



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

An organization of distinguished defense and corporate counsel dedicated to knowledge, justice, and fellowship.

FDCC E-Newsletter

April 2016

From the President



It's April and we all start thinking about Spring, school ending, active family Summer trips (such as going to Quebec for our annual meeting), and, of course, throwing our hats in the ring for service as a Board member in the Federation.

I'll repeat a question Vicki Roberts asked last year:

"Why aren't YOU running for a Board position?"

I have had the opportunity this year to observe many talented people serving the Federation and it seems to me that we should have an abundance of candidates running for the Board of Directors. Give it some thought and throw your hat in the ring. Let Marty Streeper or me know that you are interested in taking this step. It's time.

Now start planning for the Summer meeting. Lee & I look forward to seeing you there!.

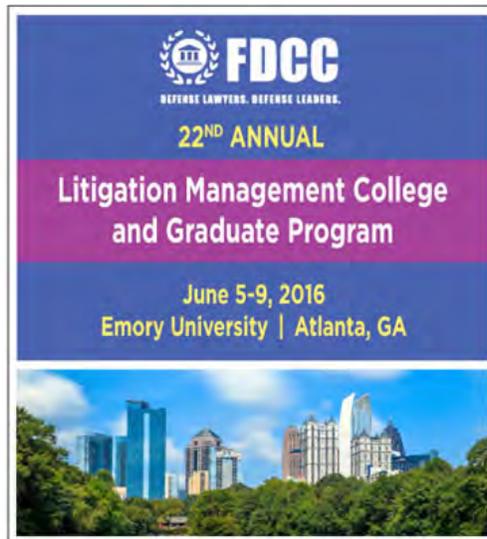


LAST FDCC DEPOSITION BOOT CAMP FOR THE YEAR

June 13-14, 2016
Boston, MA

The final Federation Boot Camp for the year will be held in Boston on June 13 – 14, 2016 at *Nutter, McClennen & Fish, LLP*. Your associates will learn all the aspects of taking and defending a deposition and will participate in three mock depositions to use the new skills they have learned. This is a great opportunity for them to learn and grow as young lawyers. Besides hands-on

SHARE THE LOVE: Promote the LMC



By reading the Federation e-newsletter and *Flyer* over the past six months, you have learned how to get basically everyone to love you: clients, partners, your competitors' clients, and your family (even more). The secret to this last one will be in the *Federation Flyer*, so be sure to look for it.

How do you do this? By promoting the LMC and the LMC Grad programs, you promote yourself, land more clients, and take your family on even better vacations. The LMC and Graduate programs are the BEST litigation claims training. Anyone who participates will love it and will be forever indebted to you for recommending that he or she attends.

Just send a quick email to clients and potential clients with the [link to the FDCC website](#). The [LMC](#) and [Graduate program brochures](#) and registration information is right there. Printed brochures are also available from the [FDCC Office](#). Let Marty know how many you need and they will be mailed to you.

There is no reason to delay. Start small and send out two or three. You will be glad you did.

Questions? Contact [David M. Governo](#), Dean of

Camp manual and make many contacts that will contribute to them becoming a better lawyer. The faculty will be:

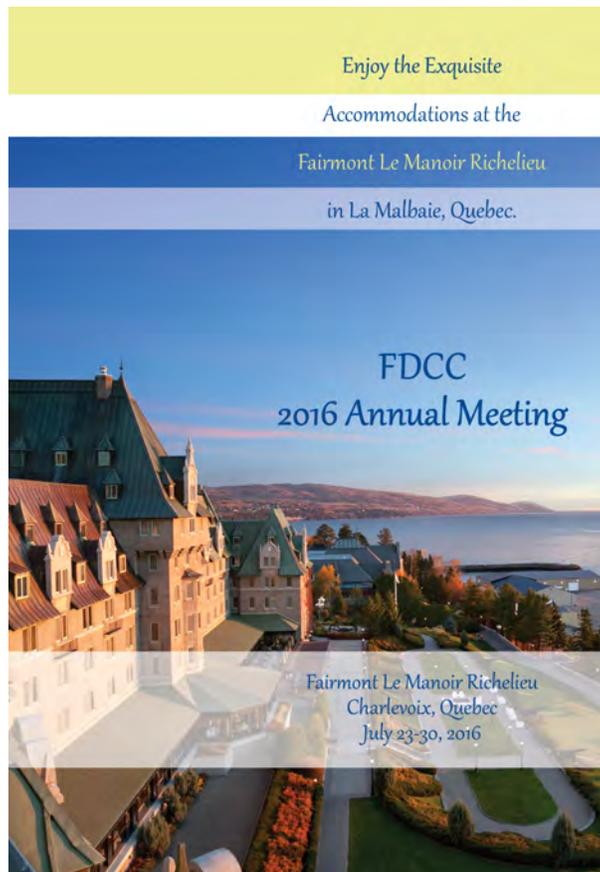
Elizabeth Lorell
Andrew Johnson
Joanne Blackburn
Jennifer Johnsen
Robert Cooper
Seth Gausnell

