



# IADC DOCKET

SUPERIOR ADVOCATES. GLOBAL PERSPECTIVE.



THE SUN,  
THE SEA,  
AND THE  
IADC

**The 2015 Planning Team looks forward to welcoming attendees to the 2015 Midyear Meeting in Marco Island next month.**

*(L to R: President-Elect Joe O'Neil and Karen O'Neil; President Tripp Haston and Cara Haston; and Convention Chairs Laura and Joe De Santos)*

#IADC2015MYM

## Welcome to Your Winter 2015 Docket!

The IADC *Docket* has transitioned into an online publication, making it more dynamic and interactive than ever. With this new digital version, we are able to expand content and give you access to more information and resources than we could before.

Click to play videos; connect to our social media platforms directly; read highlights and scroll through photo galleries from IADC events and conferences you may have missed; link directly to all of the resources the IADC has produced since the last edition of the *Docket*; and build business connections through successes and new members.

The *Docket* can be viewed optimally on computers, tablets, and mobile devices. Still a fan of print? You can view and print this [PDF version](#) which includes all the same great content.

If you have a professional success or a Think IADC Family First contribution for the next *Docket*, please email Ashley Fitzgerald, Communications Manager, at [afitzgerald@iadclaw.org](mailto:afitzgerald@iadclaw.org).

## TABLE OF CONTENTS

<a href="#">2015 Midyear Meeting</a>	3
<a href="#">43rd Annual Trial Academy Faculty Selected</a>	4
<a href="#">In Memoriam</a>	5
<a href="#">Legal Writing Contest</a>	5
<a href="#">Regional Meeting Recaps</a>	6
<a href="#">New Members</a>	7
<a href="#">Think IADC Family First</a>	8
<a href="#">IADC Successes</a>	9
<a href="#">International Corporate Counsel College Recap</a>	10
<a href="#">2015 Corporate Counsel College</a>	10
<a href="#">IADC Resources</a>	11
<a href="#">Upcoming Events</a>	13
<a href="#">IADC/FDCC Joint Law Firm Management Conference - Save the Date!</a>	13
<a href="#">Join the Conversation! IADC's Social Media</a>	13

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Ashley Fitzgerald  
*Communications Manager*  
[afitzgerald@iadclaw.org](mailto:afitzgerald@iadclaw.org)

## THE SUN, THE SEA, AND THE IADC: 2015 MIDYEAR MEETING

We are looking forward to the 2015 Midyear Meeting at the world-class Marco Island Marriott from Saturday, February 14 to Wednesday, February 18.

This meeting will feature an exciting schedule change. Instead of ending the meeting with a gala, we will end with a closing luncheon and keynote address from George Papandreou, former Prime Minister of Greece. The meeting will kick off with Foundation Forum speaker Doris Kearns Goodwin, presidential historian. This adapted schedule gives you the same amount of fantastic CLE and networking opportunities that you've come to associate with IADC meetings but now allows you to be back in the office two days of the week.

Midyear Meeting CLE Program Chair Chip Magid and his committee have worked very hard to create a great lineup of Major CLE and Committee programming. Programs will highlight developments in U.S. and international employment law, the tripartite relationship, media coverage in high-profile cases and the importance of media strategy, and much more.

Due to great enthusiasm for the meeting, the Marco Island Marriott is full. To be put on a waiting list for the hotel, call 1-800-GET-HERE from 9 a.m. - 5 p.m. Eastern (if you call the general Marriott line, they will not know about the waiting list). In addition, the Hilton Marco Island (four blocks from the Marriott) has a small inventory of rooms at a \$549.00/per night rate that requires a five-night stay and prepayment which is non-refundable and non-cancellable. If you are interested, email Yareli Trejo at [yareli.trejo@hilton.com](mailto:yareli.trejo@hilton.com), noting that you are with the IADC, and provide the following information: name, address, arrival date, departure date, and credit card number with expiration date. There also is availability at the Olde Marco Inn located four miles away from the Marriott. Reservations can be made online at <http://oldemarcoinn.com/> or by calling 877.475.3466.

