

FEDERATION

# FLYER™



Spring 2018 | Vol. 45, No. 1 | Craig A. Marvinney, Editor

**FDCC  
EVOLVES**

Strive for Maui | Austin at the Limit  
Je me souviens de Montreux | Amelia Reminiscence

# FELLOWSHIP!



**SPECIAL DOUBLE ISSUE**

# KŪLIA I KA NUU

STRIVE FOR THE SUMMIT

FDCC 2018 ANNUAL MEETING

WAILEA BEACH RESORT & SPA | MAUI, HAWAII  
JULY 29 - AUGUST 4, 2018



## SAVE THE DATE

### 2018 Litigation Management College and LMC Graduate program

May 20-23  
Chubb Hotel & Conference Center, Philadelphia, PA

### Midwest Regional Corporate Counsel CLE Presentation

June 14  
Hinshaw & Culbertson, Chicago, IL

### FDCC 2019 Winter Meeting

March 24-28, 2019  
J.W. Marriott Hotel, Austin, Texas

### 2018 Annual Meeting

July 29-August 4  
Wailea Beach Resort & Spa, Maui, HI

### FDCC 2019 Annual Meeting

July 28-August 3, 2019  
Sun Valley Resort, Sun Valley, Idaho

### 2018 Corporate Counsel Symposium

September 16-18  
Loews Philadelphia Hotel, Philadelphia, PA

### FDCC 2020 Winter Meeting

March 4-8, 2020  
J.W. Marriott Camelback Inn, Scottsdale, Arizona

## FROM THE EDITOR

The greatest thing about the FDCC is its people. Makes sense, right? Throughout this issue, we discuss many meetings members have led, worked at or merely attended over



Craig A. Marvinney  
Walter | Haverfield LLP  
Cleveland, OH

the last year. Yes, it is a rare double issue, combining the last half of '17 and the beginnings of 2018, looking ahead to Maui's meeting amid the surf of the Pacific off Wailea Beach. Great places! Good times!

But more than that, it's us. Our members. Our people. Now we have members from continents not previously represented in our membership – South America! I recently had the chance to assemble a compendium of law for the FDCC from 50 states and Puerto Rico, our new Claims Professional Desk Reference – and there was nary a problem getting the 51 authors together to work on and produce the chapters for their states. Just an evident joy to serve the organization. Our meeting leaders see this all the time, as do our section chairs.

Members stepping up. To help one another – whether professionally, personally, or within the FDCC, our members routinely act in selfless disregard in serving each other and the FDCC itself. A couple of years ago, I was asked to step in as Editor of this, the FDCC's Federation Flyer. It was a fine magazine in good hands.

We worked on its organization and vibe and the result is more graphics, and a deeper, friendly, embracing feel. This work is now ready to carry on for years to come until the next new idea and design. In the course of this work, I've treasured learning more and more about the breadth of this organization, our FDCC. Not just in the scope of the organization, but the breadth of talent we have in our people, our members.

This will be my last Flyer issue as Editor. My successor doesn't know it yet, but he or she will not just inherit a Federation gem for their stewardship, but will see more and more the true treasure of the FDCC as I have: This is us. Thank you to all our members for that! --C.

—Craig A. Marvinney,  
Walter | Haverfield, Cleveland, Ohio

FEDERATION

# FLYER™

Spring 2018

## Contents

### FEATURES

---

#### 2 From the Editor

---

#### 4 Officer Reports

President  
President-Elect  
Secretary-Treasurer  
Chairman of the Board

---

#### 10 Meetings - Looking Ahead

---

#### 22 Meetings - Looking Back

---

#### 34 FDCC News

Note from the Executive Director  
FDCC Evolve  
FDCC Allies with AIDA  
Leadership Candidates  
New Claims Desk Reference  
New YouTube Channel  
In Memoriam  
New Members

---

#### 44 FDCC Impact

Ladder Down  
Foundation Report  
Members Reporting for Duty  
Amicus and Public Policy Update  
New Members

---

#### 51 FDCC Pillars

Fellowship Goes on the Road  
FDCC Connect  
Leadership for Lawyers Book  
Local Meetings

# OFFICER REPORTS

## From the President

### ATTORNEY GENERAL HOLDER'S CHALLENGE



J. Scott Kreamer  
Baker, Sterchi, Cowden  
& Rice LLC  
Kansas City, MO

I recently had the opportunity to see former Attorney General Eric Holder speak and answer questions regarding his career and current events. I like to listen to the perspectives of those who make the headlines and have seen what happens behind the curtain.

I thought he was an interesting guy who has had a remarkable career. But I got the feeling that he was on cruise control during the interview, providing the same one-liners and

canned answers to questions he has fielded a thousand times since leaving his position with the Obama Administration.

That is until the end of the interview. As the formalities of the interview were finished and Holder was about to walk off the stage, he paused and with an earnestness that had been lacking he asked, "What are you doing to make the country better?" While it was posed as a question, in reality it was a challenge to everyone in the audience.

Holder explained that unlike his wife who is a doctor and treats one patient at a time, attorneys have a unique opportunity to make a profound difference in our society. Holder is of course right that attorneys have had a profound impact throughout the history of this country.

As a general proposition, throughout our history lawyers have helped to shape the very principles upon which this country stands by writing the laws, presiding over the courts and holding influential positions in government. In fact, twenty-six of the United States' forty-five presidents have been lawyers, among them the most celebrated of our country's leaders: Abraham Lincoln. In these various roles, lawyers have been able to affect change in the United States and around the globe.

Holder's challenge to each of us to use our positions to positively impact society is a pretty heavy topic to throw out at the end of what had been an hour of innocuous

political commentary. It is a profound question because it really touches a core desire in each of us to have made a difference. We all want to leave the world in a slightly better place than we found it.

The question stuck with me as I do believe that as an organization we have an obligation to give back to society. I started thinking whether the Federation, which touts itself as the pre-eminent defense organization and as leaders of the defense bar, is doing things that make the country better. The answer is an unqualified yes. It is important that you understand all we are doing as an organization in this effort and I want to take a moment to highlight a few of your efforts.

Today, the Federation and its members are continuing in this leadership tradition as individually we are leaders in our firms and communities. Collectively, our organization is a recognized leader of the defense bar ensuring that our clients have equal standing under that law and that their rights and interests are protected.

Protection of our clients' rights is a responsibility we take very seriously, so much so that it comprises one of the three principles upon which our organization was founded – justice. The Federation is constantly working towards the goal of greater justice in our judicial system. Our Amicus Committee led by Stacy Broman has been very active over the last several years weighing in on a variety of issues important to our clients. We also work to promote reforms to the rules of procedure through the Lawyers for Civil Justice (LCJ) where we were one of the founding members and our own member, Tim Pratt, will soon serve as President.

The Federation is also out in the lead to insure diversity in the legal profession. We value diversity and recognize that the inclusion of people from diverse backgrounds enriches us personally, strengthens our organization, and enhances the quality and talent within the legal profession. We have taken great strides to attract and promote women and people of color to the organization and to encourage them to become leaders in the organization. While we have accomplished much, we recognize there remains much to do.

One program you should be particularly proud of is Ladder Down. Ladder Down is a year-long program dedicated to leadership empowerment, business development, and mentoring – each of which is critical for women law-

yers to better position themselves for success during their careers. The course is comprised of monthly large group training sessions and periodic small group accountability sessions. FDCC members Alison Christian and Beth Fitch are spearheading the Ladder Down Program in Phoenix while Joyce Wang, Linda Moroney, and Michele Miller help lead the San Francisco program.

Finally, in order for people to be able to avail themselves of the protections of the Judiciary, they must be represented by someone who is able to understand, analyze, and argue their position and their situation before those who are judging. We are out in front of all other organizations in providing unparalleled training and programming for our members so that they can be the best advocates possible. Evolve is a perfect example of these efforts.

Legal technology is revolutionizing the practice of law. Those who can harness the technologies will be able to tell their client's story in ways never before possible. Evolve offers a first of its kind training and certification program where the Federation is not only identifying the technologies we should be using in our cases, but also providing the hands on training and the strategies for when and how to use them. The skills and ideas you will learn will ensure that our clients have an edge over their opponents. We rolled this program out at our 2018 Winter Meeting in Amelia Island and you can get more information at [fdccevolve.com](http://fdccevolve.com).

Holder mentioned that it seems the rule of law which forms the foundation for our country and its institutions seems to be under attack. There are no better first responders and defenders of our democratic system and the rule of law than our members. Mr. Holder, if you want an example of what a group of people can do, you need look no further than the FDCC and all we are doing to protect the founding principles of this country.

You all should be proud to be part of the Federation and all we are doing as an organization to make our country better and to lead our profession into the future – I know I am.

—Scott



Today, the Federation and its members are continuing in this leadership tradition as individually we are leaders in our firms and communities. Collectively, our organization is a recognized leader of the defense bar ensuring that our clients have equal standing under that law and that their rights and interests are protected.

## From the President-Elect

# THE WAY FORWARD TO 2020



Donald L. Myles, Jr.  
Jones, Skelton & Hochuli  
Phoenix, AZ

In 2016 the FDCC Board adopted a strategic plan. The strategic plan is titled "The Way Forward to 2020." Every member of the FDCC should know the basic goals of the plan. The strategic plan is a short statement on how each of us can improve the FDCC. The plan anticipates change and embraces the challenges of membership in the legal profession. The plan also embraces the pillars upon which the FDCC was

founded. KNOWLEDGE, JUSTICE and FELLOWSHIP.

The value of our membership is that each of us has been vetted and as a result, we trust one another. Take a moment if you will and read the strategic plan below. How can you advance the plan and improve the FDCC? If each of us would reach out once at every meeting to help a fellow member succeed or enhance their career, imagine the synergy. What makes the FDCC what it is? The members. The value in our membership is found in the social and business relationships we create with one another. This in turn has enhanced each of our careers. We look forward to the future and building upon those friendships to create opportunities and advancement for all our members going forward.

—Don

### Leadership/governance

The FDCC board is responsible for implementing the strategic plan. All FDCC meetings, events and conferences, as well as all special projects, shall be aligned with the strategic plan

### Fellowship

Fellowship is creating, enhancing and promoting both social and business relationships amongst one another, while providing for the improvement and advancement of each other's careers.

### Membership

Membership development shall address all diverse groups and establish reasonable goals for the next three to five years for measurable improvement. The strategic goal for membership is to increase the number of diverse and younger members, as well as corporate / industry / international members and to retain them in the organization as "active" members.

### Value

Members have been vetted for excellence of character, professionalism, and skill by their peers. The organization shall consider the "business" value in belonging to and being an active members in the FDCC. Value should be demonstrated and associated with improving the quality of all publications and programming, as well as facilitating members' professional development.

### Visibility

We shall demonstrate and differentiate the FDCC and its members from competitive legal groups and promote and enhance the FDCC brand so it becomes a recognizable and aspirational organization recognized by the public, our peers, and the judiciary.



## From the Secretary-Treasurer

# THE IMPORTANCE OF FDCC VISIBILITY (A TRUE STORY!)



Elizabeth F. Lorell  
Gordon & Rees LLP  
Florham Park, NJ

The following events recently occurred and were reported by a member of our Admissions Committee during the vetting process of a nominee:

Not long ago, a request for information about a prospective new member went out to a federal judge in the Northeast. This federal judge who had been on the bench for eight years called to talk about the nominee for membership. He explained that

the lawyer in question was one of many defense counsel in a very complicated, contentious and heated case. Many millions were at stake. Large and small firms were involved.

Remarkably, one lawyer stood out – the very lawyer about which the judge was responding to a request for information on this nominee. The judge described how this lawyer was over and above his peers and had helped the Court organize the issues in the case, calmed ruffled feathers, and brought the contentious factions together to deal with one another more collegially. He became a spokesperson for the group of defendants aligned with his client and demonstrated remarkable advocacy for their position. Not surprisingly, the lawyers spent many hours before this judge in this complex matter. And despite the hard fought battle, our nominee remained professional, courteous and pleasant to everyone, even demonstrating a sense of humor at appropriate moments. The other lawyers seemed not only to respect him, but like him as well.

When our Committee member thought the conversation with the judge was over, the judge turned the subject to the FDCC. He had never heard of our organization and wanted to know more. Our member explained that we were a select group of elite defense lawyers, corporate counsel, and insurance industry professionals. He explained, too, that not only were our lawyers “over and above” – consummate professionals – but equally important, they were genuinely nice people who are kind, courteous, friendly, fair – lawyers who strive to raise the level of courtesy and collegiality of those in our profession while

still advancing the interests of our clients – lawyers who cut to the real issues and don’t play games to exhaust an adversary or frustrate the legal process.

The judge seemed almost amazed that an organization with requirements such as ours existed. He asked more and more questions. The conversation went on for over 45 minutes. In the end, the judge expressed the sentiment that too often the very qualities our members demonstrate are lacking in the lawyers appearing before him. He wished that one or more of us could wind up in every case he had. He wished us success and hoped that members of our organization could teach new lawyers to strive for the qualities our members exhibit. While the judge didn’t say so in so many words, the impression which he left was that he was going to tell other judges and lawyers about the FDCC.

Visibility, name recognition, and increased membership are our important goals for the years ahead. We are, to be sure, an elite organization whose members possess the unique combination of professionalism and fellowship: top tier professionals who are genuinely wonderful people who are a joy to work and socialize with. Yet many in the legal community have not yet heard about the FDCC. We are working hard to change that. Our President, Scott Kreamer, has undertaken the “ACT” initiative: “Attract, Connect, Transform.” Its purpose is to increase the Federation’s visibility and develop and enhance an effective, clear, and compelling message to defense counsel, in-house counsel and industry members. Our marketing consultants and our Special Project Committee are helping



us define the audiences to reach and the recommended (often overlapping) messages to address to each by way of social media and other methods of communication. Our goal is to generate overall increased awareness of the FDCC by introducing and educating the legal community to the quality and prominent nature of our organization and the opportunities to benefit from joining us and/or working with us. This will enable our existing members, and members to come, to exponentially increase their return on investment.

This is an ambitious plan that will take time and long-term effort to succeed. Along with our current President, President-Elect Don Myles and I are committed to continuing this initiative to ensure consistency of results and achieve greater impact over time. This year and in the years ahead, our efforts will be aimed at measures to enhance our visibility, solidifying our marketing message, increasing our name recognition and growing our overall membership ranks. Our goal is that when someone hears the name "FDCC," lawyers, in-house counsel, and industry professionals alike will know who we are, what we are and will remark "what a terrific group of talented folks" and that they "want to be a part of us"!

—Elizabeth

We are, to be sure, an elite organization whose members possess the unique combination of professionalism and fellowship: top tier professionals who are genuinely wonderful people who are a joy to work and socialize with.

## From the Chairman of the Board

### SEEING THE WIND ...



H. Mills Gullivan  
Gullivan White & Boyd PA  
Greenville, SC

Many wise sailors know that "We can't direct the wind, but we can adjust our sails." As I write my final Flyer column I am reflecting back on my FDCC voyage. It has been a true privilege for me, and for Carol Anne, to serve the Federation and we thank you for the honor of doing so.

Our voyage was made possible by so many of you who responded whenever we called for help adjusting the sails. The truth is that the Federa-

tion ship stays on course because our incredibly talented crew responds to changes in the wind, the waves and the navigational beacons.

In 1851 a group of scrappy sailors aboard the schooner "America" won the first America's Cup from the Royal Yacht Squadron in a race around the Isle of Wight. Later the actual Cup was donated to New York City Yacht Club and it was successfully defended by American yachts until 1983. America owned the Cup and dominated the competition for 132 years! Since 1983 the Cup has been won by teams from four different countries: Australia, New Zealand, Switzerland and America.

I love watching the America's Cup races and I like it even more when the USA wins. Now, however, winning the Cup is far from assured by any team defending or challenging. For over a hundred years America had better boats, sail technology and a home course advantage. The advent and availability of new sailing technology created unparalleled parity in a sport once dominated by American sailors. Today's America's Cup boats use carbon fiber sails that are virtual wings and the boats look like planes as they rise out of the water on hydrofoils. The crews are all veteran sailors and superb athletes. So what distinguishes winners from losers?

Each America's Cup boat has a crew of six: a helmsman, a wing or sail trimmer, a tactician and three grinders. The wing trimmer adjusts the sails; the grinders set the sails; the helmsman steers the boat; and the tactician must "see

the wind” to tell the helmsman where to steer. The tactician is playing a nonstop chess game against another boat and a constantly changing wind. How does that person “see the wind”? The very best sailors and tacticians watch the water for telltale signs of where the wind is blowing and steer their boat to the windiest side of the course in advance of their competition. The boat that gets to the wind first, usually wins.

In many ways the lessons of the America’s Cup apply to the Federation. Our ship, “Over & Above”, was built by masterful legal minds and it is no accident that it is strong, seaworthy, sleek and fast because our builders envisioned a long and challenging race. More importantly, the Federation has maintained its status as the preeminent defense bar organization because we have had many great tacticians who have “seen the wind” and maneuvered us to catch it before our competition does.

