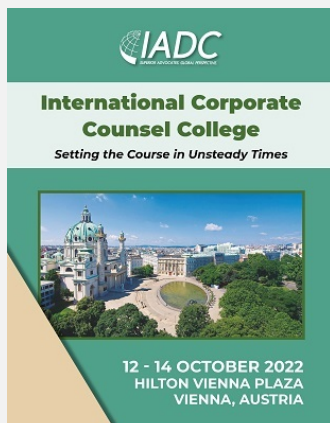


## INTERNATIONAL CORPORATE COUNSEL COLLEGE

Join Us October 12 - 14 in Vienna



*An interactive program designed primarily  
for in-house counsel and their trusted advisors.*

Join the IADC October 12 through 14 in Vienna, Austria for the 2022 International Corporate Counsel College.

This year's theme is "Setting the Course in Unsteady Times," and program and speaker details are now available in the [conference brochure](#).

This interactive program will make it easier to connect with your IADC colleagues and friends. Enjoy two days of education and discussion on the latest legal issues affecting

global companies in an intimate environment that allows in-house counsel and their advisors the opportunity to gain knowledge together.

Those in attendance are also invited to the IADC Regional Meeting Cocktail Reception held at the Hilton Vienna Plaza on the evening of Wednesday, October 12.

For up-to-date conference information and to [register](#), visit the [International Corporate Counsel College page](#) on the IADC website.

2022

Issue  
Three

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## President's Message

### “Sublimity at the Trial Academy”

After returning from one of the most poignant, yet delightfully entertaining Annual Meetings in Berlin – including having braved and survived the “Rave the Planet” Parade 2022 – I had the privilege of traveling to Stanford for the IADC Trial Academy. The experience was sublime.

In ancient Rome, *sublīmis* described the quality of immense greatness which could not be measured, imitated, or quantified. Eighteenth century German philosopher, Immanuel Kant, opined “[w]e call that sublime which is absolutely great.” The “sublime” is that rare, transcendent experience, whether intellectual, athletic, aesthetic, spiritual, or artistic, where our sense of individuality gives way to a connectivity to something larger than ourselves.

So many of us who have had the privilege of attending the Trial Academy either as a student or as a faculty member know it to be exceptionally gratifying and enormously edifying. Yet, what distinguishes the “Mike Drops” Trial Academy of 2022 is the unprecedented resourcefulness, perseverance, enthusiasm, energy, and “get-it-done” conviction of all of those involved, including the faculty, students, and IADC staff. Due to the pandemic, the 2022 Trial Academy awaited three years to take the stage. As if a 1,000-day intermission wasn’t challenging enough, the Mike Drops overcame the Stanford Law School under renovation, a COVID bug that refused to abate befalling students, faculty, and IADC staff, and the heartbreaking passing of Director Mike Brown’s beloved mother as the Trial Academy opened. Undaunted, the Mike Drop faculty, led by Mike *in absentia* and Director-Elect Ed Sledge with boots on the ground, supported by former Director Nancy Erfle and President-Elect Michele Smith, who answered the call-to-duty at the eleventh-hour, prepared tirelessly, performed brilliantly, and impressed considerably all of those who had the privilege of attending. In reflection,



## President's Message *(continued)*

I still marvel at how these individuals were so committed to assuring that every obstacle would be overcome and that the 2022 Trial Academy would not only be a success, but it would exceed the exceptional standard of excellence set by the forty-seven preceding Academies. The experience was indeed sublime and made me proud to be part of this remarkable organization of phenomenal people.

Mike's superbly talented faculty included Jennifer Annis, Candice Blydenburgh, Andy Gendron, Brandee Kowalzyk, Dan Krauth, Grant Law, Dana Lumsden, Allen Miller, Dan Reisler, Michelle Schaffer, Sharon Stuart, and Doug Vaughn. So please join me in thanking and commending all of the Mike Drops including the faculty, Mike Brown, Ed Sledge, Nancy Erfle, Michele Smith, and IADC staff Amy O'Maley McGuire and Donna Villa for making the 2022 IADC Trial Academy so sublimely successful.

Mark R. Beebe  
IADC President

## RENEW YOUR MEMBERSHIP

Renew your IADC membership for 2022-2023 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.



