

Click  
through the  
gallery for a  
peek into  
the Annual  
Meeting.



The IADC brings you member value and connection in as many ways as possible, and you've actively participated.

Thank you for your continued involvement.

## 2021 ANNUAL MEETING AND 2021 PROFESSIONAL LIABILITY ROUNDTABLE RECAP

The 2021 Annual Meeting took place both in-person and virtually. The meeting was successful with 15 CLE programs offered that covered extremely relevant topics. We had many great social and networking opportunities for all attendees throughout.

A special thanks goes out to Sandy Wunderlich who led the CLE planning efforts on the CLE Steering Committee along with Chas Reynolds, the CLE Committee Chair. Another big thank you goes out to the Annual Meeting Planning Team of Andrew and Sheri Chamberlin, Convention Chairs Chris and Patty Kenney, and Spencer and Kat Silvergate. We also want to thank our Annual Meeting sponsors: [SEA, Ltd.](#), [Exponent](#), [IMS Consulting & Expert Services](#), [Baker Tilly US, LLP](#), [Berkeley Research Group, LLC](#), [Jensen Hughes](#), [Lighthouse](#), [MRC](#), [iDiscovery Solutions, Inc.](#), and [Courtroom Sciences, Inc.](#)

The 2021 Professional Liability Roundtable followed the Annual Meeting. This afternoon program combined an outstanding educational opportunity with the kind of intimate networking and interaction between industry professionals and outside counsel that only the IADC can provide.

In addition to the regular professional liability programming, we also offered a medical liability track option. Both tracks provided the audiences with outstanding programming throughout the afternoon. Attendees also enjoyed a networking reception following the programming.

Thank you to PLR Program Chair Melissa Dorman Matthews of Hartline Barger LLP, MLR Program Chair Doug Vaughn of Deutsch Kerrigan, LLP, and their Planning Committees for their hard work in putting together the program. Additionally, thank you to the moderators and panelists for their expert contributions and to event sponsor [Minnesota Lawyers Mutual](#) for their continued support.

2021  
Issue  
Three

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## President's Message



Last year at this time, then President Andrew Chamberlin talked about how “change is here now,” how the IADC was adapting, and how we were “all in” for our members—even if we didn’t know what the exact path looked like. That sentiment still rings true. The IADC leadership continually reviews how best to bring value to members. This past year, that has meant timely virtual education and social opportunities, along with our first in-person event after 18 long months apart—the Chicago Annual Meeting.

Here is a [synopsis of the benefits](#) we offered last year, and this is what your [colleagues said](#) about the value of their IADC membership.

So, what will the focus be in the year ahead? The IADC has many important initiatives in the works, but our two immediate “WIGs” (wildly important goals) are to: (1) increase member satisfaction with business referrals and (2) increase member engagement. These two goals are closely related: engagement leads to relationships, and relationships lead to referrals.

**It all starts with engagement**, so I encourage you to get the most out of your membership, actively participate, and get engaged. [Here are a few suggestions](#) on how to take advantage of your IADC membership.

No doubt, the year ahead will bring uncertainty, ups and downs, and challenges. But we IADC members will meet the challenges the way we always do – together.

***One World. One Mission. One IADC.***

Spencer H. Silvergate  
IADC President

## RENEW YOUR MEMBERSHIP

Renew your IADC membership for 2021-2022 and don't miss a day of IADC benefits.

You can [pay online](#) or by phone by calling the IADC office at +1.312.368.1491.

## IADC Diversity Roadmap - Coming Soon

The IADC is proud to announce the launch of the Diversity Roadmap later this fall.

The Diversity Roadmap (developed by the Diversity, Equity and Inclusion Committee and In-House and Law Firm Management Committee) is designed to help law firms and corporations embrace greater diversity, equity, inclusion, and belonging in the legal profession. Recognizing that law firms and corporations are at different places in this journey, the Diversity Roadmap contains practical resources, how-to videos, real life experiences, and best practices used by law firms and corporations of all sizes and types. The interactive website will allow you to see how others address the challenges and enjoy the benefits of a diverse and inclusive workplace.