Space is limited to 24 students. To learn more and register, [Click here](#).

MAY 2016 WEBINAR

Our next Connect and Learn webinar will discuss how to defend against the Reptile Theory. If you've seen plaintiffs' attorneys use the Reptile Theory in court, you know how effective it can be, if it is not properly defused. If you've never seen it in court, you will soon and you need to start planning your defense theories accordingly. You will learn how the plaintiff's bar has organized and systematized this method of trying cases. They are increasingly expert at using buzz words and phrases to anger jurors, in an attempt to erase reasoned thought and replace it with pure emotion.

As we all know, emotional verdicts are never good for defendants, so you must be armed and prepared right from the beginning of the case. For example, learn how proper witness preparation (by both in-house and outside counsel) can make a huge



Charlevoix is located in the heart of the French-Canadian region of Canada and it is an ideal location for our 2016 Annual Meeting. Our resort, Le Manoir Richelieu, is an iconic symbol of “Old World Charm” which was built in the style that prevailed in France during the period of Cardinal Richelieu.

We have activities planned which will allow you to embrace all that the region has to offer, whether it is outdoor adventure or indoor cuisine. Brett Preston’s program is both innovative and timely for a year in which we have a Presidential election in the U.S. and the Olympics. We will also roll out our first-ever “FDCC Kids’ Mornings” for children, ages 3 - 10. This free program will allow our women members to attend morning CLE.

Please visit the [hotel website](#) to learn more about the venue for our Annual Meeting. You should also consider making hotel reservations right away by calling the hotel or reserving your room [electronically](#). Rooms must be reserved by June 27, 2016. Update your passports and

the road to a successful outcome.

Join us on **May 19, 2016** at **2:00 p.m. Eastern Time** for this tremendous webinar, entitled: “*Tried and Tested Strategies for Defending Against the Reptile Theory.*” By popular acclaim, we’ve asked **Kurtis B. Reeg, Esq.**, a partner at *Goldberg Segalla*, St. Louis, Missouri, and **Matthew G. Moffett, Esq.**, a partner at *Gray, Rust, St. Amand, Moffet & Brieske*, Atlanta, Georgia to explain what the Reptile Theory is and how to combat it. You will enjoy their fun yet highly informative style. Don’t miss this one. Watch for our e-mails and sign up early!



JOIN THE NEW: DATA BREACH, PRIVACY, AND CYBER INSURANCE LAW SECTION

A new section, Data Breach, Privacy, & Cyber Insurance,” has been approved by the Executive Committee. If you are interested in becoming a member of this new section, please contact Executive Director [Marty Streeper](#).



open. [Click here](#)

Convention Chairs,
Mike and Tricia Glascott



The Federation of Defense & Corporate Counsel's 13th Annual Corporate Counsel Symposium (CCS) theme this year is: **21st Century Practice of In-house Counsel: A Look Ahead**. This year's CCS is being held at the beautiful Hotel Sofitel in Center City Philadelphia. The CCS will begin on Sunday, September 18, 2016 at 4 PM and conclude on Tuesday, September 20, 2016 at Noon. Thus, those attending will only be away from the office for two days.

The CCS Committee is excited to be back in Philadelphia for this year's event. We are lining up another stellar program, leading off with a panel on Sunday afternoon featuring among others, Judge Lee Rosenthal and Prof. Steven Gensler, both former members of the Advisory Committee on the Civil Rules, to address how the federal courts have thus far interpreted the December 2015 rules amendments. Other presentations will address the Supreme Court of the future, how legal departments are being valued and measured through analytics and metrics, tighter enforcement of regulatory requirements imposed upon corporations, and other topics sure to be of interest to today's forward thinking corporate counsel. This program is sure to provide several takeaways for this year's attendees.

