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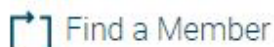


BUILDING NETWORKS BUILDING FRIENDSHIPS

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.

#1 Are You Up To Date?



The largest single item clicked on the FDCC website is the "**Find A Member**" link in the upper right hand corner of the Home Page. We also know that one of the greatest assets of being an FDCC Member is the Blue Book - containing the contact details of our vetted members. These two resources are used by members and others to refer business - but in order to do so, your contact and background information needs to be accurate and up to date.

We are in the process of pulling together all the information to produce the 2024 Blue Book "Roster", which will come out in the Fall. So **please take a**

moment to review the accuracy of your membership listing in the Roster (you can also [check it here](#) online), and then log into your personal biography page to make any changes, upload a new photograph and update your professional background and specialty areas of practice. You will be glad you did.

#2 ALI, Bar Groups Need More Defense Engagement For Balance

By: Mark Behrens



The personal injury plaintiffs bar has an impressive level of participation in organizations that are involved in the development of the law. Many of these attorneys have a genuine interest in improving the law, regardless of any economic self-interest.

But bias and promotion of policies that benefit plaintiffs are present. For various reasons, defense counsel are, in general, not similarly engaged. The result is a lack of balance that is palpable. [The American Law Institute](#) and the

Florida Bar's Civil Procedure Rules Committee are examples. Groups that are involved in the development of the law must do a better job attracting and welcoming lawyers representing diverse corporate defendants and corporate counsel. The defense bar, in turn, must become more active, so that the perspective of civil defendants is not missed, or worse, drowned out. Balance is critical if groups that have long enjoyed a special place of prestige and influence in the law wish to continue to command widespread respect. Otherwise, they risk being viewed as advocacy groups, akin to the [American Association for Justice](#).

[Mark A. Behrens](#) is a partner and co-chair of the public policy group at [Shook Hardy & Bacon LLP](#).

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

#3 *Dupree v. Younger* Update: SCOTUS Speaks By: Robert Olson



The U.S. Supreme Court recently (May 25) issued a unanimous ruling in *Dupree v. Younger* holding that when a district court denies summary judgment based on a pure issue of law, the aggrieved party need not raise the issue again at trial or post-trial via a Rule 50 motion in order to preserve the right to appellate review. The opinion can

be found [here](#). The case was first mentioned in the March 31, 2023, Friday Five.

The court acknowledged that “the line between factual and legal questions can be ‘vexing’ for courts and litigants,” and noted that “it would not be surprising if ‘prudent counsel . . . make sure to renew their arguments in a Rule 50 motion’ out of an abundance of caution.” Guidance from the Court on separating “purely legal” arguments from others? Not a lot, save for noting that a purely legal issue is one where nothing that happens at trial factually would change the decision. And the Court declined to apply that standard to the case before it, because the circuit court had dismissed the appeal out of hand:

“We need not decide whether the issue Dupree raised on appeal is purely legal—the Court of Appeals may evaluate that and any other properly preserved arguments in the first instance.”

So, the law has been clarified, but not in a terribly helpful manner. Hence, the default rule about preserving error in federal court remains –err on the side of filing 50(a) and 50(b) motions if there is any doubt at all about whether you are raising a purely legal issue that was previously rejected on summary judgment.

Robert Olson is Partner Emeritus with Greines, Martin, Stein & Richland LLP in Los Angeles, CA. Contact him at: rolson@gmsr.com

#4 Southeast Division Meets!



Last week, 12 of the FDCC's finest members of the Southeast Division got together to attend the Braves v. Mets game at Braves stadium in Atlanta, GA hosted by Ben Mathis. As Larry Smith said, "it really brought home how social activities and camaraderie are part and parcel of the relationships we forge in the FDCC."

FDCC members from left to right below are: Scott Salter, Matt Bailey, Jason Pannu, Kelly Brilleaux, Jennifer Thomas, Larry Smith, Kim Jackson, Erik Crep, and Rich Dukes. Also attending was Erick Thompson, an adjustor at AIG's Aerospace Division (top row on the right). Thanks also to [Ben Mathis](#) of [Freeman, Mathis & Gary, LLP](#) in Atlanta who took the photo and hosted the event.

Want to bring the gang in your area together? Please contact [Dan McGrath](#) for all the details on hosting a local/regional event with fellow FDCC members.

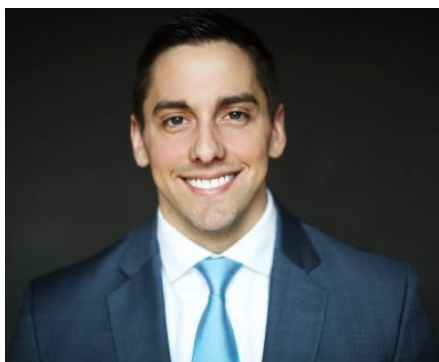
#5 Welcome to Our New Members



Please welcome our newly vetted and approved members!