## FOUNDATION OF THE IADC UPDATE

The [IADC Foundation](#) increased its grants from \$75,000 (2021) to \$160,000 (2022). The Foundation Board updated its grant vetting process to ensure it has a diverse and wide-reaching portfolio for organizations around the world that support the rule of law and access for all to a fair and just legal system. Current grant recipients include:

- [iCivics](#): Engages students in meaningful civics learning
- [Justice Without Borders](#): Transnational legal assistance for victims of labor exploitation and human trafficking
- [GRACE Initiative](#): Global resource through the United Nations Office on Drugs and Crime for anti-corruption education and youth empowerment
- [National High School Mock Trial Championship](#): Providing understanding and appreciation of the U.S. judicial system
- [National Foundation for Judicial Excellence](#): Education for officers of the court
- [I Am Why](#): Helping young women and gender expansive activists lead the way to justice with education and mentorship
- [IADC Webinars](#): Free legal Webinars for members, colleagues, and clients

Help us give even more in 2023! There are many ways you can support the IADC Foundation: give the \$50 voluntary donation with your dues renewals payment; [give online](#); buy a [Foundation cookbook](#); or designate the IADC Foundation in your estate planning.

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If you have questions on the IADC Foundation or on giving to the Foundation, please contact Mary Beth Kurzak, Foundation Executive Director, at [mkurzak@iadclaw.org](mailto:mkurzak@iadclaw.org).

## ANNUAL MEETING RECAP

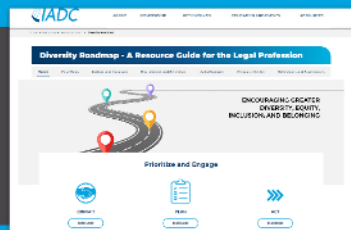
The 2022 Annual Meeting took place in Berlin, Germany in early July. The meeting was successful with 14 total CLE programs presented that covered extremely relevant topics. Lots of great social and business development opportunities for attendees were available throughout.

Thank you to everyone who worked so hard on the Annual Meeting. A special thanks goes out to Chris Lam who led the CLE planning efforts on the CLE Steering Committee along with Karen Glickstein, the CLE Committee Chair. Another big thank you goes out to the Annual Meeting Planning Team of Spencer and Kat Silvergate, Convention Chairs Manuel and Paulina Moctezuma, and Mark and Anne Beebe. We also want to thank our Annual Meeting sponsors: [Exponent](#); [bit-x-bit](#); [Berkeley Research Group, LLC](#); [Lighthouse](#); and [MRC](#).



## - DIVERSITY ROADMAP -

*a resource guide for law firms, corporations, and insurance companies which encourages greater diversity, equity, inclusion, and belonging*



more than 125 practical resources

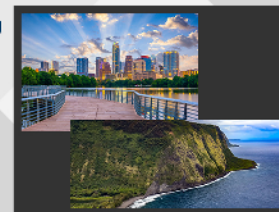
- how-to videos
- real life experiences
- best practices used by law firms, corporations, and insurance companies of all sizes and types

[WWW.IADCLAW.ORG/RESOURCES/RESOURCE-LIBRARY/DIVERSITY-ROADMAP/](http://WWW.IADCLAW.ORG/RESOURCES/RESOURCE-LIBRARY/DIVERSITY-ROADMAP/)

## SAVE THE DATES

### 2023 Midyear Meeting

February 18 - 23  
Fairmont Austin  
Austin, TX USA



### 2023 Annual Meeting

July 8 - 13  
Fairmont Orchid  
Kohala Coast, HI USA

engage

participate

interact

## Resources | *what you may have missed*

### *Committee Newsletters*

#### [Strategies to Help Your Witness Maintain or Regain Control During Their Testimony](#)

By Sandra J. Wunderlich

*Business Litigation Committee*

#### [A Disconnect from Work Policy Does Not Require Employee Disconnection... Yet!](#)

By Heather C. Devine and Michael Furyk

*Transportation Committee*

#### [Key Discussion Points from the 2022 ICC PANARB Convention in Republic of Panama](#)

By Edgard Muñoz

*International Arbitration Committee*

#### [An Ode to Justice: Michael Eizenga Publishes \*The Class Actions Handbook\*](#)

By Shaun E. Finn

*Class Actions and Multi-Party Litigation Committee*

#### [Public-Sector Personal Information Class Actions in Canada](#)

By Shaun E. Finn and Danielle Miller Olofsson

*Cyber Security, Data Privacy and Technology Committee*

#### [Texas Courts are Now Considering Extrinsic Evidence with Respect to the Duty to Defend - Immediate Impact Appears to be More of the Same: Artful Pleading Still Seems to Work](#)

