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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 Be Heard.
Help Make Our Meetings Better.**



We want to find out what our members want from FDCC meetings.

- What have you liked?
- What do you find valuable?
- What would you like to see changed?

We want to know what you think. We want the FDCC to bring as much value to its members as possible. ***Please take ten minutes to complete the survey you can reach [HERE](https://www.surveymonkey.com/r/NHHKN72):*** <https://www.surveymonkey.com/r/NHHKN72>.

Thanks to those who have already responded to the FedMEETS survey!

#2 FDCC Joins Industry Letter on Third-Party Litigation Funding



On Monday, the FDCC joined with other leading industry groups and organizations in an effort to prompt the Committee on Rules of Practice and Procedure within the Administrative Office of the US Courts to advance the amendments for disclosure of third-party litigation funding.

As you may recall, we joined the ILR and other groups in signing several previous [letters](#) related to the issue.

The [original proposal](#) FDCC supported on this issue is still pending and under consideration before the Advisory Committee. Due to the Committee not yet having released the amendments, it has been deemed prudent to prod them a little bit with a new letter regarding disclosure of TPLF funding.

The letter seeks to spur some action by providing recent updates on TPLF including allegations in a lawsuit brought by Sysco alleging improper control of litigation by a funder; growing usage of TPLF; foreign funding of TPLF activity; and increased (but differing) judicial approaches to obtaining TPLF information in individual cases. All those points highlight the need for a mandatory uniform disclosure requirement.

We will keep you advised on further developments as they materialize.

[Click here to read the entire letter on TPLF](#)

#3 The Times They Are A' Changing By: Jean Faure



Employment attorneys expected significant change with the Biden Administration. And the National Labor Relations Board appears to be taking up the charge. NLRB General Counsel Jennifer Abruzzo issued a memorandum on April 7 which effectively overturns 75 years of historic practice and turns employer free speech on its head.

The Memo takes the position that mandatory meetings in which employees are forced to listen to employer speech concerning the exercise of their statutory labor rights, including captive audience meetings, violate the National Labor Relations Act (NLRA).

General Counsel Abruzzo suggests that employers “directly leverag[e] the employees’ dependence on their jobs” if employees are required to attend meetings where Section 7 activity is discussed. Abruzzo has asked the Board to rule that mandatory meetings are unlawful whenever employees are “(1) forced to convene on paid time or (2) cornered by management while performing their job duties” are “compelled to [attend such meetings] by threat of discipline, discharge, or other reprisal,” regardless of whether any threats are made.

The upshot is a restriction on employers in how they communicate with employees during work time, without regard to Section 8(c) of the NLRA. Section 8 grants an employer the right to “express any views, argument, or opinion” without committing an unfair labor practice, if such expression contains no threat of reprisal or force or promise of benefit.” 29 USC § 158(c). For now, if employees have the right refrain from listening to employer speech, the question is how much discussion of “union” or Section 7 issues becomes problematic for the NLRB.

[Jean Faure](#) is an FDCC Defense Counsel Member and a Partner with [Faure Holden, P.C.](#) in Great Falls, MT. Contact her at: jfaure@faureholden.com

**#4 Defending Matters Under the New FL
Tort Law
By: Frank Ramos**



From now on, we are defending two categories of personal injury matters – those filed on or before March 24, 2023 (old cases) and those filed afterward (new cases). For old cases, arguably, nothing has changed. We will try to have portions of the new statute apply to the old cases, but based on the plain language of the statute and its legislative history, that will be challenging.

Despite our best efforts, we should expect to handle the old cases like we always did – the same investigation, discovery, case plan, etc.

The difference is that we – carriers, in-house departments, and defense firms – have many more old cases due to the deluge filed prompted by the effective date of the new legislation. Let's focus on the old cases before addressing the new ones.

Click on the box below for practice pointers on:

- Litigation Management for Old Cases
- Litigation Management for New Cases
- Medical Damages
- Affirmative Defenses
- Depositions and
- Trials

[Click here for the full article](#)

#5 Who's Like You?



Please consider nominating a colleague(s) or a client(s) for membership in the FDCC who share your ideals and values, and would make an exceptional member...like you.

Membership within the Federation is not for everyone...but it is for those who are looking to enhance their referral,

professional and personal network with access to others who are "Over and Above" other defense or corporate counsel or insurance industry representatives; and for those looking to attend extraordinary national and local meetings with their peers; and for those seeking to share world-class experiences with their family and friends.