You can still contribute. If your firm or business has a diversity, equity, and inclusion policy that has been effective and meaningful, please feel free to share it with us. We will highlight helpful and practical materials that address issues ranging from culture and inclusion to recruitment and retention to best practices.

If you are interested in sharing materials or your successful diversity, equity, and inclusion implementation story, please email Ashley Hatfield, Director of Communications, at [ahatfield@iadclaw.org](mailto:ahatfield@iadclaw.org).

*(click below to view a video on IADC's commitment to diversity, equity, inclusion, and belonging)*



## Member Spotlight

The IADC's Member Spotlight program is designed to introduce and focus attention on members. Fill out the brief [Member Spotlight Form](#) to be featured next!

INTERNATIONAL ASSOCIATION OF DEFENSE COUNSEL

MEMBER SPOTLIGHT



**CHARLES "CHAS" REYNOLDS**

**COMPANY/FIRM NAME**  
Trenam Law

**COMPANY/FIRM LOCATION**  
Tampa, Florida

**TYPE OF LAW YOU PRACTICE MOST**  
Construction, Products, Toxic Torts, Premises Liability

**CURRENT INVOLVEMENT/LEADERSHIP POSITIONS WITH IADC**  
Chair of the Continuing Legal Education Committee

**BEST ADVICE YOU HAVE EVER RECEIVED AS A LAWYER**  
Watch and manage your deadlines. If you don't, eventually you and the client will suffer.

**YOU MAY NOT KNOW...**  
My two hobbies are stage acting and making furniture. Both give me a creative outlet and put me in collaboration with people who are very different from my legal colleagues.

INTERNATIONAL ASSOCIATION OF DEFENSE COUNSEL

MEMBER SPOTLIGHT



**CECILIA FLORES RUEDA**

**COMPANY/FIRM NAME**  
FloresRueda Abogados

**COMPANY/FIRM LOCATION**  
Mexico/Canada

**TYPE OF LAW YOU PRACTICE MOST**  
Civil, commercial, family, administrative, construction

**CURRENT INVOLVEMENT/LEADERSHIP POSITIONS WITH IADC**  
Vice Chair of Membership - Latin America for International Arbitration Committee

**BEST ADVICE YOU HAVE EVER RECEIVED AS A LAWYER**  
Play the devil's advocate to check our strategies.

**YOU MAY NOT KNOW...**  
I enjoy tourism. I love getting to know different places, cultures, food, people. I also really enjoy wine tasting.



**THINK IADC FIRST REFERRAL SUCCESSES**

Member Peter Pizzi referred a Canadian company that sells nuts to member Robert Smith.

The company sold 2,100 pounds of pistachios to a customer in Houston that failed to pay for them. Robert sent a notice letter with no response, so he filed suit, at which time the debtor signed a 6-month payment plan for the entire debt.

If you want a ton of nuts, you have to pay for a ton of nuts!



[Think IADC First](#) is a program designed to encourage our members to consider fellow members when the opportunity arises to refer business.

With the talent and expertise of our members, you can be confident that your client will be well represented when referred to a member.

**Have you had a Think IADC First referral?**

We would love to anonymously share your success. Email Ashley Hatfield, Director of Communications, at [ahatfield@iadclaw.org](mailto:ahatfield@iadclaw.org).

## Resources |

### *what you may have missed*

#### *Committee Newsletters*

##### [The Virus Mutated...Have the PREP Act's Protections Against Liability for Countermeasures Followed Suit?](#)

By: Alissa Portner and Jason Rose

*Drug, Device and Biotechnology Committee*

##### [Missouri Supreme Court Upholds Non-Economic Damages Caps for Medical Malpractice Cases](#)

By: Scott Kozak, Timothy Gearin, and Maureen Bryan

*Medical Defense and Health Law Committee*

##### [When Trucker's Insurance Morphs into a Surety Bond](#)

By: David W. Kash

*Transportation Committee*

##### [Requests for Honoraria in Class Actions Face Rising Scrutiny and Resistance](#)

By: Cheryl Woodin and Gannon Beaulne

*Product Liability Committee*

##### [Clarification Regarding Defendant's Right to Contest Plaintiff's Affidavits Concerning Cost and Necessity of Medical Expenses](#)

By: Robert G. Smith and Emiliano Farciert Jr.