The [full program brochure](#) is available on the [Midyear Meeting page](#) on the IADC website. We look forward to greeting you in Marco Island for the 2015 Midyear Meeting!



## 43rd Annual Trial Academy Faculty Members Selected and Enrollment Open

The IADC looks forward to another excellent Trial Academy in 2015, which marks the 43rd year of the illustrious program. The Academy will be held August 1 through 7 at Stanford Law School in Palo Alto, California. [Applications for admittance to the class are now being accepted.](#) Members are encouraged to enroll their associates and less-experienced partners early and before the Academy is opened up to sister defense organizations in the spring. The Academy sold out early last year and many hopeful attendees ended up on a long wait list. The faculty members make an impressive team and include:

- [Spencer H. Silverglate](#) (Director), Clarke Silverglate, P.A., Miami, FL USA
- [Donald F. \(Fritz\) Zimmer, Jr.](#) (Director-Elect), King & Spalding, LLP, San Francisco, CA USA
- [Rebecca Weinstein Bacon](#), Bartlit Beck Herman Palenchar & Scott, Chicago, IL USA
- [Donna L. Burden](#), Burden, Gulisano & Hansen, LLC, Buffalo, NY USA
- [M. Warren Butler](#), Starnes Davis Florie LLP, Mobile, AL USA
- [Emily G. Coughlin](#), Coughlin Betke, LLP, Boston, MA USA
- [Asim K. Desai](#), Gordon & Rees LLP, Los Angeles, CA USA
- [Gustave A. Fritchie, III](#), Irwin Fritchie Urquhart & Moore, LLC, New Orleans, LA USA
- [Alex J. Hagan](#), Ellis & Winters, Raleigh, NC USA
- [Bradford B. Ingram](#), Heyl, Royster, Voelker & Allen, Peoria, IL USA
- [James W. Jennings, Jr.](#), Woods Rogers, PLC, Roanoke, VA USA
- [Gerry Lowry](#), Norton Rose Fulbright, Houston, TX USA
- [Robert C. Palmer, III](#), Wade, Palmer & Shoemaker, P.A., Pensacola, FL USA
- [Stephanie M. Rippee](#), Watkins & Eager, PLLC, Jackson, MS USA
- [James F. Rogers](#), Nelson Mullins Riley & Scarborough LLP, Columbia, SC USA
- [Henry M. Sneath](#), Picadio Sneath Miller & Norton, P.C., Pittsburgh, PA USA

Don't delay! Visit the [Trial Academy page](#) on the IADC website to view the brochure and fill out the online enrollment form before the class fills and your lawyers lose a chance to participate this year.

## PROFESSIONAL LIABILITY ROUNDTABLE



May 28, 2015

-  
New York  
University  
School of Law

-  
New York, NY USA

### Highlights include:

- The Balancing Act: Defending the Professional Client Who Faces Civil, Criminal, and Disciplinary Charges
- Nabbing that Prized Place on Panel Counsel Lists: Musings on the Care and Feeding of Insurance Claim Professionals
- AFA's and Professional Liability Claims - Perfect Together or an Ethical Minefield

[Registration is open](#) and the [program brochure](#) is available on the [Professional Liability Roundtable page](#) on the IADC website.

## Encourage Law Students to Enter the 2015 Legal Writing Contest: Prestige and Prizes Abound!

If you have law students working for your firm or company or you teach at a law school, encourage them to enter the IADC's annual Legal Writing Contest by the May 15, 2015 deadline. Winning and honorable mention entries are considered for publication in the *Defense Counsel Journal*. First, second, and third place winners also earn cash prizes of \$2,000, \$1,000, and \$500, respectively. Entrants must write on subjects in the fields of tort law, insurance law, civil procedure, evidence, or other areas of the law of practical concern to lawyers engaged in the defense or management of the defense of civil litigation. The contest is judged by a committee of the IADC. For more information, [click here](#) or contact Melisa Maisel, Professional Development Manager, at [mmaisel@iadclaw.org](mailto:mmaisel@iadclaw.org) or 1.312.252.3801.

