



June 9, 2023 -- Issue 175



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 Pride Month 2023



As we prepare to come together at the FDCC's Annual Meeting in Colorado Springs in July, this photo - taken at the majestic Garden of the Gods National Natural Landmark nearby - calls to mind the Federation's commitment to diversity and professionalism and as a professional association where all are welcome. This commitment is ongoing, and especially notable, during the Celebration of Pride Month.

We continue to implement the [FDCC's Diversity Initiative](#), and foster the Foundation's Annual [Barb Currie Diversity Scholarship](#) through your generous donations. It is fundamental to our Association and our profession that the doors of membership remain open to all defense and corporate counsel and industry professionals who meet our membership criteria, to mirror the inclusive composition of our family members, clients, jurors, judges, colleagues and friends. The FDCC actively advocates for expanding our inclusiveness in the legal profession, and seeks to ensure equal opportunity for all persons in the membership, leadership, engagement and activities of the FDCC regardless of sexual orientation, or gender identity, race, ethnicity, sex, disability, country of origin, socio-economic status, religion, age, or marital status.

We remain committed to providing access to knowledge, justice and fellowship in a welcoming environment of fairness and equity for everyone.

Thank you for being part of the diverse tapestry of professionals comprising our membership and making us proud to be the inspired community of vetted defense counsel, exceptional leaders and even better people. [Please send us your ideas](#) on how the FDCC can further expand its commitment to diversity.

#2 FDCC 2023-2024 Secretary/Treasurer and Board Elections



The FDCC Members listed below have declared their intent to stand for election to the Board of Directors, and for the positions of Secretary/Treasurer (2); Senior Director (11) and Director (9). Please review their Leadership Summaries and the Candidate's Statement for the position of Secretary/Treasurer on the [Elections Page](#) of the website.

Secretary/Treasurer

Marc H. Harwell
Harwell & Hurst, PLLC
Chattanooga, TN
[Candidate Statement](#)
[Leadership Summary](#)

Casey C. Stansbury
Freeman, Mathis & Gary, LLP
Lexington, KY
[Candidate Statement](#)
[Leadership Summary](#)

Senior Directors

Tiffany M. Alexander
Nelson Mullins Riley &
Scarborough LLP
Berwyn, PA
[Leadership Summary](#)

Alison R. Christian
Liberty Mutual Insurance
Company
Phoenix, AZ
[Leadership Summary](#)

Sean C. Griffin
Dykema Gossett PLLC
Washington, D.C.
[Leadership Summary](#)

Lee M. Hall
Jenkins Fenstermaker,
PLLC

Jennifer E. Johnsen
Gallivan, White & Boyd,
PA

R. Jeff Kelsey
Federal Express
Memphis, TN

Huntington, WV
[Leadership Summary](#)

Daniel W. McGrath
Hinshaw & Culbertson
Chicago, IL
[Leadership Summary](#)

Marisa Trasatti
Cipriani & Werner
Baltimore, MD
[Leadership Summary](#)

Greenville, SC
[Leadership Summary](#)

Francisco Ramos, Jr.
Clarke Silvergate, P.A.
Miami, FL
[Leadership Summary](#)

Kile T. Turner
Norman Wood Kendrick & Turner
Birmingham, AL
[Leadership Summary](#)

Leadership Summary
Coming Soon

Heather A. Sanderson
Sanderson Law
Calgary, Canada
[Leadership Summary](#)

Directors

Caroline J. Berdzik
Goldberg Segalla
Princeton, NJ
[Leadership Summary](#)

Valerie Kellner
Wilson Elser
Philadelphia, PA
[Leadership Summary](#)

Scott M. Salter
Starnes Davis Florie LLP
Birmingham, AL
[Leadership Summary](#)

Charlie T. Frazier, Jr.
Alexander Dubose &
Jefferson, LLP
Dallas, TX
[Leadership Summary](#)

Robert C. Lockwood
Wilmer & Lee, P.A.
Huntsville, AL
[Leadership Summary](#)

Alan S. Rutkin
Rivkin Radler, LLP
New York, NY
[Leadership Summary](#)

Jeffery M. Guillory
First Acceptance
Insurance Company
Columbia, MO
[Leadership Summary](#)

Alycen A. Moss
Cozen O'Connor
Atlanta, GA
Leadership Summary
Coming Soon

John C. Trimble
Lewis Wagner, LLP
Indianapolis, IN
[Leadership Summary](#)

You are cordially invited to offer your personal and very valued comments regarding the FDCC candidates standing for election. [Please click on this link](#) to reserve your time slot for the FDCC's Nominating Committee Meeting to be held on **Wednesday, July 26, 2023 in the Robert Trent Jones, Sr. Room (Golf Club Building) at the Broadmoor Resort in Colorado Springs, CO** in conjunction with the Annual Meeting.

Any member who is unable to attend the Nominating Committee Meeting is encouraged to provide their input on candidates for consideration by the Nominating Committee. Members should provide their comments in writing to

the [FDCC President](#). Such comments will be treated with utmost confidentiality and provided to the Chair of the Nominating Committee.

