

FEDERATION OF DEFENSE & CORPORATE COUNSEL



**FDCC**

DEFENSE LAWYERS. DEFENSE LEADERS.

GIVE ME  THINGS TO KNOW

May 3, 2024 -- Issue 221

## *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:

- Webinar for FDCC Women Members: "Gendered Communication & Its Effect on Persuasive Advocacy"
- The End of Non-Competes?
- Podcast Interview with General Michael Neil
- Diversity Committee Announces Two New Offerings
- Welcome to Our Newest Member
- On the Docket
- Have a Nice Day: Doug Fletcher

# #1 "Hysterical: Gendered Communication & its Effect on Persuasive Advocacy" May 14th at 12:00PM ET



We are privileged to offer all Women members of the FDCC the opportunity to hear from one of the nation's subject matter experts on gendered communications and its effect on persuasive advocacy: [Professor Marian Braccia](#) of Temple University's Beasley School of Law. The FDCC's Professional Women's Forum is sponsoring the webinar on **Tuesday, May 14 at 12:00PM.**

The program explores the discrepancies between women and men in terms of professional achievement in the practice of law. One of the many reasons for those discrepancies is the linguistic differences between the genders. Studies repeatedly demonstrate that persuasive advocacy is received differently based on the gender of the advocate.

In this program, FDCC Women Members will learn to challenge the cultural expectations of power positions in and out of the courtroom. Professor Braccia will present the best practices of verbal and nonverbal communication to help eliminate gender bias in litigation and advocacy. Not only is this presentation eye-opening, but it promises to educate and empower.

Professor Braccia teaches evidence law and trial advocacy, drawing from lessons from classical rhetoric and persuasion. She presents frequently on gender bias in the courtroom, particularly as it impacts transgender and gender-diverse people and cisgender women. Professor Braccia also teaches lawyers in Chile, Argentina, Ecuador, and Peru the fundamentals of American trial advocacy through Temple's Chilean pre-LL.M. program. She also teaches Evidence Law to Chinese legal professionals as part of the Temple-Tsinghua LL.M. degree program.

"Hysterical" has been approved for CLE in CA, FL, PA, VA, and DC.

[Please click here to register for the free Zoom Meeting](#)

## #2 No More Non-Competes? What Employers Need to Know After the FTC Announcement By: Tim Moore & Chad Hatmaker



**Tim Moore**



**Chad Hatmaker**

On April 24th the FTC announced its long anticipated [final rule](#) on noncompete agreements. The final rule largely follows the previously published version and bans noncompete agreements in most circumstances for employees, independent contractors and other “workers.” There are, however, some exceptions. Furthermore, the rule is not yet law and may not become law.

In a [press release](#), the FTC justified the action as necessary to address growing concern regarding noncompete clauses, which, according to the agency, “negatively affect competitive conditions in labor markets by inhibiting efficient matching between workers and employers.” Per the agency, banning non-competes will lead to 2.7% more new businesses, increased wages of \$524 for the average worker, lowered healthcare costs of \$194 billion, and an average of 17,000-19,000 patents annually.

Under the final rule a noncompete agreement is impermissible except for non-competes entered into pursuant to a bona fide sale of: a business entity; all or substantially all of the entity’s assets; or the person’s ownership interest in the

entity. In a change from the prior version there no longer must be a sale of at least 25% of an ownership interest.

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

[Tim Moore](#) is an FDCC Corporate Counsel and Vice-President, Head of Commercial & Legal Compliance at [Corium](#). [J. Chadwick Hatmaker](#) is a Member of [Woolf, McClane, Bright, Allen & Carpenter, PLLC.](#), in Knoxville, TN.

## #3 Podcast Interview with General Michael Neil



**Jennifer Hoffman**



**Michael Neil (USMC, Ret'd)**

This week FedSpeaks is especially proud to share its latest episode: a podcast interview with FDCC Defense Counsel and Past President, Michael Neil, the **winner of the Federations 2024 Lifetime Achievement Award**.

Listen in as Mike reflects on his legal career, his personal journey and what reflecting on receipt of the award means to him. FDCC Defense Counsel

member Jennifer Hoffman, of Carr Allison in Satellite Beach, FL had the honor of recording this memorable chat with The General, as he reflects on:

- the moment he had to make a decision that impacted his life;
- the most significant milestone and proudest moment in his life;
- how he has learned to deal with setbacks;
- balancing his professional commitments as a trial lawyer with his personal life; and
- the best advice he can provide to both young and more tenured lawyers.

You will want to download this one, pass it on to others, and listen to it whenever you can; so as to hear from a humble, honest, heroic person whose contributions to our profession are more than any award can recognize.

