

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



May 17, 2024 -- Issue 224

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 here](#) to register for the 2024 Annual Meeting at the Fairmont Royal York Hotel in Toronto, Ontario - July 28 to August 3!

In today's issue:

- Registration is Open for the 2024 Corporate Counsel Symposium
- Pregnant Workers Fairness Act & the ADA
- Best Legal Billing Practices
- Insurance Coverage Counsel's Role in Mediations
- Foundation's Silent Auction of Experiences
- ICYMI
- Member in the Spotlight: Johnny McGhee
- Welcome to Our New Members
- On the Docket
- Have a Nice Day: Jay Old!

#1 Corporate Counsel Symposium 2024 Registration is Open!



"Solving the Hard Problems in the Big Easy" is the theme for the FDCC's Annual Corporate Counsel Symposium (CCS), being held **September 15-17, 2024 at the Windsor Court Hotel in New Orleans, LA.**

Convention Co-Chairs [April Berman](#) of Asurion; [Valerie Kellner](#) of Wilson Elser and [Shelly Masters](#) of Cokinon | Young and the hard working CCS Committee have put together an exceptional program aimed specifically at Corporate Counsel and their Defense and Coverage Counsel.

The range of presentations will include:

- practical uses of AI
- communicating with corporate boards,
- handling unusual venues,
- managing risk,
- DEI after *SFFA*,
- developments in employment law,
- avoiding runaway verdicts,
- new policies impacting civil litigation,
- mentoring to retain legal teams,
- wearing the many hats of corporate counsel, and
- addressing burn-out among lawyers.

We are excited to feature the [Honorable Judge Janis van Meerveld](#), U.S. Magistrate Judge from the Eastern District of LA, who will present a program, inspired by the movie, *Barbie*, highlighting the challenges faced by women in the profession and the role everyone plays in creating equality. Also, throughout the Symposium, FDCC in-house counsel members will share personal stories of encounters with hard problems and how they addressed those challenges in a Ted Talk format.

To foster interactive discussions, we are bringing you this Symposium without PowerPoint presentations. The Program has been specifically designed to include problem-solving ideas, from all-star panels about the issues that

confront you every day. In addition to the dynamite CLE, the Symposium will feature ample opportunities for fellowship and networking, including Dine-Around dinners in some of the best restaurants in New Orleans. **All FDCC defense and corporate counsel members are welcome to attend and encouraged (but not required) to bring a client or colleague.**

[Please click here to download the brochure](#)

[Click here to register](#)

[Click here to make a reservation hotel](#)

#2 A Closer Look at the Differences Between PWFA and ADA By: Jill Pedigo Hall



Employment lawyers count on (and maybe revel in) the scramble to keep up with the changing landscape of federal employment law. Federal agencies have not disappointed us this spring, sending out several significant edicts in April alone.

The Department of Labor issued new regulations raising the salary level for employees to qualify as exempt from minimum wage and overtime requirements. The Federal Trade Commission voted to ban non-competition agreements except in very limited cases. And the Equal Employment Opportunity Commission (EEOC) issued implementing regulations for the Pregnant Workers Fairness Act (PWFA) – impacting long held employer practices of fashioning reasonable accommodations for qualified disabled employees by lowering the bar for pregnant employees to secure workplace accommodations.

The new PFWA regulations underline the heightened duty of employers to provide accommodation to individuals under circumstances previously not required under the Americans with Disabilities Act (ADA). Specifically, among other key differences are the types of limitations that qualify under the PFWA but not under the ADA, a potential suspension of essential functions as accommodation, and limitations on an employer's right to request documentation. This turns previous accommodation analysis on its head and requires that employers understand the critical differences under each law.

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



[Jill Pedigo Hall](#) joined the FDCC in 2023 as a Defense Counsel member. She is a Shareholder in the Labor and Employment Section of [Van Briesen & Roper](#) in Madison, WI, where her practice is focused on medical leave management involving FMLA and disability accommodations, diversity, equity and inclusion, wage and hour issues, and discrimination defense. Her article is presented by the [Employment Practices & Workplace](#)

[Liability Substantive Law Section](#).

#3 Best Billing Practices Podcast with Ron Hollman



What are the best ways to ensure your legal invoices reflect the unique, professional activities you are bringing to the matter...and that the invoice gets paid?

FDCC Defense Counsel [Ronald Holman](#) of [Taft Stettinius & Hollister LLP](#) in Cleveland, OH has assembled a list of 20 best billing practices you will want to consider implementing - and sharing with your colleagues and associates. Consider

this...if you were the client reading that entry and evaluating the invoice, would it reflect the confidence you've placed in that attorney and their firm to handle the case? Ron also discusses:

- how to make your billing entries more direct, concise, understandable and focused on the outcome
- writing entries in the present tense
- referring to the client by name
- describing the documents reviewed and the purpose of analyzing them
- why never to use the words "attention to"
- the benefit of using strong action verbs like "advise," "analyze," "develop," "finalize" and "investigate", and
- paying attention to the details (names, positions and grammar)

Make your client's job of reviewing legal bills easier and more efficient. Get some timely and usable advice from Ron to "build a mountain of goodwill" with your clients through the submission of great time entries - and expedite the payment of your legal bills.

