

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



June 28, 2024 -- Issue 230

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!**

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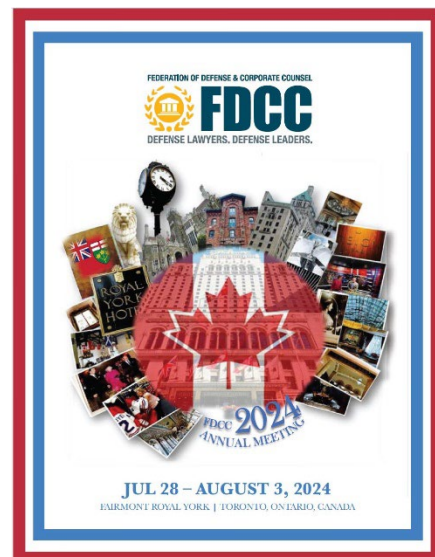
#1 Reaching New Heights in Leadership, the Law and in Life!

"Early" Registration for the 2024 Annual Meeting
& Hotel Room Block Close July 8, 2024

If you could enhance your knowledge and advance your practice by learning from some of the best practitioners in our industry - all in one place - would that be of value to you?

Annual Meeting Program Chair [Tiffany Alexander](#) has organized a compelling curriculum of CLE sessions touching upon the most relevant and emerging areas of the law for the upcoming Annual Meeting in Toronto - July 28 to August 3, 2024. Here's a small sampling of what you can expect to learn and take back with you:

- Implementing Legal Technology Tools and AI Resources in Your Practice
- Arbitration & Mediation Trends & Strategies
- PFAS Developments
- DEI Policies & Fostering a Strong Corporate Culture
- Evolving Employment Law Issues
- Anatomy of Attorney Fee Awards
- Coverage & Liability Issues for Criminal Activity
- Litigating in Canada & the US
- "Live" Voir Dire Selection: To Strike or Not to Strike!
- Discovery Terrorism
- Evolving Legal Malpractice Issues



Find details on these and other sessions by clicking on the brochure icon above. And while you're there, be sure to examine all the memorable off-site excursions and on-site events Convention Chair [Marisa Trasatti](#) has put together for you and the family to enjoy! **And don't forget to sign-up to spend an evening with**

your FDCC friends at the home of Dave & Lisa Zuber on July 31st at 7:00PM!

Can we reserve a place for you? Registration is easy - just [click here](#) for all the details. Looking forward to spending a most enjoyable time with you at the Fairmont Royal York Hotel next month!

#2 SCOTUS: State Gender Care Bans and Implications for Coverage Decisions

By: Russell S. Buhite



“Gender-affirming care”, per the World Health Organization, generally refers to a whole range of social, behavioral, psychological and medical interventions that are designed to support an individual’s gender identity when it conflicts with the gender assigned by birth.

“Transition” is a process that differs by individual. While some need hormone therapy and surgery to treat their gender dysphoria, that is not always the case. Health professionals help transgender and non-binary people explore different ways to express gender identity and medical treatment options for gender dysphoria. This assistance can take the form of hormone therapy, hair removal, speech therapy, counseling, reproductive care, or gender confirmation surgery. They may also pursue medical appliances and speech and counseling services.

The American Medical Association has recognized gender-affirming care as medically necessary to improve the physical and mental well-being of transgender or gender-diverse people. <https://www.ama-assn.org/system/files/2019-03/transgender-coverage-issue-brief.pdf>

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



Russell Buhite is a Shareholder with **Ogletree Deakins**. He represents life, health, and disability insurance companies and benefit plans in litigation and advises on both ERISA and non-ERISA matters pending in federal and state courts across the country. Russell is Chair of the FDCC's **Life, Health, Disability Insurance Section** and has submitted this timely article on behalf of the Section.

#3 FDCC Member in the Spotlight: Congratulations to Matt Cairns!



At this year's DRI Diversity for Success Seminar in Nashville, Tennessee, **R. Matt Cairns**, Senior Associate General Counsel at Textron and an FDCC Corporate Counsel Member, received DRI's Sheryl J. Willert Pioneer Diversity Award. DRI presents the award annually to acknowledge outstanding individual accomplishments that demonstrate pioneering efforts that foster greater appreciation, advancement, and celebration of diversity and inclusiveness in the legal profession's culture and environment.

Matt was instrumental in founding DRI's Diversity Committee, and he serves as an in-house counsel mentor for DRI's Diversity Professionalism & Business Development Mentoring Program. Imoh Akpan and Toyja Kelley spoke movingly at the presentation luncheon about Matt's continuing contributions to DRI's diversity efforts and to their lives personally. During his acceptance speech, Matt urged attendees to reach outside of their demographic comfort zone to promote diversity, equity, and inclusion efforts.

Mohamed Bakry served as Program Chair for the DRI's Diversity for Success Seminar; **Ebony Morris** served as Program Vice Chair, and **Imoh Akpan** served as Committee Vice Chair. FDCC President-Elect **Heidi Goebel**, Diversity Committee Chair **Frank Ramos**, and Membership Development Committee Chair **Sean Griffin** attended the seminar on the FDCC's behalf to support DRI's diversity efforts.

Congratulations Matt on this well deserved recognition and honor....and a belated **Happy Birthday from all of your friends in the Federation, Hope you and Tracey celebrated in grand style yesterday.**



Left to Right: Imoh Akpan, Matt Cairns & Toyja Kelley

#4 Congratulations to Angela Brandt & Will Manuel



Angela Brandt



Will Manuel

After two and a half weeks of trial in Magoffin County, Kentucky, FDCC Defense Counsel members [Angela Brandt \(Larson King\)](#) and [Will Manuel \(Bradley Arant\)](#), assisted by Brad Bultman (Larson King) and Mike Brooks (Wells, Anderson & Race), garnered a defense verdict for the 3M Company.

