

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



June 14, 2024 -- Issue 228

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.



Please click on the links for the [Brochure](#) and to [Register](#) to attend the **2024 Annual Meeting. See you at the Fairmont Royal York Hotel in Toronto, Ontario - July 28 to August 3!**

In today's issue:

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#1 Flyer Magazine - Spring 2024 Issue

While the printer begins the process of assembling and mailing the FDCC Flyer magazine to you, we thought you might like to see an advance copy. Please click on the button below to download a copy. The issue is packed full with articles on the upcoming [Annual Meeting](#) in Toronto, an update on the Federation's current efforts - as well as looking back at photos from the fabulous Winter Meeting!

The issue also includes articles on:

- Reports from the Officers
- Candidates Standing for Election to the Board of Directors
- Update on the Corporate Counsel Symposium ([click here to register](#))
- Meet Our Newest Technology Master Advocates
- Diversity, AI & Professional Women's Forum Initiatives
- Welcoming Our New Members



Our thanks to FDCC Defense Counsel Members [Dan McGrath](#) and [Gordon Walton](#) who serve as Executive Editors of the Flyer, and to [Alan Rutkin](#), [Valerie Kellner](#) and the Communications Committee, for their assistance in making this issue of one of the very best!

[Click here for the Flyer flip-book version](#)

[Click here for the Flyer PDF version](#)

#2 Everything You Want to Know About the 2024 Annual Meeting!



Heather Sanderson



Tiffany Alexander



Marisa Trasatti

We are pleased to bring you this week's podcast in which FDCC International Defense Counsel Member [Heather Sanderson](#), chats with our Annual Meeting Convention Chair [Marisa Trasatti](#) and Program Chair [Tiffany Alexander](#).

Hear about all the highlights of the meeting, the exciting CLE program, and the on and off-site excursions all of which have been organized to provide you and your family with a memorable experience at the 2024 Annual Meeting being held at the Fairmont Royal York Hotel - July 28 to August 3, 2024 in Toronto, Ontario Canada.

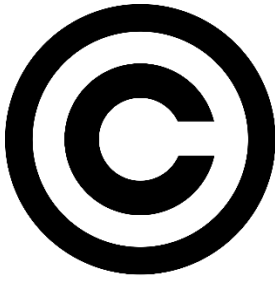
[Click here to listen to the podcast](#)



members of the FDCC.

You can listen to the FDCC's FedSpeaks podcasts on Spotify, iTunes, Stitcher, the Fed365 app or wherever you get your podcasts. Find out what over 10,100 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for

**#3 Developments Affecting Litigation of
Copyright Cases
By: Jose I. Rojas**



In May, there were two actions taken by the Supreme Court of the United States that will have significant impact on copyright suits and the damages available in such matters. The first action is the elimination of limits on copyright damages tied to the length of the statute of limitations. The second was the denial of *certiorari* review in a case that challenged the application of the discovery rule which allows for extension, in some cases, of the time for filing a copyright claim. Moreover, the removal of the lookback limit to damages in the copyright cases may arguably extend to patent infringement and other cases.

On May 9, 2024, the Supreme Court of the United States resolved a conflict among the circuits by siding with the Eleventh Circuit in holding that claims for damages in copyright infringement cases are not limited to the three years immediately preceding the filing of the suit. [Warner Chappell Music, Inc. v. Nealy](#), No. 22-1078 601 U.S. ____; 144 S. Ct. 1135 (May 9, 2024). The Court held that because the Copyright Act does not contain in its text any time limit on monetary recovery, if a claim is timely filed within the three-year statute of limitations (even if extended by the discovery rule), a copyright owner is entitled to obtain monetary relief for any infringement, “no matter when the infringement occurred.” *Id.* at 1139.

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



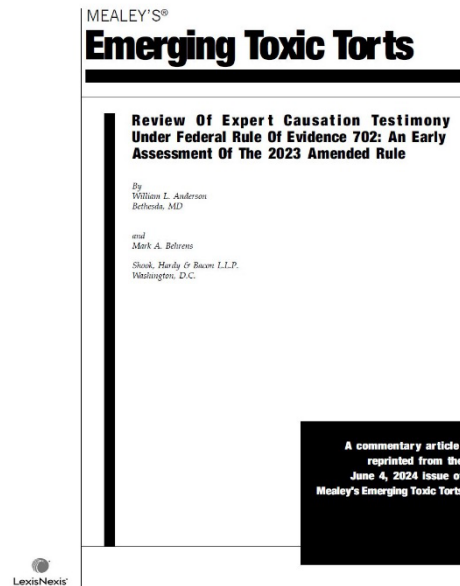
[Jose Rojas](#) is an FDCC Defense Counsel member and founding partner of [Rojas Law](#) in Miami, FL where he concentrates his practice in handling complex business and intellectual property litigation and alternative dispute resolution, as well as counseling in intellectual property, franchising, international and technology-related legal matters. This article is presented on behalf of the FDCC's [Intellectual Property Substantive Law Section](#).

**#4 How Courts Are Addressing Expert
Testimony Under Amended FRE 702**

Mealey's Emerging Toxic Tort Report recently included an article by Mark Behrens of Shook Hardy & Bacon and William Anderson discussing the 2023 amendment to FRE 702 - why the rule was adopted, what it says, and what it seeks to accomplish.

The article also:

- surveys some of the key early cases interpreting and applying the amended rule
- provides practice pointers for attorneys who need to assert the new rule's changes in courts that have been reluctant to apply the 2000 or 2023 versions forcefully, if at all, and
- discusses recent developments in a number of states to align their state court rules of evidence with the new federal rule.



