

May 15, 2026 -- Issue 329

Good Morning!

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#1: FDCC Honors Our Service Members



Tomorrow is Armed Forces Day. Let's join together and pay tribute to the men and women who are currently serving in all six branches of our military to acknowledge their dedication, sacrifice, and the pivotal role they play in safeguarding our nation's interests, security and ideals.

These military personnel come from all backgrounds, united by a common mission to defend and protect. This diversity continues to strengthen the armed forces, reflecting the rich tapestry of the nation they defend. Celebrating our servicemen and women on Armed Forces Day is a small gesture of gratitude compared to the many efforts they are making on our behalf around the world, but is a gesture that carries a profound meaning....behind every liberty we enjoy is a soldier who chose to stand and fill in the gap, often far from home and family, facing hardships most of us will never fully understand.

We look forward to welcoming them home once their service has completed. Tomorrow, we honor their we honor their courage, their commitment, and their countless quiet sacrifices.

#2 Corporate Counsel Symposium:

September 27-29, 2026

New Orleans, LA



Registration will be opening soon for this year's Corporate Counsel Symposium at the Windsor Court Hotel in New Orleans, LA. The Co-Chairs, [Beth Bauer](#), [Chad Hatmaker](#) and [Geneau Thames](#) have been working with the CCS Committee to put together an agenda packed with sessions addressing the issues corporate and defense counsel are currently facing.

One of the sessions will address the **In-House Legal's Role in Bringing Value to M&A Transactions and Their Aftermath**. [Kat Frazier](#) of Kirkland & Ellis provides this overview:

This panel will walk through the M&A lifecycle — from deal marketing and letters of intent through diligence, signing, closing, and post-closing integration — with a particular eye on the process disciplines that quietly decide whether a transaction creates value or eventually creates a court docket entry. Expect candid discussion of the unglamorous mechanics that rarely get attention until they fail spectacularly: NDAs and standstills, clean-room protocols, locked data rooms, ordinary-course covenants, transition services agreements, and the indemnification and true-up calendars that always seem to surface eighteen months after the closing dinner.

The session's center of gravity, however, is the indispensable role of in-house counsel as the bridge between business strategy and legal execution. In-house counsel often wears a remarkable number of hats in this process — translating financial models and KPIs into representations and covenants that actually bite; wrangling finance, operations, and HR so that diligence responses and disclosure schedules reflect how the business actually runs rather than how the deck describes it; and maintaining the integrated record across signing, closing, and post-closing that makes the difference between a defensible position and an expensive one. Whether your involvement is peripheral or central, this panel will

send you home with the frameworks — and a few war stories — to help convert business objectives into durable, value-preserving transactions.

Moderated by [Alonzo Washington](#) - Flaherty Sensabaugh Bonasso, PLLC, the Panelists include: [April Y. Berman](#) - Asurion; Andrew Chumney - Core Natural Resources, Inc.; Jeff Lisenby - ProAssurance Group; [Joe Falasco](#) - Quattlebaum, Grooms & Tull PLLC.

#3 Webinar Video Replay: Succession Planning



If you missed Wednesday's exceptional webinar on "Insuring the Future: Succession Planning and the Retention of Institutional Knowledge for Corporate Legal Departments, Law Firms, and Solo Practitioners," would like to watch it again, or would like to pass it along to a colleague, please click on the image above of moderator Jody Briandi, President and Managing Partner of Hurwitz Fine P.C.

The program focused on one of the most important challenges facing law firms, insurers, and claims organizations today: how to plan for leadership transitions while preserving the institutional knowledge that drives long-term success. The

Panel also included **Linda King of Somp Insurance**; and **Halley Cruz, Head of Training and Recruitment at Insure National**.

**#4 In the Federation Spotlight:
Megan Coluccio and Alan Rutkin**

We're shining the FDCC Spotlight on two of our exceptional Defense Counsel members this week!



After a three-day trial in Circuit Court of Oregon for Multnomah County, **Megan M. Coluccio** of Baker Sterchi Cowden & Rice's Seattle Office obtained a directed defense verdict on behalf of their client, a non-profit, located in Beaverton, Oregon. In *N.W. v. Renewal House Northwest, d/b/a Taylor Made Retreat*, the plaintiff was a resident of a spiritual 12-step alcohol recovery retreat. The plaintiff and the executive director of the non-profit developed an emotional attachment that led to a consensual romantic and sexual relationship which they concealed from staff, other residents, and the board of directors. The relationship continued for a brief period after plaintiff's completion of the program. When the board was made aware of the relationship, the executive director was placed on leave and the program was shut down shortly thereafter.

The plaintiff alleged claims of direct and vicarious liability against the non-profit for serious emotional distress resulting from regret over the relationship. The case presented issues of first impression in Oregon. Plaintiff requested an award of \$2,250,00.00. Both parties moved for directed verdict at the close of evidence on the question of whether a special relationship existed between the organization and the plaintiff that imposed upon the organization a heightened duty of care to protect her from the foreseeable harm of regret over the relationship. The defense

argued that the distinctive nature of a consensual relationship between two adults in the context of an immersive 12-step program did not rise to a “special relationship” under Oregon law. Unlike a doctor/patient relationship, the subject entity was non-medical and non-clinical in nature, amongst other distinguishing factors. Holding that there was no legally protected interest to be free from entering into a consensual relationship under these circumstances, the Court granted the defense motions for directed verdict in a lengthy oral ruling.



Twenty years ago, [Alan Rutkin](#) started and continues to lead the pro bono program at Rivkin Radler. It has continued protecting the rights of those it serves ever since.

The firm was recognized last week as a Top Pro Bono Provider for 2025 by the [Nassau County Bar Association](#) Access to Justice Committee at its Annual Pro Bono Recognition Event. In addition to Alan, several Rivkin attorneys were also individually recognized for their pro bono contributions.