[Jaimesen Heins](#) is General Counsel and Corporate Secretary at [E Automotive, Inc.](#) in Burlington, VT. The company is an automotive technology enterprise connecting the automotive wholesale and retail experiences (TSX: EINC). As General Counsel, Jaimesen leads the legal, compliance and risk management functions. He is also Corporate Secretary to the Board of Directors and member of E INC's Senior Leadership Team. He has 20+ years experience advising public and private companies across various industries. Prior to his current responsibilities, Jaimesen worked at Keurig Dr. Pepper and Burton Snowboards. He and his wife [Erin](#) reside in Burlington, VT.



[Adam R. Durst](#) is a Partner with [Goldberg Segalla](#) in Buffalo, NY where he focuses his practice on complex insurance coverage law and coverage litigation in state and federal courts throughout New York and across the country. Adam provides insurers with analysis and advice under all types of policies and coverages, including commercial general liability, commercial auto, professional liability, employment

practices liability, and other specialty lines, as well as first-party coverages of all types. His practice involves advising on coverage determinations yet to be made and guiding insurers through situations where a coverage determination is subject to dispute.

Adam currently serves as national counsel for several companies, ushering them through the ever-changing claims landscape, whether it be in COVID-19 coverage litigation or claims handling in the face of revival statutes such as the Child Victims Act and Adult Survivors Act. Adam also represents insurers in bankruptcy cases involving sexual abuse by priests and others. Adam and his wife [Karly Whitman](#) reside in Tonawanda, NY.

#5.1 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 23 - 28, 2023: FDCC's Annual Meeting at The Broadmoor Resort & Hotel** in Colorado Springs, CO. Convention Chair: [Casey Stansbury](#). Program Chair: [Marisa Trasatti](#). Registration coming soon.
- **October 22 - 24, 2023: FDCC's Corporate Counsel Symposium** at the Philadelphia Downtown Marriott Hotel in Philadelphia, PA. *"The Leader in WE"*. Co-Chairs: [Alison Christian](#) and [Bill Vita](#).

- **November 8 - 10, 2023: FDCC's Insurance Industry Institute (I-3)** at the Sheraton Times Square Hotel. ***"Insights, Innovation & Inspiration: New Approaches for Insurance Leaders."*** Co-Chairs: [Micalann Pepe](#) and [Alycen Moss](#).
- **February 25 - 29, 2024: FDCC's Winter Meeting at the Vinoy Renaissance Hotel** in St. Petersburg, FL. Convention Chair [Sean Griffin](#); Program Chair: [Frank Ramos](#)

...and finally...
Have a Nice Day
Melissa M. D'Alelio !



We're shining the Federation's spotlight on Melissa D'Alelio today. Melissa is Chair of the Insurance and Catastrophic Loss Group and Member of the Executive Board at [Robins Kaplan, LLP](#) in Boston, MA. She has been a valued Defense Counsel Member of the FDCC since 2019.

But here is the headline: last week, Melissa was named **"Insurance and Reinsurance Lawyer of the Year"** by Euromoney's 2023 Women in Business Law Americas during its awards ceremony.

She was recognized for her professional accomplishments in the insurance industry, as well as her advocacy for the advancement of women in the legal profession. Based on her achievements, Melissa was also recently ranked for Insurance in the 2023 Chambers USA Guide. She has also been recognized as a "Woman Worth Watching" by *Profiles in Diversity Journal* and a "Massachusetts Super Lawyer" by *Super Lawyers*.

Melissa divides her sophisticated insurance practice between liability and property claims, representing clients in the investigation, litigation and trial of a broad spectrum of first and third party coverage, subrogation, reinsurance, and bad faith matters. She also counsels non-insurer clients in general business litigation and contract disputes, labor and employment matters, personal injury, and products liability.

Her practice includes representing insurers in the resolution and litigation of a broad range of liability coverage and claims handling disputes under primary and excess commercial, and other specialty line policies, evaluating their duty to defend and indemnify their insureds. Melissa is well versed in resolving claims involving personal and advertising injury, defective construction, additional and other insureds, priority of coverage, and allocation disputes. Melissa's extensive experience in resolving policy interpretation disputes in both the property and liability arenas enables her to assist insurers in drafting customized policy forms and endorsements.

And the best part is...she is one of us.

Please join us in sending her an email:

mdalelio@RobinsKaplan.com

to congratulate Melissa on this latest accolade from her peers and colleagues and in wishing her and Mike all the very best for continued success, good health and happiness in the years ahead.

Why FDCC?

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

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



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CALM
AND
DEFEND
ON**

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