[Click here to listen to the Podcast](#)



**FED  
SPEAKS**  
A PRODUCTION OF THE FEDERATION  
OF DEFENSE & CORPORATE COUNSEL

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 members of the FDCC.

## #4 Diversity Committee Announces Two New Offerings



The FDCC Diversity Committee is proud to announce two new offerings open to all FDCC Members:

- **FedTalks: Diversity Talks - Wednesday May 22 at 2:00PM ET / 11:00AM PT**

This is a new forum for meaningful, open dialogue regarding topics near and dear to our Committee's heart: "FedTalks: Diversity Talks." Hosted by several members of our Diversity Committee, this round-table discussion opportunity is open to all FDCC members who wish to engage in respectful and educational dialogue with their FDCC peers.

Our first informal discussion will be lead and moderated by [Alonzo Washington](#), and explore various current issues, including thoughts on the impact of the Supreme Court's holding in *Students for Fair Admissions v. Harvard*. This is not a panel format and is intended to be an open discussion. Please register for this event by [clicking here](#). Upon registration, you will receive a confirmation with the virtual meeting link and participation guidelines

- **The Diversity Book Club: Thursday, June 20 at 1:00PM ET / 10:00 AM PT**

This new book club opportunity is open to all FDCC members. The Book Club will focus on reading non-fiction and fiction books with diversity themes and issues as the central topic. The first book the Diversity Book Club will be reading is *The Sum of Us*, by Heather McGhee ([click here](#) for a brief description).

Please register for the discussion to receive the Zoom link by [clicking here](#). If you have recommendations for future books, please email them to: [Micalann Pepe](#).

---

## #5 Welcome Our New Member



Please join us in welcoming the following new member who has been admitted to our membership:



**Madison Dini** is Counsel at **Michelman & Robinson** in Houston, TX and member of the firm's Commercial & Business Litigation Practice Group. In that capacity, she advocates in federal and state courts on behalf of a nationwide clientele in cases involving products liability, contract and commercial disputes, consumer law, health care, professional malpractice, personal injury and wrongful death claims.

Prior to joining M&R, Madison honed her skills as a Partner with Serpe Andrews, PLLC, a Houston-based litigation firm and before that as an intern for a Federal Magistrate Judge.

**Welcome Aboard!**

## #5.1 What's on the Docket?



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

- **May 14, 2024 at 12:00PM ET: Professional Women's Forum Webinar: Hysterical: "Gendered" Communication and Its Effect on Persuasive Advocacy** with Professor Marian Braccia, Director of the LL.M. in Trial Advocacy and Practice Professor of

Law at Temple University Beasley School of Law. [Click here to register.](#)

- **May 22, 2024 at 2:00PM ET: "FedTalks: Diversity Talks"** with FDCC Defense Counsel [Alonzo Washington](#). Sponsored by the Diversity Committee. [Click here to register.](#)
- **June 20, 2022 at 1:00PM: Diversity Committee Book Club Meeting** - Discussing "The Sum of Us," by Heather McGhee, and led by [Micalann Pepe](#). [Click here to register.](#)
- **Jul 10, 2024 02:00 PM: 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](#)
- **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"  
Douglas D. Fletcher!



Doug Fletcher is the founding partner of **Fletcher Farley Shipman & Salinas, LLP** in Dallas, TX. He has been a valued member of the FDCC since 2021. Doug began his career in 1978, serving as an Assistant District Attorney for Dallas County, Texas, and entering private practice in 1981, bringing his prior prosecutorial focus to the successful defense of corporations throughout the State of Texas.

Over the past twenty five years, Doug has successfully litigated over 152 trials to verdict in matters ranging from complex personal injury, transportation, product liability, premises liability, Dram Shop liability and numerous other matters involving serious exposure to the firm's corporate clients. His practice has evolved from classic trial representation to more expanded conflict resolution, and now includes conducting mediations for the Gilbert Mediation Group.

Doug is active in his church and volunteers with the Boy Scouts of America. He is on the Executive Board of the Boy Scouts of America Circle Ten Council. He and his wife, a non-practicing attorney, have three children and four grandchildren. In his off time, Doug enjoys cycling, swimming, biking road trips, family travel, and reading biographies and history.

Please join us in sending Doug an email just to wish him a good day:

[doug.fletcher@fletcherfarley.com](mailto:doug.fletcher@fletcherfarley.com)

All the very best to you, Doug, and to your family for great day today as well as 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



**FDCC**

DEFENSE LAWYERS. DEFENSE LEADERS.



**KEEP  
CALM  
AND  
DEFEND  
ON**

**Be Exceptional Today!**