

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



May 31, 2024 -- Issue 226

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!

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#1 Candidates Standing for Election to the

FDCC Board of Directors



The FDCC is privileged to be guided by an engaged Board of Directors who provide the Federation with their unique and exceptional leadership. The candidates standing for election to the FDCC 2024-2025 Board are noted below.

The respective candidates will be standing for election to nine (9) Senior Director positions; nine (9) Director positions; and the position for Secretary-Treasurer.

You can read each of their respective Leadership Summaries on the website by clicking on the “2024 Elections” tab under the “About FDCC” tab on the Home page. The Candidate's Statement for the Secretary/Treasurer’s position is also on the website.

The Nominating Committee will be meeting on Thursday, August 1, 2024 beginning at 8:40AM in the Algonquin Room of the Fairmont Royal York Hotel in Toronto, ON, in conjunction with the Federation’s Annual Meeting. Each FDCC member has an opportunity to meet with the Committee to share their thoughts and comments about each of the candidates standing for election. To select your time to speak before the Nominating Committee, please [click here](#). You can also access the sign-up form on the 2024 Elections page of the website.

In the event you are unable to attend the Annual Meeting, or wish to rather provide your confidential comments to the Committee in writing, please email them to FDCC President, Craig Marvinney: camarvinney@gmail.com.

Candidate for Secretary Treasurer:

- Jennifer Johnsen - Gallivan, White & Boyd, PA

Candidates for Senior Director

- **Tiffany M. Alexander**
– Nelson Mullins
- **Alison R. Christian** –
Liberty Mutual
Insurance Company

Candidates for Director

- **Carolyn J. Berdzik** –
Goldberg Segalla
- **Jody E. Briandi** –
Hurwitz & Fine

- **Sean C. Griffin** –
Robinson + Cole
- **Lee M. Hall** - Jenkins
Fenstermaker, PLLC
- **R. Jeffrey Kelsey** -
FedEx Corporation
- **Daniel W. McGrath** –
Hinshaw & Culbertson
- **Francisco Ramos, Jr.**
- Goldberg Segalla.
- **Heather A.
Sanderson** -
Sanderson Law
- **Marisa Trasatti** –
Sciton, Inc.
- **Kile T. Turner** -
Norman Wood
Kendrick & Turner

- **Charlie T. Frazier, Jr.**
– Alexander Dubose &
Jefferson, LLP
- **Jeffrey M. Guillory** –
First Acceptance
Insurance Company
- **Valerie Kellner** –
Wilson Elser
Moskowitz Edelman &
Dicker
- **Shelly Masters** –
Cokinis | Young
- **Alycen A. Moss** –
Cozen O'Connor
- **Micalann C. Pepe** –
Jarburg Wilk
- **Alan S. Rutkin** –
Rivkin Radler
- **Scott M. Salter** –
Starnes Davis Florie,
LLP
- **John C. Trimble** -
Lewis Wagner, LLP

#2 Georgia's New Time Limit Demand Statute: Is the Third Time the Charm?

By: Kim Jackson



Few legal issues have sparked more consternation among Georgia insurers (and insurance defense counsel) than pre-suit, time-limited settlement demands that are actually bad-faith setups. Such demands—which typically contain a maze of terms and conditions that require carriers to upend their standard settlement practices—are designed to cause inadvertent rejections/counteroffers. Armed with an inadvertent rejection, the plaintiff's counsel will attempt to achieve a bad faith failure to settle claim after the larger than policy limits judgment. These sharp tactics have been particularly widespread in pre-suit demands arising from serious injury automobile accidents involving lower policy limits.

In 2013, the Georgia Legislature enacted O.C.G.A. § 9-11-67.1 to curtail these tactics. The statute (in its original form) set forth specific procedures governing pre-suit settlement offers. But over the years, plaintiffs' lawyers have been especially crafty in adjusting their demands to circumvent the statute's purpose.

