



2015 WINTER MEETING ~ March 4-7, 2015



Plans are complete for the upcoming 2015 FDCC Winter Meeting on Amelia Island in Florida. If you have not yet reserved your room at the beautiful Ritz Carlton Amelia Island, please do so by calling 888-239-1217 or electronically [click here](#). If you have made a room reservation and you are no longer able to attend, please notify Marty Streeper to release it so the room can be assigned to another member who would like to come to the meeting.

Registration is open and we would appreciate you taking a few minutes to register if you haven't already done so. To register, [click here](#), and for more information and the brochure, [visit our](#)



Local Meeting Project

Upcoming meetings:

January 27, 2015 ~ Los Angeles

Hosted by John Peer & Greg Scher

February 2015 ~ Miami

Hosted by Ray Abadin & Lauren Curtis

Stay tuned for a local meeting in your part of the country in 2015!

[Save the Date](#)

Have a wonderful holiday and we look forward to seeing you in March on Amelia Island, www.thefederation.org

Elaine and Walter Dukes ~ Convention Chairs



RIDING THE WAVES OF CHANGE

Program Highlights



Our opening keynote address on Thursday, by Kenneth Feinberg, will offer an overview of his experience wrestling with unconventional responses to unique catastrophes, sometimes requiring modification of the law to meet the unique challenges of a particular loss. Mr. Feinberg has served as a mediator or claim administrator in our nation's largest catastrophic losses and he will opine about existing tort law and how, occasionally, policymakers must choose a different path in order to reach just results in high exposure, catastrophic losses. Following his keynote address, Mr. Feinberg will participate in a discussion with John Trimble and Mills Gallivan which will address the management of victim and public expectations in the disbursement of funds after a mass disaster. This discussion will focus on the successful handling of claims by Mr. Feinberg and John Trimble which arose from the collapse of a roof at the Indiana State Fair. The loss resulted in 7 deaths and 70 injured and required a novel resolution of claims because of the limited funds available.

Mr. Daniel Kornstein, an author and brilliant defamation lawyer, has successfully combined his law practice with frequent writing and speaking about the law. Mr. Kornstein has published 8 non-fiction books, 18 law review articles, and hundreds of essays and book reviews. His work has appeared in the *New York Times*, *Wall Street Journal*, *Chicago Tribune*, and a host of other nationally recognized publications. He has been cited by a number of courts, including the U.S. Supreme



May 13-15, 2015 - The
Conrad - Chicago, IL

Corporate Counsel Symposium

September 28-30, 2015 -
New Orleans, LA

Insurance Industry Symposium

October 21-23, 2015 - New
York Athletic Club - New
York, NY

Litigation Management College

June 7-11, 2015 Emory
University, Atlanta, GA

More than a conference, the FDCC's 21st Annual Litigation Management College (LMC) is an intensive "hands-on" program that is simply the best way for claims and litigation management professionals with 5 to 15 years of experience to develop their full potential. Students work together in teams and groups led by experienced claims managers and trial counsel. They learn about how to become more successful in their jobs but most importantly, they learn about themselves. Our process, perfected over two decades of experience, includes a variety of learning approaches from individual coaching through a video-taped mock deposition to a multi-day team exercise to resolve a complex case most favorably. All aspects of high-level claims management are included: communication, analysis, budgeting, preparing litigation case

approach in the practice of the law.

We will conclude on Saturday with Trial Masters, which will offer a different perspective on our effectiveness in the courtroom. Entitled "A View of from the Bench – Judging the Lawyers," the program will feature a panel of experienced jurists from around the country that will offer insight as to effective techniques in all phases of trial.



Please consider sending one of your associates to an upcoming boot camp in 2015. They will be held in Denver on April 16-17 and New Orleans on June 8-9. Click on the location of your choice to register for 2015 Boot Camps:

- [Denver - hosted by Hall & Evans, LLC](#)
- [New Orleans - hosted by Phelps Dunbar LLP](#)

DEPOSITION MANUAL

The Deposition Manual, developed for the boot camps, is being sold by the Federation for \$100.00. FDCC members or those from firms or companies with a member may purchase the Manual for only \$90.00. Those who purchase five or more at the same time will receive a 10% discount. [Download the deposition manual order form.](#)

SPECIAL DRI OFFER



Our friends at DRI have made an offer to the Federation members to encourage you to bring in someone else in your firm as a new DRI member. As of December 15, every current FDCC who is also a member of DRI will be allowed to provide a one year free membership to any qualified member of his or her firm.

The DRI goal is to introduce more young lawyers to the organized defense bar on a national level. Hopefully, by getting them to join one organization, DRI, they will want to expand their involvement into other organizations such as the Federation.

working with defense and coverage counsel.

More seasoned claims professionals should consider enrolling in the Graduate Program, which emphasizes the thorough understanding of coverage in an environment with hands-on coaching from veteran claims executives and coverage counsel.

If you have a client or colleague who would benefit from being a part of this "Best in Class" program, please have him or her contact David Governo, Dean of Admissions, at 617.737.9047 or dgoverno@governo.com

In the News



James A. Edwards, formerly of *Zimmerman, Kiser & Sutcliffe, PA,* Orlando, FL, was recently

appointed by Florida Governor Rick Scott to a seat on Florida's Fifth District Court of Appeal which hears appeals from the Fifth, Seventh, Ninth, and Eighteenth Judicial Circuits. Congratulations, Jim, on this prestigious appointment!

Amicus Update

United States Supreme Court Adopts Arguments Advanced by Amici The Washington Legal Foundation, The International Association of Defense Counsel and Federation of Defense &

the FDCC

The application materials are available on the DRI website. The DRI offer will remain open to August 1, 2015. At that time, they will assess its effectiveness.

To those who are not members of DRI, I encourage you to join for your own sake and also so that you can take advantage of the offer made by the DRI.

If you have any questions, please don't hesitate to contact me.

[Steve Farrar](#), *FDCC President-Elect*



Operating Co. v. Owens

The United States Supreme Court issued its decision in *Dart Cherokee Basin Operating Co. v. Owens* on December 15, 2014 overturning the Tenth Circuit's decision. The Court held that a defendant's notice of removal to federal court need only include a plausible allegation that the amount in controversy exceeds the jurisdictional threshold and need not contain evidentiary submissions. The Tenth Circuit's decision to remand the case to state court relied on a purported "presumption" against removal. The U.S. Supreme Court agreed that no such anti-removal presumption applies to cases brought pursuant to the Class Action Fairness Act of 2005 (CAFA). Amici, the Washington Legal Foundation, International Association of Defense Counsel and Federation of Defense & Corporate Counsel, argued that the Tenth's Circuit presumption against removability was an invention of the lower federal courts and was contrary to normal principles of statutory construction. The Supreme Court relied upon this presumption argument which was the focus of the brief of the Amici, but not emphasized by the other parties.

FDCC PUBLICATIONS

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