[Click here to listen to Ron's podcast](#)



members of the FDCC.

You can listen to the FDCC's FedSpeaks podcasts on Spotify, iTunes, Stitcher, the Fed365 app or wherever you get your podcasts. Find out what over 10,100 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for

#4 Insurance Coverage Counsel's Role in Mediations: June 21, 2024 at 12:00PM ET



Adam Durst



Jean Lawler



John Trimble

On Friday, June 21st, our subject matter experts [Jean Lawler](#) of Lawler ADR Services, LLC and [John Trimble](#) of Lewis Wagner LLC will provide a live presentation moderated by member [Adam Durst](#) of Goldberg Segalla LLP, in which they will discuss the importance of insurance coverage counsel in mediating liability claims.

The discussion will include tools and tips coverage counsel can use to narrow the issues and close the deal on disputes involving all types of claims, including personal injury disputes, construction defect litigation, cyber liability claims, business disputes, among others.

Key takeaways will be:

- Strategies regarding the scope and disclosure of information and settlement positions among all interested parties;
- Understanding the key players that should be present in the settlement process;
- Strategies in managing expectations of your client and the insured; and
- Understanding the role of bad faith counsel in the mediation.

The session is open to all FDCC members, their associates, colleagues and clients.

[Please click here to register](#)

#5 FDCC Federation Silent Auction Items Wanted

Please consider donating an “Experience” for the benefit of the FDCC’s non-profit sister organization. The Foundation will hold a silent auction at the upcoming Toronto Annual Meeting. Your Experience will be recognized as an in-kind donation to the Federation.

Examples include:

- **OLE MISS HOTTY TODDY WEEKEND in OXFORD, MS.** Sue and Ned Currie will host an Ole Miss football game that includes tickets to the game and tailgating at the famous Grove.



- Todd and Debbie Roberts have donated their home in Carmel Valley, CA for a **three-day weekend and wine tasting at Talbott Winery in Carmel-by-Sea** on a weekend at the convenience of the winning bidder.



If you can help the Foundation in making an in-kind tax deductible donation of an experience for our members, please contact [Todd Roberts](#) - and for the rest of us...**let's get ready to bid!**



#5.1 ICYMI

Mastering the Fundamentals:

Claims-Made vs. Occurrence-Based Insurance Policies

In case you missed it, over 100 FDCC members logged in to Wednesday's Insurance Substantive Law Section Webinar, which provided a primer on the differences between Occurrence and Claims Made Policies. [Stacy Broman](#) of Meagher + Geer, P.L.L.P. and [Steve Melendi](#) of Tollefson Bradley Mitchell & Melendi, LLP examined the key differences between the two policy forms, as well as common issues that arise in the evaluation of claims under both types of policies.

If you missed the webinar, would like to watch it again, or share it with your colleagues, please [click on this link](#).

#5.2 Member in the Spotlight:



[John McGhee](#) is a member of [Kay Castro & Chaney](#) in Charleston, WV and was recently featured in the Spring 2024 issue of West Virginia Lawyer magazine! While having developed an enviable reputation as an advocate for his clients handling insurance defense, products/premises liability defense,

deliberate intent cases, and public utility law cases, Johnny's other passion has involved a lifetime of giving back.

Check out the article "[From Campfire to Courtroom](#)" starting on page 40 of the pdf where Johnny's life of service to our profession and other successes in life are traced back to the values learned and the building of character that started in Scouting.

Congratulations Johnny...and thank you for continuing to be a mentor and leader in our legal community - as well as to those who seek to follow in your footsteps.

#5.3 Welcome Our New Members



Please join us in welcoming the following new members who have been admitted to our membership:



[Joe R. Patten](#) is Vice President - US Property Claims at **[Sompo International](#)** in Alpharetta, GA, where he is responsible for managing a team of property claim professionals; ensuring quality claim services and compliance with insurance laws and regulations. Prior to his current activities, Joe worked with IAT Insurance Group; Chubb and State Farm Insurance Company and is recognized for his results in operations management, including Commercial Property Claims, Catastrophe Response, Contact Center, and Human Resources.

Joe and his wife Claire reside in Alpharetta, GA.