By Robert D. Allen

*Insurance and Reinsurance Committee*

## Resources | *what you may have missed*

### *Defense Counsel Journal - Volume 89, Number 3*

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

By Spencer H. Silverglate

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

By Christopher B. Parkerson

#### **Using Independent Taint Teams to Better Protect Attorney-Client Privilege**

By Richard "Dick" Gregorie, William "Bill" Marquardt, Joseph "Joe" Spinelli

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

#### **The Historical Roots of Mediation in Mexico**

By Manuel Moctezuma

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

#### **Out-of-State Witnesses: Are Zoom Trial Appearances a New Normal?**

By Alaina Devine

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

## Resources | *what you may have missed*

### *IADC Speaks Podcast Episodes*

#### ***Defense Counsel Journal Highlight: Out-of-State Witnesses: Are Zoom Trial Appearances a New Normal?***

Christopher B. Parkerson (Campbell, Conroy & O'Neil, P.C.), *Defense Counsel Journal* Editor, speaks with Alaina Devine (Campbell, Conroy & O'Neil) about how federal courts are increasing exercising nationwide jurisdiction to compel out-of-state witnesses to testify at trial via Zoom. | [Play the episode on the IADC website](#)

#### ***Defense Counsel Journal Highlight: PFAS Exposure: A Comprehensive Look***

Christopher B. Parkerson (Campbell, Conroy & O'Neil, P.C.), *Defense Counsel Journal* Editor, speaks with Craig T. Liljestrand (Hinshaw & Culbertson LLP) to discuss the background and history of PFAS litigation and engage in a very interesting discussion about regulatory action, state actions, and thoughts regarding what the future holds for these cases. | [Play the episode on the IADC website](#)

### ***Webinars***

#### **"Is This Communication Discoverable?" How In-House Counsel Can Preserve Privilege When They Have Business and Legal Problems to Solve**

Presented by - Business Litigation Committee and Corporate Counsel Committee

Presenters: Anna Cook, Bristows LLP; Charles Price, Eaton; Tara Ward, McDermott Will & Emery LLP

[PDF of Presentation](#) | [Webinar Recording](#) | [Password can be found here](#)



## Resources | *what you may have missed*

### *Amicus Curiae Briefs*

#### **Third Circuit Agrees with IADC Amicus Brief in Requiring Personal Jurisdiction in FLSA Cases (7/26/2022)**

The IADC filed an [amicus brief](#) in the Third Circuit in *Fischer v. Federal Express Corp.*, a Federal Labor Standards Act case dealing with the issue of personal jurisdiction. A Pennsylvania resident had filed the FLSA action in the Eastern District of Pennsylvania and individuals in New York and Maryland sought to join the case. The District Court did not allow the two opt-in plaintiffs to join, reasoning that under the U.S. Supreme Court ruling in *Bristol-Myers Squibb Co. v. Sup. Ct.*, the district court lacked personal jurisdiction over FedEx with respect to the out-of-state claims. The opt-in plaintiffs appealed, arguing that the Bristol-Myers Squibb ruling applies only to state claims, not the FLSA.

The IADC's amicus brief explained that the Supreme Court's decision in *Bristol-Myers Squibb* applies to mass actions, regardless of whether filed in state or federal court. Bristol-Myers Squibb was a mass tort action filed in California state court. Some of the plaintiffs were California residents; most were from elsewhere. The Court concluded that because BMS was not subject to general jurisdiction in California, and the non-resident plaintiffs' claims had no tie to California, BMS could not be subjected to specific jurisdiction in California for those claims.