Today if you watch an America’s Cup race you wonder if you are watching a boat race, an airplane race or some hybrid race from a Transformer movie. Over the last 10 years the advances in nautical architecture are astounding and the changes continue at a frantic pace. Today’s America’s Cup yachts are designed with sails, hulls and hydrofoils that maximize the force of the wind to create more lift and speed than ever before. Similarly, as defense lawyers we are facing paradigm shifts unlike any seen before and the changes are also occurring at an unprecedented rate.

I am most grateful for the Federation leader tacticians who preceded me and who “saw the winds” of change. They constantly looked ahead to “see” where the winds were blowing strongest, trimmed the sails, and corrected the course. They always moved us forward while maintaining our history, traditions and very unique Federation culture. As a result, our ship has constantly been up fitted and is as sound as ever. Even more importantly, I am confident that the Federation will remain the preeminent defense bar organization because I know that our diverse and growing membership, our fabulous Board/Crew and the many young and vigorous leaders on the quay are great tacticians. They “see the winds” of change and opportunity and are setting a course of excellence to successfully sail “Over & Above” on the FDCC voyages of the future.

Carol Anne and I thank you again for the opportunity you gave us to serve the Federation. We look forward to seeing you in Maui and at our meetings for many years to come.

—Mills

More importantly, the Federation has maintained its status as the preeminent defense bar organization because we have had many great tacticians who have “seen the wind” and maneuvered us to catch it before our competition does.



## KŪLIA I KA NUU

FDCC 2018 ANNUAL MEETING  
JULY 29 - AUGUST 4, 2018

WAILEA BEACH RESORT & SPA  
MAUI, HAWAII



Todd A. Roberts  
Ropers Majeski Kohn Bentley  
Redwood City, CA

### ALOHA!

Debbie and I are incredibly honored to have been asked by Scott and Susan Kreamer to serve as Convention Chairs for the 2018 Annual meeting at the Wailea Beach Resort on Maui, which is among the most prestigious and beautiful hotel properties in all of Hawaii. Hawaii has always had a

special place in our heart – we celebrated our honeymoon there a few days after I took the California bar in the summer of 1987, paying for the trip with the rest of my law school student loan. Thirty-one years later to the week of our honeymoon, we will travel to the Wailea Beach Resort with our Federation Ohana (“family”). This property is not only in a different class of properties than we enjoyed our honeymoon, but is among the finest venues you will ever experience for a Federation meeting.

The Wailea Beach Resort is THE original resort in the Wailea Beach area. Decades a Marriott Hotel, the property is immediately adjacent to the Shops at Wailea and the Grand Wailea. Down the path are the Four Seasons Maui and the Fairmont Kea Lani. Several years ago, Marriott embarked on a plan to upgrade the property to rival the other prestigious resorts that were built later.

The magnificent result is the Wailea Beach Resort. Investment of \$180 million transformed the resort to a spectacular property considered the crown jewel of the Marriott brand. It is so high-end that Marriott does not use any of its branding here. Indeed, the property stands at the pinnacle, alone as the Wailea Beach Resort. The Wailea Beach Resort is truly the “original and newest resort on Wailea Beach.” The rooms are modern, elegant, and spacious. Our pricing is deeply discounted with garden view rooms available at a rate of \$369 per night, partial ocean view at \$389, and deluxe ocean view rooms at \$439.

# FOR THE SUMMIT

Our charge from Scott and Susan Kreamer at the very beginning: make this best meeting ever and family friendly. No pressure, but the Roberts don't like to disappoint so that's our plan. Toward that end, we not only want to leverage all of the natural beauty and wonders that Maui has to offer, but to better ourselves by learning as much about the rich history, culture and way of life of Hawaiians as possible. The cultural and historical emphasis is not an accident, it is a deliberate focus designed to enrich our meeting and our lives.



For example, our Book Club selection *The Three-Year Swim Club* is a New York Times Best Seller about the true story of the "sugar ditch kids." They learned to swim in the irrigation ditches near the sugar plant everyone will see when traveling from the airport to the WBR. They signed a contract with their teacher and coach to train for three years – their goal? Make the 1940 Olympic Games. This book, detailed in the history of the Islands, presents the struggle and beauty of its people in the 1930s and 1940s. Our meeting features a Fellowship Day with a cultural tour in Lahaina and later, a traditional Luau, itself a history lesson set to music and dance. Other cultural activities are planned throughout the week.

After considerable research and contemplation, we selected our Convention theme: the Aloha value of KŪLIA I KA NU'U, meaning to "Strive to Reach the Summit" – to be our best in all aspects of life. In FDCC parlance, to go "Above and Beyond." This is an Aloha value we can all appreciate and celebrate! It serves as a constant reminder that we should try to be at our best.

Our theme dovetails with the excellent program organized by Bob Christie, "The Whole Lawyer-Practicing with Passion, Health and Purpose." Bob's program is set out following this article.

Bring your kids! The Wailea Beach Resort has everything your kids could ever ask for in a Hawaiian resort. And it sure beats camping. The Nulu Adventure pool has the highest and longest water slide on the island, splash



zones for the younger kids, and the Mo Bettah Food Truck that serves delicious Pupus, shaved ice, and tacos nearby. After time on the beach or by the pool, the Aloha kids club is the perfect hangout and game room. Maui's only "escape room" – a new form of adventure entertainment – is featured at the WBR. There is also a Starbucks store so they can hang out and drink their favorite Frappuccino while Instagramming their awesome Hawaii photos for all the world to see.

So make your flight plans immediately! Fly into Maui's main airport, Kahului, designated "OGG" after a famous Hawaiian test pilot, Jimmy Hogg. The meeting officially kicks off on Sunday, July 29th and ends the following Saturday, August 4th, the morning after our Friday night Gala. Committee and Board meetings will take place throughout the day on Sunday so members of the Board, Executive Committee, Admissions, Sites, F&B meet earlier in the day on Sunday and the Projects and Objectives (P&O) committee, Membership, Development and Recruitment (MDR) committee, and Foundation Boards will meet from 2:30 p.m. to 4:00 p.m. Sunday's social activities start with the *Mai Tais and Muumuus Cocktail Reception* on the hotel rooftop, followed by a dine around.

Fellowship Day is Monday – no programming. We have planned activities, the highlight of which enables you to visit the historical Pearl Harbor Visitor Center, Aviation Museum, the USS Missouri and the USS Arizona Memorial. We have tried extremely hard to make this option as affordable as possible and the price at the time of publication will be around \$525 including transportation from the hotel to OGG, a flight to Oahu, a ten minute bus-ride to and from Pearl Harbor, tour guides, lunch, and return to our hotel. This will be a day you will never forget. **NOTE:** If you plan to go to Pearl Harbor, you need to register for the meeting and sign up for the trip very early to ensure your spot and

to help with the logistical challenges such an adventure presents.

You may instead choose to snorkel at the Molokini Crater, arriving by our chartered catamaran that departs from Makena beach up the road. The even more adventurous can ride in the dark up the great volcano, Haleakala, watch the sunrise from 6500 feet elevation, and then bicycle down on specially designed cruisers all the way to the ocean. Or, choose from two zip-line courses at Pi'iholo Canyon, the cultural tour to Lahaina, or tour the bottom of the ocean 100 feet below the surface on the Atlantis Submarine, one of Maui's top-rated tours. Or take the Road to Hana in a luxury van all the way around the Island. Are you a fisherman? Then enjoy the big game deep sea fishing charter we've arranged for you!

Planned activities for you during your week at the WBR include beach yoga, lei making, ukulele lessons, snorkeling, a cooking class and hopefully an art class. Off-site, we have planned a tour, "Hawaiian Spirits" on which you'll travel to the Maui Brewing Company, with beer tasting and appetizers followed by a trip to Maui's only vodka distillery, Ocean Vodka. We also offer an eco-tour and waterfall hike.

Bob Christie's program starts Tuesday morning. Section meetings begin at 7:00 a.m., which is not so early – it is really 10:00 a.m. on the West Coast/1:00 p.m. on the East Coast. Our plenary meetings accordingly end earlier in the day.

You'll enjoy several fun parties during the week, at which delicious, locally sourced food will be served. Tuesday, vie for the "Green Hawaiian shirt" awarded for low score in our nine-hole family golf tournament. Tuesday evening is the King-Kamehameha-on-Wailea President's Reception in honor of the Big Kahuna Scott Kreamer and Queen Susan. Dress up in your favorite Aloha shirt—sport coats are not required at any of our events due to the laid back style of the Islands.

Wednesday provides the real-deal golf tournament on the picturesque Wailea Golf Club Emerald course, followed by a dine-around night. For those renting clubs, you must contact the course directly to reserve and pay for your set. If you are left-handed, do it quickly due the limited number of available of club sets. Make your dinner reservations early and come back for our yummy dessert party under the moonlight.

Tennis anyone? Thursday is our tennis tournament at the Wailea Tennis Club. Alternatively, experience the Hawaiian Spirits Tour to Maui Brewing and Ocean Vodka. One of the week's highlights will no doubt be our Luau theme

party. Children are included at the Luau. There is a strong possibility Kansas City Barbecue sauce will compliment your meat selections. Our setting is the lawn nearest the ocean, so the Pacific serves as the most beautiful backdrop imaginable. The performance of music, dance, and song are not to be missed.

The week concludes on Friday with our "Aloha Night in White" gala – dancing to Hawaii's top band, the Island Kings. Wear your white Hawaiian attire and party into the night.

Debbie and I are excited to see everyone! So join us on Maui this summer at the 2018 Annual meeting. Mahalo!



# THE WHOLE LAWYER:

BRINGING HEALTH, PASSION, AND PURPOSE TO OUR PROFESSION



Robert L. Christie  
Christie Law Group, PLLC  
Seattle, WA

## FDCC 2018 ANNUAL MEETING PROGRAM

### SATURDAY, JULY 28, 2018

1:00 p.m. - 2:00 p.m.

**Officers Meeting**

2:00 p.m. - 3:00 p.m.

**Executive Committee Meeting**

### SUNDAY, JULY 29, 2018

7:00 a.m. - 8:30 a.m.

**Committee Meetings**

F&B / Admissions / Sites

8:00 a.m.

**Board Breakfast**

8:30 a.m. - 2:30 p.m.

**Board Meeting and Lunch**

2:30 p.m. - 4:00 p.m.

**Committee Meetings**

P&O / MDR / Foundation Board

4:30 p.m. - 5:30 p.m.

**Opening Ceremony featuring a traditional Hawaiian Blessing and Legendary "Soul Surfer"**

**Bethany Hamilton**

### MONDAY, JULY 30, 2018

**Fellowship Day: no programming**

### TUESDAY, JULY 31, 2018

7:00 a.m. - 8:00 a.m.

**Section Programming**

#### EXTRA-CONTRACTUAL AND ALTERNATIVE DISPUTE RESOLUTION

*"Can You Keep A Secret? Current Trends in the Use of Confidential Mediation/Settlement Agreements or Formal Protective Orders for Preventing Disclosure"*

Do nondisclosure agreements and confidential mediation statutes really work to protect settlement discussions and party conduct from third party discovery or use in a bad faith action? Reliance on nondisclosure agreements and confidentiality statutes may not be as airtight as you think. This expert panel will discuss Sunshine laws, the general trends favoring disclosure, and the potential impact on bad faith claims.

#### SPEAKERS

- Neil Hartzell, LeClair Ryan, Boston, MA
- Angela Flowers, Kubicki Draper, Ocala, FL

#### ENERGY AND UTILITIES LAW, PROPERTY INSURANCE LAW, TOXIC TORT AND ENVIRONMENTAL LAW

*"Washed Away: What Hurricane Harvey Wrought and What It Left Behind"*

Photos of the catastrophic damage mesmerized the nation – nursing home residents submerged to their waists in floodwater, human chains to rescue people from flooded cars and homes, unbelievable destruction in every area of a major city, and

more. Join our distinguished panel for a first-hand account of the impact of Hurricane Harvey on the Houston, Texas area, and the litigation that has arisen from the damage wrought by the hurricane. Hear about the successful preparation efforts undertaken by the oil and gas industry to protect vital facilities along the Texas coast, and learn how you can help your clients be more disaster-ready. The panel will also address claims of exposure to toxic chemicals in the floodwaters, as well as myriad property damage claims that have resulted from the hurricane.

**SPEAKERS**

- Neil Ramin, DrinkerBiddle, Dallas, TX
- Deron L. Wade, Hartline Dacus Barger Dreyer LLP, Dallas, TX
- Barbara Barron, MehaffyWeber, Houston and Beaumont, TX

**PREMISES AND SECURITY LIABILITY SECTION**

*“Mass Shootings and Their Legal Aftermath”*

Breaking news... Your client reports a mass shooting and seeks your advice. The mass shootings at the Pulse Nightclub in Orlando, in Las Vegas outside the Mandalay Bay, and at Stonean Douglas High School in Parkland, Florida have raised numerous legal issues ranging from negligent security, products liability, insurance coverage, media and multi-governmental investigation collaboration, and duties for all involved. This program will discuss these issues and give you a head start in thinking about them should you get such a call from your client.

**SPEAKERS**

- Marty Kravitz, Kravitz Schnitzer Johnson, Las Vegas, NV
- Jennifer Hoffman, Marlow, Adler, Abrams, Newman & Lewis, Coral Gables, FL
- Larry Smith, Southern Trial Counsel, Orlando, FL

**INSURANCE COVERAGE SECTION**

*“Cyber-insurance; Reading Between the Lines of the ISO Forms Before the Attack Happens”*

The panel will provide a bit of history about how “ISO” (Insurance Service Office, Inc.) insurance policy forms came into being, and how and why they have evolved over the years, with an emphasis on forms that relate to cyber-insurance coverage. This presentation will be of interest not only to hard core coverage geeks, but to any lawyer who from time-to-time must “read between the lines” to determine the nature of the coverage needed to protect their clients and/or their law firms and in-house legal departments from the threat of damage from internet attacks.

**MODERATOR**

- David Zizik, Sulloway & Hollis, PLLC, Providence, RI

**PANEL**

- Wes Ching, Fukunaga Matayoshi Ching Kon-Herrera LLP, Honolulu, HI
- Peter Olson, Cades Schutte LLP, Honolulu, HI
- Craig Urandomo, Product Manager, Island Insurance Companies, Honolulu, HI

8:00 a.m. - 8:20 a.m.

**Networking**

8:20 a.m. - 8:30 a.m.

**Opening Entertainment**

8:30 a.m.

**Plenary Programming**

8:30 a.m. - 8:45 a.m.

**Welcome to the Convention and Opening Greetings**

8:45 a.m. - 9:15 a.m.

**Opening Speaker - Hawaii Supreme Court Justice Mark Recktenwald, introduction by David Louie**

9:20 a.m. - 10:30 a.m.

**TRIAL MASTERS: VIRTUAL REALITY IN THE COURTROOM: THE NEXT FRONTIER**

This program will examine the next advancement in trial presentation technology: virtual reality. William Neale, of Kineticorp, will give a presentation on the technology that will soon be coming to courtrooms across the country. The attorney panelists will discuss the evidentiary issues associated with virtual reality.

**SPEAKERS**

- John Mitchell, Thomas Hine LLP, Cleveland, OH
- Tiffany Alexander, Tanenbaum Keale, LLP, Malvern, PA
- Thomas P. Miller, Christie Law Group, PLLC, Seattle, WA
- William Neale, Director of Visualization, Kineticorp, Denver, CO

10:30 a.m. - 11:30 a.m.

**“SPOTTING THE OUTLIER CASE: WHAT ARE THE ELEMENTS OF A LAWSUIT THAT CREATES HIGH-END EXPOSURE AND TAKES IT OUT OF THE RANGE OF REASON”**

At every level of complexity, there are those cases that result in a surprise outcome—a negative surprise. What are the factors that we can spot in a case—jurisdiction, nature of damages,

quality of lawyering, powerful visuals, compelling emotional component, anger towards our client—that take it outside the range of reasonable value, making it a true outlier? Join Neil Goldberg, Amy Miletich, Heather Sanderson, and insurance industry guests in a comprehensive exploration of how to spot these cases early in their life cycle, evaluate them accordingly, and develop a strategy for managing the outcome.

#### **SPEAKERS**

- Neil Goldberg, Goldberg Segalla LLP, Buffalo, NY
- Amy Miletich, Miletich PC, Denver, CO
- Heather Sanderson, Sanderson Law, Calgary, Alberta
- Paul Jepsen, DecisionQuest, Minneapolis, MN

## **WEDNESDAY, AUGUST 1, 2018**

7:00 a.m. - 8:00 a.m.