## In Memoriam

We offer our sympathy to the families and friends of these IADC members.

**Carl Erman**  
Staten Island, NY USA

**Stanley C. Tessis**  
Toronto, ON Canada

**Arthur J. Waechter, Jr.**  
New Orleans, LA USA

## Thank You to Our Sponsors

[Altep, Inc.](#)

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## Regional Meeting Recaps

### Australian Regional Meeting - Sydney

Members and guests from New Zealand as well as New South Wales, Queensland, and Victoria enjoyed a wonderful afternoon and evening of education and fellowship at the inaugural IADC Australian Regional Meeting on October 10, 2014 in Sydney. Colin Loveday and Stuart Clark of Clayton Utz graciously hosted the main meeting and Peter O'Donahoo and Ross Drinnan of Allens Linklaters graciously hosted a dinner for attendees. Attendees enjoyed remarks from the Honourable Justice Peter Garling of the New South Wales Supreme Court as well as Australian legal updates from Annette Hughes of Corrs and Stuart Clark. President Tripp Haston and President-Elect Joe O'Neil attended and were delighted to enjoy the company of our Australian and New Zealand members.

### Asian Regional Meeting - Hong Kong

On October 13, 2014, IADC members from 11 different countries gathered for an Asian Regional Meeting hosted by Ariel Ye of King Wood Mallesons and co-chaired by Anton Maurer of CMS Hasche Sigle. Attendees from China, Japan, Korea, Malaysia, the Philippines, Austria, Australia, Germany, Switzerland, the UK, and the US enjoyed a full day of programming, a wonderful luncheon, and reception and dinner. President Tripp Haston and President-Elect Joe O'Neil attended and thoroughly enjoyed spending time with members and guests and look forward to supporting the IADC's continued growth in the region.

### European Regional Meeting - Milan

Our European Regional Meeting in Milan was held November 12, 2014 the evening before the International Corporate Counsel College began. More than 40 individuals were in attendance. Thank you to GianBattista Origoni and Matteo Fusillo and their firm Gianni Origoni Grippio Cappelli & Partners for hosting a wonderful event.

### Mid-Atlantic Regional Meeting - Washington, DC

On December 3, 2014, the IADC held a terrific Mid-Atlantic Regional Meeting in Washington, DC. Chip Magid and Bob Redmond hosted the meeting at the stately Metropolitan Club. Members and guests enjoyed an evening of fellowship, presentations regarding the coming amendments to the US Federal Rules of Civil Procedure, and a fascinating tutorial and sampling of craft beer led by Bob Redmond.



*Click the image above to open and scroll through photos in this gallery.*



## WELCOME NEW MEMBERS

**Steven S. Bartelt**

The Marcus Corporation  
Milwaukee, WI USA

**Julianne P. Blanch**

Snow, Christensen & Martineau,  
P.C.  
Salt Lake City, UT USA

**J. Nathan Cole**

Heifetz Rose LLP  
Needham, MA USA

**Paul J. Cosgrove**

Ulmer & Berne, LLP  
Cincinnati, OH USA

**Thomas J. D'Amato**

Murphy Pearson Bradley & Feeney  
San Francisco, CA USA

**James K. Dierking**

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**Jason L. Drori**

K & L Gates LLP  
Boston, MA USA

**Austin A. Evans**

King & Spalding  
Atlanta, GA USA

**Joseph G. Fortner**

Halloran & Sage LLP  
Hartford, CT USA

**Leonard R. Grossman**

Craig, Terrill, Hale & Grantham, LLP  
Lubbock, TX USA

**Kevin M. Hodges**

Williams & Connolly LLP  
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Johnson & Johnson  
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**David Luptak**