Nominating is easy! Just send an email to liz@thefederation.org with the name and contact information of your nominee(s). Thank you helping to deepen the FDCC's bench strength and ensuring a sustainable future.

#5.1 New Podcast Episode Released



Mills Gallivan



Henry Deneen



Please Click the "Play" Button to hear the Podcast

In this week's FedSpeaks podcast episode, FDCC Defense Counsel and Past President [Mills Gallivan](#) of [Gallivan White & Boyd](#) in Greenville, SC chats with former Judge [Henry Deneen](#), Of Counsel with [Murphy & Grantland](#) in Columbia, SC on his new role with the firm.

Mills and Judge Deneen chat about his past and fascinating roles as Chief Legal Counsel for then-South Carolina Governor, David M. Beasley from 1995 through 1997; his co-founding of [The Center for Global Strategies, Ltd.](#), a

non-profit organization connecting business people to international initiatives; and his recent service as President of [Greater Europe Mission](#), during which time he earned a Doctorate in Executive Leadership.

Learn about:

- How Judge Deneen's legal career has transformed into now helping other people through his philanthropic efforts;
- His mission on making a positive difference;
- Helping others become self-sustainable in their villages and countries around the world; and
- His new book "[Pathways to Transformation: A Workbook for Emotional Intelligence Growth](#)" on incorporating and improving emotional intelligence in your life and practice.

Stream the Podcast directly from your phone or mobile device; or you can also go to the FedNOW App (click on the "... " in the bottom right hand corner of the App's home page); or grab it on the FDCC website by clicking on the "Podcast's" tab at the top. You can also find the FDCC Podcast's on Apple iTunes, Spotify, Stitcher or wherever you get your Podcasts. Don't miss out on what 5,652 people have already discovered, by learning more about your Federation and the awesome people that comprise our membership!



#5.2 Speaking the Language of Your CFO



In case you missed Monday's insightful webinar on building a business case as a legal leader by learning what is driving your CFO, you can [click on this link](#) to watch a replay.

The FDCC's Corporate Counsel Committee hosted the event with Corporate Counsel Member, [Marisa Trasatti](#), General Counsel of [Sciton, Inc.](#), engaging in an enlightening conversation with her guest, Anders Svensson CFO of [OssDsign](#).

As lawyers and practitioners, we have learned how to advocate issues and positions - but in presenting a business case as a leader within the company, there are unique and successful ways in which to approach the discussion from the financial and impact on the business perspectives. Hear how Marisa and Anders chart the best way forward.

#5.3 Members in the Spotlight



We are shining the Federation's spotlight today on two extraordinary FDCC Defense Counsel members.

Yesterday, [Deb Varner](#) of [Varner & Van Volkenburg](#) in Clarksburg, WV was named President of the [American College of Coverage Counsel](#) and [Steve Pate](#) of [Cozen O'Connor](#) in Houston, TX was named its Secretary. The ACCC was holding its annual conference at the Intercontinental Hotel in Chicago, IL.

Congratulations to Deb & Steve in being appointed by their peers to these leadership positions within our profession and best wishes for continued success.

Our thanks to Ned Currie and Alycen Moss for the photo!

#5.4 What's on the Docket? FDCC's Upcoming Events





Rachel is a Partner with the McMillan firm in Toronto, Ontario, Canada (site of the FDCC's 2024 Annual Meeting!). She has been a valued member of the Federation since 2021.

Her practice focuses on product liability defense and products-related regulatory issues in the automotive, industrial manufacturing and consumer products sectors. She has extensive experience defending manufacturers in product liability actions, involving products ranging from automobiles, construction, agriculture, and industrial machinery, and recreational vehicles, to fire and security products, consumer products, building materials, and juvenile products.

Rachel acts as national coordinating counsel for several manufacturing clients, managing their product liability litigation matters across Canada. She provides advice to clients in relation to the Canada Consumer Product Safety Act and routinely handles product recalls, working on global recall teams. She further provides proactive risk management advice and strategies, including warnings and manual reviews.

Would you join us in filling Rachel's "In Box" with some emails from her fellow FDCC members - thanking her for her membership and letting her know how much we're all looking forward to having her show us around her hometown next year?

You can reach Rachel at:

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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!