*Medical Defense and Health Law Committee*

##### [Facial Recognition Technology - The Good, Bad, and the Future](#)

By: Avanti Bakane, Margaret Martin, and Kyla Guru

*Cyber Security, Data Privacy and Technology Committee*

# Resources |

*what you may have missed*

## Defense Counsel Journal - Volume 88, Number 3

### [President's Page](#)

By Andrew S. Chamberlin

### [Editor's Page](#)

By Christopher B. Parkerson

### Social Media Immunity in 2021 and Beyond: Will Platforms Continue to Avoid Litigation Exposure Faced by Offline Counterparts

By Peter J. Pizzi

[Online Article](#) | [PDF to Print](#)

### Canada's Evolving Response to Overlapping Multi-Jurisdictional Class Actions

By S. Gordon McKee and Justine Manoryk

[Online Article](#) | [PDF to Print](#)

### Discovering the Widening U.S. Circuit Split on Discovery Orders from "Foreign and International Tribunals" under U.S.C. § 1782

By Mica Nguyen Worthy, Melanie Huffines, and Savannah Putnam

[Online Article](#) | [PDF to Print](#)

## Active Ally Series (Diversity, Equity and Inclusion Committee)

### Continuing an IADC Conversation About Becoming an Active Ally with a Focus on Asian American Relationships

Speakers: Katie S. Phang, Chris S. Egner

To view the recording, visit the [Diversity, Equity, and Inclusion Resources page](#).

## Resources |

### *what you may have missed*

#### *Podcast: IADC Speaks*

##### [Defense Counsel Journal Highlight: Preventing Nuclear Settlements at Deposition - The Role of Cognitive Fatigue on Witness Preparation](#)

Christopher B. Parkerson, a member of Campbell, Conroy & O'Neil, P.C. (Boston) and IADC *Defense Counsel Journal* Editor, speaks with John M. Nunnally, Ragsdale Liggett (Raleigh). In this interview, they discuss ways to prevent poor witness performance at deposition with a specific focus on the role cognitive fatigue plays on the quality of deposition testimony. John and Christopher talk about strategies ranging from reptile theory to document review and how properly timed breaks, structured to allow the witness to refresh his or her mind, can help avoid witness mistakes and bad testimony.



[Play the episode on the IADC website](#)

##### [The Transportation Industry, COVID-19, and IADC Membership](#)

Past IADC Transportation Committee Chair Mitch Smith, principal at Germer PLLC (Texas), Heather Devine, partner at Alexander Holburn Beaudin + Lang LLP (Toronto), and Kurt Gerstner, Senior Attorney at Dentons Lee (Seoul, Korea) casually discuss the latest in the transportation industry, COVID-19 and its influence on business practices, and how to get involved and noticed in the IADC.



[Play the episode on the IADC website](#)



## Resources |

### *what you may have missed*

#### *Amicus Curiae Briefs*

#### **U.S. Supreme Court Rejects “No Injury” Class Action Under Fair Credit Reporting Act (7/16/2021)**

At the end of this year’s term, the U.S. Supreme Court issued its ruling in *TransUnion LLC v. Ramirez* holding that consumers who did not suffer a concrete harm, but rather alleged only a technical violation and potential future harm that did not materialize, lacked standing to pursue claims for alleged violations of the Fair Credit Reporting Act (FCRA).

In this case, TransUnion communicated to a car dealership that Mr. Ramirez’s name matched a name on the Office of Foreign Assets Control list of Specifically Designated Nationals with whom business in the United States is prohibited. It then denied Mr. Ramirez credit to purchase a vehicle, embarrassing Mr. Ramirez in front of his in-laws. Rather than sue for his injuries alone, Mr. Ramirez filed a class action on behalf some 8,000 others who were also incorrectly listed, even though most of them did not sustain any injury before the error was corrected.

A federal district court certified the class, and a jury awarded damages to each class member based on Mr. Ramirez unique injury. The U.S. Supreme Court vacated that judgment, stating if a person has no concrete harm, he or she has no Article III standing to sue in federal court. It found that about 75% of the purported class had no standing and dismissed their claims. It then sent the case back to the Ninth Circuit to determine whether Mr. Ramirez was typical of the remaining class members, as typicality is a requirement under Rule 23.