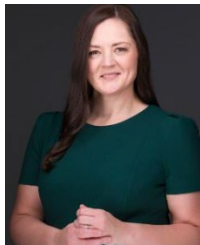
[Click here to read the entire article](#)



[Kim Jackson](#) is an FDCC Defense Counsel Member and a Partner with [Bovis Kyle Burch & Medlin](#) in Atlanta, GA, where he handles all forms of coverage and bad faith disputes, defends attorneys and other professionals in malpractice claims and licensing grievances, defends catastrophic injury cases, typically focusing on premises liability, represents governmental entities in civil rights claims, represents companies and professionals in various types of complex commercial litigation, and serves as an expert witness on the attorney standard of care and insurance coverage and bad faith issues. He is also Chair of

the [Insurance Coverage Substantive Law Section](#), on whose behalf this article is submitted.

#3 Mediation Tips & Pitfalls to Avoid Podcast



Charlene McLaughlin



Marc Harwell



John Trimble

What are the best practice tips to advance - as well as pitfalls to avoid - in mediations? Moderator [Charlene McLaughlin](#) of [Calistri McLaughlin, LLC](#) gets the inside thoughts and guidance from the unique perspectives of [Marc Harwell](#) of [Harwell & Hurst, PLLC](#) and [John Trimble](#) of [Lewis Wagner](#) gained over their years of experience as mediators and as defense counsel.

- What are the nuances for preparedness?
- Is there a better way of advocating for your client during the mediation?
- How do you maintain credibility during the process?
- Are you effectively listening to what the adversary and mediator are saying?
- What are the best steps and techniques to negotiating?

Click on the box below to listen to the podcast, and feel free to share it with your colleagues.

[Click here to listen to the 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 Member in the Spotlight:
Dana M. Horton**



Please join us in sending congratulations to FDCC Defense Counsel member [Dana M. Horton](#) of [Robinson + Cole's](#) office in Providence, RI who was honored as a “Legal Services Industry Leader” by *Providence Business News* on April 15, 2024, as part of the publication’s 2024 Business Women Awards, which was held on May 23, 2024. The annual event recognized leading women in various business, government, and nonprofit sectors for their respective organizations. Industry leaders are experience leaders who have been in their profession 20 or more cumulative years.

Aside from her legal talents, Dana also assists [Perspectives Corporation](#), a Rhode Island entity that provides residential and vocational opportunities to individuals with disabilities, with the appointment of health care guardians. She frequently coordinates community food and holiday gift drives for the firm’s Providence, RI office through the various committees and organizations for which she volunteers her time. She is a member of the Human Rights Committee for Perspectives as well.

Congratulations Dana on this well deserved and earned recognition!

#5 Calling All FDCC Hoosiers!



FDCC Defense Counsel Member [Nat Jordan](#) of [Yoder Ainlay Ulmer & Buckingham](#) cordially invites you to join your FDCC colleagues for a summer dinner and drinks at **5:30 pm on June 26, 2024**, at [Public Greens](#), 902 E 64th St, Indianapolis. Bring your significant other or someone you're interested in nominating for FDCC membership.

The First Round is on the FDCC!

Please RSVP no later than **June 12** via email to becky.mcdonald@ya.law. The name(s) of your guest(s) is/are requested.

#5.1 Welcome Our New Members



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



[George Glennon Troublefield](#) is a Partner with [Carella, Byrne, Cecchi, Olstein, Brody & Agnello](#) in Roseland, NJ where he focuses his practice on complex civil and corporate litigation, intellectual property matters (patents, copyrights, trademarks, trade secrets, and trade dress), bankruptcy, and business litigation matters. Glennon is a registered patent attorney with extensive experience litigating patent and trademark infringement matters and representing parties in proceedings before the United States Patent and Trademark Office. In addition to his intellectual property practice, Glennon has represented clients in commercial, bankruptcy, family

law, construction, false advertising, product liability, and insurance coverage matters in state and federal courts.

Glennon and his partner [Christine Bernal Silva](#) reside in Roseland, NJ.



[Tera A. Edwards](#) is the Administrative Partner in the Cleveland Office of [Lewis Brisbois Bisgaard & Smith](#) where she focuses her practice on business disputes, trucking and transportation, general liability, insurance defense, professional liability, catastrophic injuries, insurance matters, premise liability, employment and products liability. She is also a 2021 graduate of the [FDCC Ladder Down program](#) and has served on the Ladder Down Cleveland Executive Committee since 2022.

