

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



May 24, 2024 -- Issue 225



Good Morning!

We hope you and your family enjoy the Memorial Day Weekend by remembering and honoring all who have served our Country.

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.

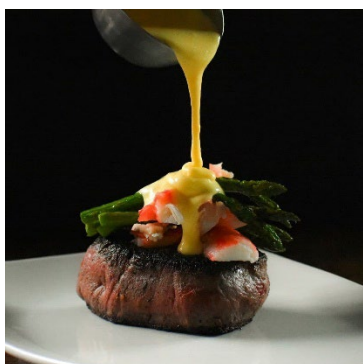


Please [click here](#) to register for the 2024 Annual Meeting at the Fairmont Royal York Hotel in Toronto, Ontario - July 28 to August 3!

In today's issue:

- Join us for Dinner in Nashville on June 13th
- Law Firm Culture Virtual Meeting on June 13th
- Claims Evolving From the Francis Scott Key Bridge Collapse
- AL Covid Immunity Act - A Broad Interpretation
- Join us for a Happy Hour in Washington, DC on May 30th
- Charleston, SC Members Get Together for a Night Out
- Welcome to Our New Members
- On the Docket
- Have a Nice Day: Steve Schildt!

#1 FDCC Dinner June 13th at the DRI Diversity for Success Seminar in Nashville!



The FDCC is supporting DRI's Diversity for Success Seminar in Nashville, June 12-14. If you are attending any of the DRI seminars in Nashville – or if you just happen to be in the neighborhood – join us for dinner on Thursday, June 13 at [Kayne Prime](#), located at **1103 McGavock Street in Nashville**.

Kayne is a consistently ranked as one of the best steakhouses in Nashville, and it features modern interpretations of classic dishes (plus good old-fashioned steaks). Come and reconnect with your FDCC friends before our Annual Meeting in Toronto.

Space is limited, so [sign up here](#) today!

#2 "Law Firm Culture" Zoom Meeting June 13 at 11:00AM ET



Jody Briandi



Amanda Cialkowski



Stacy Broman



Nick Haigler



Kim Ess

The FDCC's [Law Practice Management Section](#) invites you to an interactive Zoom Meeting to discuss insights and strategies for dealing with issues related to maintaining a positive law firm culture and work environment. Topics will include:

- remote work,
- DEIB,
- staff relations,
- team building,
- balancing a multigenerational law firm,
- what's on the priority list and
- what's on the horizon.

Host [Jody Briandi](#) will be joined by FDCC Defense Counsel [Amanda Cialkowski](#), [Stacey Broman](#) and [Nick Haigler](#), along with Nilan Johnson Lewis P.A. CEO Kim Ess, who has a unique perspective on these issues.

[Please click here to register](#)

#3 Evolving Claim Considerations from the Francis Scott Key Bridge Collapse



The FDCC's Platinum Sponsor [J.S. Held](#) previously published articles on [how to handle complex ports and terminals business interruption insurance claims, marine and cargo damages](#), and [marine stock claims](#).

These topics have again come to the forefront of claims professionals' minds following the tragic [Francis Scott Key Bridge collapse](#) in Baltimore. Many have sought to put a figure on the total value of claims, in some cases more than \$4 billion; meanwhile, the owners of Dali have sought to limit liability to the value of the vessel, estimated to be \$43.67 million according to the court filing. It remains to be seen how many policies have been triggered by this event, and the value will only be known in time.

Ultimately, the numerous claims will take months, if not years, to resolve. Listed and described below are some of the potential claims:

1. Human Factors - First and foremost, with all claims where people are affected, our thoughts are with those impacted by the loss of loved ones and the injured parties. With incidents of this type it is not uncommon to see [personal injury or wrongful death](#) lawsuits and/or claims under life, medical, or personal injury insurance policies. Quantification of losses can include loss of earnings/income, medical, and care costs with calculations potentially requiring present value computations, actuarial table analysis (e.g. Ogden), and consideration of past and future earnings.
2. Bridge Structure - Construction of a replacement bridge is currently estimated to cost anywhere from \$400 million to \$800 million or higher, with a projected duration of between 18 months and seven years depending on the type of construction chosen and bureaucratic hurdles.

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

For more information on JS Held's full suite of expert services, please contact our colleagues [Betsy Rogers](#) or [Teddy Brown](#). You will also be able to meet with them at the Annual Meeting in Toronto. This article was written by [Daniel Thorpe](#), Executive Vice President in J.S. Held's Forensic Accounting - Insurance Services Practice, based in Dubai, UAE.

#4 AL COVID Immunity Act - A Broad Interpretation - By: Scott Salter



Like many states, Alabama passed a COVID-19 Immunity Act during the COVID-19 pandemic. The primary feature of the Alabama COVID-19 Immunity Act (ACIA) is to grant immunity to entities on negligence claims arising from or related to the Coronavirus.

The ACIA is expansive, defining covered entities as business entities, health care providers, educational entities, churches, governmental entities, and cultural institutions, as well as their officers, directors, trustees, managers, members, employees, and agents. Ala. Code § 6-5-791(a)(4).

The ACIA provides:

a covered entity shall not be liable for any damages, injury or death suffered by any person or entity as a result of, or in connection with, a **health emergency claim** that results from any act or omission of the covered entity.

