









The Annual Meeting is an important event for the Association is many ways. One of the most critical is the election of new members to the IADC Board of Directors for the 2022-2023 vear.

You may submit comments in one of two ways:

DOCKET

- In-person at the Annual Meeting by signing up for a 5-minute time slot (sign-ups will be located at the Registration Desk)
- In writing in advance of the Annual Meeting (comments can be sent via email to Nominating Committee Chair Andy Kopon with copy to Executive Director Mary Beth Kurzak comments are confidential and only shared with the Nominating Committee)

For information about the election, view the 2022-2023 Election and Bylaws Information document.

Additionally, there are proposed IADC bylaws amendments that will be voted on by those present at the Annual Meeting Opening Session on July 10. The summary of those proposed changes is at the end of the election information document.

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.

ANNUAL MEETING July 9 - 14, 2022 Berlin, Germany



REGISTRATION AND DETAIL

TRIAL ACADEMY July 30 - August 5 Palo Alto, California USA



REGISTRATION AND DETAILS

2022 Issue Two

What's Inside

President's Message

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Welcome | new members of the IADC

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IADC Successes your accolades. courtroom wins. and pro bono accomplishments

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President's Message

In the Arena

"There are two great days in a person's life—the day we are born and the day we discover why." -William Barclay

I was feeling a bit uneasy when I sat down at the kitchen table of the modest Florida home. I was a young lawyer, and the deponent's wife recently died in a horrific car wreck. The widower treated me with kindness, as though I had dropped in for a chat instead of a deposition.



"More coffee, Mr. Silverglate?"

"No thanks, I'm good. So, you say you have five children?"

"Yep, that's right. And my wife home-schooled all of 'em."

Looking up from my outline, I couldn't help but notice the children's artwork hanging on the refrigerator. A crayon rendering captioned "I love you Mommy" seemed to reach out and punch me in the gut. The magnitude of the family's loss was palpable. I had to remind myself that I had a client to represent and that the settlement demand, inflated by an unwarranted claim for punitive damages, was three times what the case was worth. I took a breath, returned to my outline, and continued the deposition.

My experience that day wasn't unique; it's played out every day by civil defense lawyers around the world. We handle difficult cases, sometimes for unpopular clients. And the adversarial system can be, well . . . adversarial. Judges can be inflexible. Clients can be demanding. Opposing counsel can be insufferable. Even our work colleagues can let us down. And the unending demand for billable hours can be overwhelming. Simply put, our work is hard, and the rewards often don't seem to measure up.

Perhaps it's not surprising, then, that lawyers experience among the highest rates of depression, anxiety, substance







President's Message (continued)

abuse, and relational strife. The statistics are dismal. Fortunately, though, lawyer well-being and work-life balance are garnering increased attention. Mental health treatment is less stigmatized today, and stress-management resources abound—everything from employer wellness plans and diet and exercise programs to affinity groups and mindfulness practice. Volunteer bar associations also have a role to play in attorney wellness. The IADC, for example, has been my 2,500-member "support group" for more than 20 years.

Yes, we civil defense lawyers have more mental health resources available to us than ever before, which is a very good thing. Still, I wonder if we've overlooked our most important resource. I wonder if we've underestimated our purpose.

The adversarial system of dispute resolution has not one side but two, and justice results only when both sides do their jobs. Without civil defense lawyers, there can be no justice, no rule of law, no civilized society. And no economy. No person or company would produce goods or services if they faced unchecked exposure for doing so. Without civil defenders, there would be no scientific innovation, no lifesaving treatments, no COVID-19 vaccines. There would be no place to work and nowhere to bank your money. There would be no cars, no airplanes, no spaceships. No iPhone. No Google. No Tesla.

Civil defense lawyers are the guardians of the galaxy. We are in the arena uncovering truth, revealing exaggeration, and, when necessary, exposing greed. Our mandate is to defend both the popular and the unpopular, alike. We manage sympathy, defuse hate, and advocate for just and fair results. We fight the good fight—even when the fight is unwinnable because if not us, then who? Above all, we strive to do our jobs without losing our humanity in the process.