### **Section Programming**

#### **INTELLECTUAL PROPERTY; INTERNATIONAL LAW AND PRACTICE**

*"Up in Smoke: Marijuana Law and Liability in IP, Employment, and Insurance"*

Few areas in U.S. law are more rapidly changing, or more unpredictable, than those regarding marijuana. Depending on the state, it's legal for recreational use, for medical use, or not at all. And as far as the feds are concerned, it's all illegal. We'll examine how one might enforce cannabis-related agreements (such as for patent royalties), see how multistate employers are coping with differing state laws, and address liability and insurance issues as well. Oh, and what about a place with slightly less confusing marijuana laws? Like, say, Canada? We'll look at that too.

#### **SPEAKERS**

- David Jaroslaw, Greenspoon Marder LLP, New York, NY
- Michelle Stewart, Hinkle Law Firm LLC, Overland Park, KS
- Debbie Orth, Bertschi Orth Solicitors and Barristers, Ottawa, Ontario, Canada

#### **CIVIL RIGHTS AND PUBLIC ENTITY LIABILITY**

*"Let's Talk: Open Discussion on Visualization Technology and Other Practice Issues"*

Our section is blessed with so many experts on myriad issues affecting our public-sector clients. With this open discussion format, you will have the unique opportunity to discuss visualization technology (e.g., putting your audience in virtual position of the police officer that made the split-second decision to use force) with William Neale, one of FDCC's Plenary

speakers, use of experts, and other practice issues with fellow FDCC members. Come with your questions and your ideas.

#### **SPEAKERS**

- Kay Hodge, Stoneman Chandler & Miller LLP, Boston, MA
- Thomas P. Miller, Christie Law Group, PLLC, Seattle, WA
- William Neale, Director of Visualization, Kineticorp, Denver, CO

#### **COMMERCIAL LITIGATION**

*"Lightning Round: Issues That Are Bugging Me Lately"*

Lawyers are on the clock. They have eight minutes each to say something useful about the litigation topics that are currently plaguing their files. Their instructions: say something useful and not boring. Referee William Vita will keep them on time.

#### **SPEAKERS**

**It's about the Principle and the Money: Making the Jury Care about Money Claims Between Corporate Entities**

*Presented by*

- Margaret Ward, Ward & Herzog, Baltimore, MD

**Fraud in Contract Law**

*Presented by*

- Sean Griffin, Dykema, Washington, D.C.

**Arbitrability Issues Affecting Claims by Third-Parties**

*Presented by*

- Vicki Smith, Bodyfelt Mount, Portland, OR

**Proportionality of Discovery under the New Federal Rules**

*Presented by*

- Howard Merten, Partridge Snow & Hahn, Providence RI

**Preparing Corporate Witnesses for Depositions**

*Presented by*

- David Thorne, Shook Hardy & Bacon, Kansas City, MO

**Another Troublesome Issue**

*Presented by*

- Dart Meadows, Balch & Bingham, Atlanta, GA

#### **REFEREE**

- William Vita, Westerman Ball Ederer Miller Zucker & Sharfstein, Uniondale, NY

#### **PROFESSIONAL LIABILITY AND HEALTHCARE**

*"The Opioid Crisis and the Blame Game"*

The panel will explore many facets of opioid litigation including lawsuits brought against distributors, manufacturers, large drug store chains, and how the climate is now impacting physicians, hospitals, and other health care providers. Physicians are losing their licenses, clinics are being closed; could professional

liability coverage be denied next? In early litigation, the opioid national state of emergency resulted in states, cities, and municipalities bringing suit against a variety of defendants. Are your clients next?.

**SPEAKERS**

- Caroline Berdzik, Goldberg, Segalla, LLP, Princeton, NJ
- Michael Drahos, Goldberg, Segalla, LLP, Princeton, NJ
- Jessica Davis, Rooetzel & Andress, LPA, Columbus, OH

8:00 a.m. - 8:20 a.m.

**Networking**

8:20 a.m. - 8:30 a.m.

**Opening Entertainment**

8:30 a.m. - 8:35 a.m.

**Morning Announcements**

**Introduction of Past Presidents and New Members**

8:35 a.m. - 11:30 a.m.

**Plenary Programming**

8:35 a.m. - 9:30 a.m.

**“ARTIFICIAL INTELLIGENCE AND THE FUTURE IMPACT ON PRODUCTS LIABILITY, MEDICAL DEVICES, AND PHARMACEUTICALS”**

Artificial intelligence is revolutionizing these fields of industry. Its role in product design from athletic equipment to packaging is changing the nature and complexity of the legal issues that arise in new claims. The remote monitoring of patients with smart medical devices creates a flow of data that can be misread and misused. These are examples of the legal challenges faced in this dynamic landscape. Here from this panel of leading lawyers practicing in these areas and house counsel for companies involved in these fields.

**SPEAKERS**

- Miranda Lundeen Soto, Shook Hardy & Bacon, LLP, Miami, FL
- Cory Fisher, Shook Hardy & Bacon, LLP, Kansas City, MO
- Corporate counsel to be announced

9:30 a.m. - 10:30 a.m.

**“WHEN A FRIEND FALLS OFF THE SURF BOARD, HOW DO YOU HELP THEM GET BACK ON IT? SUBSTANCE ABUSE AT HOME OR IN THE OFFICE, AND HOW TO ADDRESS IT”**

Hear compelling stories from our own members about the situations they have faced with colleagues and family members that have struggled with the challenges of substance abuse.

Joanne Blackburn will moderate this sensitive and thoughtful presentation, joined by national expert Doug Lyons, who will provide helpful advice on how to recognize the problem, address it and help the partner/friend/family member.

**SPEAKERS**

- Joanne Blackburn, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP, Seattle, WA
- Sara Timberlake, Doerner, Saunders, Daniel & Anderson, LLP Lawyers, Oklahoma City, OK
- Kurt Rozelsky, Smith Moore Leatherwood LLP, Greenville, SC
- Doug Lyons, C.A.D.C. II, Clere Consulting, Roseville, MN

10:30 a.m. - 11:30 a.m.

**“CIVILITY AND PROFESSIONALISM: THE POWER AND STRENGTH THAT COMES FROM STAYING ON THE HIGH ROAD”**

Our members practice to a standard of over and above. We know the challenges that we face as a profession in these skeptical times, when ethics and professionalism are being challenged, where politics are divided, and where our institutions are under stress. Why do we stay on the high road and how do we impart this to those coming up in our profession? Hear from members Stacy Broman, Tim Pratt, Chris DePhillips, and David Louie, whose careers span the practice of law, public service, politics, and corporate leadership.

**SPEAKERS**

- Stacy Broman, Meagher & Geer PLLP, Minneapolis, MN
- Tim Pratt, Former EVP, General Counsel Boston Scientific, Kansas City, MO
- Chris DePhillips, Porzio Life Sciences, Morristown, NJ
- David Louie, Kobayashi Sugita Goda LLP, Honolulu, HI

**THURSDAY, AUGUST 2, 2018**

7:00 a.m. - 8:00 a.m.

**Section Programming**

**CONSTRUCTION AND INSURANCE LAW**

*“Here Today, Gone To Maui: The New York Burlington Insurance Case Has Upended the Insurance and Construction World”*

The recent New York State Court of Appeals case *Burlington Insurance v. The New York City Transit Authority* held that for there to be insurance coverage under the additional insured endorsement there must be more than a simple causal link between the acts of the named insured and the plaintiff’s accident. “Proximate cause” must be established before an additional insured is entitled to coverage under this endorsement. (ISO CG20 10 07 04).

The decision will affect how construction contracts are drafted, especially indemnification provisions; what additional insured endorsements are appropriate; how Insurance Companies will treat tenders under this endorsement. We will look at the endorsement from both the Owner/GC/CM and the Subcontractor's perspective.

#### **SPEAKERS**

- Joanne Blackburn, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP, Seattle, WA
- Kevin Faley, Morris, Duffy, Alonso, & Faley, New York, NY

### **DATA BREACH, PRIVACY AND CYBER INSURANCE**

This is a unique two-part program presented on Thursday and Friday mornings. There will be two one-hour panel discussions entitled "Technology Issues: The Present and Future". The Panel focusing on the present will present on "Cybersecurity Just for Lawyers, Risks, How to Avoid Them and Ethical Ramifications." The Future panel will present on "Bitcoin and Blockchain-What Is It, What Are Its Uses and Impact and What Are the Ethical and Financial implications for Lawyers."

Part 1: Cybersecurity Just for Lawyers, Risks, How to Avoid Them and Ethical Ramifications: this will focus on the specific cyber security risks to lawyers including the practical and ethical implications. It will include a nuts and bolts discussion of the practical steps lawyers and law firms should take to ensure that they meet their ethical and client obligations and expectations.

#### **SPEAKERS**

- Steve Embry, Frost Brown Todd LLC, Louisville, KY
- Dan Schroeder, Partner in Charge, Information Assurance Services, HA+W | Aprio, Atlanta, GA

### **EMPLOYMENT PRACTICES AND WORKPLACE LIABILITY**

#### **LAW PRACTICE MANAGEMENT THE LIFE, HEALTH AND DISABILITY**

*"You don't have to go home, but you can't stay here." Dealing with difficult issues in law firms.*

Our section meeting will discuss the difficulties of balancing the realities of legal work and business with insight into employment law topics, including practical issues such as dealing with older, unproductive partners; succession planning; attorneys with health or dependency issues; motivating millennials; and, working with female attorneys who are pregnant.

#### **SPEAKERS**

- Thayla Painter Bohn, VP Corporate and Human Resources, American Fidelity Assurance Company, Oklahoma City, OK
- Christian J. Steinmetz III, Gannam, Gnann & Steinmetz, LLC, Savannah, GA
- Paul M. Finamore, Niles, Barton & Wilmer, LLP, Baltimore, MD

8:00 a.m. - 8:20 a.m.

#### **Networking**

8:20 a.m. - 8:30 a.m.

#### **Morning Entertainment**

8:30 a.m. - 8:35 a.m.

#### **Morning Announcements**

8:35 a.m. - 11:30 a.m.

#### **Plenary Programming**

8:35 a.m. - 9:30 a.m.

### **"HOW TO LIVE A LIFE WITH PASSION AND PURPOSE; LEAVING A WAKE BEHIND YOU AS A LEADER, A MENTOR, AND A FRIEND"**

The presentation features prominent FDCC leaders, who will explore ways to pursue greater meaning and balance in professional and personal pursuits - at work, at home and in the community- and how to pass on those ideas to others.

#### **SPEAKERS**

- Michael Lucey, Gordon and Rees, San Francisco, CA
- Sheila Carmody, Snell & Wilmer LLP, Phoenix, AZ
- Doug Houser, Bullivant Houser, Portland, OR
- Thomas Sterchi, Baker, Sterchi, Cowden & Rice, Kansas City, MO

9:30 a.m. - 10:30 a.m.

### **"LISTEN UP - SMALL CHANGES CAN BE GAME CHANGERS IN YOUR LIFE"**

Join us to hear empowering stories about how small lifestyle changes can make big improvements in your life. This panel will discuss change and why it should be a priority in everyone's life. Learn to seek out, adapt to and embrace change in your life as a means to enriching it. See how small changes make a big difference. Leave this program feeling motivated to commit to at least one lifestyle change!

#### **MODERATOR**

- Michele Powers, Elite Lawyer Coaching, Executive & Team Coach, Los Angeles, CA

**SPEAKERS**

- Robert Biggs III, Biggs, Ingram & Solop, P.L.L.C., Jackson, MS
- H. Mills Gallivan, Gallivan, White & Boyd P.A., Greenville, SC
- Diane Polscer, Gordon & Polscer, L.L.C., Portland, OR
- Christian Steinmetz III, Gannam, Gmann & Steinmetz, L.L.C., Savannah, GA

10:30 a.m. - 11:30 a.m.

**“FROM PHYSICAL SPACE TO HEAD SPACE: CREATING A CULTURE FOR SUSTAINABLE SUCCESS”**

How important are culture, the right physical space, climate and mindset in creating sustainable success? As a leader, how do you support your talent while furthering your business goals and ambitions? Come learn some EQ secrets for professional vitality, and how you can influence your team to thrive through implementation of creative, pragmatic strategies.

You will also hear from Michele Powers, Esq., head of Elite Lawyer Coaching, who helps lawyers, law firms, and in-house legal departments succeed with tools that promote leadership, teamwork, and well-being. Professional Organizer Leah Friedman is an expert at clearing clutter from an office and thereby eliminating the stress and negative energy that it creates. David Zuber, one of our Canadian members, will talk about how he grew a two-lawyer, four-person firm to a 28 lawyer, 75-person firm with very little staff turnover. David will discuss some inexpensive and practical steps that have created a firm culture which engages all of the members, from the senior partners to receptionist. Neil Hartzell will moderate this panel, adding his insight and experience as a leader in creating and sustaining his firm's culture and work environment.

**SPEAKERS**

- Michele Powers, Elite Lawyer Coaching, Los Angeles, CA
- David Zuber, Zuber and Company LLP, Toronto, Canada
- Neil Hartzell, LeClair Ryan, Boston, MA
- Leah Friedman, Professional Organizer, Raleigh Green Gables, Raleigh, NC

**FRIDAY, AUGUST 3, 2018**

7:00 a.m. - 8:00 a.m.

**Section Programming**

**DATA BREACH, PRIVACY AND CYBER INSURANCE**

Part 2 of 2: “Bitcoin and Blockchain-What Is It, What Are Its Uses and Impact and What Are the Ethical and Financial implications for Lawyers.”

Part 2: A number of big-name companies, like Microsoft and Starbucks, are now accepting cryptocurrencies as a form of payment. This talk will focus on cryptocurrencies and the block chain including what it is and how to implement them into your own law practice. They also discuss other advantages to using blockchain technology, like creating an unalterable record and authenticating documents. The ethical ramifications will also be discussed.

**SPEAKERS**

- Steve Embry, Frost Brown Todd LLC, Louisville, KY
- Dan Schroeder, Partner in Charge, Information Assurance Services, HA+W | Aprio , Atlanta, GA

**FDCC EVOLVE**

*“FDCC’s Technology Master Advocates—what they know and how to become one”*

With the completion of the first Tech U in April, meet some of our newly minted Technology Master Advocate Class of 2018 members. Hear about their certification process, and get updated on the latest in the FDCC Evolve program.

**SPEAKERS**

- A selection of our 19 new Technology Master Advocates

**CLASS ACTION/MDL**

*“Avoiding Unsettled Outcomes: New Issues to Consider and Old Ethic Rules to Follow”*

The program will review recent developments affecting class action settlement strategies, including the Hyundai decision, recent disapprovals of proposed settlements, and upcoming changes to Rule 23. There will also be a special focus on attorneys' fees awarded to plaintiffs' counsel.

**SPEAKERS**

- Bo Phillips, Alston & Bird LLP, San Francisco, CA
- Craig Winterman, Herzfeld & Rubin, LLP, Los Angeles, CA

8:00 a.m. - 8:15 a.m.

**Morning Entertainment**

8:15 a.m. - 11:30 a.m.

**Plenary Programming, Business Meeting, Gavel Passing, Introduction to Next Convention, Closing Keynote Speaker**

8:15 a.m. - 9:10 a.m.

**“IMPLICIT BIAS: MEASURE IT, UNDERSTAND IT, AND DEFY IT”**

Victor Anderson, Evelyn Davis, Chris Moore; Dean of Sargent College at Boston University & Stuart Simon of American Jury Centers join together to help us understand our baseline of

implicit bias, how we can address it and apply it in our very best approach to our personal life, our practice and our profession.

#### **SPEAKERS**

- Stuart Simon, President, American Jury Centers, Hailey, ID
- Evelyn Fletcher Davis, Hawkins Parnell Thackston & Young LLP, Atlanta, GA
- Victor R. Anderson, III, Thompson Coe & O'Meara, LLP, Los Angeles, CA

9:10 a.m. - 9:25 a.m.

#### **Business Meeting**

9:25 a.m. - 9:45 a.m.

#### **Passing the Gavel**

9:45 a.m. - 10:00 a.m.

#### **Introduction to the Winter 2019 Convention in Austin, TX**

10:05 a.m. - 11:30 a.m.

#### **Closing Keynote Speaker. Spencer Wells, Ph.D.**

Dr. Spencer Wells, the author of *Deep Ancestry*, and the head geneticist for National Geographic's genographic program until 2015, is an expert on human diversity — the process by which humanity, which springs from a single common source, has become so astonishingly diverse and widespread. The program he started now has almost 900,000 participants from over 140 countries. He will share remarkable insights into the genetic commonalities of us all—including a discussion of the genetic pathway of a number of our individual members. Everyone in attendance at the convention will want to listen to this compelling human story of connectedness. Despite our challenging and divisive times, there is more that unites us than divides us. We end our program on this upbeat and positive message.