Philip R. McDaniel is a Partner with **Weinstein Tippetts & Little, LLP** in Houston, TX, where his practice concentrates on complex product liability, personal injury, and commercial litigation, personal injury and property damage related to alleged product defects, premises liability and motor vehicle collisions, and employment discrimination and employment-related breach of contract claims and lawsuits.

He serves as national product liability counsel for a Tier 1 automotive component part supplier and regional counsel for a major tire manufacturer. Philip and his wife **Kathleen** reside in Houston, TX.



Burnell K. Grimes is the Director, Legal with **Carrier Corporation** in Indianapolis, IN, where he serves as Lead Counsel for North America Residential HVAC Business Unit and the Contracts Center of Excellence; provides strategic counsel related to contract negotiations, litigation, sales, marketing, regulatory and other corporate matters; manages outside counsel related to litigation and various corporate matters, including M&A transactions; provides strategic legal counsel to cross-functional domestic and global business teams; and develops and leads training on data privacy, cybersecurity, information security, ethics and compliance, corporate policies and procedures, contracting best practices, industry specific contract regulations, contract negotiations, compliance initiatives, and processes.

Burnell and his wife **Brit'ney** reside in Indianapolis, IN.

Welcome Aboard!

#5.4 What's on the Docket?



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

- **May 22, 2024 at 2:00PM ET: "FedTalks: Diversity Talks" Roundtable** moderated by [Alonzo Washington](#). [Click here to register](#).
- **May 22, 2024 at 6:00PM ET: FDCC Charleston, SC Cocktail Reception for members and prospective members.** The Citrus Club at the Dewberry Hotel – 334 Meeting Street, Charleston. Contact: [Jordan Teich](#) or [Richard Dukes](#).
- **June 13, 2024 at 11:00AM ET: Law Firm Practice Management Zoom Meeting on "Law Firm Culture."** Join moderator [Jodi Briandi](#) and her guests: [Amanda Cialkowski](#), [Stacy Broman](#) and [Nick Haigler](#), and [Kim Ess](#). [Click here to register](#).
- **June 20, 2024 at 1:00PM ET: "FDCC Diversity Book Club"** discussing "The Sum of Us." [Click here to register](#).
- **June 21, 2024 at 12:00PM ET: FDCC Insurance Coverage Webinar: "The Role of Coverage Counsel in Mediating Liability Claims,"** moderated by [Adam Durst](#) with [Jean Lawler](#) and [John Trimble](#). [Click here to register](#).
- **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](#).
- **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](#)

...and finally,
"Have a Nice Day"
James Old!



James "Jay" Old is General Counsel with [Zachry Group](#) in San Antonio, TX. He has been a valued member of the FDCC since 2010.

Jay is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, based on his extensive experience 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. Involved in defense of healthcare fraud and qui tam litigation on behalf of healthcare providers.

Jay is also Vice Chair, Council of Chairs and Immediate Past Chair of the Construction Law Section, State Bar of Texas; member of the Pattern Jury Charge Oversight Committee for the State Bar of Texas. He has served on the Texas Supreme Court Task Force to Expand Legal Services Delivery, the State Bar of Texas Court Administration Task Force, Court Rules Committee and Ethics and Professionalism Committee.

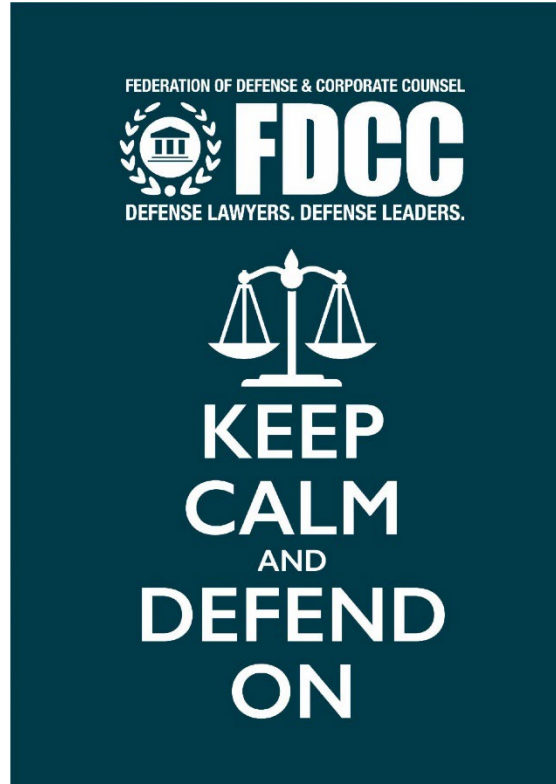
He has authored several peer reviewed publications and frequent lecturer at CLE programs across the country and, today, Jay is celebrating his birthday. Would you please join us in sending him a Happy Birthday email to:

oldjx@zachrygroup.co

Congratulations Jay, and our very best wishes to you, Ann and the family for 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!