[Click here to read the article](#)



For up-to-date developments on the manner in which federal courts are addressing the amendments to Rule 702, and the ongoing initiatives to have state courts adopt the amended rule, bookmark the "[Don't Say Daubert](#)" website of Lawyers for Civil Justice.

#5 Members in the Spotlight



Wednesday was quite a day as FDCC members were shining brightly at the Annual Meeting of the Arkansas Bar Association in Hot Springs, AR!

Congratulations to [David Fuqua](#) of [Fuqua Campbell](#) in Little Rock, AR on the well deserved honor of receiving the C.E. Ransick Award of Excellence! Being selected for the award is a prestigious honor and is bestowed upon one attorney each year who the Association and its Foundation select as setting the bar of excellence, and exemplifying high quality practice in and out of the courtroom. Well done David!



Joining David (right) at the meeting were [Jamie Huffman Jones](#) (left) of [Friday Eldredge & Clark, LLP](#) in Little Rock, AR who assumed the position of the bar association's President-Elect on Wednesday; and [Claire Parsons](#) (middle) of [Bricker Graydon](#) in Fort Mitchell, KY who was a featured speaker at the meeting.

Congratulations to you all, and thank you for representing and advancing the FDCC reputation of exceptionalism.

#5.1 Welcome Our New Member



Please join us in welcoming the following new member who has been admitted to our membership:



[John C. Krawczyk](#) is a Senior Counsel with [Fee, Smith & Sharp, LLP](#) in Dallas, TX, where he focuses his practice on matters involving construction, insurance defense, premises liability, auto accident liability, Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, Section 504 and the Age Discrimination Act of 1975. He has been published several times in the US's oldest daily law journal, The Legal Intelligencer during the time he practiced law Philadelphia.

John is an avid gardener and foodie, who also enjoys taking his two daughters to the zoo and traveling to far off locations. He and his wife [Ashley](#) reside in Keller, TX.

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:

- **June 20, 2024 at 1:00PM ET: "FDCC Diversity Book Club"** discussing "The Sum of Us." [Click here to register.](#)
- **June 21, 2024 at 12:00PM ET: FDCC Insurance Coverage Webinar: "The Role of Coverage Counsel in Mediating Liability Claims,"** moderated by [Adam Durst](#) with [Jean Lawler](#) and [John Trimble](#). [Click here to register.](#)
- **June 26, 2024 at 5:30PM: FedMeets with All Hoosiers!** Meet us at the [Public Greens](#), 902 E 64th St, Indianapolis. Please RSVP no later than June 12 via email to becky.mcdonald@ya.law.
- **July 10, 2024 at 2:00PM ET: FDCC Corporate Roundtable on the Intersection of DEI and ESG** moderated by [Michael Rettig](#), Global CLO and CCO of Giorgi Global Holdings, Inc. **OPEN TO FDCC CORPORATE COUNSEL ONLY.** [Click here to register.](#)
- **July 28 - August 3, 2024: FDCC Annual Meeting at the Fairmont Royal York Hotel in Toronto, ON.** Convention Chair: [Marisa Trasatti](#); Program Chair: [Tiffany Alexander](#).
- **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](#)

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...and finally, "Have a Nice Day" Andrew Simpson!



Andy is an FDCC Defense Counsel member and the founding partner of his law firm in Christiansted in the U.S. Virgin Islands, where his practice is focused on Trials and Appeals, Insurance Defense and Coverage, Admiralty and Maritime Law, Products Liability and Environmental Law. He has been a valued member of the FDCC since 2008.

Andy frequently appears in the courts of the Virgin Islands and the U.S. Third Circuit Court of Appeals and is nationally recognized for his appellate advocacy and use of technology. He speaks regularly at seminars on technology, including speaking at the ABA TECHSHOW. He also serves on the editorial board of the ABA's GP|Solo Technology and Practice Guide.

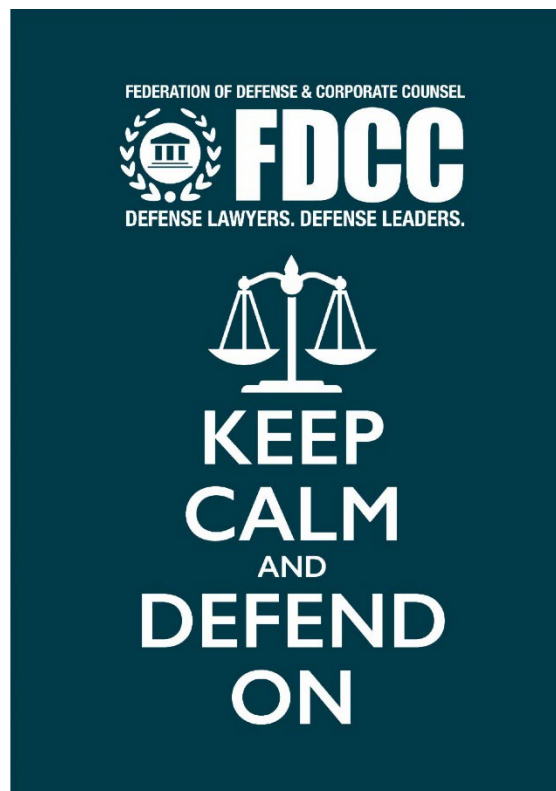
Andy will celebrate his birthday tomorrow! Would you please join us in sending him a Happy Birthday email to:

asimpson@coralbrief.com

Congratulations Andy, and our very best wishes to you, Robin and the family 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!