Esmark Industrial, LLC  
Sewickley, PA USA

**Kelly Masters-Newton**

Globe Life Insurance  
Oklahoma City, OK USA

**Douglas W. Nakajima**

Smart Devine  
Philadelphia, PA USA

**Cheryl M. Nicolson**

Nicolson Law Group  
Media, PA USA

**George Parker**

Bradley Arant Boult Cummings  
LLC  
Montgomery, AL USA

**Nancy Pennie**

Aaronson, Rappaport, Feinstein &  
Deutsch  
New York, NY USA

**John P. Ryan**

Sloane and Walsh, LLP  
Boston, MA USA

**Howard S. Shafer**

Shafer Glazer, LLP  
New York, NY USA

**Nathalie Simon**

Laitram, LLC  
New Orleans, LA USA

## WELCOME NEW MEMBERS

### **Eric Smith**

Nissan North America, Inc.  
Franklin, TN USA

### **Tim Sperling**

Boehringer Ingelheim  
Ingelheim, Germany

### **Michael J. Summerhill**

Freeborn & Peters LLP  
Chicago, IL USA

### **Albert L. Tait, Jr.**

Fenton, Fenton, Smith, Reneau &  
Moon, PC  
Oklahoma City, OK USA

### **Anthony Todaro**

Corr Cronin Michelson  
Baumgardner & Preece LLP  
Seattle, WA USA

### **Sonia Valdes**

Medmarc Insurance Group  
Reston, VA USA

### **Susan V. Vargas**

Kawasaki Motors Corporation USA  
Irvine, CA USA

### **Jeffrey C. Warren**

Bowman and Brooke LLP  
Phoenix, AZ USA

### **Eric L. Zalud**

Benesch Friedlander Coplan &  
Aronoff LLP  
Cleveland, OH USA

*Click on a new member's name to view their firm or LinkedIn profile.*

## Think IADC Family First:

### A NEW PROGRAM



Think IADC Family First is a fairly new initiative designed to encourage referrals among members and to think about IADC families. Does your spouse have a new business they want to promote? Is your

child looking for a job or internship?

We will share Think IADC Family First posts on Facebook, in the IADC News, or by email. If you have something you would like to submit for a Think IADC Family First post, please email Ashley Fitzgerald, Communications Manager, at [afitzgerald@iadclaw.org](mailto:afitzgerald@iadclaw.org).

For more details on the Think IADC First program, [click here](#).

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*My daughter, Sarah Buerkle, heads marketing for BigSquare which makes legal financial software. Her company already works with IADC member firms and may be of interest to others. For more information, [click here](#).*

*-David J. Rosenberg*



## IADC SUCCESSES

[Stephen C. Klein](#)'s former firm Barger & Wolen merged and as a result he became a partner at Hinshaw & Culbertson LLP on October 1, 2014.

[Robert F. Redmond, Jr.](#), Partner at McGuireWoods LLP, was honored by The American Inn of Courts at the Celebration of Excellence on October 25, 2014.

Member [Elizabeth Bondurant](#) joined Womble Carlyle at its Atlanta office as Partner.

[S. Stuart Clark](#), Partner at Clayton Utz in Sydney, was elected President-Elect of the Law Council of Australia. He will serve as President-Elect in 2015 and President in 2016.

[Michele Smith](#), a shareholder at Mehaffy Weber, was elected President of the Texas Association of Defense Counsel for 2014-2015.

[Jon Berkelhammer](#), a partner at Ellis & Winters, was chosen as an honoree for North Carolina Lawyers Weekly's 2014 "Leaders in the Law" awards.

[James M. Campbell](#), Shareholder and President of Campbell Campbell Edwards & Conroy, was elected a Fellow of the International Society of Barristers.

[Mary-Christine Sungaila](#), a partner at Snell & Wilmer L.L.P., was appointed to the Judicial Council of California's Advisory Committee on Civil Jury Instructions for a three year term.

[Katherine Posner](#), a partner of Condon & Forsyth LLP, was a co-editor of the 4th edition of the highly-regarded insurance treatise, *Margo on Aviation Insurance*.

[Jack Bangert](#), of Kutak Rock LLP, was appointed as President of the American Board of Trial Advocates (ABOTA) for the Western Missouri/Eastern Kansas Chapter.