This year, 20 Top Pro Bono Providers were recognized, along with hundreds of dedicated volunteers who demonstrated exceptional commitment to serving their community. The NCBA Access to Justice Committee is a collaborative effort between Legal Services of Long Island and the Nassau County Bar Association’s Pro Bono Attorney Activities and Mortgage Foreclosure Assistance Project. Legal Services of Long Island – a nonprofit organization dedicated to helping low-income Long Islanders in crisis access justice – and the NCBA Mortgage Foreclosure Assistance Project – a nonprofit legal service provider under the New York State Office of the Attorney General’s Homeowner Protection Plan – work in tandem to

develop innovative programs that provide free or reduced-fee access to legal counsel, advice, and information.

**Congratulations to Megan and Alan for their
exceptional advocacy skills and leadership!**

**#5 An Overview of *Montgomery v. Caribe
Transport II, LLC* (U.S. Supreme Court 2026)
By: Eric Gillett**

Yesterday, the U.S. Supreme Court issued a unanimous decision that significantly impacts transportation liability, claims handling, and underwriting risk. In [*Montgomery v. Caribe Transport*](#), the Court held that freight brokers can be sued for negligently selecting unsafe motor carriers, and that these claims are not barred by federal law.



Why This Matters to Insurers

This decision materially alters the risk landscape in trucking and logistics claims.

Expanded Defendant Pool = Increased Severity Pressure

Plaintiffs are now firmly able to pursue:

- Motor carriers
- Drivers
- **Freight brokers (deep-pocket defendants)**

Impact:

- Higher overall case values
- Increased likelihood of nuclear verdict dynamics
- Additional contribution targets in catastrophic injury cases

Loss Trend: Increased Broker Involvement in Serious Claims

Going forward, expect:

- Routine inclusion of brokers in **catastrophic injury and wrongful death cases**
 - Expanded theories focused on:
 - FMCSA safety ratings
 - Prior safety violations
 - Carrier selection practices

Claim implication:

- More complex liability allocation
- More expensive and prolonged litigation

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

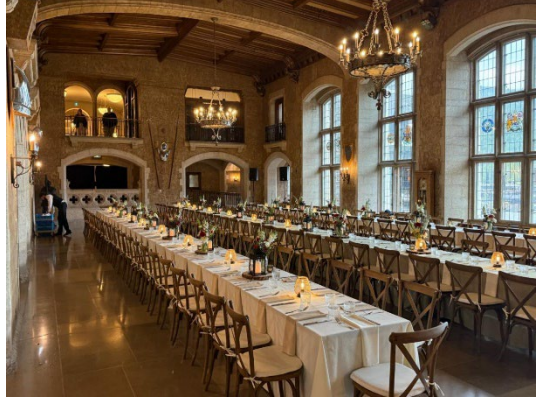
#5.1 It's a Dirty Job...But Some Convention Team Has To Do It!



While the rest of us are maximizing our full potential toiling away at our day jobs this week, our 2027 Annual Meeting Convention Team is tirelessly engaged in endless meetings, measuring the dimensions of session and plenary rooms, exploring exciting excursion opportunities, and beginning planning process for the annual event taking place **July 25 - 28, 2027** at the [Fairmont Banff Springs Resort](#) in Banff, Alberta, Canada...one of the Federation's favorite meeting locations...and we hope you and your family will save the date to join us.



Left to right, that's Incoming First Gentleman Gary Johnsen, President-Elect [Jennifer Johnsen](#), and Program Chairs [Shelly Masters](#) and David Masters. Regrettably, Convention Chairs [Alycen Moss](#) and Kevin Moss were unable to make the trip this time as Alycen is in trial. Thanks to our Meeting Planner, Martha Heinze for this photo and to Jennifer, Gary and David for the others!



We can't wait to see you in Banff in 2027!



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

- **July 26 - 31, 2026: Annual Meeting** at the [Corinthia Hotel in Lisbon, Portugal](#): "A Mosaic of Memories in Lisbon". Convention Chair: [Lee Hall](#); Program Chair: [Alycen Moss](#). [Click here](#) to register.
- **September 27-29, 2026: Corporate Counsel Symposium - "From Bourbon Street to the Boardroom Suite: Navigating Risks & Opportunities"** at the Windsor Court Hotel, New Orleans, LA. Co-Chairs are: [Beth Bauer](#), [Chad Hatmaker](#) and [Geneau Thames](#). Registration coming soon!
- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#). Convention Chair: [Valerie Kellner](#) and Program Chair: [Jody Briandi](#).

- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#). Convention Chair: [Alycen Moss](#) and Program Chair: [Shelly Masters](#).

..and finally, Have a Nice Day...

Jay Old!



Jay is an FDCC Corporate Counsel member and General Counsel at [Zachry Group](#) in San Antonio, TX. Over the course of his career, he has focused his efforts in healthcare, professional liability, toxic tort, construction, insurance, and commercial litigation and arbitration.

He has litigated to verdict first-party insurance, medical negligence, toxic tort and sophisticated product liability matters for physicians, hospitals, product manufacturers, including automobile manufacturers, and been involved in the defense of healthcare fraud and qui tam litigation on behalf of healthcare providers.

Jay is Past President of Texas Association of Defense Counsel (TADC), and author of several peer reviewed publications and frequent lecturer at CLE programs across the country.

And on Sunday, he will be celebrating his birthday. Please join us in sending him an email to:

oldj@zachrygroup.com

Congratulations and Happy Birthday Jay.

We wish you, Ann and the family all the very best for continued success, good health and happiness in the years to come!

Thank you for being a valued member of the Federation since 2010!



Why FDCC?

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