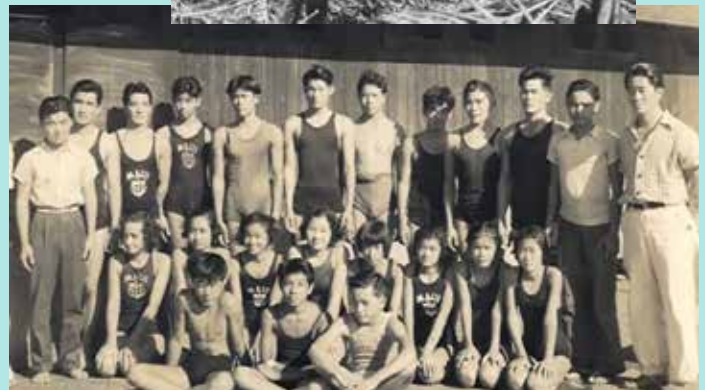
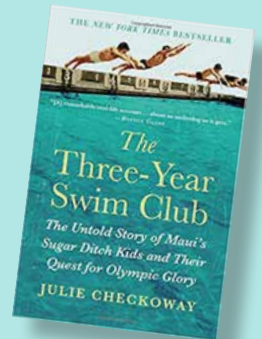


## **Book Club in Maui: “The Three-Year Swim Club”**

By Mary Alice Collins, Tampa, Florida

In the late 1930's, a Japanese-American science teacher volunteered to monitor workers' children as they played in the filthy irrigation ditches of Hawaii's sugar cane fields. He visualized lifting these impoverished children out of their grinding circumstance and despite impossible odds, Soichi Sakamoto determined to create a team of record-setting swimmers in just three years and take them to the 1940 Olympics. Join us for the FDCC Book Club in Maui where we will discuss *“The Three-Year Swim Club: The Untold Story of Maui's Sugar Ditch Kids and Their Quest for Olympic Glory”* by Julie Checkoway. Enjoy this remarkable real-life account AND get the opportunity to visit the actual sugar cane fields where the story took place.

Happy reading!



## FDCC 2019 WINTER MEETING

MARCH 24-28, 2019 | AUSTIN, TEXAS



Victor R. Anderson, III  
Haight Brown & Bonesteel LLP  
Los Angeles, CA



Craig A. Marvinney  
Walter | Haverfield LLP  
Cleveland, OH

Y'all better mark your calendars because for the first time ever the FDCC is heading to Austin, Texas for the 2019 Winter Meeting, March 24-28, 2019! Austin pleases all in rankings ranging from "Best City for Relocating Families" to "Best Cities for Singles." What better balance can a city offer than being both the "Best Place for Business and Careers" and the "Live Music Capital of the World"? There's a reason Austin is at the top of the charts, whether you're talking Travel + Leisure's "The Best Cities for Food in the United States"; Golf.com's "Top 10 Best Cities in America"; Travelocity's "Ten U.S. Cities Foreign Travelers Should Not Miss"; Conde Nast Traveler's "2016 Friendliest Cities in the U.S."; or Expedia's "#1 super cool US city to

visit". You're not going to want to miss this meeting!

While Austin is the nation's 11th largest city, the fastest growing large city in the U.S. and home to one of the country's largest universities, it still has a small town feel. We are certain to be warmly welcomed by some of the friendliest people in the country. Austin welcomes us with many entertainment options and unique attractions.

"Take It to the Limit" with this meeting. Austin has something for everyone, and even with a shortened meeting schedule, there still will be enough time to take in the Austin vibe. Whether you choose to start your day biking or walking on the Lady Bird Lake Trail or spend the afternoon testing the food trucks on Rainey Street. Your visit won't be complete without at least a stroll just a few blocks from our hotel down the famed Sixth Street where almost 200 musical acts appear every night of the week. Hundreds of music venues have earned Austin the title of "Live Music Capital of the World." Over 1,900 bands and performing artists call the Austin area home, performing in hundreds of venues throughout the city.

As the state capital, Austin has a rich cultural heritage. History buffs won't want to miss the State Capitol building, which is the tallest capitol dome in the country – yes,

even taller than the national capitol in D.C.! Visiting the Bob Bullock State History Museum, and the vast Lyndon Baines Johnson Presidential Library and Museum is a must. You will want to stop by the historic Driskill Hotel for a cocktail in the bar where LBJ's father, while serving in the Texas legislature, boasted he would allow any lobbyist to pay his bar tab and still vote against his bill. Or just walk around the corner from our hotel to Congress Street to see the statue of Angelina Eberly, the woman who stood up to President Sam Houston and his Texas Rangers by firing a cannon to stave off a rebellion and preserve Austin as the capital of Texas.

Every evening at sunset between March and October, hundreds of people gather for a nightly Austin phenomenon as the world's largest urban bat colony emerges from under the Congress Avenue Bridge near our hotel. The bridge's 1980 reconstruction's artistic and structural crevices unwittingly made it an ideal bat roost. Bats moved right in and now number over 1.5 million! Some wanted the bat colony eradicated, but city leaders learned that bats are gentle and incredibly sophisticated; that bat-watchers have nothing to fear if they don't try to handle bats; and that nightly, Austin's bats eat from 10,000 to 20,000 pounds



of insects. That's a lot of skeeters! The nightly bat flights not only are fun to watch, but they're also making Austin a better place to live.

With Austin's bats spiraling into the sky at sunset, the city now has one of the most unusual and fascinating tourist attractions anywhere. If the bats don't set the stage for the city's motto, "Keep Austin Weird," nothing will! And now the FDCC will join this amazing sight.

Austin is consistently recognized as among the most inventive, creative, wired, rockin', educated and fit citizens in the U.S. Every year thousands of the most creative people in the world throng to Austin for the South By Southwest Conference and Festival in early March. *Our FDCC Winter '19 meeting is scheduled later than usual* because it follows right on the heels of this amazing convergence of the interactive, film and music industries. SXSW dedicates itself to helping creative people come together and proves that the most unexpected discoveries happen when diverse topics and people come together.

For this reason, our Program Chair, Craig Marvinney, leads the programming on "Creative Innovation" impacting your professional and private lives. Don't miss our kick-off keynote speaker Sunday afternoon as Jan Ryan, the

University of Texas School of Fine Arts' Director of Creative Entrepreneurship and Innovation, ignites our program with a cutting-edge presentation applying design principles to assure corporate C-Suite and Law Firm management and trial teams become as creative and productive as possible in today's constantly competitive and changing landscape.

Normal schedules are turned 'weird' as one morning will have no section meetings, but rather a stack of plenary sessions and short topics that will keep you energized without the coffee! Another morning will feature redesigned section meetings that maximize networking and member interaction. With waived corporate counsel registration fees, whether you come from industry or the outside counsel end of things, this program promises your thinking will be challenged in ways illuminating your creative gain in your practice and at home.

Please plan to join us at the beautiful JW Marriott in downtown Austin. Within a few walkable blocks you'll find all you need to know about the tag line "Keep Austin Weird"! Austin-Bergstrom International Airport, only 7.5 miles from downtown, has many daily non-stop flights to/from 65+ U.S. and International destinations. We look forward to welcoming you to Austin!

— Victor and Dianne Douglas Anderson,  
Convention Chair (Los Angeles, CA)

— Craig Marvinney and Paula McQueen,  
Program/Registration Chairs (Cleveland, Ohio)



Austin Winter 2019 Meeting  
Kickoff Keynote Speaker:  
Jan Ryan, Director of Creative  
Entrepreneurship and Innovation  
from the University of Texas'  
School of Fine Arts

# LOOKING BACK

## *Ahhh...melia* ONE FOR THE BOOKS



Brett J. Preston  
Hill Ward & Henderson PA  
Tampa, FL



Reid S. Manley  
Burr & Forman, LLP  
Birmingham, AL

The FDCC 2018 Winter Meeting at the Omni Amelia Island Plantation Resort was a resounding success! We had record attendance in general (just under 600 members and guests) and also had a record number of corporate and industry members attend the meeting (59). Those present were blessed with fantastic weather. The meeting was a blur for Amanda and me, but I'm told I can safely report the following:

From the valet guys to the hotel manager, the staff at the Omni was fantastic. FDCC members went out of their way to stop me and compliment specific members of the staff. So much so that we brought out dozens of them at the start of the business meeting to publicly thank

them. Thanks again, Omni.

We kicked things off Sunday night with the President's Reception under the Live Oaks in the Omni's beautiful Magnolia Garden. Tipping our hat to Scott and Susan Creamers' love of Kansas City barbecue, the atmosphere was one of an upscale picnic, complete with several different types of barbecue and the Creamers' favorite recipe for baked beans, all of which the chef executed perfectly. Monday night was the Havana Nights Theme Party, which included: a cigar roller who distributed several hundred FDCC private label cigars; a rum tasting courtesy of the Amelia Island-local Marlin and Barrel Distillery, which made us our very own cask of excellent rum; and dance music by Aramis y Sol Caribe, a Tampa band that traveled to Amelia to play for us. Tuesday night's Dessert Party was packed. The meeting concluded with Wednesday night's Dinner Dance, where the Rivertown Band kept the dance floor so packed that we had to push the dinner tables and chairs away from the dance floor to create enough space for everyone to dance without having to remain in what Scott dubbed the "FDCC Mosh Pit."

There were great activities each afternoon, as well as the traditional golf and tennis tournaments, but the real buzz was about the First Annual Reid Manley Cornhole Tournament. Jessica and Scott Davis stole victory, and Reid's glory, from Reid in the finals. Congrats to Jessica and Scott.

But Reid still gets to bask in the glory of what some described as one of the best programs ever. His report:

The Amelia Program went off without a hitch. Book-ended by two fantastic speakers, the program kicked off with Peter Ziehan, a global energy, demographic and security expert with a very interesting world view that marries the realities of geography and populations to a deep understanding of how global politics impacts markets and economic trends. His talk was fascinating. The program ended on Wednesday, February 28, 2018 with our keynote speaker, Dr. Robert Ballard. Ballard is an explorer, discoverer, and historian known for his discovery of the Titanic in 1985. Ballard gave a fascinating discussion about his explorations of the deep sea since the last time he spoke to the FDCC 13 years ago.

In between these two speakers, the program included something for everyone. There were section meetings and plenary sessions of interest to the many corporate counsel/insurance industry members who attended the program, including an in-house panel during one of the plenary sessions and a section meeting on the in-house attorney's role at mediation.



Highlights of the program included the plenary sessions on Tuesday, February 27, 2018, which consisted of three technology-based sessions. The first presentation focused on artificial intelligence in the legal industry, followed by a fascinating program on the FDCC's own Evolve program. Tuesday's plenary concluded with a cybersecurity program with a former Secret Service Agent who investigated and was involved in the prosecution of cybercrimes.

Last but not least, on Wednesday, February 28, 2018, there was a presentation about the opioid epidemic in America. It is hard to believe that 15 people out of 100 who take an opioid become addicted.

Finally, I would like to thank all of the Section Chairs and the speakers for putting together such excellent programming and for all of your hard work on the plenary and section meetings. None of this would have happened without you.

We look forward to seeing you in Maui!

— Brett and Amanda Preston,  
Convention Chairs, Tampa, Florida

— Reid and Alison Manley,  
Program Chair/Registration Chairs,  
Birmingham, Alabama



*Ahhh...melia*



# 2018 FEDERATION LIFETIME ACHIEVEMENT AWARD GOES TO MARV KARP

How does one achieve status as “over and above” those who are already, in the estimation of their peers, judges, clients and opposing counsel all “over and above?” Study Marvin Karp, Federation President 1994-95, and, now the 2018 Federation Lifetime Achievement Awardee. This award is made at our Winter Meeting, this year by President Scott Kreamer at the Amelia Island Omni in Florida.

The FDCC’s LAAward is awarded on a number of conditions, all of which must be aligned. The candidate must be “over and above” when measured against exceptional attorneys both inside and outside the Federation – giants of their legal communities, the Federation and their communities at large. Contributing substantially to the Federation and their state and local communities, successful candidates should have a history of embodying the values of the Federation (knowledge, fellowship and professionalism), and exemplify distinguished service both to the Federation and again, to their community at large.

The name Marvin Karp of the Cleveland, Ohio, based law firm Ulmer Berne, is synonymous with Professionalism. While his many accomplishments are too many to list in

this article, his capstone came over the course of the 1980’s and 90’s, as Marv led the draft of a Lawyer’s Creed of Professionalism and in his role as President of the then Cleveland Bar Association, marshaled the effort for its adoption. In his role as Chairman of the American Bar Association’s Trial, Torts & Insurance Practice Section, Marv took the Creed of Professionalism nationwide. Marv chaired the ABA’s Standing Committee on Ethics and Professional Responsibility and sat as Advisor to the Joint Commission on Revising Model Codes of Judicial Conduct. He’s been awarded Ohio’s highest bar honor, the Ohio Bar Medal.

President of his synagogue at home, and chair of his firm’s Litigation Department, Marv devoted himself to the Federation as well. With his dear wife, Lesley, Marv chaired the 1991 FDCC Winter Meeting in Desert Springs, California. He previously served as Program Chair at the 1990 Naples Winter Meeting. Rising over his service on the FDCC Board, Marv worked as FDCC President to foster the successful acceptance of the Creed of Professionalism by bar associations throughout the United States. In the words of Doug Houser, FDCC President 1990-91 and the LAAward’s

first recipient, “Marvin’s accomplishments are the very reason the award was created.”

So, to find the highest levels of what it means to be “Over and Above” as it is meant to be in our FDCC, one need only look to Marv Karp.



## FEDERATION NATION: SMOKIN' HOT ON THE WATER IN MONTREUX!



Edward J. Currie, Jr.  
Currie Johnson Griffin  
& Myers PA  
Jackson, MS



Todd A. Roberts  
Ropers Majeski Kohn Bentley  
Redwood City, CA

This past July the Federation Nation became counted among the “famous and everyone else in between” having visited the enchanting Swiss town of Montreux. There we held our 2017 Annual Meeting at the beautiful Fairmont le Montreux Palace. Joining past and present writers, artists, actors, musicians and other famous notables who discovered the delights of this wondrous and most peaceful place on the planet, over 500 FDCC members, their families and guests converged on the shore of Lake Geneva and made memories to last a lifetime. From dramatic views of the Swiss Alps and terraced vineyards of the Lavaux at our backs, to the French Alps across the expanse of Lake Geneva and peaceful walks along the lakeside Promenade, we spent a week of exploration enjoy-

ing the highlights of this part of Switzerland known as the Swiss Riviera.

Our week began on Monday July 24 in Zurich with a joint FDCC-AIDA International Insurance Symposium, “Bridging the Insurance Gap”, chaired by Rich Traub and our Swiss ambassador Christian Lang. Over 60 members and guests attended the symposium, followed by lunch on a boat cruise on Lake Zurich. Tuesday was filled with Fellowship Day excursions to Old Town Bern, Old Town Lausanne, and Glacier 3000. With respect to the glacier, over 120 members ventured the 2-mile cable car ride up to the top where they were met with a snowstorm. Rumor has it that Charles Griffin called home to his law firm in Mississippi reporting snow in July, and his credibility was challenged. It doesn’t snow in July!

Todd Roberts’ fantastic programs began Wednesday morning kicked off by a warm welcome to Montreux delivered by Montreux Mayor Laurent Wehrli. The day-to-day plenary presentations progressed from great to greater as we were regaled with speakers and topics ranging from

why the Swiss are the happiest people on earth, to drones, inspirational leadership, disaster litigation strategies, diversity and inclusion, and trial technology. Keynote speaker Nontombi “Naomi” Tutu, daughter of Archbishop Desmond Tutu, wowed the audience with her powerful presentation on human rights and the dignity of humankind. In keeping with the Olympic tradition displayed at the nearby international Olympic Museum, President Mills Gallivan passed the torch to Scott Kreamer as Scott began his much anticipated year as President of the FDCC.

Our afternoons were filled with activities highlighting the best of the Swiss Riviera and majesty of the Swiss Alps. These included tours of historic and iconic castles, alpine hiking, Lake Geneva luncheon cruises, wine tastings in the historic Lavaux, chocolate excursions, and museum tours. And we enjoyed a first ever unique and educational walking tour of literary Montreux, celebrating the many famous authors and poets whose writings were influenced by the serene beauty of the Montreux area.

Evening events and venues were unique. The small and beautiful medieval walled village of Gruyeres opened its gates to welcome the Federation with a hearty “Our

### Montreux Annual Meeting

*During the FDCC’s 2017 Annual Meeting in Montreux*

#### Andrew C. Hecker Award

Marisa Trasatti, Baltimore Maryland, “The Internet of Things and its Impact on Data Retention, E-Discovery, Products Liability, and Cybersecurity,” (FDCC Insights; December, 2016).

#### Corporate Member Award

Timothy A. Pratt, Executive Vice President, Chief Administrative Officer, General Counsel and Secretary, Boston Scientific Corporation, Natick, Massachusetts.



town is your town!”, setting a festive tone for the President’s Reception honoring Mills and first lady Carol Anne Gallivan. Refreshments on the cobblestoned village center gave way to a meal of traditional Swiss food. The Theme Party was a black and white bash harking back to the silent film era as Charlie Chaplin himself escorted us to the newly opened Chaplin’s World in Vevey. Our magical week was capped by a masked ball/throw-down on the Palace terrace overlooking the lake, complimented with a fireworks display over the lake. As smoke from the dance floor and fireworks over the water was clearing the next morning, we gave a longing goodbye to a wonderful week in Switzerland, a wonderful year under Mills and Carol Anne, and friends upon friends. Our meeting was followed in late February 2018 by the FDCC Winter Meeting, so successful at Amelia Island, Florida chaired by Brett and Amanda Preston under President Scott Kreamer and his lovely Susan.