[Bonnie Mayfield](#), member of Dykema's Litigation Practice, received the Women of Color Achievement Award from the 100 Black Men of Greater Detroit. She also co-authored an article - "Tangible Results Speak Louder Than Well-Intentioned Inclusion Words" - which appeared in the August issue of *For The Defense*. Additionally, she was a featured presenter at the 5th Annual POWER Detroit conference on Thursday, October 23, 2014.

[Erin K. Higgins](#) was selected by the American Bar Association Tort Trial & Insurance Practice Section to receive the 2014 Edmund S. Muskie Pro Bono Service Award based on her work with survivors of sexual assault and domestic violence. She is a partner at Conn Kavanaugh Rosenthal Peisch & Ford, LLP.



*IADC President Tripp Haston with  
International Corporate Counsel  
College Director Alessandro Giorgetti.*

*Click the image above to scroll through photos in this gallery.*

## 2014 International Corporate Counsel College Recap

The International Corporate Counsel College was held in Milan, Italy on November 13 and 14 at the Hotel Dei Cavalieri Milano Duomo. Attendees joined us from 13 different countries and 12 US states - IADC's global connection was truly in action. Grazie to

Director Alex Giorgetti, to keynote speaker Peter McGovern (Canadian Ambassador to Italy), and to the Advisory Board who helped plan a fantastic meeting.

## 2015 Corporate Counsel College

*Defending and Advising the Company:  
Strategies, Tactics and Solutions to  
Ever Changing Legal Challenges*

April 16 - 17, 2015

The Ritz-Carlton

Chicago, Illinois USA

Full program materials will be available soon, but you can now [register](#) to attend the 2015 Corporate Counsel College.

### Program highlights include:

Luncheon and Keynote Speaker  
Senator Thom Tillis of  
North Carolina

Mediating the Complex Case:  
How In-House Counsel Can Drive  
More Effective Results

The Investigation of General Motors'  
Ignition Switch Recall: Impacts on  
In-House and Outside Counsel

For more details, visit the  
[Corporate Counsel College page](#)  
on the IADC website.

## **IADC RESOURCES**

*Here's the latest IADC resources since the last issue of the Docket:*

### **WEBINARS**

- What Every Lawyer Needs to Know About Data Security, Privacy, and Cyber Liability: September 10 ([Presentation](#) and [Recording](#))
- Food Class Actions Update: U.S. and Canadian Perspectives: September 24 ([Presentation](#) and [Recording](#))
- Binding Non-Parties to Arbitration Agreements: October 8 ([Presentation](#) and [Recording](#))
- Preparing For and Presenting Your Trial on the iPad: October 15 ([Presentation](#), [Recording](#), and Documents [1](#), [2](#), [3](#), and [4](#))
- What the IADC Website Can Do For You: How to Maximize the Benefits of Your Membership: October 22 ([Presentation](#) and [Recording](#))
- Accounting Boot Camp: November 5 ([Presentation](#) and [Recording](#))
- Recent Developments in Medical Monitoring: November 12 ([Presentation](#) and [Recording](#))
- The Anatomy of a FELA Case and its Challenges: November 19 ([Presentation](#) and [Recording](#))
- The Latest on ESI: Preservation, Spoliation and 30(b)(6): December 3 ([Presentation](#) and [Recording](#))
- The Basics and Recent Developments in Professionalism: December 10 ([Presentation](#) and [White Paper](#))
- The EU Labor Relation System vs. the US Labor System: December 17 ([Presentation](#) and [Recording](#))

### **AMICUS CURIAE BRIEFS**

- Kam-Way Petition for California Supreme Court Review: October 6
- IADC Joins Amicus Brief Arguing That Manufacturers Should Have No Duty to Warn of Risks in Products Made or Sold by Third-Parties: October 14
- IADC Joins *Amici* Coalition Urging the District of Columbia to Adopt *Daubert*: October 31
- IADC Submits Coalition Amicus Brief in Support of Certiorari in Expert Testimony Case: November 6
- U.S. Supreme Court Rejects Presumption Against Removing CAFA Cases to Federal Court: December 17
- IADC Amicus Coalition Successfully Urges D.C. Court of Appeals to Reconsider the Frye Test for Expert Testimony: December 23
- Pennsylvania Adopts New Products Liability Approach: December 29

To read about these amicus curiae briefs, view the "[Recent IADC Amicus Briefs](#)" section on the Amicus Curiae page on the IADC website.