Milwaukee-based Gass Weber Mullins has opened another office in Miami, Florida. Best wishes to **Joe Fasi** and other members in the firm.

Condolences and prayers to FDCC Membership Coordinator **Mary Nell O'Dowd** on the recent loss of her father, Julian M. Quarles, Jr.

NEW MEMBERS (Since last newsletter)

Willam Evans
Brittain Ball Ball Matthews & Novak
Montgomery, AL

Donna L. Chapman
Chapman and Charlebois, P.C.
Albuquerque, NM

Robert C. Erlandson
Godwin, Erlandson, Vernon & Daney, LLC
Ellicott City, MD

Paul J. Hopkins
Carter Newell Lawyers
Brisbane, Queensland

R. Jeffrey Lowe
Kightlinger & Gray, LLP
New Albany, IN

David L. Luikart, III
Hill Ward Henderson
Tampa, FL

Michael J. Marone
McElroy, Deutsch, Mulvaney & Carpenter
Morristown, NJ

registration to all in-house counsel. We will be providing more registration information in the near future, as well as information concerning registration fees for FDCC outside counsel members. We anticipate this to be an information packed two day event you will not want to miss. We hope to see you in September in Philadelphia, a great time is sure to be had by all.

For more information, contact Executive Director [Marty Streper](#).

Brad Waring Appointed as Danish Knight



Brad Waring has been appointed as a Knight of the Order of Dannebrog by Denmark's Queen Margrethe II. Waring attended a knighting ceremony at the Danish Embassy in Washington, DC on April

19th. The Order of Dannebrog was instituted by King Christian V in 1671. It serves as a means of honoring individuals for meritorious civil or military service, contribution to the arts, science, and business or for those working for Danish interests.

Brad, who is Honorary Danish Consul for North Carolina and South Carolina, joined three other newly knighted consuls from around the country.

In the News



Vicki Smith, *Bodyfeld Mount LLP*, Portland, OR, has become an officer on the board of directors for the Oregon Association of Defense Counsel (OADC). As one of only three officers leading the OADC board of directors, Smith will act as Secretary/Treasurer in 2016, President-elect

in 2017, and President in 2018. Vicki served on the OADC's board of directors for three years before being elected as its newest officer. She has held additional leadership roles in the organization

Thompson & Colegate, LLP
Riverside, CA

Paul A. Williams
Shook, Hardy & Bacon, L.L.P.
Denver, CO

FDCC PUBLICATIONS

[Hot Cases](#)

[Article of the Month](#)

[E-Newsletters](#)

[Insights](#)

[Federation Flyer](#)

CALENDAR OF EVENTS

June 5 - 9, 2016

**Litigation Management
College & Graduate
Program**

Emory Conference Center
Atlanta, Georgia

June 13 - 14, 2016

Deposition Boot Camp
Nutter, McClennen
& Fish LLP
Boston, Massachusetts

July 23 - 30, 2016

FDCC Annual Meeting
Fairmont Le Manoir Richelieu
La Malbaie, Quebec

Federation Triumphs



Robert D. Meyers, *Glanker Brown*, Memphis, TN, served as lead counsel for the Tennessee Defense Lawyers Association in an amicus brief before the Tennessee Supreme Court in *Haynes v. Formac Stables, Inc.*, 2015 WI 1400917 (Tem. Mar. 27, 2015). In this case, the Plaintiff asserted claims for retaliatory

discharge pursuant to common law and Tennessee whistleblower statutes, alleging that the owner of the business for which Plaintiff worked engaged in illegal conduct then terminated the Plaintiff's employment when he complained. Plaintiff alleged that the owner refused to allow Plaintiff to leave work to obtain medical treatment for an on-the-job injury.

The trial court dismissed the claim because Plaintiff had not reported the conduct to anyone other than the owner, and the court of appeals affirmed. Robert argued to the supreme court that it should also affirm because the whistleblower statute affords protection only when an employee reports conduct to someone other than the wrongdoer, including reporting to an outside entity when the wrongdoer is the manager, owner, or highest ranking officer in the company. The Supreme Court affirmed the decision of the court of appeals.

Well done, Robert!



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