



May 8, 2026 -- Issue 328

Good Morning!

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#1: FDCC's Commitment to Diversity, Equity, Inclusion & Belonging

By: Marc Harwell



FDCC's Board of Directors

The Federation of Defense & Corporate Counsel has long been a fellowship of lawyers, corporate counsel, industry leaders, and friends who share a commitment to excellence, service, civility, and leadership. Central to that commitment is our belief that our strength comes not from sameness but from the richness of our differences.

As we look ahead, let us continue to build a Federation that reflects the very best of our profession: inclusive, principled, engaged, and committed to fairness, justice, knowledge, and fellowship for all.

One important way you can help us develop is by logging into your FDCC member profile on the [website](#) and updating your bio to self-identify with your demographic and diversity information. Once on your bio page, just scroll down (as noted below) and click the boxes that apply:

"In the event you would like to share additional information on your background, according to the US Census Bureau, do you identify as:"

Check all that apply:

- A. Male
- B. Female
- C. Non-Binary
- D. Asian or Asian American
- E. Black or African American
- F. Caucasian/White
- G. Hispanic/Latino/Latina
- H. LGBTQIA+
- I. Native American or Alaska Native
- J. Other
- K. Prefer not to say

This information will allow us to better understand the composition of our membership, measure our progress, identify areas where additional outreach is needed, and continue building a membership that reflects the diversity of the profession and the communities we serve.

The FDCC's Diversity Statement reminds us of the importance of our development in this regard:

“Diversity and individual uniqueness bring new ideas, creativity and strength to an organization. The Federation of Defense & Corporate Counsel actively advocates for expanding inclusiveness in the legal profession and seeks to ensure equal opportunity for all persons in the membership, leadership, engagement and activities of the FDCC regardless of race, ethnicity, sex, disability, country of origin, socio-economic status, religion, age, marital status, sexual orientation, or gender identity. The FDCC is committed to providing access to knowledge, justice and fellowship in an environment of fairness and equitable treatment for everyone.”

That same spirit expressed in that statement guides our ongoing DEIB work today. Being a welcoming organization requires intentional effort. It requires us to:

- identify, invite, mentor, sponsor, and elevate diverse lawyers and leaders;
- ensure equal opportunity in membership, leadership, engagement, programming, networking, and service;
- listen with empathy, act with purpose, and remain accountable for progress.

May we go forth committed to such intentional effort.



[Marc Harwell](#) is President of the FDCC, and a Defense Counsel member. He is also a founding partner of [Harwell & Hurst, PLLC](#) in Chattanooga, TN, where his practice is focused on wrongful death, traumatic brain injury, alleged bad faith denials of coverage, major commercial developments and construction, products

liability involving catastrophic injury, employment related class actions, etc. Since 2014, he has also served as a mediator handling a wide variety of complex cases involving commercial motor carriers, products liability, construction projects, professional malpractice, etc. He is an Arbitrator and Mediator through American Arbitration Association (AAA).

#2 FDCC Annual Meeting Update

The Sound of Alfama: Fado, Fate, and Saudade

By: Lee Hall



We are all counting down the days until we gather in Lisbon for our upcoming meeting at the Hotel Corinthia from July 28 - August 1, 2026. Have you [registered](#)? 503 members and their families have already made their plans to attend...and we hope you will also.

When we left off, we were exploring the narrow streets and alleys of Lisbon's oldest neighborhood of [Alfama](#). This is a perfect time to pause and dive into the

music that defines the Portuguese spirit. It's impossible to walk through Alfama without feeling the presence of Lisbon's soul: Fado.

Fado is not merely a genre of music—it is a philosophy of life. Derived from the Latin word *fatum* (fate), Fado is the musical embodiment of *saudade*. While difficult to translate directly, *saudade* is a profound emotional state of nostalgic longing—for a person, a place, or a past that may never return. It is a beautiful, melancholic ache that the Portuguese embrace with a unique sense of pride.