I know it's hard being a civil defense lawyer, but I take comfort in knowing that anything worthwhile is hard. We all pine for a life of relative ease and comfort, but when asked about life achievements, we invariably cite the challenges we've had to overcome: raising children, getting a degree, running a marathon, battling illness. Handling the tough case. Hardship is what gives context to joy. As the poet Wendell Berry has written, "The mind that is not baffled is not employed. The impeded stream is the one that sings."

President's Message (continued)

Besides, we would be dreadful souls if we didn't face challenges. David Brooks points out in *The Second Mountain* that no one ever credited a beach vacation or a trip to Vegas with making them less shallow and self-centered. Character is forged in the furnace of adversity. And only adversity reveals greatness. Without Goliath, there can be no David. Without Frazier, there is no Ali. Without gravity, there is no Simone Biles.

Without an adversary, there is no adversarial system and no justice—for anyone.

I first became a civil defense lawyer without really thinking about it, letting time and events make the decision for me. But at some point in my career—I don't know when exactly—I realized that this is who I am. At some point, I decided to own it. That's when I found purpose in what I do, and that has made all the difference.

By the way, that fatal car crash case? Like most cases, it eventually settled, but only after we defeated the plaintiff's motion for punitive damages and whittled the claim down to what it should have been from the start. When all was said and done, the surviving spouse shook my hand and thanked me for respecting his loss . . . and for being fair. The result was fair because there was not one side but two, and both did their jobs.

Spencer H. Silverglate IADC President









"Setting the Course in Unsteady Times"

Save the Date | October 12 - 14 | Hilton Vienna Plaza | Vienna, Austria



Registration and full program details will be available soon, but please save the date for the International Corporate Counsel College which will take place October 12 through 14 in Vienna, Austria.

The International Corporate Counsel College brings together in-house counsel and their law firm counterparts for two days of education and discussion on the latest legal issues affecting global companies. This distinctive meeting format creates an intimate environment, providing the opportunity for in-house counsel and their

trusted advisors to gain knowledge together and spend time with others who face similar issues.

For up-to-date conference information, visit the <u>International Corporate Counsel College page</u> on the IADC website.



NEW RESOURCE | The Drug, Device and Biotechnology Committee created a 50 state, plus Washington, DC and Canada, Third Party Litigation Funding Analysis Quick Reference Guide. Information in the Guide for each state includes: statute/rule: does the state allow third party litigation funding?; is disclosure of third party litigation funding required?; and any other relevant case law/rules. To access the Drug, Device and Biotechnology Quick Reference Guide -Third Party Litigation Funding Analysis, click here. Please feel free to save or share this Guide with your colleagues or clients who would find it of value.











The return of the in-person Corporate Counsel College and Corporate Counsel Training Academy took place in Chicago in April. These meetings provided ample opportunities for more than 160 attendees to meet and connect with each other in a meaningful way.

Thank you to everyone who worked so hard on both programs --Corporate Counsel Training Academy Chair Chris Egner, Corporate Counsel College Dean John T. Lay, our Advisory Boards, moderators, and speakers. We also want to thank our Corporate Counsel College sponsors Baylor Law Executive LL.M. in Litigation Management, Exponent, Jensen Hughes, and Latitude.

PROFESSIONAL LIABILITY ROUNDTABLE RECAP

The 2022 Professional Liability Roundtable was held in May in Chicago for an audience of enthusiastic and engaged participants. This program is unique for the IADC, combining an outstanding educational opportunity with the kind of intimate networking and interaction between industry professionals and outside counsel that only the IADC can provide.

Thank you to PLR Program Chair Melissa Dorman Matthews, MLR Program Chair Doug Vaughn, and their Planning Committees for their hard work in putting together the program. Additionally, thank you to the panelists for their expert contributions and to

event sponsors Minnesota Lawvers Mutual and Jensen Hughes for their continued support.









IADC Extends Strategic Partnership with CPR for Alternative Dispute Resolution Services

The IADC has extended its strategic, cross-promotional partnership with the <u>International Institute for Conflict Prevention and Resolution</u> (CPR), a global non-profit organization that advances dispute prevention and resolution practices and provides

high-quality solutions.

The partnership, which began in 2020, has been extended for another two years.