She has practiced in a variety of jurisdictions across the country and represented both corporate and individual clients from a variety of different fields and backgrounds with great success. She also previously worked as a Staff Attorney for two Common Pleas Court Judges in Geauga County, Ohio.

Tera and her husband [Keith](#) reside in Bentleyville, OH.



[Brian H. Leinhauser](#) is a founding Partner of [MacMain Leinhauser](#), in West Chester, PA. Brian provides legal counsel and defense for labor and employment matters, education law, business, civil rights, litigation, and non-profit administration. In this work, he serves employers, government entities and officers, educational institutions, businesses, religious institutions, and non-profit organizations.

Brian and his wife [Stephanie](#) reside in Exton, PA.

#5.2 What's on the Docket?

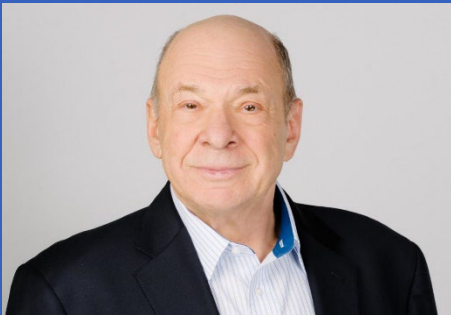


Please register and mark your calendar to attend the following FDCC events of relevant and timely substantive content:

- **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](#).
- **June 26, 2024 at 5:30PM: FedMeets with All Hoosiers!** Meet us at the [Public Greens](#), 902 E 64th St, Indianapolis. Please RSVP no later than June 12 via email to becky.mcdonald@ya.law.
- **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"
Lawrence Ebner!



Larry has formed an independent, nationwide, appellate litigation boutique, [Capital Appellate Advocacy PLLC](#), where he handles appeals for individual companies and writes amicus curiae briefs for entire industries. He practices primarily in the U.S. Supreme Court and federal courts of appeals. Larry has been a valued member of the FDCC

since 2021 and is Chair of the Appellate Law Section.

He is also Executive Vice President & General Counsel at the [Atlantic Legal Foundation](#), a national, nonprofit, public interest law firm, where he conducts the Foundation's renowned amicus curiae program in the Supreme Court, federal courts of appeals, and state appellate courts. His cases involve individual liberty, free enterprise, protection of property rights, limited and responsible government, sound science in judicial and regulatory proceedings, and effective education, including parental rights and school choice.

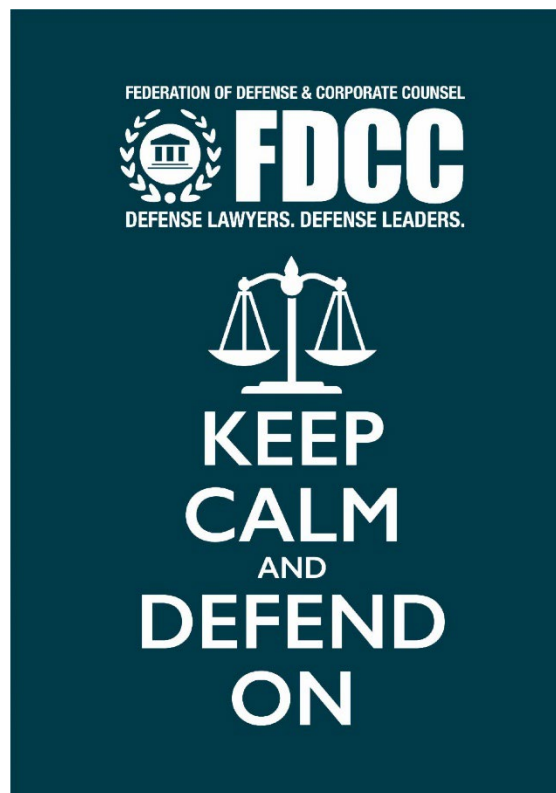
On Wednesday this week, Larry celebrated his birthday, but we're sure he wouldn't mind a few belated good wishes! Would you please join us in sending him a Happy Birthday email to:

lawrence.ebner@capitalappellate.com

Congratulations Larry, and our very best wishes to you, Barbara 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!