

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



June 17, 2022 -- Issue 124

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 Register Today for the Annual Meeting Off-Site Events



In 38 days, the FDCC's members, spouses, guests and family members will be congregating in Seattle, WA for the Annual Meeting held at the Hyatt Regency Hotel on July 25-30, 2022. If you have already registered, please log back onto the [registration page](#) and select those on-site and offsite activities in which you would like to participate, today. The

number of available spots for each activity is included in the right-hand margin on the page.

Look at who has [already registered to attend!](#)

Our Convention Chair, [Heidi Goebel](#), has arranged an exclusive and extensive variety of activities in which to participate, including:

- A tour and tastings at some of the Pacific Northwest's exceptional wineries;
- Electric Boat Excursions
- Tours of Pike Place Market
- Stand-Up Paddleboarding
- Sizzlin' in Seattle Cookoff Competition
- and many more

Don't be left behind!

And if you have not yet registered for the meeting, please do so today!

The FDCC [Annual Meeting brochure](#) contains all the informative programs and memorable off-site activities you will want to take advantage of. The brochure also contains a complete listing of the valuable, relevant and informative Plenary and Substantive Law Section programs that our Program Chair [Amy Miletich](#) has put together.

If you have not yet had a chance to register, now's your chance to join with the current 168 FDCC members who have already done so! If you'd rather not register online - just use this [PDF form](#). And if you have any questions, please call us: 610-992-0002 so we can help with any logistics or inquiries.

We look forward to seeing you, your Spouse, guest, significant other and children in Seattle for a spectacular Annual Meeting because "Together We're Better!"

#2 Sixty Seconds in Seattle



Aviation buffs, take note: Seattle is also home to [The Museum of Flight](#), one of the largest air and space collections in the country, with an overwhelming number of things to see—like a Boeing lunar rover and an Air Force One from the Eisenhower era—and do, including NASA space shuttle trainer tours and flight simulators.

To explore this extensive collection of aviation history, you need to join us in Seattle! [Please register to attend the 2022 annual meeting today.](#)

#3 The Nominating Committee Wants to Hear From You



Let your voice be heard!

At each Annual Meeting of the FDCC, the Nominating Committee meets to hear from members and interviews those candidates standing for the positions of Director, Senior Director and Secretary-Treasurer on the Board of Directors. The Committee then recommends a slate of Board candidates to be voted on by the general membership at the Annual Business Meeting.

To provide your comments on those members standing for election, kindly [click here](#) to reserve a time slot with the Nominating Committee on Thursday, July 28th in the Chillwack Room at the Hyatt Regency Hotel. If you are unable to attend the Annual Meeting, the Nominating Committee would still like to hear from you. Please send a confidential email or letter to Executive Director [Bernie Heinze](#), so he can provide it to the Nominating Committee members.

To see all the candidates standing for election to the Board and to read their leadership summaries, as well as the Secretary-Treasurer candidate's Candidate Statement, please [click here](#).

#4 Avoiding Expert Overstatement And FRE 702 By: Michael Walsh



While the adage that one person's junk is another's treasure may apply to items found in a junk shop, it has no place on a witness stand and that is what the amendments to Rule 702 of the Federal Rules of Evidence target.

FRE 702 is not being amended because it was a bad rule or because of advances in medicine, science or technology. The Committee on Rules of Practice and Procedure observed that the amendments are "designed to address the problem of overstatement by experts" because "overstatements are often admitted by

courts” creating an uneven playing field by misapplying or otherwise fumbling the analysis and leaving the jury to figure out both how to pick up the ball and which end zone to choose.

The Committee concluded that emphasizing “the preponderance standard in Rule 702 specifically was made necessary by the courts that have failed to apply correctly the reliability requirements of that rule.” Committee Report at 892-893. The Committee observed that many courts simply buy the argument of the proponent of the expert and conclude that the challenge to expert’s opinion goes to the weight not the admissibility leaving it to the jury to wrestle with testimony that should have been excluded. An amended FRE 702 will require the Court to decide whether it is more likely than not that “the expert’s conclusion is properly derived from the basis and methodology that the expert has employed.”