- Ned and Sue Currie,  
Convention Chairs, Jackson, Mississippi
- Todd and Debbie Roberts,  
Program/Registration Chairs,  
Redwood City, California

## Spring 2017 FDCC Awards

*in Vevey, Switzerland, the following awards were made:*

### The FDCC Award

Christian G. Lang, Swiss Reinsurance Company Ltd.,  
Zurich, Switzerland

### Joseph R. Olshan Award

Francisco Ramos, Jr., Miami, Florida:  
“Masters of Marketing” program in  
Charleston, South Carolina.



# Magnifique and Beyond!



## ZURICH INSURANCE SUMMIT ... SOCKS AND THE LAW...



Christian G. Lang  
Swiss Reinsurance Company  
Zurich, Switzerland

As a prelude to the 2017 FDCC Annual Meeting in beautiful Montreux, the Swiss Chapter of AIDA (the Association Internationale de Droits des Assurances, discussed in another article by Richard Traub on p. 39 in this Flyer edition), in conjunction with the FDCC, invited all to the "Insurance Summit" in the almost as beautiful Zurich on Monday before the official start of the Annual Meeting. Almost as beautiful,

because Zurich did not show its nicest face and welcomed our American guests with a gush of rain (for which the undersigned, being the host of the meeting, took full responsibility).

Other than that, the meeting was perfect and a great success. More than 50 FDCC members attended in the



Zurich auditorium of SCOR, and almost an equally large number of local AIDA members joined the group in spite of peak holiday season.

The topics of the meeting were **“Mitigation of Litigation Risk in the United States,”** discussed by the panelists Suzanne Durdevic (Boston Scientific International), Lyndsey Bauer (Paragon International Insurance Brokers Ltd), Lisa Enloe (J.S. Held LLC), James R. Old (Hicks Thomas LLP), and Anthony F. Tagliagambe (London Fischer LLP), under the excellent moderation of Richard Traub (no introduction necessary for this readership). Maybe it did not help to make the fear of Europeans of getting caught up in the U.S. legal systems go away, but it sure demonstrated that there is help around if you need it (with the FDCC Roster being our first point of reference).

The second panel, **“The Devil is in the Trans-Atlantic Data,”** tried to explain to the American guests some aspects of “funny Europe”, where there is no such thing as discovery (hence, one better already have a case before bringing suit), where the loser pays, and where we still follow the strange idea that personal data should not be dis-

closed without consent. Philip Tansley (RPC), and Christof Gaudig (Oppenhoff & Partner), shared their views from their respective UK and German perspective, with Christian Lang (from neutral Switzerland) sitting in the middle and watching them.

As it would be beyond my call and powers to judge the quality of the content of these sessions (although for both panels I say they were very high in whatever scale you take), I have to say that in the more informal feedback during the following lunch cruise on the lake of Zurich (passing by Tina Turner’s home and the Lindt chocolate factory) the socks of the panelists were one of the hot topics. Still unclear who won the neck-and-neck race between Rich Traub and Christoph Gaudig for the first place – but hey, we need something to talk for the next meeting, right?

Thank y’all for coming, and hopefully see you soon at one of our next events.

With best regards from the heart of Europe  
— Christian G. Lang, Zurich, Switzerland

## Corporate Counsel Symposium

The Federation of Defense and Corporate Counsel's 14th Annual Corporate Counsel Symposium held on September 17 – 19, 2017, at the Hotel Sofitel, in Philadelphia, PA was a resounding success. We had 158 registrants, 78 of whom were in-house counsel, many of which were first-time attendees. There are so many to thank for the success of this year's program.

First, our officers, Mills, Scott, Don and Elizabeth for entrusting the well-being of this event to us. Next, our sponsors, without whose support, none of this would be possible. It is so refreshing to see them at the CCS each year.

Many thanks to our featured speakers and this year's moderators and panelists. Their tremendous effort was evident. Sunday afternoon began with two great panels: The practical effects of the recent Federal Rule changes on

By: David Nicholas,  
TE Connective Corporation, Middletown, PA

in-house and outside counsel's discovery practice, and a very dynamic and profound panel concerning women and minorities in law firms and assuming the first trial chair. Sunday concluded with the Honorable Robert Ehrlich, former governor of Maryland, and now a partner at King and Spalding. Gov. Ehrlich powerfully addressed changes in the political climate following the 2016 presidential elections.

Monday morning, CEO's and General Counsel from leading companies discussed current and future impacts of many business and legal issues. Then, David O'Neil, Monday's featured speaker, addressed the current state of the federal court system and what we can anticipate with the Trump appointments being made at all levels of the federal courts. Mr. O'Neil is a former SCOTUS law clerk, now partner at Debevoise and Plimpton.

Tuesday featured employment and labor issues, from the stark reality of workplace violence, to current labor and employment law issues. Then the current NLRB Chairman, Philip Miscimarra, spoke of the myriad of issues brought before the NLRB. Our CCS program ended with a much-needed ethics credit hour; discussions centering on internal investigations and the attorney-client privilege.

Everyone who graced the stage this year brought their "A-game". Many of the attendees described this year's CCS as "the best yet" or "the best one ever." Some, thinking we could never top last year's program, exclaimed "you did it again."

Co-Chairing with Michael Bonasso of Charleston, West Virginia, for the last three CCS's, I too am amazed how consistently the CCS Committee rises to the challenge, surpassing the previous year. This year's event was no exception. Many thanks to our Program Co-Chairs, Marisa Trasatti (Baltimore) and Michele Miller (LA) and Marketing Co-Chairs Tiffany Alexander (Malvern, Pa.) and Marc Polk, at Stryker in Allendale, New Jersey.

Lastly, thanks to all who took time to attend the CCS. Seeing you there makes all that we do worth it.

We hope to see you next year, **September 16-18, 2018 at the Loew's Hotel in Philadelphia**. We ask you invite and bring one or more colleagues or clients along next year, helping us fill the much larger meeting room. Accept this challenge as we accept the challenge to make next year bigger and better!



# NEW YORK'S 2017 FDCC INSURANCE INSTITUTE WAS A GRAND SHOW!

FDCC Insurers and their client representatives came into the New York Sheraton – Times Square last November from all over the country and from Europe for the Federation's 2017 International Insurance Institute (I3). Attendance was strong, especially on the company side with Insurance Industry decision-makers representing some 49 different companies.

Co-Chairs Alan Rutkin of New York City's Rivkin Radler and Gena Sluga of Christian, Dichter & Sluga out of Phoenix, Arizona, together with Rick Long from Western National Insurance Group, put together a fascinating program exploring the ins and outs of Early Dispute Resolution and cutting edge topics such as the use of Artificial Intelligence in insurance law and coverage as well as a rendition of the current state of climate change. Reinsurers stood to gain from their personnel attending as well as those who may deal on both sides of the "pond" in coverage disputes. Tort criminalization came under examination along with how coverage issues may transform somewhat in major catastrophic claims from more normally sized claims.

The assembled insurance law vanguard had a wonderful time outside of "class" in networking at the many great restaurants New York offers, and some even attended a Broadway Show or two. And as always, our FDCC meeting sponsors are greatly appreciated!



## THE FUTURE IS NOW FOR THE FEDERATION



J. Scott Kreamer  
Baker, Sterchi, Cowden  
& Rice LLC  
Kansas City, MO

The FDCC continues to distinguish itself as the pre-eminent defense organization in new and exciting ways.

### TECH U, Philadelphia

In April, 2018, the FDCC held the first of its kind advanced trial technology training program, Tech U, which is described in detail on p. 35 of this Flyer in Bob Christie's "EVOLVE" article. The Federation is the **only** organization identifying the latest technologies

available for attorneys to use in the courtroom and the training on how to use them.

The 2018 class came to Philly with technology skills ranging from novices to skilled. Each left with the know-how to make presentations to mediators, judges and juries in ways they never knew were possible using new technologies. Call it "Beyond PowerPoint" – way beyond!

Hands-on workshops were offered to provide individual training. The participants were then tasked with creating their own mediation presentation, opening statement or closing argument to the group using the different technologies. We were blown away by the talent and creativity that each recipient of the Master Technology Advocate Certificate demonstrated.



The reviews from Tech U were off the charts excellent. Your fellow Federation brethren thought this was one of the best programs they had ever attended because it actually gave them the knowledge, skills and confidence to raise the bar in their courtroom advocacy.

Without question, each participant will now walk into any courtroom with a clear advantage over their opponent. Obviously, this is good news for the Federation and for the clients that hire Master Technology Advocates!

Seattle's Bob Christie headed up the program that included a presentation from one of the country's top plaintiff's counsel along with a federal judge. Other Evolve Committee members who assisted with the program were Louisville's Steve Embry, Jack Delaney of Philadelphia, and Tom Oakes, one of our most consistently loyal meeting sponsors. A big thanks to everyone who helped make this one of the best programs offered by the Federation!

### London Regional Meeting

Not to be outdone by the events in Philadelphia, the FDCC European Regional Meeting, held for the first time in London, was also a big hit in April 2018. This meeting emphasizes the latest steps we are taking in accomplishing our long standing goal of expanding the Federation's geographic footprint so that we are poised to meet the demands of an ever increasing global economy.



The meeting included attendees from nearly a dozen countries including in-house counsel. The program on cybersecurity and international arbitration was equal parts entertaining and informational. We closed out the meeting with an enjoyable cocktail reception.

The meeting provided opportunities for US defense counsel to meet their London clients as well as great networking for our International Members. There was a genuine excitement about the meeting and plans were already being discussed for the next European Regional meeting. Natalie Vloemans of Rotterdam, The Netherlands, and Milan, Italy's Anthony Perotto moderated the program and were instrumental in planning the meeting. They were assisted in the planning by Mike Shalhoub from White Plains, New York, and Miami, Florida's Carlos Concepcion. I want to thank each of them for all their help with the meeting. A special thanks goes out to Carlos for allowing us to use his London office for the meeting.

## AIDA-Europe Meeting

Immediately following the London meeting, the same week in April, 2018, many Federation members participated in the AIDA-Europe Meeting in Warsaw, Poland. The AIDA-North American Chapter President, Richard Traub describes AIDA, the great international Insurance Law Association beginning on p. 39 of this Flyer, and another article, on p. 38 describes the Federation's Fall 2017 participation in the Asia Pacific Insurance Conference in Singapore. The Federation has had a long alliance with AIDA which has benefitted both organizations by sharing American and International legal perspectives on insurance.

In Warsaw, 2018, for the Federation, we had a chance to address the conference and share with them information about the FDCC and what distinguishes us from other groups. They clearly liked what they heard as several attendees inquired more about the organization and membership opportunities. Overall, our outreach efforts have been very successful as we will have dramatically increased the numbers of our International Members by the end of this year.

The future of the Federation is now – make sure you are part of it!



# FDCC NEWS

## A NOTE FROM THE FDCC'S NEW EXECUTIVE DIRECTOR



It is a pleasure to introduce myself and our team of dedicated association management and meeting professionals here at Accolade Management Services in King of Prussia, PA, just outside of Philadelphia. We now have the distinct privilege of working with the Board - and each of you - in advancing the FDCC's value proposition and brand in the years ahead.

Over the past several years, the Federation has allowed me to speak at a number of the Annual and I3 meetings where we may have met. Having practiced as an insurance defense trial and coverage attorney (most recently as an equity partner with Wilson Elser, Moskowitz, Edelman & Dicker), and as vice president and chief national litigation counsel at the Reliance Insurance Company, I may have also crossed paths with many of you in those capacities. Since 2000, Accolade has been representing a number of domestic and international professional, non-profit trade associations. We have run national annual meetings, trade shows, CE and CLE educational sessions, strategic planning, board of directors, foundation, committee and related meetings, young professionals events, selected and worked with VIP keynote and panel speakers, produced dinner and gala entertainment functions from Jay Leno and a Cirque de Soleil performance to the Beach Boys and

KC and the Sunshine Band, and developed off-site functions across the country, Canada and Europe for attendees ranging in number from 15 to 1500.

Most importantly, we have worked to ensure the full potential of members are realized through the collaborative and deep bench strength various the association members as we advance their objectives and positions in their respective industries, to Congress, international, federal and state regulators, insurance departments and legislatures.

Prior to entering the practice of law in 1983, I served as legislative assistant to Congressman Jack Kemp from my hometown of Buffalo, NY in the Washington, DC office and, while there, also worked weekends as the anchor at WAVA NewsRadio. My wife, Martha and I have been married since 1985, and have two daughters, Kelsey (31) and Sara (29) who are both married and live in Washington, DC and Littleton, NH respectively. Oh, and we also have two Springer Spaniel puppies.

I have always admired the FDCC and its members not only for the integrity and professionalism you bring to the industry but, also, for the strength of personal relationships you share with one another. You will be hearing a lot more from us as we assume our new roles; and we will look forward to seeing many of you at the 2018 Annual Meeting in July or at other upcoming events. In the meantime, please do not hesitate to contact me either here at the new FDCC Headquarters: 610-992-0001 or on my cell: 215-990-9990, or via email: [bernie@accolademgt.com](mailto:bernie@accolademgt.com). We will have FDCC emails shortly. Thank you for your continued membership in the FDCC, and for allowing us this tremendous opportunity to work with you.

— Bernd G. Heinze, Esq.  
King of Prussia, Pennsylvania

*Ed. Note: Yes, Bernie's name is spelled correctly. Respected and known well to many FDCC members, there's another side of Bernie besides expertly being Executive Director to a major national organization: When not dousing flames as a member of the Montgomery Township, Pa., fire department, or sitting in a tux astride his 2010 Harley-Davidson Electra-Glide Classic, or lobbying legislatures and agencies, Bernie's been termed "the leader and voice of the wholesale and excess and surplus lines insurance industry" and "one of the most influential figures in the industry" by Business Insurance America. We welcome our "most interesting man", even if he isn't hawking south of the border beers!*

## FDCC EVOLVE

### IT IS TIME TO START EVOLVING YOUR LEGAL TECHNOLOGY ADVOCACY!

FDCC President Scott Kreamer challenged Jack Delany, Tom Oakes, and me, who have made presentations over the years on different presentation technologies, to come up with a comprehensive program that encourages our members to evolve in their use of legal technology, make it easier for them to find relevant software and apps, and provide easy access to instructions on how to use technologies. Scott also wanted us to create a way for interested members to actually obtain a certification from the Federation as a TECHNOLOGY MASTER ADVOCATE—a way of distinguishing themselves from their competition and give them a competitive edge in marketing their skills to the purchasers of legal services.

We recently held our first institute, moving to fully accomplish Scott's challenge by developing FDCC EVOLVE into a full blown education and certification process, taking it well beyond its initial website presence. Scott Kreamer has an article about that program in the Looking Back section of this Flyer, at p. 32.

Since launching [fdcevolve.com](http://fdcevolve.com) just prior to the 2017 Annual Meeting in Switzerland, last July the site has had almost 500 unique visitors with over 2,700 page views. If you haven't spent time on the website, give it a look. You will come away learning something new and practical in how to make your use of technology more efficient, and at the same time make your messaging more powerful and persuasive.

FDCC EVOLVE is a comprehensive, one-of-a-kind program, exclusively for our members with these key components:

**Exposure:** We expose our members on an ongoing basis to a range of presentation technologies readily available for use in our practice. This includes software, from programs to apps, and hardware, from projectors to tablets and more. This also includes exposure to methods, techniques, tricks of the trade, and success stories from fellow members. The website provides fingertip access to this curated information to the best technologies out there to do what we do.

There are currently 13 technologies featured in the SOFTWARE/APPS section. One of them is PowerPoint, which we all know about. But there are tutorials in that section about how to use PowerPoint more effectively, including using it as a case management tool. Jack Delany has built a series of PowerPoint templates that are uploaded on the site for you to download and use. Check it out and give a try to using a technology that you already know in a different and more effective way.

**Education:** FDCC, under Scott's leadership, has partnered with a Dallas-based company called Traveling Coaches, experts in developing online educational instruction and testing modules that allow individuals to demonstrate their learning and document their proficiency. The experts at Traveling Coaches are currently developing training and testing modules for ten of the technologies featured on the website. Members will access this exclusive training portal with a user name and password through the Evolve site, with the FDCC already having purchased a block of authorized users. This will also give you access to a broader range of Traveling Coaches other instructional courses.

The initial roll out for all online training courses took place at the Winter Meeting in Amelia Island. Cindy Mitchell, our lead partner at Traveling Coaches, joined me in a plenary program that also featured a presentation of success stories from some of our members who have developed expertise in one or more of these programs and will tell you how they used it.