This form of music is so engrained and culturally significant to the Portuguese that in 2011, UNESCO officially recognized Fado as an Intangible Cultural Heritage of Humanity, cementing its place as the heart of Portuguese identity.

History of Fado

Fado emerged in the 1820s in the working-class neighborhood streets of Alfama that we've been exploring. It began in the taverns and docks, sung by sailors, bohemians, and the disenfranchised. It was a cry of the people, expressing the hardships of life, the loneliness of the sea, and the bittersweet nature of destiny. Many say that it began with women expressing their sadness and longing for their husbands as they set out on fishing trips or expeditions.

Museu do Fado

For a true understanding of Fado, consider stopping at the *Museu do Fado* in Alfama. The museum is designed to help you see, hear, and feel Fado—tracing its origins, celebrating legendary voices, and highlighting the unmistakable sound of the 12 string Portuguese guitar.

It is located at Largo do Chafariz de Dentro, right in the heart of Alfama, and it typically operates Tuesday through Sunday, 10:00 a.m. to 6:00 p.m.. Admission is modest, and you can make it a quick stop, or a full afternoon of listening.

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



Lee Hall is an FDCC Defense Counsel member and Convention Chair of the [2026 Annual Meeting in Lisbon, Portugal](#). She is also a Partner at [Jenkins Fenstermaker](#) in Huntington, WV where her practice is focused on insurance coverage, insurance defense, and WV bad faith defense. Her insurance defense practice includes sexual misconduct, municipal liability, motor vehicle and trucking claims, premises, and medical malpractice claims.

#3 FDCC Civil "Writes" Monthly Update



Our thanks to FDCC Defense Counsel Member, Andy Rutens of Galloway, Wettermark & Rutens in Mobile, AL for editing the May Issue of the monthly Civil "Writes" newsletter.

[Click here](#) for this month's edition, which features articles on:

- Climate Change & The Impact on Public Entity Liability that tees up Andy's presentation at the annual meeting in Lisbon, Portugal, on a panel with John Peiserich with JS Held and Ed Casmere with Norton, Rose, Fulbright US LLP about climate change and how it impacts government entities. While the concept of climate change can seem distant and not necessarily impactful to our defense of government entities, the reality is quite different.
- "Getting Up Close & Personal" with this month's featured Section Member: Jamie Jones Walsworth of Friday, Eldridge & Clark, LLP
 - Membership Recruitment & Volunteer Opportunities



[Andy Rutens](#) is an FDCC Defense Counsel member and a Partner with [Galloway, Wettermark & Rutens](#) in Mobile, AL, where his practice is focused on employment and labor law, government entity liability, law enforcement excessive force defense and general defense litigation. Andy is the City Attorney for Saraland, Alabama, and is the Co-Chair of the Alabama State Bar Litigation Committee. He is also the Immediate Past President of the Alabama Defense Lawyers Association.

**#4 And Now a Word from Our
Platinum Sponsor: iDiscovery Solutions**

***TaylorMade v. Callaway: What the Golf Ball False Advertising Lawsuit Means
for Sports Litigation***

By: Teddy Brown & Mark Clews



**The UV Light Demonstration at the Center
of the Lawsuit**

If you have spent any time with golf equipment representatives over the past several months, you may have encountered a demonstration that looks more like a science fair project than a sales pitch. A salesperson pulls out an ultraviolet light, holds it over a few premium golf balls from competing manufacturers, and invites you to judge performance based on how the coatings glow. According to a complaint filed in January 2026 in the United States District Court for the Southern District of California, TaylorMade Golf Company, Inc. alleges that Topgolf Callaway Brands Corporation has been doing exactly that, and that the demonstration is fundamentally misleading.