[Michael A. Walsh](#) is an FDCC Defense Counsel Member and a Partner with [Parsons McEntire McClearly, PLLC](#) in Dallas, TX. Contact him at: mwalsh@pmmlaw.com.

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

#5 Friends In All Places! FDCC's Winter Meeting: Nashville 2023



Hey Y'all!

Calling all FDCC musicians. Whether you play an acoustic guitar, banjo, mandolin, saxophone, fiddle, steel guitar, bass, dobro, clarinet, washboard, flute, kazoo or even if you can hum on wax paper over a comb, we need you! We need some serious (or maybe

even not so serious) musical talent to help us have some fun in making the first presentation to the membership on the upcoming Nashville 2023 Winter meeting during the upcoming Annual Meeting in Seattle.

Also...if you have any Nashville music connections, we would love to hear from you on that as well. If interested, please reach out to [Lauren Curtis](#); [Sean Griffin](#) or [Marc Young](#). One last thing...please Save the Dates of February 19-23, 2023 to join us for the Winter Meeting in Nashville!

#5.1 FDCC Podcast Featuring Frank Ramos & Matt Cairns



Frank Ramos



Matt Cairns

Our latest FedSpeaks podcast episode is a fascinating discussion between FDCC Defense Counsel Member [Frank Ramos](#) of [Clarke & Silvergate](#) in Miami, FL and Corporate Counsel Member [Matt Cairns](#), Associate General Counsel with [Textron](#) in Providence, RI.

Listen in as Frank and Matt discuss:

- the ways in which defense counsel can bring more value to an engagement,
- alternative billing arrangements,

- how General Counsel are relooking at the defense of cases post-Covid;
- doing more in diversity recruiting and in establishing diversity objectives in law firms; and
- a true insight into the new ways of looking at work in the new legal environment.
- You can even hear about how Matt survived his recent trip to the dentist and second booster shot!

[Click here to listen to the podcast.](#) You can also hear the episode, and all our podcasts exclusively for FDCC members, on the FedSpeaks channel on iTunes, Spotify, Stitcher, or wherever you get your podcasts.



#5.2 LCJ Releases 2021 Annual Report



Our colleagues at [Lawyers for Civil Justice](#) released their [2021 Annual Report](#) this week.

The FDCC is a founding member and proud supporter of the LCJ's important efforts in shaping the equitable future of litigation.

The report summarizes LCJ's advocacy and other initiatives during the past year - and across the 35 years of its efforts - on matters pertaining to expert evidence, multi-district litigation, third-party litigation funding, cost allocation and pre-trial discovery.

We look forward to continuing our mutual efforts with LCJ's President Doug Lampe of Ford, General Counsel Alex Dahl, and its new Executive Director Dan Steen.

#5.3 Welcome Our New Members



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

Please join us in welcoming them!

- [Jayme C. Long](#) is a Partner at [DLA Piper, LLP US](#) in Los Angeles, CA, where her practice is focused on defending companies faced with complex litigation matters, including product liability, premises liability, mass torts and commercial litigation. She represents companies in the energy, chemical, manufacturing, medical, safety and maritime industries in state and federal courts across the country. Jayme is recognized as one of 2022's most influential women attorneys by the *Los Angeles Business Journal*. She also authored the book, *2015 California Premises Liability Law*, published by The Recorder, and contributed to the 2013–2014 *CACI Companion Handbook* on jury instructions (Product Liability). Jayme frequently writes articles on a number of subjects including jury selection, millennial jurors, post-trial motions and cross-border discovery and regularly speaks on issues impacting product manufacturers and premises owners.