"We are thrilled to extend the IADC's collaboration with the highly regarded CPR," said IADC President Spencer H. Silverglate. "We look forward to continuing the outstanding benefits that this partnership provides to IADC members, including much sought-after professional development opportunities that complement the core purpose of the IADC in serving our members."

CPR President and CEO Allen Waxman said, "Our collaboration with IADC has been a resounding success. We look forward to continuing our partnership while providing our innovative dispute resolution services, thought leadership, tools, and other resources to IADC's worldwide membership."

The collaboration provides IADC members with access to CPR's numerous resources and publications, as well as preferential rates for CPR membership and attendance at CPR events, including the organization's annual meeting that convenes panels on a variety of topics regarding dispute prevention and resolution. In addition, both U.S. and international IADC members can apply to serve on CPR's Panel of Distinguished Neutrals.

The IADC recommends CPR to its membership as an ADR provider whose arbitration, mediation, and dispute resolution services and rules can be utilized worldwide by the IADC's approximately 2,500 members and their clients. In addition, the IADC promotes membership with CPR among IADC members and facilitates attendance by CPR corporate members at the IADC's Corporate Counsel and International Corporate Counsel Colleges, which provide content of particular interest to the in-house community.











LAWYERS FOR CIVIL JUSTICE UPDATE: AMENDMENT TO RULE 702

The Committee on Rules of Practice and Procedure voted unanimously to approve an amendment to Rule 702 of the Federal Rules of Evidence. The amendment clarified that: (1) the proponent of expert testimony must establish its admissibility to the court by a preponderance of the evidence before it can be presented to a jury, and (2) an expert shall not assert a degree of confidence in an opinion that is not derived from sufficient facts and reliable methods.

For more information, click here.











Committee Newsletters

Fact Summary: Legal Actions Taken by Mexico on the Energy Sector Since 1980 UPDATE: March-April 2022

By: Cecilia Flores Rueda

International Arbitration Committee

Round 2! U.S. Supreme Court Has Heard the Arguments on Section 1782 – Discovering the Issues with Discovery in International Arbitrations

By: Kayla N. McDaniel, Mica Nguyen Worthy, Melanie Huffines

International Arbitration Committee

Massachusetts High Court Declares That Restaurants Suffered No "Direct Physical Loss" From COVID-19 Closure Orders: Becomes First U.S. State High Court to Rule Against Policyholders

By: Alexander G. Henlin

Insurance and Reinsurance Committee

The Stakes Just Got Higher! With the \$150 Million Pizza Hut Class Action - Do Independent Contractors Fit Your Business Model?

By: Heather C. Devine and Johann Annisette

Transportation Committee

New Jersey Bankruptcy Court Rules That Johnson & Johnson's Texas Two-Step Was Not a Bad Faith Filing

By: Stephanie A. Fox and Timothy Coughlan

Toxic and Hazardous Substances Litigation Committee









Committee Newsletters

Meet the Arbitrators Vol. 1

By: James B. Glennon and Azusa Saito International Arbitration Committee

Let's Get to Know More About Members of the Drug, Device and Biotechnology Committee

Drug, Device and Biotechnology Committee

Defense Counsel Journal - Volume 89, Number 2

President's Page

By Spencer H. Silverglate

Editor's Page

By Christopher B. Parkerson

Some Superheroes Wear Robes: Justice Sandra Day O'Connor

By Kenneth R. Meyer, Jean Patterson, Sarah T. Tremer, and Meghan McSkimming

Online Article | PDF to Print

PFAS Exposure: A Comprehensive Look at Emerging Facts and Studies, Risk and Liability Assessment, Litigation History, Evolving Regulations and Future Predictions

By Craig T. Liliestrand

Online Article | PDF to Print









Podcast: IADC Speaks

<u>Defense Counsel Journal Highlight: Lessons From a Year in Crisis: Do's and Don'ts of Crisis Management</u>

Christopher B. Parkerson (Campbell, Conroy & O'Neil, P.C.), *Defense Counsel Journal* Editor, speaks with Michael C. Zogby (Faegre Drinker), Kaitlyn E. Stone (Faegre Drinker), and Claudia V. Garcia (Exelixis, Inc.). Michael, Kaitlyn, Claudia, and Christopher discuss data driven and tested methods to address crisis management and engage in an interesting discussion about the do's and don'ts an organization should consider when responding to an emergency.