The brief continued that there is no meaningful difference between a mass tort action and a collective action for purposes of this analysis. Like a mass tort action, the plaintiffs in a collective action are parties as soon as they file their written consent to become a party with the court. To this end, if plaintiffs-appellants and their counsel wish to have a nationwide collective action against FedEx, they can do so, either in Delaware (FedEx's state of incorporation) or Tennessee (FedEx's principal place of business). They have no right to bring such an action in Pennsylvania, where the

## Resources | *what you may have missed*

### *Amicus Curiae Briefs (continued)*

courts do not have general jurisdiction over FedEx or specific jurisdiction over FedEx with respect to these claims.

The Third Circuit agreed with this reasoning, concluding that “the specific jurisdiction analysis for an FLSA collection action in federal court operates the same as it would for an FLSA collection action, or any other traditional in personam suit, in state court.” It then affirmed the district court ruling “because out-of-state opt-in plaintiffs here cannot demonstrate their claims arise out of or relate to FedEx’s contacts with Pennsylvania.” This holding is in concert with similar holdings in the Sixth and Eighth Circuits, but splits with the First Circuit.

We thank Trea Southerland and his colleague Terrence Reed for bringing the case to our attention, Kendall Harrison of Godfrey & Kahn in Madison, Wisconsin for drafting an excellent brief, and Phil Goldberg of Shook Hardy & Bacon in Washington, D.C. for filing the brief.

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

### **IADC Files Amicus Brief in Consequential Pennsylvania Supreme Court Product Liability Case (7/18/2022)**

IADC filed an amicus brief in the Pennsylvania Supreme Court on a recurrent products-liability issue: when can the defendant introduce evidence that the challenged design is widely used or complies with government safety standards. The state Supreme Court agreed to hear this issue because a 35-year-old case says such evidence is categorically inadmissible. However, about a decade ago the state Supreme Court changed the law of design defect

## Resources | *what you may have missed*

### *Amicus Curiae Briefs (continued)*

and included factors for juries to consider where industry custom and government safety standards will often be relevant and probative. The IADC's brief points out the value that such evidence would have to the administration of justice in the state and that juries can be trusted to weigh this information in deciding whether a product is defective. The brief explains that such evidence is normally admissible under the rules of evidence, and that arguments against admissibility are matters for individual cases rather than an across-the-board rule.

This is a high-visibility case in Pennsylvania and many leading defense organizations filed amici briefs. We thank Amicus Committee member Robert Brundage of Bowman and Brooke, who also has served as Chair of IADC's Appellate Practice Committee, for an excellent brief. Outgoing Amicus Committee Chair Phil Goldberg of Shook, Hardy & Bacon and his colleague Joe Blum in Shook's Philadelphia office filed the brief for the IADC.

[Click here](#) to read the amicus brief.

## New Members | *new members of the IADC*

### [Kate Bruce](#)

Chegg Inc.  
Saint Paul, Minnesota  
United States

### [Jennifer Crow](#)

Scheer.Law PLLC  
Portland, Oregon  
United States

### [Sabrina Gallo](#)

Greenberg Traurig, LLP  
Miami, Florida  
United States

### [Renee L. Johnson](#)

The Hartford Financial  
Services Group, Inc.  
Bowie, Maryland  
United States

### [Daniel Steen](#)

Lawyers for Civil Justice  
Arlington, Virginia  
United States

### [Christopher Golden](#)

Alphonso, Inc. dba LG Ads  
Wichita, Kansas  
United States

### [David Rassin](#)

SAExploration Holdings,  
Inc.  
Stafford, Texas  
United States

### [Craig Hamilton](#)

McDowell Knight Roedder  
& Sledge, LLC  
Mobile, Alabama  
United States

### [Michael Velezis](#)

Blue Cross Blue Shield of  
Alabama  
Hoover, Alabama  
United States

### [Jeff Stevenson](#)

Brookfield Properties  
Chicago, Illinois  
United States

### [Emily Quan](#)

Eaton  
Cleveland, Ohio  
United States

### [Michael A. King](#)

Trustmark National Bank  
Jackson, Mississippi  
United States

### [Stephanie Hillman](#)

Vela Insurance Services  
Atlanta, Georgia  
United States

### [David Billions](#)

FedEx  
Memphis, Tennessee  
United States

### [Shannon O'Connor](#)

[Berube](#)  
Textron Inc.  
Providence, Rhode Island  
United States

### [Schuyler A. Smith](#)

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Birthisel, LLP  
Miami, Florida  
United States

