** at the Downtown Marriott in Philadelphia, PA. Registration coming soon.
- **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.
- **February 19 - 23, 2023: FDCC's Winter Meeting** at the Omni Hotel in Nashville, TN.
- **July 23 - 28, 2023: FDCC's Annual Meeting at The Broadmoor Resort & Hotel** in Colorado Springs, CO.

- **February 25 - 29, 2024: FDCC's Winter Meeting at the Vinoy Renaissance Hotel** in St. Petersburg, FL

...and finally... Have a nice day Jay R. Old!



Ask Jay about his favorite experience as a lawyer and he will tell you about the time his opponent came to him after a week-long arbitration and said: "I wish you were my lawyer!" Or the times he has participated in free legal clinics helping veterans and underprivileged solving their legal problems.

Jay is a Partner with **Hicks Thomas** in Beaumont, TX.

He'll also proudly tell you about traveling the country to promote and educate others on the importance of our civil jury system. To Jay, being a lawyer is more than just handling lawsuits for a living.

Jay's practice has been varied and granted him the opportunity to work with, and against, some of the most seasoned, highly regarded lawyers in the country. He has successfully handled challenging litigation in "Judicial Hellholes" with lead roles in personal injury, medical negligence, product liability, construction and insurance coverage litigation.

Jay is a former President of the Texas Association of Defense Counsel, the largest state-wide defense lawyer organization in the country. Jay chaired the Construction Law Section of the State Bar of Texas and served on numerous task forces appointed by both the State Bar of Texas and the Texas Supreme Court. He has earned an AV Rating by Martindale-Hubbell, is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialist, a member of ABOTA, a Fellow in the Texas Bar Foundation and is an active member in DRI and has been a valued member of the FDCC since 2010.

He currently serves on the Board of Sky High For Kids, a non-profit raising money for cancer-stricken children and their families, and has served numerous other civic organizations, including the Rotary Club of Beaumont and the Beaumont Chamber of Commerce.

And on May 17th, Jay will be celebrating his birthday - together with a tremendous career at the bar as well as to the public. Please join us in sending Jay a celebratory email:

jold@hicks-thomas.com

to wish him a very "Happy Birthday" together with all very best wishes for continued good health, success and happiness in the years to come.

Why FDCC?

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



Be Exceptional Today!