**TECH U**— As discussed by Scott in his article on p. 32 in this Flyer, The Technology Training Institute took place at Veritext in Philadelphia in April 2018. Registration was limited

*Dave Bertschi of Ottawa, Ontario receives his certification as a Technology Master Advocate from Faculty Administrator, Bob Christie upon Dave's completion of the FDCC's first Tech U from the Evolve program.*



to 25 members. The program, as with future Tech U's, required members to invest time in advance working through all of the online training and successfully completing the testing modules. We began our work in the late afternoon on Friday, working all day Saturday, and through noon on Sunday so that members could return home the evening of the last day of the Program. Working in pre-assembled teams, attendees built presentations using a range of these technologies. This gave everyone an opportunity to make a presentation that was then viewed by the overall group for constructive feedback and group learning. All those members that completed this process gained certification as TECHNOLOGY MASTER ADVOCATES by the FDCC.

Join us in this evolutionary process and take advantage of our Federation Exceptionalism at an upcoming TECH U!

— Bob Christie, Christie Law Group,  
Seattle, Washington

## RAISE YOUR PROFILE THROUGH FDCC "ACT"



Those of you who made it to the Annual Meeting in Montreux, Switzerland got a quick peek at the new ACT initiative which was launched this year. ACT (Attract Connect Transform) is designed to bring more value to each of the FDCC members, as well as increase the visibility of the FDCC throughout the legal community and beyond.

One of the most important aspects of being a member of the FDCC is the benefits you receive as a member. Anyone who has attended even a couple meetings can attest to the wonderful fellowship you find in the group. And, it's hard to argue that going to wonderful locations where someone else has gone ahead and scouted out some of the best activities and places to eat is not a benefit. But, often our companies and law firm partners would like to see something a little more tangible.

The vetting process that an individual must go through to become a member of the FDCC is second to none. You know when you meet an FDCC member, they are truly Over and Above – as determined by their peers, their opponents, their clients and the judges before whom they practice. Part of the ACT initiative is to get that word out.

Many of you participated in the October webinar designed to help you get the most out of LinkedIn and showing you how the FDCC's new and improved LinkedIn page can help you even further. By more actively participating in this page, our members will gain greater exposure throughout the legal community. The ACT committee is taking targeted actions to ensure that our members' publications, accomplishments and social media posts get as much exposure as possible. There have been upgrades in our website, and more are yet to come.

We have consulted with a number of our in-house counsel and industry members and are implementing a number of changes to help address their needs and concerns. A focus is being made to ensure that all or nearly all of our programming at the meetings and in our webinars contains topics which are timely and relevant to our in-house and industry members, as well as the defense counsel. We are setting up forums where in-house and industry counsel can easily query of the other similarly situated members for advice on topics plaguing them at work. There will be a job board for in house positions to be posted and a task board where defense counsel can bid on the opportunity to present to corporations on topics of interest to those companies. You've probably already noticed that the registration fee for corporate counsel and industry members was waived this year for the CCS, I3, and the Winter Meeting on Amelia Island, resulting in extraordinary in-house counsel turnout at each.

The more in-house and industry members that are exposed to the FDCC, and can see exactly the high caliber group produced by the intensive vetting process, the more likely it is that they will assign work to FDCC members, whether they have met them at a meeting, or simply have found their names in the "Blue Book."

If you are asking, "what can I do to help this initiative?" We have the answer, start by making sure the FDCC logo, not only on your firm webpage, but also on your LinkedIn page. Next, make sure you post your recent victories, links to articles you have written, presentations you have given or social media posts which are related to legal issues on the FDCC LinkedIn page, so the ACT team can help get the word out further through the FDCC website or via Twitter. Then, visit the FDCC YouTube channel and subscribe to it. Keep referring top notch attorneys for membership and finally, keep doing what you did to get in to the FDCC in the first place – continue being Over and Above in your legal community.

## FDCC'S NEW YOUTUBE CHANNEL



Stacy A. Broman  
Meagher & Geer PLLP  
Minneapolis, MN

Did you know that the FDCC has a YouTube channel? You can locate the channel by going to YouTube and searching for the Federation of Defense and Corporate Counsel. You need a Google account to subscribe to the channel. Please subscribe and don't merely view the videos. Once we have 100 subscribers, we will be able to obtain a personalized URL address from YouTube. After subscribing you will be

able to select to receive notifications when new videos are posted to the channel.

The FDCC's YouTube channel will serve as a video repository. President Scott Kreamer has been posting monthly presidential videos. We have posted videos and clips of presentations from the Annual and Winter meetings for those who are unable to attend. We also hope to post portions of some of the FDCC webinars. We also plan to promote FDCC events on the channel.

Please go to YouTube and view the FDCC's YouTube channel. Once you find the channel, click on the "Subscribe" button. You will be asked to enter your email address and Google password. That's it. You can click on the "bell" on the right side of the page to choose to receive notification when new videos are posted to the channel.

We need subscribers in order to secure the personalized URL address and urge you to subscribe soon. We welcome your suggestions as to content and look forward to your participation in the channel.



## IN MEMORIAM

**W. Boyd Reeves** | Mobile, Alabama  
FDCC Member since 1989. Passed away January 18, 2016.

**James Foliart** | Oklahoma City, Oklahoma  
FDCC Member since 1965. Passed away April 8, 2017.

**Milton Thurm** | Boca Raton, Florida  
FDCC Member since 1983. Passed away April 9, 2017.

**Roger Fry** | Cincinnati, Ohio  
FDCC Member since 1998. Passed away May 2, 2017.

**Josh Borenstein** | Montreal, Quebec  
FDCC Member since 1995. Passed away May 12, 2017.

**Joseph Monroe Best** | Skiatook, Oklahoma  
FDCC Member since 1956. FDCC President 1971-72. Passed away August 25, 2017.

**Peter Gad Naschitz** | Tel Aviv, Israel  
FDCC Member since 2001. Passed away in October, 2017.

**Patrick Long** | Santa Ana, California  
FDCC Member since 1994. Passed away January 11, 2018.

**James Guglielmo** | Opelousas, Louisiana  
FDCC Member since 1989. Passed away January 21, 2018.

**Howard Lester** | New York, New York.  
FDCC member since 1958. Passed away January 27, 2018.



## FDCC – AIDA TEAM UP FOR SINGAPORE ASIA-PACIFIC INSURANCE CONFERENCE

The FDCC took a first major step in executing its AIDA initiative in co-sponsoring with AIDA Worldwide the first Asia-Pacific Insurance Conference, held in October, 2017, in Singapore. The International Insurance Law Association, or, Association Internationale de Droits des Assurances, is addressed in an article by North American AIDA Chapter President Richard Traub on the next page in this Flyer issue. There Rich speaks of what AIDA is and what it means for the FDCC.

But in October, several FDCC members took the lead –particularly Christopher Rodd of Victoria, Australia, taking a key role in the APIC planning. Christian Lang, of Zurich, Switzerland came in from Europe, while President Scott Kreamer led the FDCC United States contingent including speakers Traub, Meryl Lieberman of New York, New York; Craig Marvinney of Cleveland, Ohio; and Richard Nicolaides of Chicago, Illinois. David Lee of Sydney, Australia was also instrumental in recruiting folks to the event.

Attendees broke into sectional discussions on various topics one day, while another day was devoted to plenary sessions about everything from Catastrophic Loss Modeling to Major Risk Assessments, from Regulatory Impact and Arbitration Developments to Blockchain.

The FDCC held a special meeting on “Meet the FDCC” on the Top Floor of the Raffles Tower, the same building in whose conference center the meeting took place. Expecting about 30 attendees, the FDCC attracted over 100 from around the world. The FDCC succeeded in recruiting new members from around the world from this, including our first ever South American members.

Not only FDCC exceptionalism was on display here in Singapore, but we also had a vibrant display of FDCC fellowship as our members toured the many cultural districts of this great Asian city, we found ourselves in museums, galleries, restaurants and even the Singapore Cricket Club overlooking the grand Padang (field) in the center city.

— Craig A. Marvinney  
Walter | Haverfield LLP  
Cleveland, Ohio



## FDCC ALLIES WITH AIDA FOR WORLDWIDE REACH



Richard K. Traub  
Traub Lieberman Straus  
& Shrewsbury LLP  
Red Bank, N J

The FDCC has arranged for a special invitation to all members for complimentary membership in AIDA-US. So, who and what is AIDA-US?

First, you should know that its current President is Rich Traub and Vice President, Vicki Roberts. Rich is a former member of the Board of Directors of the FDCC and Vicki Roberts is a Past President.

AIDA-US is the US Chapter of AIDA World (Association Internationale de Droit des Assurances). AIDA is an international industry organization created as an accessible forum in which insurance education is promoted, reviewed, developed and debated through seminars, workshops, conferences, and the digital media. AIDA was formed in 1960 to promote and develop international collaboration between its members so to increase the study and knowledge of international and national insurance law and related matters. There are 58 National Chapters around the world including Africa, Asia, Europe, Mid-East, Russia, Serbia and Australia. There are also a number of Regional Chapters such as AIDA-Europe which aggregates the talent and intelligence

of more than 25 European countries and CILA which aggregates the resources of all member South American countries.

AIDA-US is the United States chapter. We provide a forum for discussion of any topic of insurance or insurance law, considering and discussing matters of interest to those in the US and North America. We strive to add value to members through these regional, national and international affiliations affording opportunities to develop relationships, foster constructive industry dialogue and again, promote insurance law education. Our goal is to improve the understanding of insurance law and the insurance industry through our education initiatives and raise awareness of issues that impact insurance law and the insurance industry through informed commentary.

There are multiple "Working Parties" or substantive law sections of AIDA. They include Accumulation of Claims and Subrogation; Climate Change and Catastrophic Events; Credit Insurance; Dispute Resolution; Accumulation of Claims; Distribution of Insurance Products; Marine Insurance; New Technologies, Prevention and Insurance; Reinsurance; Motor Insurance, New Technologies, Prevent & Insurance; State Supervision of Insurance among others. There is also a special Scientific Council that reports to the Presidential Council of AIDA World.

By this offer to FDCC members, AIDA-US will immediately provide the FDCC membership with access to talent and knowledge throughout the world by immediate contact with the World Chapters, invitations to World and domes-



tic events, access to all literature, publications, webcasts and beyond. AIDA world members include far more than policyholder and defense attorneys. Its members include academia focused on insurance, insurers, brokers, students, judges, and regulators.

## MEETINGS AND STRUCTURE

For AIDA-US, we envision three types of meetings going forward: 1. Regional, 2. Annual Meetings, and 3. Webinars and Webcasts. While AIDA-US has been in existence for sometime, it is being rejuvenated. In the short term, we will use primarily webinars. As we grow in membership, we will follow with regional and national meetings, educational events, mentoring programs and more.

AIDA and AIDA-US in conjunction with certain other AIDA Chapters have already co-sponsored two significant events with the FDCC. The first was the FDCC's visit to Zurich, Switzerland, in connection with the 2017 FDCC Annual Meeting in Switzerland. The AIDA Swiss Chapter was primarily responsible for that joint endeavor. The second event was the Asia Pacific Insurance Conference held last October in Singapore co-sponsored with AIDA Australia (AILA); AIDA New Zealand; AIDA Singapore, and again, the FDCC.

Finally, the FDCC participated in the AIDA-Europe's Regional Meeting in Warsaw, Poland just last month in April 2018. You will find articles about the FDCC's sponsorships

and participation in these meetings on pgs. 33 and 38 in this issue of the Federation Flyer. We reference these meetings as only a demonstration of our scope and reach. We will be proposing the co-sponsorship of events with the FDCC in future events as well.

If you are interested in becoming a member of AIDA US, simply advise either Rich Traub (president) [rtraub@tlsslaw.com](mailto:rtraub@tlsslaw.com); Vicki Roberts (Vice-President) [vhrllegal@outlook.com](mailto:vhrllegal@outlook.com); or Bernie Heinze (Secretary/Treasurer) [bernie@theheinzgroup.com](mailto:bernie@theheinzgroup.com) and you will be added to the membership rolls. Please provide your name, address, affiliation, contact phone and email for our records.



# FDCC LEADERSHIP CANDIDATES 2018-2019

## Candidates for SENIOR DIRECTOR:



**Stacy A. Broman**  
Meagher & Geer PLLP  
Minneapolis, MN



**Robert L. Christie**  
Christie Law Group, PLLC  
Seattle, WA



**Clark R. Hudson**  
Neil Dymott Frank  
McFall & Trexler APLC  
San Diego, CA



**Reid S. Manley**  
Burr Forman LLP  
Birmingham, AL



**Craig A. Marvinney**  
Walter | Haverfield LLP  
Cleveland, OH



**Brett J. Preston**  
Hill Ward & Henderson PA  
Tampa, FL



**Todd A. Roberts**  
Ropers Majeski Kohn Bentley  
Redwood City, CA



**L. Johnston Sarber, III**  
Carr Allison  
Jacksonville, FL

## Candidate for SECRETARY-TREASURER:



**Michael T. Glascott**  
Goldberg Segalla, LLP  
Buffalo, NY

— see page 42 (next page) —

The FDCC Nominating Committee will meet during the Annual Meeting at the Wailea Beach Resort in Wailea, HI, on Thursday, August 2, 2018.

As a member of the FDCC, you will have an opportunity to meet with the committee. A link to sign up for time slots will be available in early June.

## Candidates for DIRECTOR:



**Victor R. Anderson, III**  
Haight Brown & Bonesteel LLP  
Los Angeles, CA



**Heidi G. Goebel**  
Goebel Anderson P.C.  
Salt Lake City, UT



**Marc H. Harwell**  
Leitner, Williams, Dooley  
& Napolitan PLLC  
Chattanooga, TN



**Daniel R. McCune**  
Childs McCune LLC  
Denver, CO



**David M. Nicholas**  
TE Connectivity Corporation  
Middletown, PA



**Diane L. Polsker**  
Gordon & Polsker, LLC  
Portland, OR



**John P. Rahoy**  
Brown & James P.C.  
St. Louis, MO



**Casey C. Stansbury**  
Mazanec, Raskin &  
Ryder, Co., L.P.A.  
Lexington, KYA



**Christian J. Steinmetz, III**  
Gannam, Gnann  
& Steinmetz, LLC  
Savannah, GAR



**Joyce C. Wang**  
Carlson, Calladine &  
Peterson LLP  
San Francisco, CA



**Marc A. Young**  
Cokinos | Young  
Austin, TX

## Candidate for Secretary-Treasurer: Michael T. Glascott



Michael T. Glascott  
Goldberg Segalla LLP  
Buffalo, NY

Mike Glascott is an FDCC Senior Director and Executive Committee Member. He joined the Federation in 2003 and he has served on the Board since 2012. Mike is a partner in the Buffalo office of Goldberg Segalla LLP and resides in the Buffalo office. The firm has 350+ attorneys in 20 offices throughout the country. He practices

in the firm's Global Insurance Services practice group where his practice includes complex insurance coverage, bad faith, commercial litigation, tort, and New York Labor Law litigation.

Mike is a graduate of the University of Buffalo and the University of Tulsa law school. He practiced in Tulsa, Oklahoma for 8 years before relocating to his hometown in Buffalo, New York. Mike is a former Assistant District Attorney and he has practiced in New York since 1991. He is admitted to practice in all courts in the State of New York as well as the U.S. Court Appeals for the Third Circuit.

Mike possesses an AV rating from Martindale-Hubbell and has been selected for inclusion in Best Lawyers in America in the category of Insurance Law. He is also listed in Business First's Who's Who in the Law for Insurance Coverage. Mike is a Fellow in the American College of Coverage and Extra Contractual Counsel and is also a member of the DRI.

Mike's Federation service has been deep. He served as Vice Chair and Chair of the Insurance Coverage Section. He also served on the Admissions Committee, as Eastern Coordinator of the State Representative Program and he served as Co-Program Chair for the 2013 I-3 Insurance Symposium. Thereafter, Mike served as Co-Chair of the Insurance Industry Committee and Co-Chair of the FDCC Advance Committee. Mike also served on the Bylaw/Resolution Committee for several years.

Awarded the John Alan Appleman Award in 2012 for his work as Chair of the Insurance Coverage Section, he later achieved the Joseph R. Olshan Award for his work on the FDCC Advance Committee in 2016. He then received the FDCC Connect Award at the 2017 Winter Meeting.

Mike Chaired the Program for the 2015 Winter Meeting in Amelia Island, Florida. He and his wife, Tricia, served as

Convention Chairs for the 2016 Annual Meeting in Charlevoix, Quebec. Mike currently chairs the Membership Development and Retention Committee helping wind up recruitment from the All-In Project, while at the same time ramping up recruitment efforts through the Federation's more traditional sources of recruitment, such as the State Representative Program and Substantive Law Section Chairs.