Play the episode on the IADC website

Active Ally Series (Diversity, Equity and Inclusion Committee)

Becoming an Active Ally with a Focus on Allyship with Colleagues with Disabilities

Moderators: Dave Landever, Emily Quan; Speaker: Lisa Sutton

To view this recording, visit the <u>Diversity</u>, <u>Equity</u>, and <u>Inclusion Resources page</u>.

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!











Webinars

Strategies for Enforcing Trademarks and Protecting Brands Using Customs and Courts Against Counterfeit Goods Presented by - Business Litigation Committee, Intellectual Property Committee, International Committee, and Transportation Committee

Presenters: Peter A. Quinter, Gunster; Sandra J. Wunderlich, Tucker Ellis LLP

PDF of Presentation | Webinar Recording | Password can be found here

Identifying and Overcoming Obstacles to Increasing Diversity of Neutrals in Arbitration and Mediation

Presented by - Alternative Dispute Resolution Committee and Diversity, Equity and Inclusion Committee

Moderator: Brandee J. Kowalzyk, Nelson Mullins Riley & Scarborough LLP

Presenters: Kabir Duggal, PhD, Arnold & Porter Kaye Scholer LLP; Sherylle A.O. Francis, Sherylle Francis P.A.; Tamula Yelling, Hibbett Sports

Webinar Recording | Password can be found here

An Appealing Comparison – The Basics of How Commercial Cases Are Appealed In Different Countries' Court Systems

Presented by - Appellate Practice Committee

Presenters: Sinan Abra, CMS Turkey; Lisandro Allende, A&F | Allende • Ferrante | Abogados; Philipp Behrendt, Taylor Wessing Partnerschaftsgesellschaft MbB; Robert A. Brundage, Bowman and Brooke LLP; Sitpah Selvaratnam, Tommy Thomas

PDF of Presentation | Webinar Recording | Password can be found here









Wehinars

Critical Defense Strategies for Stopping Nuclear Verdicts®

Presenter: Robert Tyson, Tyson & Mendes

Webinar Recording | Password can be found here

OSHA in the Healthcare World - What We Have Learned From COVID Inspections and What to Expect in the **Future**

Presented by - Medical Defense and Health Law Committee

Presenters: W. Christian Hines, III, Starnes Davis Florie LLP; Weathers P. Bolt, Starnes Davis Florie LLP

PDF of Presentation | Webinar Recording | Password can be found here

What Are the International Policy Responses to the Threats Presented by Disinformation? A Discussion with Will Moy of Full Fact

Presented by - Cyber Security, Data Privacy and Technology Committee

Presenters: Anna Cook, Bristows LLP: Marc Dautlich, Bristows LLP: Will Mov, Full Fact

Webinar Recording | Password can be found here









New Members

new members of the IADC

Timothy Ferguson

Foley & Mansfield PLLP Miami, Florida **United States**

Paul E. Asfendis

Gibbons P.C. New York. New York United States

Maureen Doerner Fogel

Herzfeld + Rubin New York. New York United States

Kelly L. Geer

FedEx Express AMEA Singapore

Milele St. Julien

Pugh Accardo LLC New Orleans, Louisiana United States

Brian Banev

Gallagher Bassett Ridgewood, New Jersey **United States**

Edward Rodeghier

Hiscox USA Chicago, Illinois United States

Geri Howell

Shook, Hardy & Bacon L.L.P. Miami, Florida United States

Brvant Hall

Pinterest Washington, District of Columbia United States

Howard A. Merten

Partridge Snow & Hahn LLP Providence, Rhode Island **United States**

Lara R. Lickhalter

Cassiday Schade LLP Chicago, Illinois **United States**

Ruby Brown Jackson

Southern Power Company Birmingham, Alabama United States

Jennifer S. Park

Dentons Cohen & Grigsby Pittsburgh, Pennsylvania **United States**

Edgard Salomón Muñoz

Sucre | Arias | Reyes Panama City, Panama

Travis McElhanev

Weber Gallagher Simpson Stapleton Fires & Newby. LLP Pittsburgh, Pennsylvania United States

Allyson Miller Julien

Goldman Ismail Tomaselli Brennan & Baum IIP Chicago, Illinois **United States**







Upcoming Events engage and connect









For up-to-date information on all our upcoming events, please visit the Calendar of Events page on the IADC website at www.iadclaw.org/events/.