#3 FDCC Law Practice Management Town Hall Meeting: Wednesday, June 14, 2023 at 1:00PM ET



Jody Briandi



John Trimble



Steve Embry

"Strategic Planning: Process, Purpose & Goals"

Please make time to join us this coming Wednesday for an interactive discussion on law firm strategic planning. FDCC Defense Counsel member [Jody Briandi](#) of Hurwitz Fine will moderate the session and is joined by industry experts and FDCC Defense Counsel members [John Trimble](#) of Lewis Wagner and [Stephen Embry](#) of TechLaw Crossroads who will talk about their approach and why it is a critical piece of law firm management.

[Please click here to register for this FREE Town Hall](#)

#4 Zero-to-Sixty for Electric Vehicles & Lithium-Ion Batteries By: Nicholas Faenza, Ph.D., P.E., CFEI



The global push toward a carbon-free future has sparked an [electric vehicle \(EV\) revolution](#) — and a rapid increase in lithium-ion (Li-ion) battery production to power millions of EVs. In parallel, technology is evolving to address consumer safety concerns and meet new regulatory standards governing EV battery production all around the world, including a transformative 5-minute warning system designed to protect drivers and emergency personnel.

The road ahead

For industry, the demand for Li-ion-powered EVs has reached an inflection point: [more than 70 countries](#) have pledged to achieve net-zero emissions in the coming decades, and some are planning to eliminate internal combustion engines at the same time. In the U.S., [billions of dollars](#) have been allocated to facilitate the nationwide transition to EVs, including infrastructure to support vehicle charging.

As consumers negotiate this mass transition in what it means to drive a vehicle, ranging from daily questions (where to charge along the road) to differences in long-term maintenance (no more oil changes), EV manufacturers also have an opportunity to get ahead of the curve. By harnessing emerging technologies focused on evolving EV battery pack safety, stakeholders can not only advance consumer safety goals but help ensure compliance with critical, fast-evolving regulatory oversight.

Dr. Nicholas Faenza is Senior Managing Engineer at our Platinum Sponsor [Exponent](#) in Menlo Park, CA. Contact him at: nfaenza@exponent.com

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



#5 Rule 702 Update

DON'T SAY ~~DAUBERT~~

We continue working with our colleagues at [Lawyers for Civil Justice](#) (including its General Counsel and FDCC member Alex Dahl, and its Executive Director Dan Steen), in advancing the amendments to Fed.R.Civ.P., Rule 702, pertaining to the admission of expert witness opinion testimony.

As we have recently reported, the US Supreme Court has approved the amendments as recommended by the Administrative Office of the US Courts and has sent them to the US Congress. In the event no action is taken in December, the amendments will become final. Our collective efforts with our sister organizations of the DRI and International Association of Defense Counsel, continue with LCJ in advocating the gatekeeping function in the state courts. The FDCC's network of state representatives are providing invaluable information that is being compiled and will be organized on a common portal available to you. Template motions, research, briefs and other resources will be available.

In the meantime, we thought you might like to see the links below to the 50-state summary of where things stand now, and an excellent amicus brief making the case in the states of the important gatekeeping obligation to ensure that expert testimony is the product of sufficient data and reliable methods.

[Click here for the 50-state survey](#)

[Click here for the Amicus Brief](#)

#5.1 Authenticating Social Media
By: Benjamin M. Watson



Social media is an increasingly important source of evidence in litigation. Some posts may directly relate to the facts at issue in a case, while others, in a more indirect way, may bear on a witness's credibility or motives. Either way, the use of social media posts from sources such as Facebook, Twitter, and Instagram, can be critical in litigating a case. However,

as with any other piece of evidence, a lawyer must ensure that the requirements for admission under the applicable rules of evidence, including authenticity requirements, are met.

The most common way to authenticate photos, posts, and other items is to download them from a publicly available page, show them to the witness who posted them, and ask them to authenticate them. However, keep in mind that where the witness is a represented by counsel in the matter, under the ethical rules of most jurisdictions, a lawyer, or a lawyer's designee, may not "friend" them in order to access portions of their page that are not publicly available.

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

[Ben Watson](#) is an FDCC Defense Counsel member, a Member of [Butler Snow](#) and Chair of its e-Discovery Advisors team. This article is also submitted on behalf of the FDCC's [Intellectual Property Substantive Law Section](#).

#5.2 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:

- **June 14, 2023 at 1:00PM ET - FDCC Law Practice Management Town Hall Meeting: "Strategic Planning: process, purpose & goals."** Join Moderator Jody Briandi and her guests: John Trimble; Steve Embry & Frank Ramos. [Click here to register.](#)
- **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 J. Christopher Davis !



We are shining the Federation spotlight on FDCC Defense Counsel member Chris Davis, shareholder and director with Crowne & Dunlevy in Tulsa, OK. Chris has been a valued FDCC member since 2008.

On Tuesday, Chris accepted the Executive Committee's offer to become the Chair of the Litigation Department in the Tulsa office.

Chris represents clients as a member of the firm's Alternative Dispute Resolution, Insurance, Intellectual Property, Litigation & Trial, and Product Liability Practice Groups.

With more than 27 years of experience in the courtroom, he represents businesses and individuals throughout Oklahoma in state in federal court, serving as lead counsel in catastrophic loss and bet-the-company cases regarding corporate tort and IP related matters. In 2023, Chris was inducted into the American College of Trial Lawyers.

Please join us in sending him an email:

chris.davis@crowedunlevy.com

to congratulate Chris on this latest accolade from his peers and colleagues and in wishing him and Adora 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.



**KEEP
CALM
AND
DEFEND
ON**

Be Exceptional Today!