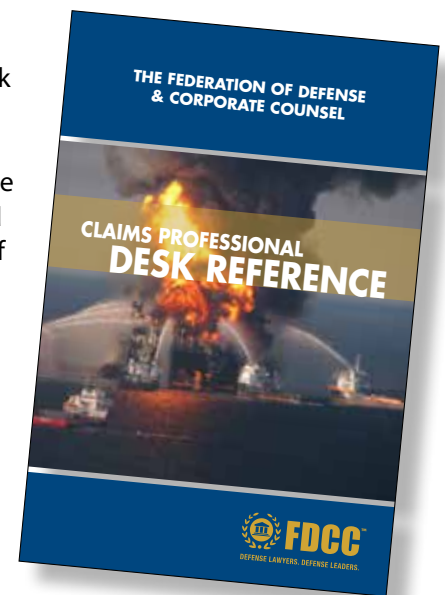
Mike is unopposed in his candidacy for Secretary-Treasurer of the Federation.

## THE FEDERATION ANNOUNCES ITS NEWEST RELEASE:

### The FDCC Claims Professional Desk Reference

In May 2018, the Federation will release its Claims Professional Desk Reference. Over a year in the works, the Desk Reference compiles state by state negligence and essential related rules of law for anyone involved in handling claims.

Designed to assist lawyers, claims personnel and others needing a quick reference guide, the book will lay flat on any desk with identical topics showing their variations from jurisdiction to jurisdiction in an easy to follow layout. Following the Litigation Management College this May in Philadelphia, watch for announcements that the FDCC Claims Professional Desk Reference will be available for order and purchase by our members for themselves, their firms and their clients. Don't be without this wonderful new FDCC reference guide!



## FDCC AMICUS AND PUBLIC POLICY UPDATE: AMICUS COMMITTEE SEEKS MEMBER INPUT ON CRITICAL STATE ISSUES



Stacy A. Broman  
Meagher & Geer PLLP  
Minneapolis, MN



Gray T. Culbreath  
Gallivan, White & Boyd, PA  
Columbia, SC

*The Amicus and Public Policy Committee continues to look for ways to participate in amicus and public policy projects on behalf of the Federation.*

Gray Culbreath heads up the public policy aspect of the committee. We work to identify public policy issues that the Federation can weigh in on along with Lawyers for Civil Justice. Thus far, we weighed in on several pieces of legislation and offered the Executive Committee a position on the President's statement on the judiciary. We always seek additional public policy issues. While Lawyers for Civil Justice and DRI frequently address the Federal issues, many times issues of import in the individual states go unnoticed. This is where we need your help. To the extent that there is any new legislation or rulemaking activity in your state that you believe may impact the Defense Bar, please forward it to us. We rely on our members to relay to us the current developments, good and bad, in the state legislatures and the courts. If you become aware of some activity that you believe is worthy of consideration, please forward it to our committee so that we may review.

The Amicus and Public Policy Committee filed a brief in support of Century Surety Company in the matter *Century Sur. Co. v. Jane Doe* in the Texas Supreme Court. Briefs were filed on a Petition for Review from the Court of Appeals for the Fifth District of Texas at Dallas and also in support of a Petition for a Writ of Mandamus. The issue? Whether Century Surety should be allowed to intervene in the action under the doctrine of virtual representation to mount an appeal from a \$20 million judgment against its insured. Century sought intervention when the bankruptcy trustee for its insured chose not to appeal, even when

Century agreed to fully fund the appeal and even though the trustee admitted that viable grounds for reversal of the judgment existed. The Federation argued that the failure to appeal a remarkably infirm judgment demonstrated that the parties conducted a prejudicial non-adversarial proceeding before the trial court. The FDCC urged the Court's reverse the court of appeals' denial of Century's intervention motion thereby allowing Century intervention to preserve the adversarial system's integrity.

FDCC appeared as amicus in support of Boston Scientific Corporation in *Carol Sue Campbell, et al. v. Boston Scientific Corporation, et al.* The case involved four consolidated products liability cases that were part of multidistrict litigation. Boston Scientific asserted the cases' consolidation resulted in an unfair trial. The court unfortunately affirmed the district court decision on February 6, 2018.

FDCC also filed as amicus on behalf of *Century Surety in Century Surety v. Andrew* in the Nevada Supreme Court. Laurie Hepler of San Francisco was the chief author of the brief. The Extra-Contractual Liability Section provided significant assistance, preparing a nationwide survey answering the question: Whether, under Nevada law, the liability of an insurer that has breached its duty to defend but has not acted in bad faith, is capped at the policy limit plus any costs incurred by the insured in mounting a defense, or whether the insurer is liable for all losses consequential to the insurer's breach. The FDCC's nationwide reach revealed that 25 states had not yet addressed the question. Thirteen states reached the conclusion that Century Surety sought the court to reach: capping damages at the policy limits. Four other states' case law closely supports the view. Only eight states appear to allow such an insured to recover an excess judgment entered against it. The brief was filed October 18, 2017, by FDCC member Christopher Jorgensen and his partner Daniel Polsenberg of Lewis Roca Rothgerber Christie LLP, Las Vegas Nevada.

The Amicus and Public Policy Committee appreciates assistance from Federation members in identifying appropriate cases on which the amicus side of the committee might participate in filing amicus briefs. We also appreciate volunteers to author briefs for the Federation. We could participate in more cases if we had more volunteers to author briefs. Please advise Gray Culbreath if there are public policy issues in your state where we should consider participating. We continue to look for ways that the Amicus and Public Policy Committee can be of assistance and value to the Federation members. With your help, we can and we will.

# FDCC IMPACT

## FDCC DIVERSITY WHY LADDER DOWN MATTERS

Legal news shows harsh statistics regarding career paths of women attorneys. According to the National Association of Women Lawyers' most recent study of women in the top 200 law firms,<sup>1</sup> women attorneys continue to lag behind their male counterparts when tracking rates of promotion to partner, compensation, and meaningful law firm management roles. Despite entering law school in equal numbers to their male counterparts, women comprise just 19% of equity partners and 30% of non-equity partners



in the 200 largest law firms nationwide. The statistics for women of color are even tougher: they represent just 2% of equity partners. At all levels, women earn 90-94% percent of similarly situated male attorneys. Women appear under-represented within law firm governance.

While a review of the data could be discouraging for some, to Federation members Alison Christian and Beth Fitch, the statistics prompted meaningful change. They developed and founded "Ladder Down," a year-long program, to provide female lawyers with personal and professional tools to enhance their careers. The Federation has paired with Ladder Down and with FDCC support, Ladder Down has come to Phoenix, San Francisco and Seattle, and looks in the next few years to expand across the United States to cities like Chicago, Cleveland, New Orleans and Philadelphia.

<sup>1</sup>2017 National Association of Women Lawyers Survey on Promotion and Retention of Women in Law Firms.

Ladder Down teaches women the tools that are needed to develop business and leadership skills to effect change within the profession. The program is predicated upon "laddering down", that is, women helping other women and paying it forward. Per the Ladder Down website: "Ladder Up" means scaling ladders to help those trapped inside a high-rise fire. It's synonymous with "help has arrived!" This phrase, "Ladder Up," has unfortunately come to represent the practice of achieving success and then pulling the ladder up after you so those below cannot follow. For women lawyers, this has a particular edge as many see it describing what happens in law firms. Ladder Down focuses how women attorneys can extend their hands down to pull their colleagues up. Or, in other words, extending the ladder down!

The program includes leadership and professional development courses, networking, referral opportunities, and rainmaking training with numerous panels featuring prominent speakers and professionals. Perhaps most important, however, is the opportunity for women to connect with other like-minded and similarly situated women seeking to better themselves and the profession as a whole.



According to Ladder Down, “program participants report increased client relationships, greater community involvement, appointments to leadership roles, increased compensation, promotions to partner and shareholder within their firm, numerous speaking engagements and article publications, a feeling of empowerment over their careers, expansion of their referral network, better self-advocacy skills, and improved relationships with existing clients.”



*Alison Christian*

*Rachel Tallon Reynolds is a Shareholder at Bullivant Houser Bailey in Seattle, WA and graduate of the inaugural Seattle Ladder Down class, sponsored by MAMA Seattle.*

— Rachel Tallon Reynolds  
Seattle, WA



## FDCC FOUNDATION REPORT FDCC DEVOTION PROVIDES FUTURE SUCCESSES



Sarah J. Timberlake  
Doerner, Saunders, Daniel  
& Anderson, LLP  
Oklahoma City, OK

Recently I reviewed a list of individuals who have served on the FDCC Foundation Board. I was struck and humbled by the fact that most of these individuals devoted a number of years serving enthusiastically and unselfishly in FDCC leadership positions. They had more than paid their dues, yet were willing to give more time to serve this organization through the FDCC Foundation. What motivated this continued support? Only they

can answer that question. I do know that because of their dedication, loyalty and strong sense of responsibility, they ensured the FDCC would continue to enrich the professional and personal lives of all its members through sufficient funds and resources to maintain the depth and breadth of the FDCC's premier education and professional initiatives. We owe a great debt to those leaders who have inspired us to continue with their efforts and set an example of what it means to go "over and above."



*Edward "Ned" J. Currie, Jr. met with Joanna Torres, recipient of the Barb Currie Diversity Scholarship on August 25, 2017 to personally deliver the \$5,000 academic scholarship check. The scholarship was open to all diverse law school students and prospective students. We required all applicants to submit a personal statement describing how they will contribute to FDCC's core values of diversity and inclusion, a writing sample and three references. Joanna attends UC Berkeley School of Law. Joanna was eager to hear about the work of the Foundation, the FDCC, Barb and the impact she had on the lives of those who knew her and the other non-members who inspired the scholarship. We wish Joanna well with her education and career!*

The "heart" of the FDCC Foundation and FDCC was exhibited in the inaugural award of the Barb Currie Diversity Scholarship to Joanna Torres.

Following this award, the Barb Currie Diversity Committee received 47 applicants for the next scholarship. I am pleased to announce that the second \$5,000 scholarship has now been awarded to another deserving candidate, Sara Agate, a second year law student at Chicago-Kent College of Law. Sara has a Hispanic heritage and is the Senior Editor on the Harvard Journal of Hispanic Policy, as well as ambassador, researcher policy advocate, public health leader and Congressional Hispanic Caucus Institute Health graduate fellow. She has also interned with the Federation of Women Lawyers in Kenya, demystifying gender based violence against women and girls in an array of reproductive and sexual issues. Last summer, she helped children gain special education services with the Chicago Medical-Legal Partnership for Children. She is certainly a deserving candidate. FDCC Member Diane Polscer of Portland, Oregon deserves special recognition and gratitude for her tremendous work on this project.

The Foundation is moving forward also in partnership with the FDCC and anticipated donations from members, spouses and significant others to fund future diversity scholarships in honor of Barb Currie and FDCC members' spouses and significant others who graciously provide tremendous support to the FDCC in a number of areas. This year during the Winter Meeting in Amelia, the FDCC Foundation sponsored an internet auction. Thanks to the work of Kile Turner and his Committee, this auction offered several new features and upgraded auction items. We appreciate those of you who donated items and experiences for the auction and certainly those of you who generously placed bids.

I hope this year you will seriously consider what the FDCC has contributed to your professional and personal growth and make a meaningful donation. You may contribute when you pay your dues or by going to the website and using the form provided on the page opposite here in this Flyer issue. Also consider becoming a Fellow of the Foundation. The levels are listed on the FDCC website and in the Roster. Making a commitment to the Fellows Program does not require full payment up front. You may honor your pledge over a reasonable period of time. This year the Foundation is also considering other avenues of support to ensure a strong future for the FDCC. These will be addressed at a later date. In the meantime, please consider what you want your FDCC legacy to be.

## FDCC FOUNDATION – CONTRIBUTION FORM

Name(s) \_\_\_\_\_ Firm \_\_\_\_\_  
*Please list your name as you could like it printed in Foundation publications*

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Country \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

\*Suggested Annual Contribution: \$250 \_\_\_\_\_

<p><b>TO BECOME A FOUNDATION FELLOW:</b>  <i>I choose to make a difference and contribute or pledge to contribute to become a Fellow of the Foundation at the level indicated. (Please indicate how your payments will be made so our records will be accurate.)</i></p> <p><input type="checkbox"/> <b>\$1,000 FOUNDATION FELLOW</b>  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$500 (First of 2 installments of \$500 each; The second payable in 2009)</p> <p><input type="checkbox"/> <b>\$2,000 SUSTAINING FOUNDATION FELLOW</b>  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$500 (First of 4 installments, \$500 each, payable over the next 4 years.)</p> <p><input type="checkbox"/> <b>\$3,500 ENDOWING FOUNDATION FELLOW</b>  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$500 (First of 7 installments of \$500 each, payable annually over the next 6 years)</p> <p><input type="checkbox"/> <b>\$6,000 PHILANTHROPIC FOUNDATION FELLOW</b>  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$1,000 (5 subsequent \$1,000 contributions a year for 5 years)</p>	<p><b>ALREADY A FELLOW? CONSIDER THIS:</b>  <i>As a paid-up Fellow of the Foundation, I support the Foundation's work by increasing my pledge/contribution to the level indicated. (Please indicate how your payments will be made so our records will be accurate.)</i></p> <p><input type="checkbox"/> <b>\$1,000 SUSTAINING FOUNDATION FELLOW</b>            (Cumulative Contribution <b>\$2,000</b>)  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$500 (First of 2 installments of \$500 each; the second payable in 2009)</p> <p><input type="checkbox"/> <b>\$2,500 ENDOWING FOUNDATION FELLOW</b>            (Cumulative Contribution <b>\$3,500</b>)  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$625 (First of 4 installments of \$625 each, payable annually over the next 3 years.)</p> <p><input type="checkbox"/> <b>\$5,000 PHILANTHROPIC FOUNDATION FELLOW</b>            (Cumulative Contribution <b>\$6,000</b>)  <input type="checkbox"/> Total contribution enclosed  <input type="checkbox"/> \$1,000 (5 subsequent \$1,000 contributions a year for 5 years)</p>
--	--

### \*MEMORIALS & HONORING GIFTS

In Memory of / Honor of \_\_\_\_\_ Of (City/State/Country) \_\_\_\_\_  
*(circle one)*

By \_\_\_\_\_ Of (City/State/Country) \_\_\_\_\_

If in honor of someone, the purpose is: \_\_\_\_\_

*The Foundation will send you an acknowledgment of your contribution and to the family of the person memorialized, or to the person whom you have honored by your contribution and indicating the reason therefor.*

**All contributions made to the foundation are fully tax deductible under Section 501(c)(3)**

Mail your Contribution or Pledge to:  
**The Federation of Defense & Corporate Counsel Foundation**  
 610 Freedom Business Center, #110  
 King of Prussia, PA 19406

**THANK YOU FOR YOUR SUPPORT OF THE FOUNDATION**

To charge your contribution to your credit card, please contact the FDCC office at 610-992-0002 for a credit card authorization form.

## FDCC MEMBERS ARE REPORTING FOR DUTY!!!



Casey C. Stansbury  
Mazanec, Raskin  
& Ryder, Co., L.P.A.  
Lexington, KY

The Veterans Claims Assistance Network (VCAN) is now active. Given the successful limited test run in 2014 and 2015, the ABA is in the final stages of preparation. At this time, the VCAN volunteer database is growing. Many FDCC members signed up!

If you have not signed up and wonder what this program is? VCAN is a program where FDCC members can assist veterans with submitting claims to the VA. The skills needed to participate in the VCAN program are what you use every day. You only need to be committed to helping those who protect our country.

How do you sign up? Go to [VetLex.org](http://VetLex.org) and register. You will then be contacted by VCAN with dates when training webinars will take place. The ABA has obtained fast track certification for volunteers through the VA. Upon completion of the training (which will be led by VA faculty), you will be VA certified. You will also receive CLE credit for the training.

You will then be placed on a referral list. Notice of this list and the VCAN project will be given to veterans via communications they receive from the VA. You will also be given a hotline to call for help when assisting veterans. Many of our members have already registered and I am thankful to those individuals. If you haven't signed up, please do so and let's help those who served our country.