In our [amicus brief](#) to the Supreme Court, IADC focused on this issue of typicality, explaining that an atypical plaintiff such as Mr. Ramirez cannot front a class action of people who did not suffer any harm, or at least any harm of the same magnitude. Amicus Committee Chair Phil Goldberg wrote the brief, and IADC joined with the National Association of Manufacturers, Alliance for Automotive Innovation, and American Tort Reform Association in filing it.

[Click here](#) to read the SCOTUS ruling.



## Resources |

### *what you may have missed*

#### *Amicus Curiae Briefs (cont.)*

##### **Utah Supreme Court Rules on Pre-Injury Punitive Damage Waivers (7/16/2021)**

The Utah Supreme Court issued its long-awaited decision in *doTERRA v. Kruger*, 2021 UT 24, a case involving the validity of preinjury punitive damages waivers. Unfortunately, in its opinion, the Court sidestepped the main issue, instead concluding that the particular waiver in the case was unenforceable because it was not “clear and unequivocal.”

The facts of the case were simple. The plaintiff, Jessica Kruger, suffered burns in a tanning salon. She sued doTERRA, alleging the burns were caused because she had applied a product sold by doTERRA not long before tanning. Kruger sought recovery for her injuries and punitive damages. doTERRA moved for partial summary judgment, contending that Kruger had waived her ability to claim punitive damages in an agreement she had signed with doTERRA when she became a “Wellness Advocate” for the company.

The trial court concluded that preinjury punitive damages waivers were unenforceable in Utah. doTERRA filed an interlocutory appeal. The IADC submitted an [amicus brief](#), supporting doTERRA’s position that such waivers should be enforceable.

Ultimately, the Court chose to wait for another day to address the broader enforceability question. Instead, it held that the waiver Kruger signed was not enforceable because the language in it was not sufficiently “clear and unequivocal.”

So, at least for now, the enforceability of punitive damages waivers in Utah remains an open question.

The IADC would like to thank Lauren DiFrancesco of Greenberg Traurig for her excellent work in authoring the IADC’s amicus brief!

# Welcome |

## *new members of the IADC*

[Stephen W. Heil](#)

Cray Huber Horstman  
Heil & VanAusdal LLC  
Chicago, Illinois  
United States

[Karen D. Walker](#)

Holland & Knight LLP  
Tallahassee, Florida  
United States

[Christina M. Verone  
Juliano](#)

Hancock & Estabrook,  
LLP  
Syracuse, New York  
United States

[Brett A. Scher](#)

Kaufman Dolowich  
Voluck LLP  
Woodbury, New York  
United States

[Allison Wood](#)

Legal Ethics Consulting  
Chicago, Illinois  
United States

[Lisa R. Hsiao](#)

Musick, Peeler & Garrett  
LLP  
Costa Mesa, California  
United States

[William H. Fry](#)

Rendigs, Fry, Kiely &  
Dennis, LLP  
Cincinnati, Ohio  
United States

[Thomas J. Forestier](#)

Winstead PC  
Houston, Texas  
United States

[Jonathan T. Blank](#)

McGuireWoods LLP  
Charlottesville, Virginia  
United States

[Andrew D. Kaplan](#)

Crowell & Moring  
Washington, District of  
Columbia United States

[Trisha Volpe](#)

Barnes & Thornburg LLP  
Minneapolis, Minnesota  
United States

[Mary Clay Morgan](#)

Horne LLP  
Ridgeland, Mississippi  
United States

[Bill E. Davidoff](#)

Figari + Davenport  
Dallas, Texas  
United States

[Dale M. Weppner](#)

Greensfelder, Hemker &  
Gale, P.C.  
Saint Louis, Missouri  
United States

[Rebecca Ward](#)

Blank Rome  
Philadelphia,  
Pennsylvania  
United States

[Ryan J. O'Neil](#)

Campbell Conroy &  
O'Neil P.C.  
Berwyn, Pennsylvania  
United States

Whether you have been a member for a short or a long period of time, you may not know everything your membership affords. View our [Welcome Membership Packet](#) to learn about some of the key ways you can utilize the benefits of your membership.