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### [Tamara Prince](#)

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Calgary, Alberta Canada

### [Patrick Gorman](#)

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P.L.C.  
Phoenix, Arizona  
United States

### [Danielle Gentin Stock](#)

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New York, New York  
United States

### [David W. Kenna](#)

CapSpecialty Insurance  
Hartford, Connecticut  
United States

### [Angela Guitar](#)

AXA XL  
New York, New York  
United States

### [Tristram J. Coffin](#)

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PLLC  
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United States

### [Paul W. Kruse](#)

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Nashville, Tennessee  
United States

### [Matthew J. Zamaloff](#)

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United States

### [Lyndon W. Whitmire](#)

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Oklahoma City, Oklahoma  
United States

### [Clark Monroe, II](#)

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Ridgeland, Mississippi  
United States

### [George A. Mix](#)

Mix Sanders Thompson,  
PLLC  
Seattle, Washington  
United States

### [Tia J. Combs](#)

Freeman Mathis & Gary  
LLP  
Lexington, Kentucky  
United States

### [Adam Stone](#)

Jones Walker LLP  
Jackson, Mississippi  
United States

### [Martha Jane Payne](#)

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Coplan & Aronoff LLP  
Lincoln City, Oregon  
United States

### [Nina J. Kim](#)

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Los Angeles, California  
United States

### [Margo Wolf O'Donnell](#)

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Chicago, Illinois  
United States

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Jackson, Mississippi  
United States

### [Duncan Strachan](#)

DAC Beachcroft  
London, England

### [Matthew D. Valauri](#)

Wilson Elser Moskowitz  
Edelman & Dicker LLP  
Stamford, Connecticut  
United States

### [Abraham Vergis](#)

Providence Law Asia LLC  
Singapore, Singapore

### [Kimberly R. West](#)

Wallace, Jordan, Ratliff &  
Brandt, LLC  
Birmingham, Alabama  
United States

### [Joanne L. Zimolzak](#)

Dykema Gossett PLLC  
Washington, District of  
Columbia United States

### [David L. Greenspan](#)

McGuireWoods LLP  
Tyson, Virginia  
United States

### [Jay M. Mattappally](#)

Irwin Fritchie Urquhart &  
Moore LLC  
New Orleans, Louisiana  
United States

## Member Spotlight

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

INTERNATIONAL ASSOCIATION OF DEFENSE COUNSEL
MEMBER SPOTLIGHT

<b>AVANTI BAKANE</b>
<b>COMPANY/FIRM NAME</b>
Gordon, Rees, Scully, Mansukhani, LLP
<b>COMPANY/FIRM LOCATION</b>
Chicago office (HQ - San Francisco)
<b>TYPE OF LAW YOU PRACTICE MOST</b>
Consumer Financial Services Litigation
<b>CURRENT INVOLVEMENT/LEADERSHIP POSITIONS WITH IADC</b>
Vice Chair of Publications for the Cyber Security, Data Privacy and Technology Committee
<b>BEST ADVICE YOU HAVE EVER RECEIVED AS A LAWYER</b>
From a colleague in my first months as a lawyer - work hard and do good work. The rest - having a full plate, billing, and clients - will come. From a client - As to what matters most in outside counsel, responsiveness and cost. As a second year lawyer, when I heard this, I was shocked that winning and losing were not part of the conversation!
<b>YOU MAY NOT KNOW...</b>
I was born in Glasgow, Scotland and lived in a few continents before moving to the US. Favorite vacation spot - Little Cayman, inhabited by only 150 or so people!

## Upcoming Events | *engage and connect*

MEETING

WEBINAR

REGIONAL  
MEETING

CLE  
EVENT

For up-to-date information on all our upcoming events and to register, please visit the Calendar of Events page on the IADC website at [www.iadclaw.org/events/](http://www.iadclaw.org/events/).