The case raises questions that touch on product marketing, consumer perception, and competitive harm; questions that, in our experience, typically require both forensic financial analysis and digital forensic investigation to answer. As practitioners in those disciplines and with deep familiarity with the golf industry, we wanted to walk through what the complaint alleges, why it matters, and how professionals on each side of a dispute like this would typically approach the work.

What the Complaint Alleges

TaylorMade's complaint asserts four causes of action: false advertising under the Lanham Act, false advertising and unfair competition under California state law, and trade libel. The central allegation is that Callaway's sales representatives, brand ambassadors, and influencers have conducted UV light demonstrations comparing Callaway's Chrome Tour golf ball to TaylorMade's TP5, claiming that how the balls appear under UV light is indicative of overall performance and quality control.

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



Teddy Brown, CPA/CFF is the Managing Director of Damages & Forensic Accounting, and along with his colleague, **Mark Clews**, MCFE, EnCE, are the FDCC's representatives for **iDiscovery Solutions**, one of our valued Platinum Sponsors.

For more information on their entire suite of consultant and expert services, please contact Teddy Brown at: 305.799.6161 or by email: tbrown@idsinc.com



#5 Succession Planning Webinar:

May 13, 2026 - 12:00PM ET / 9:00AM PT



Insuring the Future: Succession Planning and the Retention of Institutional Knowledge for Corporate Legal Departments, Law Firms, and Solo Practitioners

Please join us for an engaging 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.

This program features a panel including:

- **Linda King of Sompo Insurance;**
- **Halley Cruz, Head of Training and Recruitment at Insure National; and**
- **Jody Briandi, President and Managing Partner of Hurwitz Fine P.C.**

Drawing on their varied backgrounds, the panel of knowledge experts will examine succession planning and knowledge retention from multiple perspectives, including organizational continuity, talent development, mentoring, training, and the practical steps needed to ensure that experience and judgment are passed effectively from one generation of professionals to the next.

The discussion will offer valuable insights for members at all stages of their careers, whether you are leading a team, preparing future leaders, building a

stronger training structure, or thinking about your own long-term professional legacy.

We hope you will join us for this timely and practical conversation.

[Click here to register for the webinar](#)

#5.1 LCJ Update: FRCP Amendments Advance

Our colleagues at [Lawyers for Civil Justice](#) (LCJ) report that FRCP amendments concerning:

- remote testimony,
- service of nonparty subpoenas,
- corporate disclosures, and
- voluntary dismissals



were advanced with no material changes by the Advisory Committee on Civil Rules advanced during its semi-annual meeting on April 14, 2026.

The next step in the rulemaking process will occur in early June, when the Standing Committee will vote on final approval. If approved, and if the remaining steps of the process proceed as expected, these amendments will go into effect on December 1, 2027.

[Click Here](#) to read the full report.



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

- **May 13, 2026 at 12:00PM ET/9:00AM PT: Webinar: Insuring the Future: Succession Planning and the Retention of Institutional Knowledge for Corporate Legal Departments, Law Firms, and Solo Practitioners with [Linda King](#), Halley Cruz and [Jody Briandi](#). [Click here to register](#).**
- **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...

Mark DiGiovanni!



Mark is the Vice President of Litigation Management for [Global Indemnity Group](#), a provider of specialty insurance and reinsurance products and services.

Mark oversees the management and supervision of Company litigation, including the coordination and retention of panel counsel both nationally and internationally. Prior to joining Global Indemnity, Mark served as claims counsel at Travelers Insurance Company in the Defense Litigation Group, where he managed high exposure litigation in Eastern Pennsylvania and the New England States.

Before his career in litigation management, Mark practiced insurance defense litigation in Pennsylvania and New Jersey for over twenty years, where he handled a wide variety of complex liability matters.

And yesterday was Mark's birthday! Would you join with us in sending him a congratulatory email to:

mdigiovanni@global-indemnity.com

Congratulations and Happy Birthday Mark.

We wish you, Lisa 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 2014.

Why FDCC?

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