# FDCC NEW MEMBERS

**A. Marcello Antonucci**

Beazley Group, New York, NY

**Vanita M. Banks**

Allstate Insurance Company, Northbrook, IL

**Heidi A. Barcus**

London Amburn, Knoxville, TN

**Glenn T. Barger**

Chapman, Glucksman, Dean, Roeb & Barger  
Los Angeles, CA

**Kelley J. Barnett**

Frantz Ward LLP, Cleveland, OH

**Bradley S. Bell**

Bell Law Group PA, Tampa, FL

**Tillman J. Breckenridge**

Bailey & Glasser LLP, Washington, DC

**Francis H. Brown**

McGlinchey Stafford, New Orleans, LA

**Elizabeth Babin Carville**

Plauche Maselli Parkerson LLP, New Orleans, LA

**Ivy Cassa**

Petraroli Advogados Associados, Sao Paulo, Brazil

**Thomas A. Chaseman**

AIG, New York, NY

**Hsluen (Jeffrey) Chen**

AXIS Insurance, Berkeley Heights, NJ

**Erin A. Clancy**

Knightlinger & Gray, Indianapolis, IN

**Jeffrey V. Commisso**

Nationwide Mutual Insurance Company, Columbus, OH

**Matthew G. Conway**

Conway Stoughton LLC  
Hartford, CT

**Bridget L. Dunaway**

Tooms, Dunaway & Webster, London, KY

**Charles C. Eblen**

Shook Hardy & Bacon LLP, Kansas City, MO

**Sabrina Gallo**

Greenberg Traurig, P.A., Miami, FL

**Todd Grant Gattoni**

Dykema Gossett PLLC, Detroit, MI

**Christopher M. Gaul**

Great American Insurance Company, Cincinnati, OH

**Barry H. Gerstein**

Aspen Insurance, New York, NY

**Todd A. Hanchett**

Stoel Rives, LLP, Portland, OR

**Jared W. Heald**

Evans General Contractors, LLC, Alpharetta, GA

**Elaine Hogan**

Crenshaw, Ware & Martin, PLC, Norfolk, Virginia

**Marie Trimble Holvick**

Gordon & Rees LLP, San Francisco, CA

**Alissa M. Hurley**

Tokio Marine HCC, Auburn Hills, MI

**Lynne O. Ingram**

Campbell Campbell Edwards & Conroy, Berwyn, PA

**Jason J. Irvin**

Hawkins Parnell Thackston & Young LLP, Dallas, TX

**David P. Karamessinis**

Travelers, Naperville, IL

**Courtenay L. Keller**

Riley, Shane & Keller, P.A., Albuquerque, NM

**Paul M. Kessimian**

Partridge, Snow & Hahn, LLP, Providence, RI

**John D. Klinedinst**

Klinedinst PC, San Diego, CA

**William J. Kobokovich**

The Travelers Indemnity Company, Hunt Valley, MD

**Robert C.E. Laney**

Ryan Ryan Deluca, LLP, Stamford, CT

**Nick J. Lanza**

Lanza Law Firm, P.C., Houston, TX

**Joanne M. Locke**

Liberty Mutual Insurance Co., Wellesley, MA

**Gerard "Jerry" Lunanuova**

Coach USA, Inc, Paramus, NJ

# FDCC NEW MEMBERS

**Tracy A. Lyons**

Starr Companies, Scottsdale, AZ

**Brian M. Margolies**

Traub Lieberman Straus & Shrewsberry LLP, Hawthorne, NY

**John Marshall**

Mosser Elliott Davis Decosimo, LLC, Greenville, SC

**Shelly D. Masters**

Cokinos Young, Austin, TX

**John R. McCann**

Wright Medical Technology, Inc., Memphis, TN

**Chris W. McCarty**

Lewis, Thomason, King, Krieg & Waldrop, P.C., Knoxville, TN

**Robert F. McCarthy**

Goldberg Segalla LLP, Garden City, NY

**Matthew W. Melton**

Norris Choplin & Schroeder, LLP  
Indianapolis, IN

**Charles G. Meyer, III**

O'Hagan Meyer, PLLC, Richmond, VA

**J. Eric Miles**

North, Pursell & Ramos, PLC, Nashville, TN

**Jason C. Miller**

The Dow Chemical Company, Midland, MI

**Kim M. Moody**

AXIS Insurance Company, New York, NY

**Anna Nelson**

Morgan Minnock Rice & James LC, Clearfield, UT

**Anne M. Oldenburg**

HeplerBroom, LLC, Chicago, IL

**Steven E. Pope**

Nativis, Inc., Seattle, WA

**Alexander Potente**

Clyde & Co., San Francisco

**Tracy S. Prewitt**

O'Bryan, Brown & Toner, PLLC, Louisville, KY

**Arthur F. Roeca**

Roeca Luria Shin LLP, Honolulu, HI

**Jay C. Salsman**

Harris, Creech, Ward & Blackerby, PA, New Bern, NC

**Mark A. Scruggs**

Lawyers Mutual Liability Insurance Company of North Carolina Inc., Cary, NC

**Audrey Seeley**

U.S. Dept. of Energy, West Valley, NY

**Jackie M. Sexton**

Foland, Wickens, Roper, Hofer & Crawford, P.C.,  
Kansas City, MO

**Caryn B. Siebert**

Gallagher Bassett Services, Los Angeles, CA

**Andrea Signorino**

Andrea Signorino Barbat, Montevideo, Uruguay

**Josh M. Snell**

Jones, Skelton & Hochuli, PLC, Phoenix, AZ

**Joel Steven**

Neckers Wheeler Trigg O'Donnell LLP, Denver, CO

**Dan Strunk**

Calumet Specialty Products Partners, L.P., Indianapolis, IN

**E.F. "Rick" Straub**

Whitlow Roberts Houston & Straub, Paducah, KY

**Robert E. Sumner**

Moore & Van Allen, PLLC, Charleston, SC

**Craig Anthony Thompson**

Venable LLP, Baltimore, MD

**Juan Jose Trillo**

Crum & Foster, Jersey City, NJ

**John M. Walker**

Lamson, Dugan & Murray, LLP, Omaha, NE

**James B. Walton**

Gunty & McCarthy, Chicago, IL

**James G. Welsh**

David & Hamrick, L.L.P., Winston-Salem, NC

**Jimmy B. Wilkins**

Watkins & Eager, PLLC, Jackson, MS

**Marc E. Williams**

Nelson Mullins Riley & Scarborough, LLP, Huntington, WV

**Michele C. Wojcik**

Nuzzo & Roberts, LLC, Cheshire, CT

# FDCC PILLARS

## FDCC FELLOWSHIP GOES ON THE ROAD

Our Federation is experiencing a wonderful influx of new, enthusiastic, diverse and in mind and/or body, youthful members. At our Amelia Island Meeting (Winter 2018) a couple months ago, we had the largest group ever of “Blue-Badges,” the newest members attending their first meeting. Ever. Draw out the “v” in that. Evvverrr.

Many developed funny smiles as it hit them that this “over and above” group, this group of lawyers alive in FDCC exceptionalism, have really close friendships. Yep, that’s Federation Fellowship – one of the three pillars of our organization: Knowledge, Justice, and Fellowship. It is a natural outgrowth of our Admissions work in assuring our membership comprises the best – not just as lawyers, but as people with good minds and hearts.

But still, back when I entered the organization in 1999 at the behest of my partner and mentor, former FDCC President Marv Karp, and I heard stories of members traveling with each other on trips, on business, and staying at each other’s homes, I thought “yeah, right.” Well, it’s so very true. Members often travel to each other’s family weddings, meet on trips built around meetings, support each other in times of serious family illness and even, heart rendering funerals of lost loved ones.

Think about it. If one attends only the Winter and Summer meetings each year, that member will spend the equivalent of 20 weeks, cumulatively almost 40% of a year, with their FDCC brethren after just ten years. How many friends or even family members can you say you spend that much time with?

And fellowship strikes deep too. A few years back one member’s child became grievously ill while in a city away from home. Many members, without even being asked, donated time and treasure to help. Other members opened homes to out of town family members to stay, while some also helped locate the best medical care that city had to offer.

On lighter notes, as the Montreux meeting

neared last Summer, phones and emails heated up between members as groups met before or after the meeting to travel an extra few days or more together in Europe. Some met in Paris and came through France to Montreux. Others left Montreux and spent time in Paris after the meeting. Others went off together through Italy, or Germany, or on a yet larger tour including Prague, Vienna and Budapest. As Maui nears this Summer, be assured some FDCC members will be in touch to explore other islands on this trip.

The FDCC often has a Fellowship Day during a meeting. Maui’s meeting this Summer has one, where members go off and spend a day together doing something other than law. In 2019, the Annual Meeting will be in Idaho’s Sun Valley --- you can be sure many rivers in our northwestern states will be visited upon by those who fish in our organization. In Montreux, members bonded atop a Swiss Alpine glacier amid a July snowstorm not far from where a couple’s mummified bodies were found, lost since the 1940’s.

Our FDCC recognizes opportunities for taking fellowship on the road --- as with the Pearl Harbor trip from Maui to Oahu at this Summer’s Annual Meeting. And most recently 35 of your compadres flew to Havana after the Winter Meeting on Amelia Island. Four days and three nights in Cuba – as the group enjoyed Cuban Culture together from music to history to the arts, yet finding time to wander off on their own at times too. So yes, we enjoyed Cuban cigars and rum together --- and even turned up en masse in an evening reminiscent of a scene from “American Graffiti” in a swarm of late 50’s classic cars in the middle of Havana’s Revolutionary Square.

Bonding, perhaps. Friendship, it is. Fellowship, for sure. FDCC Fellowship. It’s not a word or a phrase. It’s real. It’s here and it’s yours to enjoy!

— Craig A. Marvinney  
Walter | Haverfield, Cleveland, Ohio



## FDCC CONNECT'S VALUE BUILDS FDCC BONDS



Joe Fasi  
Gass Weber Mullins LLC  
Miami, FL



John Mitchell  
Thompson Hine, LLP  
Cleveland, OH

All of us enjoy the fellowship and collegiality that comes with being a member of the FDCC. If you spend any meaningful time at any of our meetings, then you have encountered, first hand, the camaraderie that exists between our many members. The FDCC offers a rare opportunity to make life-long friends and celebrate the best parts of the practice of law. In addition to this social component, one of the true advantages of our FDCC membership is access to some of the most talented defense attorneys that one could hope to encounter. All of us enjoy knowing that referring a client to another member will result in the client receiving outstanding legal representation.

But there's a financial advantage that often gets neglected when we talk about our FDCC membership. We all know that today's business environment continues to focus on operating at greater efficiencies. We live in a cut-throat business climate, and our clients' legal spend can be subject to the same type analysis as all other business operations. These efficiencies are passed on to our clients' legal services providers. We, as attorneys, have had to learn to be smarter, faster, and more efficient than our competition in defending our clients in order to retain our clients' business. Further, these efficiencies have led many of our firms to engage in a more critical analysis of marketing and client development efforts, particularly for our newer members, and we have heard more and more stories about our members having to explain to their partners exactly what "value" comes with being an FDCC member.

FDCC Connect was designed to celebrate the referral of business between members, taking advantage of the unique social and business interaction that is fostered by the FDCC. FDCC Connect was designed to help demonstrate, in dollars and cents, the value of an FDCC membership. FDCC Connect helps quantify the "value" of a FDCC membership, demonstrating the financial advantages to being an FDCC member.

In co-chairing this committee, the two of us have been genuinely impressed with the quality and number of referrals that have taken place between our members. Here are a few of the successes that we have encountered over the years:

- Referral of an international chemical client resulting in the member's firm becoming regional counsel for all of the client's toxic tort litigation;
- Referral of a client that enabled the receiving member to leave his firm and start his own practice; and
- Referral of a seven-figure legal fee traumatic brain injury case.

These three are only a small sample of the referrals we have learned about. There are many, many more.

But FDCC Connect only works if you tell us about these successes. We need to hear from you about the cases you have sent to other members, so that we can report these successes to our other members. So please tell us of your success: it only takes a few minutes, and helps all of further celebrate all the FDCC has to offer.

## FDCC PUBLISHES "LEADERSHIP FOR LAWYERS" BOOK

Leadership. What is it? Is there any one path to leadership? As members of the FDCC, we are familiar with our logo stating "Defense Lawyers Defense Leaders". But really, what does it mean to be a leader? What does it take? We now have a better understanding thanks to a cutting edge book just published on December 12, 2017, by the FDCC itself, *Leadership for Lawyers*. As FDCC President Scott Kreamer stated in his message that is really a "Forward" to the book as he addressed that logo:

"The FDCC adopted this brand because it captures who we are. Most Federation members are lawyers, but we are all leaders. We lead our firms, companies and our communities. Leadership is in the DNA of the organization ... our continual pursuit of excellence – to become more effective leaders tomorrow than we are today."



Edited by member Frank Ramos of Miami, Florida, the book captures insights from our own FDCC leaders, both past and present on a great many facets of leadership. Scott notes,

“We each have forged our own paths to leadership. Along the way, we have accumulated a treasure trove of experiences and wisdom.”

Frank shepherded twenty-five FDCC leaders from around the country to offer their thoughts on leadership. As you read through the chapters, you will see Tim Pratt’s observations on “Collaborative Courage”, and Mike Lucey’s “Six Essential Qualities of the Leader”. Former Hawaii Attorney General, member David Louie speaks to our role as leaders in the community with “Leadership in Public Service”. Take a look at Ladder Down FDCC liaison Alison Christian’s advice on “Leading Millennials” and US Marine Corps Gen. (ret.) Michael Neil’s invaluable insights on “Leadership in Adverse Times.”

Useful and inspiring advice abounds in this great assembly of leadership. FDCC President-Elect Don Myles offers in his segment, “Challenges Leaders Face,” that the best leaders help those around them to succeed. FDCC Board Director Heidi Goebel of Salt Lake City gives suggestions for aspiring leaders seeking to increase their influence while Oregon’s Doug Houser (FDCC President 1990-91) offers the vision leaders should seek.

This book quotes great leaders such as Andrew Carnegie and Nelson Mandela, Gen. George Patton, President Theodore Roosevelt, and scores of others. Lessons from one of the writers’ own sports coaches, and even from writers of books such as on “Emotional Intelligence” and of songs such as “Momma Get a Hammer, There’s a Fly on Poppa’s Head” all come to play.

Whether you seek to learn how to be a better leader, or to teach others leadership skills; to take on a complicated case’s defense as the team leader or to navigate your firm through troubling times; to lead a major public service or project or to be a better parent, Leadership for Lawyers is a great place to start and to finish your efforts. It can be found through searching on the FDCC website or by clicking on: [www.thefederation.org/resource/resmgr/docs/Leadership\\_for\\_Lawyers\\_FDCC\\_.pdf](http://www.thefederation.org/resource/resmgr/docs/Leadership_for_Lawyers_FDCC_.pdf). You, your colleagues, your clients, your family, and others in your life will all enjoy this book!

—Craig A. Marvinney

## FDCC FELLOWSHIP STRIKES HOME WITH LOCAL MEETINGS

While certainly attending the Annual and Winter Meetings of the Federation are the best way to begin and maintain the bonds of FDCC Fellowship we so treasure in this great organization, what about reaching out to your local FDCC members outside of the meetings? In this Flyer issue at p. 51 we speak of traveling before and after meetings as a family vacation or vacation with friends, but what about just taking an afternoon or evening and planning a Local FDCC meeting or gathering. It can be a ball game, a few sips at a local watering hole or restaurant, or something more imaginative than that!

In September, 2017, the FDCC Cleveland, Ohio, area contingent of members John Farnan, John Fitts, Chris Holocek, Craig Marvinney, Todd Raskin, Matt Rechner, Dan Richmond and Paul Schumacher got together at Cleveland’s Market Garden Brewery for a micro-brew tour, some tastes, some sips and great Fellowship at the same time. A few months later, in conjunction with the Federation’s International Insurance Institute, some of our New York City members joined with I-3 attendees at the great Theater District Irish Bar, Rosie O’Grady’s for pint o’ the ale and perhaps a dram or two of the finer Dublin distillates.



It only takes a little imagination, a few emails and voila! FDCC Fellowship right in your own backyard! And remember – send your photos to the Flyer!



# 2019 EVENTS

**TAKE IT TO THE LIMIT**  
FDCC 2019 WINTER MEETING

**MARCH 24-28, 2019**  
JW MARRIOTT  
AUSTIN, TEXAS

FDCC  
FEDERAL DRESSING CONVENTION CENTER

July 28, 2019 to  
August 4, 2019

**SUN VALLEY**  
IDAHO  
*Summer Meeting*

Navigate complexity with

# epiq clarity

Count on Epiq experts, technologies, and resources to bring clarity and confidence to the complex, costly, and time-consuming administration of legal matters.

[Learn more at epiqglobal.com](https://www.epiqglobal.com)

People. Partnership. Performance.

Business Process Solutions | Class Action & Mass Tort | Court Reporting | eDiscovery | Regulatory & Compliance | Restructuring & Bankruptcy



Federation of Defense & Corporate Counsel  
610 Freedom Business Center, Suite 110  
King of Prussia, PA 19406

Presorted  
First Class Mail  
U.S. Postage  
PAID  
Springfield, IL  
Permit #137

A publication of the Federation of Defense & Corporate Counsel

## 2017-2018 OFFICERS & BOARD OF DIRECTORS



Back Row: John Rahoy, Bob Christie, Clark Hudson, Craig Marvinney, Mike Glascott, Johnny Sarber, Victor Anderson, Stacy Broman, Dave Nicholas, Heidi Goebel, Todd Roberts, Reid Manley, Brett Preston, Ned Currie  
Front Row: Kimberly LaBounty (former Executive Director); Don Myles (President-Elect); Scott Kreamer (President); Mills Gallivan (Chairman of the Board); Elizabeth Lorell (Secretary-Treasurer)

Not Pictured: Marc Harwell, Diane Polsker, and Joyce Wang