# Welcome |

*new members of the IADC*

<a href="#"><u>Frank Gordon</u></a> Millberg Gordon Stewart PLLC Raleigh, North Carolina United States	<a href="#"><u>William Dodero</u></a> Bayer Corp. Whippany, New Jersey United States	<a href="#"><u>Christoper S. Dodrill</u></a> Greenberg Traurig, LLP Dallas, Texas United States
<a href="#"><u>Charna L. Gerstenhaber</u></a> Novartis Pharmaceuticals Corporation East Hanover, New Jersey United States	<a href="#"><u>Robyn Buck</u></a> Bayer U.S. Saint Louis, Missouri United States	
	<a href="#"><u>Katie Wallace</u></a> Telapex, Inc. & C-Spire Ridgeland, Mississippi United States	



## SUPPORT THE IADC FOUNDATION

The Foundation of the IADC works to support the rule of law and access for all to a fair and just legal system through education and research, strategic partnerships, and relevant projects.

Your contributions and support help  
such projects as:

[iCivics](#) | [The United Nations Education for Justice campaign](#) |  
[National Foundation for Judicial Excellence](#) | [IADC Webinars](#)

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## Upcoming Events |

*engage and connect*

MEETING

WEBINAR

REGIONAL MEETING

CLE EVENT

We are currently updating our calendar with Webinars, Regional Meetings, and more. Stay tuned for these valuable opportunities.

For up-to-date information on all upcoming events, please visit the events calendar on the IADC website at [www.iadclaw.org/events/](http://www.iadclaw.org/events/).

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If you missed attending the 2021 Annual Meeting, you can still attend virtually and reap the benefits.

**The virtual attendance option is easy to access and an extraordinary value at \$199 USD.**

**What You'll Get**

- On Demand access to 15 CLE programs.
- Earn up to 18.5 CLE credits, which includes programs with Ethics, Diversity, and Mental Health CLE credits.
- Claim CLE credit and access program content until November 15, 2021. As a registered attendee, you have access to all the CLE content and can claim credit until that date.
- Access recordings of the Opening Session, Closing Session, and Open Forum Speaker Joe Coughlin (not for CLE credit).

[\*\*REGISTER NOW\*\*](#)

## IADC Successes |

*your accolades, courtroom wins, and pro bono accomplishments*

Member [Michael L. Fox](#) and [Alyson Walker Lotman](#), of Duane Morris LLP, authored an article for *HarrisMartin* publication on behalf of the IADC. | [more](#)

[Richard H. Willis](#) joined Williams Mullen as partner in its Columbia, South Carolina office. | [more](#)

[Harmon C. Hayden](#), Founder of Harmon Hayden Law, authored an article for *Canadian Underwriter* on behalf of the IADC. | [more](#)

[Heidi B. Friedman](#), partner at Thompson Hine LLP, wrote an article for *Bloomberg Law* in response to a viral post about women's legal career choices. | [more](#)

[Robert A. Brundage](#) joined Bowman and Brooke LLP as partner in its San Jose, California office. | [more](#)

[Regina Rodriguez](#), former prosecutor and a partner at Wilmer Hale, was confirmed for a federal judgeship on June 8. | [more](#)

[Paul Lefebvre](#), partner at Hanotiau & van den Berg, obtained the commendation of Belgium by the European Court of Human Rights for a lack of recourse in its legislation. | [more](#)

Member [Robert G. Smith](#), shareholder, and [Emiliano Farciert Jr.](#), associate, both of Lorance Thompson PC, authored an article for *Law360* on behalf of the IADC. | [more](#)

*To submit an accolade, courtroom win, or pro bono accomplishment, email Ashley Hatfield, Director of Communications, at [ahatfield@iadclaw.org](mailto:ahatfield@iadclaw.org).*

IADC Successes |

*your accolades, courtroom wins, and pro bono accomplishments*

Member [Cheryl M. Woodin](#) and [Gannon G. Beaulne](#), both of Bennett Jones LLP, authored an article for *Thomson Reuters Westlaw Journal* on behalf of the IADC. | [more](#)

[Christopher S. Drewry](#), a partner at Drewry Simmons Vornehm, LLP, authored an article for *Modern Contractor Solutions* on behalf of the IADC. | [more](#)

Numerous IADC members were recognized in the 2022 *Best Lawyers* listing, the 2021 *Chambers USA* listing, and as 2021 *Super Lawyers*. Congratulations to all! Want to be added to the list? Email Diana Leon at [dleon@iadclaw.org](mailto:dleon@iadclaw.org).