- [Nicole Michelle Brunson](#) is the Head of Litigation & Disputes at [Arrival](#) in Charlotte, NC, where she manages and directs outside counsel and legal costs associated with general litigation, product liability, and commercial litigation; collaborates on corporate insurance portfolio and service business teams on proactive risk mitigation. Prior to her current responsibilities, Nicole worked with Trane Technologies/Ingersoll Rand.
- [Teresa J. Dunmire](#) is a partner with [Kay Casto & Chaney, PLLC](#) and manages the firm's Morgantown, WV office. Teresa's practice encompasses all areas of civil litigation with a concentration on construction litigation, insurance defense, and the defense of personal injury and wrongful death claims. She has been recognized by Best Lawyers in America since 2011 (currently listed in the fields of Insurance Law, Litigation-Construction, and Personal Injury Litigation – Defendants). Teresa has been serving as a member of the Board of Governors for Defense Trial Counsel of West Virginia since 2011 and currently serves as its President. She also serves currently on the WVU College of Law Visiting Committee. She taught Pre-Trial Litigation at the West Virginia University College of Law from 2006-2014 and taught Expert Witnessing in the West Virginia University Department of Forensic Identification from 2000-2004.

Welcome Aboard!

#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 25 - 30, 2022: FDCC's Annual Meeting** at the Hyatt Regency Hotel in Seattle, WA. [Click here to register.](#)
- **August 16-17, 2022: FDCC Virtual Deposition Boot Camp** - 10:00am to 6:00PM ET. Register by emailing: danielle@thefederation.org.
- **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
Marie E. Chafe!**



Marie Chafe is a Partner in the Boston, MA office of **Conn Kavanaugh Rosenthal Peisch & Ford, LLP**, where her practice is focused on representing business clients in the defense and trial of an array of disputes, including wrongful death and catastrophic injuries in complex product liability matters (automotive, medical devices, construction and industrial equipment, building products, consumer and recreational products), transportation issues, toxic torts and asbestos litigation, business and franchise disputes, and consequential

warranty claims against U.S. and international manufacturers, distributors, and insurers.

Marie has worked with hundreds of general counsel, national counsel, and insurers to develop a strategy for successful litigation defense. She tries cases in the state and federal courts of Massachusetts and Connecticut. In her association work and personal commitment, Marie works hard to advance opportunities for women in the law.

And check this out.....she is descended from a trailblazer: her grandmother and namesake Marie E. Jessen was admitted to the Ohio State Bar on July 31, 1926 by the famous Carrington Tanner Marshall who served for twelve years as Chief Justice of the Supreme Court of Ohio and was later a judge at the Nuremberg Trials.

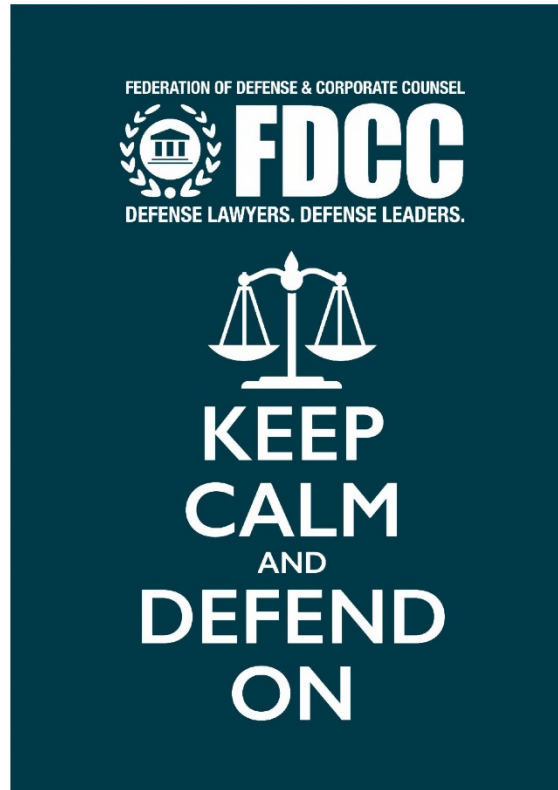
Oh, and today is Marie's Birthday. If you have a moment, please join us in sending her an email at:

mchafe@connkavanaugh.com

to send congratulations on her special day and to wish her 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!