Ala. Code § 6-5-792(a) (bold added).

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

[Scott Salter](#) is an FDCC Defense Counsel member and Partner with [Starnes Davis Florie](#) in Birmingham, AL. His practice is focused on insurance coverage and insurance litigation practice, providing coverage analysis and representing insurers and policyholders in insurance coverage disputes, declaratory judgment actions, breach of

contract and bad faith actions. Scott's practice also includes catastrophic injury and wrongful death litigation, including medical malpractice defense, healthcare litigation, and pharmaceutical/medical device litigation. This article is presented on behalf of the FDCC's [Health Care Practices Section](#).

#5 FedMeets Happy Hour in DC May 30th from 5:00 - 7:00PM



For members in the Washington DC, Virginia and Maryland areas, please join us next Thursday, May 30th for a Happy Hour on the Rooftop Lounge of Robinson + Cole, LLP, 1201 Pennsylvania Ave NW - Suite 820, Washington, DC 20004.

Your Host, FDCC State Representative for DC Sean

Griffin, cordially invites you, your significant other and any prospective member(s) you would like to bring along - to enjoy some adult beverages while taking in the amazing views of DC and northern Virginia, including the Capitol and the Washington Monument. This will also be a great opportunity to meet your FDCC colleagues before our Annual Meeting in Toronto.

Please RSVP by sending Sean an email: sgriffin@rc.com

#5.1 Charleston SC Members Gather for an Enjoyable Evening



Our FDCC members in Charleston, SC gathered Wednesday night for a "great night in their great city." As Host Rich Dukes and organizer Jordan Teich note, it was an absolutely perfect evening for the sharing of fellowship and some adult beverages.

In the photo (left to right), [Robert Sumner](#), [Brad Waring](#), [Jordan Teich](#) and [Rich Dukes](#) broke away from the group for a quick photo. They are looking forward to welcoming you to Charleston for the 2025 Winter Meeting at the Charleston Place

Hotel February 23-27, 2025, along with Convention Chair Jeff Kelsey and Program Chair Dan McGrath.

#5.2 Welcome to Our New Members



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

[Joseph R. Alberts](#) (No Photo Available) is the Lead Litigation Counsel at [Corteva Agriscience, LLC](#) in Indianapolis, IN, where he is responsible for a wide variety of legal issues including overseeing a global portfolio of matters before civil courts, administrative bodies, and regulatory agencies. Joe's areas of involvement include personal injury, property damage, toxic tort, commercial disputes, environmental liability, regulatory affairs, governmental investigations, intellectual property, compliance, employment, third-party discovery, and liability prevention.

Joe has also served as a member of the Board of Directors of the [Defense Trial Counsel of Indiana](#), and as chair of its In-House Counsel Section and

Product Liability Sections. He is currently a guest lecturer at the Indiana University School of Law for an upper-level law school class on "Environmental and Toxic Tort Law." He has authored more than 40 legal publications and law review articles, and has presented over 100 professional development seminars for lawyers, paralegals and company employees.



Giles M. Schanen is a Partner with **Maynard Nexsen, PC** in Greenville, SC where his practice is focused on employment law, trade secret and non-compete litigation, product liability defense, and corporate litigation. He has defended businesses in state and federal courts across the U.S., including in South Carolina, North Carolina, Georgia, Florida, Alabama, Texas, Arizona, Missouri, New Mexico, California, Delaware, Illinois, New York, and Massachusetts. Giles regularly represents management before the EEOC and other state and federal agencies, and conducts investigations into claims of alleged harassment, discrimination, and other misconduct. He currently serves as Immediate Past President of the **South Carolina Defense Trial Attorneys' Association**.

Giles and his wife **Christine** reside in Seneca, SC.

#5.3 What's on the Docket?



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

- **May 30, 2024 from 5:00PM - 7:00PM: DC/MD/VA Happy Hour for Members & Prospective Members.** Robinson + Cole Rooftop Lounge, 1201 Pennsylvania Ave NW - Suite 820, Washington, DC 20004. Contact: [Sean Griffin](#).
- **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"
Steven J. Schildt!



Steven Schildt is a Principal and Co-Chair of Post & Schell's [Insurance Law Department](#) in Philadelphia, PA. He is a nationally recognized insurance/ERISA practitioner and also dedicates his practice to representing insurers in coverage, ERISA, and bad faith matters. He has been an FDCC Defense Counsel member since 2008.

Steve's national and broad-based coverage litigation and coverage opinion practice encompasses personal and commercial insurance claims and disputes in almost all areas, including disability claims, ERISA claims, bad faith claims, life/accidental death claims, CGL claims (including additional insured and construction defect disputes), property insurance claims, COVID business interruption claims, health insurance claims, commercial auto claims, policy rescission/policyholder fraud, professional liability claims, D&O claims, long-term care claims, and all types of casualty claims.

And, today, Steve is celebrating his birthday. Would you please join us in sending him a Happy Birthday email to:

sschildt@postschell.com

Congratulations Steve, and our very best wishes to you, Amy 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."

FEDERATION OF DEFENSE & CORPORATE COUNSEL



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DEFENSE LAWYERS. DEFENSE LEADERS.



**KEEP
CALM
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ON**

Be Exceptional Today!