- [2022 Best Lawyers listing](#)
- [2021 Chambers USA listing](#)
- [2021 Super Lawyers](#)

*To submit an accolade, courtroom win, or pro bono accomplishment, email Ashley Hatfield, Director of Communications, at [ahatfield@iadclaw.org](mailto:ahatfield@iadclaw.org).*

## LCJ Launches New 'Don't Say Daubert' Web Portal



[Lawyers for Civil Justice](#) launched a new web portal focused on expert evidence reform, [Don't Say Daubert](#), highlighting the need for amendment to Federal Rule of Evidence (FRE) 702.

The launch of the website comes as the Advisory Committee on Evidence Rules invites public comments on a proposed amendment to FRE 702 that would clarify the widely misunderstood standards for expert evidence admissibility in U.S. federal courts.

"No matter how you pronounce it, the famous *Daubert* Supreme Court case doesn't set the standards for expert evidence admissibility – Rule 702 does," LCJ General Counsel Alex Dahl said. "The amendment process is a perfect time to get rid of the inaccurate slang by saying 'Rule 702' when referring to the standards for admitting expert testimony. We strongly encourage members of the bar to submit comments in support of the Advisory Committee's amendment, which will clarify the standards for expert evidence and bring greater fairness to our civil justice system."

Since the Supreme Court's landmark 1993 decision in *Daubert v. Merrell Dow Pharmaceuticals*, the word "Daubert" has become a de facto shorthand for the standard by which expert evidence is evaluated for admissibility before a federal civil jury. However, it's Federal FRE 702, not Daubert, that sets the standard that courts must follow in determining whether expert testimony is admissible.

The use of 'Daubert' instead of 'Rule 702' affects people's understanding of what standards apply to those motions. While the 'Daubert standard' is based on a lineage of case law, the more recent Rule 702 standard is based on the 2000 amendment to the rule approved by the Supreme Court and Congress, codifying it into law. The current proposed amendment to Rule 702 would further clarify that courts are responsible for determining the admissibility of expert opinion testimony, rather than leaving fundamental questions about the basis of expert opinions to a jury. The widespread misunderstanding of expert evidence admissibility standards in both trial and appellate courts within every federal circuit for more than two decades have led to decisions that are patently incompatible with Rule 702.

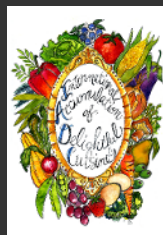
The web portal outlines the history behind expert evidence admissibility standards, which shows that the all-too-common invocation of "the Daubert standard" should be discarded and replaced with "the Rule 702 standard."

The Advisory Committee on Evidence Rules opened its six-month public comment period on Friday, August 6. To learn why FRE 702 needs to be amended and how to submit a comment on the proposed rulemaking, visit [www.DontSayDaubert.com](http://www.DontSayDaubert.com).



The IADC Foundation cookbook, *International Accumulation of Delightful Cuisine*, is filled with 200 recipes from members around the world, and sales benefit the Foundation's efforts to support the rule of law globally.

**[Purchase a cookbook now.](#)**



## Thank You to Our 2020-2021 Sponsors

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Visit our IADC store for branded items that are available for purchase that will help show your association pride.

From t-shirts to luggage tags to mouse pads, we've got lots of options!

[www.zazzle.com/iadc\\_store](http://www.zazzle.com/iadc_store)

## How to Maximize Referral Opportunities

Membership in the IADC provides you so many benefits - from timely continuing legal education to networking opportunities to access to a worldwide network of excellent lawyers. Watch the video below for some practical tips.