The case involved a plaintiff who developed coal workers pneumoconiosis after spending his working life as a coal miner in Kentucky and West Virginia. The plaintiff alleged that the respirator he claimed to have worn was defectively designed and that the company had not provided adequate warnings. Plaintiff asked the jury to award \$25,000,000 in compensatory damages and \$50,000,000 in punitive damages. The jury found for 3M, concluding that there was no design or warning defect in the product.

This is 3M's second trial win this year in Kentucky. Angela was also one of the trial lawyers obtaining a defense verdict in Pike County, Kentucky in February 2024.

Now that's Federation exceptionalism in action!

If you've had a great result, received accolades from your peers, or have something to celebrate, please [email us](#) the details so we can share it in the 5's!

#5 Critical Role of Coverage Counsel in Mediation



Please [click here](#) or on the image above if you missed last Friday's informative webinar on the important role insurance coverage counsel can play in mediations - or if you'd like to watch it again or share it with a colleague.

Adam Durst of Goldberg Segalla moderated the session with his expert panelists Jean Lawler of Lawler ADR and John Trimble of Lewis Wagner, who provided guidance on the best practices insurance coverage counsel can utilize in liability cases to improve the chances of a successful mediations.

#5.1 FDCC Hoosiers Unite!



FDCC Indiana Members



John Trimble & Nat Jordan

Wednesday evening, our members from the great state of Indiana gathered together for an enjoyable evening of good food and drinks complemented by excellent fellowship (back row, L to R) John David Hoover, Christopher Lee, John Trimble, Matthew Hinkle, Lisa Jordan, Eric Riegner, and Nathaniel Jordan; (front row, L to R) Matthew Melton, Amanda Mulroony, and Aubrey Noltemeyer.

FDCC Defense Counsel Members Nat Jordan, Amanda Mulroony, and John David Hoover hosted the event, and Board member John Trimble was also there to greet fellow Indiana members. Special thanks go to Hoover Hull & Turner for providing a lovely dinner and also big thanks to Martha Hoover for making her restaurant, Public Greens, available for the event and for preparing the

food. Looking good Guys...and way to represent with that St. Pete Winter Meeting Beach towel!

If you'd like to organize a regional informal get together in your area with fellow FDCC members, please contact [Dan McGrath](#). The first adult beverage is on us!

#5.2 Welcome Our New Member



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



[Brian Wacker](#) is a Partner in the St. Louis, MO office of [The Cook Group](#) where his practice focuses on commercial and real estate litigation, management-side labor and employment litigation and probate litigation.

He represents first-party small and medium-sized businesses and fiduciaries in the greater St. Louis metropolitan area (Missouri and Southern Illinois). Brian is also retained by clients as general counsel, providing ongoing risk management guidance with respect to human resources, internal management and shareholder concerns. Brian serves on the Board of Directors for the St. Louis chapter of Boys Hope Girls Hope and is an active supporter of Cornerstone Center for Early Learning in the City's Shaw neighborhood and Loyola Academy in Midtown St. Louis. He and his wife [Lauren](#) are the proud parents of twins!

Welcome Aboard!

#5.1 What's on the Docket?



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

- **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" Atoyia Harris !



Atoyia serves as special employment law counsel and the Labor and Employment Law Department and is the administrative leader of Discrimination, Harassment & Title VII Practice Group and co-chair of the Black Lawyer's Affinity Group and member of the Women's Alliance Steering Committee at Proskauer Rose in New Orleans, LA. She has been a valued FDCC Defense Counsel member since last year.

Her practice includes counseling clients on employment and separation agreements, reductions-in-force, the WARN Act, employment policies, internal investigations, and issues arising out of social movements such as the Black Lives Matter and #MeToo, and other sensitive employment issues.

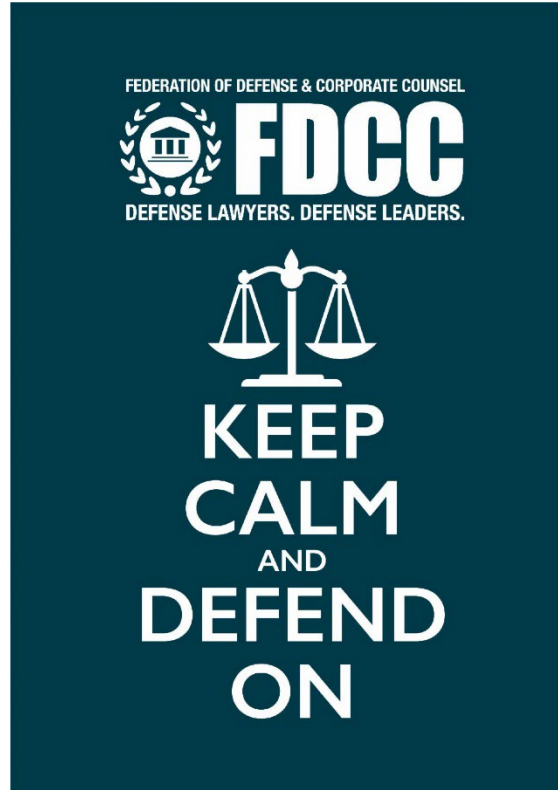
While it is not her birthday, we still celebrate her engagement in the Federation and contributions to the community. Please join us in sending her best wishes today with an email to:

aharris@proskauer.com

Thanks Atoyia! We appreciate your membership in the FDCC and the advocacy you bring to your clients and the bar.

Why FDCC?

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



Be Exceptional Today!