## **IADC RESOURCES**

*Here's the latest IADC resources since the last issue of the Docket:*

### **COMMITTEE NEWSLETTERS**

From September 5 through the end of 2014, IADC Committees published 33 newsletters. The following Committees published newsletters during this time: [Alternative Dispute Resolution](#); [Business Litigation](#); [Class Actions and Multi-Party Litigation](#); [Drug, Device and Biotechnology](#); [Employment Law](#); [Environmental and Energy Law](#); [Fidelity and Surety](#); [Insurance and Reinsurance](#); [International](#); [Medical Defense and Health Law](#); [Product Liability](#); [Professional Liability](#); [Technology](#); [Toxic and Hazardous Substances Litigation](#); [Transportation](#); and [Trial Techniques and Tactics](#).

To view the newsletters, please click on the Committee to go to its Committee Business page where the newsletters are archived. If you would like to join a Substantive Law Committee, please email Maria Juarez, Administrative Assistant, at [mjuarez@iadclaw.org](mailto:mjuarez@iadclaw.org).

### **SURVEY OF INTERNATIONAL LITIGATION PROCEDURES - FROM THE FOUNDATION OF THE IADC**

The Foundation of the IADC published on its website an extensive guide that offers an overview of civil justice systems relevant to defendants and potential defendants around the world. The "Survey of International Litigation Procedures: A Reference Guide" is a question and answer survey by country that includes for each country general information about local methods of adjudication, alternative dispute resolution, discovery, trial procedure, experts, privilege, limitations, costs rules, jurisdiction, and other topics of interest to potential litigants. There are currently surveys for more than 30 countries online.

To access the surveys, please visit the Foundation of the IADC website at [www.iadcfoundation.org](http://www.iadcfoundation.org) and click "[Survey of International Litigation Procedures](#)."

### **IADC MEMBERS WHO ARE ARBITRATORS LIST**

The IADC is often asked "what arbitrators do we have among the IADC membership?" The Alternative Dispute Resolution Committee and the International Arbitration Committee jointly established a list of arbitrators for the membership's use.

You can access the list of IADC members who are arbitrators [here](#).

*"If you want to succeed you should strike out on new paths,  
rather than travel the worn paths of accepted success."  
- John D. Rockefeller*



TURN AND FACE THE STRANGE: FOCUS ON WHAT MATTERS



## Joint Law Firm Management Conference

May 13 - 15, 2015  
The Conrad  
Chicago, Illinois

For IADC and FDCC Members - and Anyone Else Interested  
(Lawyers and Non-Lawyers) In Improving Law Firm Management

For more details on the IADC/FDCC Joint Law Firm Management Conference, please click the image above.

## Upcoming Events

February 14 - 18, 2015

### Midyear Meeting

Marriott Marco Island Beach Resort  
Marco Island, Florida USA

May 28, 2015

### Professional Liability Roundtable

New York University School of Law  
New York, New York USA

April 16 - 17, 2015

### Corporate Counsel College

The Ritz-Carlton  
Chicago, Illinois USA

July 5 - 10, 2015

### Annual Meeting

The Broadmoor  
Colorado Springs, Colorado USA

May 13 - 15, 2015

### IADC/FDCC Joint Law Firm Management Conference

The Conrad  
Chicago, Illinois USA

August 1 - 7, 2015

### 43rd Annual Trial Academy

Stanford Law School  
Palo Alto, California USA

For more information about Regional Meetings, Webinars, or these events, be sure to visit our [Upcoming Events page](#) on the IADC website.

## JOIN THE CONVERSATION!