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### **Going Solo: The Challenges and Opportunities of the Solo Practice of Law (Webinar)**

September 28, 12:00 p.m. CDT

### **2022 International Corporate Counsel College**

October 12 - 14, Hilton Vienna Plaza, Vienna, Austria

### ***I Am Why* Reclaiming the Lens: How Young Women are Leading the Way to Justice (Webinar)**

October 19, 12:00 p.m. CDT

### **2022 Middle Eastern Regional Meeting - Dubai, UAE**

November 15 - 16, Kobre & Kim LLP, Dubai, United Arab Emirates

### **2023 Midyear Meeting**

February 18 - 23, Fairmont Austin, Austin, Texas United States

## IADC Successes | *your accolades, wins, and accomplishments*

[Michael R. Perry](#), a partner at Hunton Andrews Kurth, obtained a summary judgment on behalf of the Boston Red Sox in a wrongful death case. | [more](#)

[Charles Reynolds](#) joined Tyson & Mendes LLP as a partner. | [more](#)

[Heather C. Devine](#), partner at Alexander Holburn Beaudin + Lang LLP, authored an article for the June 2022 issue of *Canadian HR Reporter* on behalf of the IADC. | [more](#)

[Walter Judge](#), Director of Downs Rachlin Martin PLLC, obtained a summary judgment for his client, a national chain restaurant in Vermont, in a premises liability, trip-and-fall case. | [more](#)

[Paul Lefebvre](#), partner at Hanotiau & van den Berg, was named Chair of the European Association of Bars to the Supreme Courts. | [more](#)

[Danielle Waltz](#) authored an article for *Modern Contractor Solutions'* July 2022 issue on behalf of the IADC. | [more](#)

[Daniel Higginbotham](#), a partner at Thomas Combs & Spann, PLLC, received a defense verdict on behalf of Johnson & Johnson and subsidiary Ethicon, Inc. | [more](#)

[Fletch Thomson](#), Senior Associate General Counsel at Textron Inc., was appointed Vice President, General Counsel for the Textron eAviation segment, effective August 1, 2022. | [more](#)

[Jerry Fazio](#), Co-Founder of Owen & Fazio, P.C., obtained multiple victories in two different Texas Court of Appeals cases. | [more](#)



## IADC Successes | *your accolades, wins, and accomplishments*

[Amy M. Stewart](#), Founding Partner of Stewart Law Group PLLC, was selected as one of the 2022 Attorney of the Year finalists for the TEXAS LAWYER / LAW.COM 2022 Texas Legal Awards. | [more](#)

[William S. Thomas](#), principal at Gausnell, O'Keefe & Thomas, LLC, authored an article for the August 2022 issue of *Modern Contractor Solutions*. | [more](#)

[Larry D. Smith](#), Of Counsel with Rumberger, Kirk & Caldwell, P.A., was awarded the FDCC Diversity Award and the Diversity in Business Lifetime Achievement Award. | [more](#)

[William P. Kealey](#), Managing Partner of Stuart & Branigin LLP, successfully defended a Title IX allegation case in Indiana. | [more](#)

[Jonathan Crompton](#), partner at Reynolds Porter Chamberlain, LLP, was recognized by *Asian Legal Business* as a Super 50 TMT Lawyers 2022. | [more](#)

[Jessalyn H. Zeigler](#), member at Bass, Berry & Sims PLC, successfully defended a client against \$45 million claims related to Gatlinburg, Tennessee forest fires. | [more](#)

Many IADC members were recognized in the 2023 edition of *Best Lawyers in America*. Congratulations! To view those that submitted their success, visit the [News section](#) of the IADC website.

To submit an accolade, courtroom success, or pro bono story, email [Diana Leon](#), Communications and Professional Development Coordinator.

## Thank You to Our 2021-2022 Sponsors

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### **THINK** **IADC** **FIRST REFERRAL SUCCESSES**

“Just recently, a wonderful IADC attorney from Chicago reached out to me to defend a senior living facility in wrongful death claim here in Vermont. It was inspiring because he and I had never met (but we will!). He told me that the referral was because he had heard from other IADC members that I was the guy, and he then checked me out and was persuaded of my bona fides and capabilities.”



Melissa Dorman Matthews shares what IADC membership has provided her - friendships, business development, career growth, and camaraderie. She shares what membership in the IADC has afforded her.