2022 Southern Regional Meeting

June 29, 5:00 - 7:00 p.m. CDT, Birmingham, Alabama United States

2022 Annual Meeting

July 9 - 14, Ritz-Carlton Berlin + Berlin Marriott Hotel, Berlin, Germany

48th Annual Trial Academy

July 30 - August 5, Stanford University, Palo Alto, California United States

New Challenges and Strategies for Preserving Privilege When In-House Counsel Serves in a Dual Role with **Business and Legal (Webinar)**

August 30, 12:00 p.m. CDT

2022 International Corporate Counsel College

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

2023 Midyear Meeting

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







ADC Successes your accolades, wins, and accomplishments

Bonnie Mayfield, a member at Dykema Gossett PLLC, obtained a defense victory in an employment case. | more

Kirk Warner. Smith Anderson partner, published his book A Hoot in Hell's Island: The Heroic Story of World War II Dive Bomber Lt. Cmdr. Robert D. "Hoot" Gibson. | more

Charles H. Cole, partner at Lewis Brisbois Bisgaard & Smith LLP, won a summary judgment on behalf of Amazon in a negligence case. more

Harmon C. Havden, of Harmon Hayden Law, authored an article on behalf of the IADC that appeared in Canadian Underwriter's April 2022 issue. | more

Amy E. Askew, principal at Kramon & Graham, P.A., was named to The Daily Record's 2022 list of Maryland's Top 100 Women. more

<u>Christopher S. Drewry</u>, partner at Drewry Simmons Vornehm, LLP, authored an article for Modern Contractor Solutions' April 2022 issue on behalf of the IADC. | more

<u>Thomas</u> <u>Vanderford</u> of Hyundai Motor America and David Schaefer, of Dinsmore & Shohl LLP won a product liability case for Hyundai Motor America and Hvundai Motor Company, Ltd. | more

Cecilia Flores Rueda, founding partner of FloresRueda Abogados. authored an article for the April 2022 issue of Mealey's International Arbitration Report on behalf of the IADC. | more

Julie Walker, Director at Ireland Stapleton Prvor & Pascoe, PC, and William J. Kelly III, founding partner of Kelly Law Partners LLC, won a jury trial on behalf of RE/MAX, LLC in Riverside, California. | more







IADC Successes your accolades, wins, and accomplishments

<u>Diane</u> <u>V.</u> <u>D'Aiutolo</u>, managing partner at Tydings & Rosenberg LLP, was named one of its women of influence in 2022 by 195 Business Magazine. | more

Charles H. Cole, partner at Lewis Brisbois Bisgaard & Smith LLP, obtained a defense verdict in a complex medical malpractice case in Kane County, Illinois. | more

Christopher Scott D'Angelo. partner at Montgomery McCracken Walker & Rhoads LLP. authored an article on behalf of the IADC for Modern Contractor Solutions' May 2022 issue. | more

Alexander G. Henlin, a member at Sulloway & Hollis, authored an article for the May 2022 issue of InsuranceNewsNet on behalf of the IADC. | more

Deirdre McGlinchey, of McGlinchey Stafford PLLC, was inducted into the Louisiana Chapter of the International Women's Forum (IWF). | more









Thank You to Our 2021-2022 Sponsors

Baker Tilly US, LLP | Baylor Law Executive LL.M. in Litigation Management | Berkeley Research Group, LLC | Courtroom Sciences, Inc. | Exponent | IMS Consulting & Expert Services | Jensen Hughes | Latitude | Lighthouse | Magna Legal Services | Minnesota Lawyers Mutual Insurance Company MRC | SEA. Ltd.

THINK REFERRAL SUCCESSES

"I recently had the good fortune to be retained by a client with work in jurisdictions across the country. I have already found myself in need of local counsel in three locales and have had the opportunity to call upon some of the brightest and best by using my IADC member network.

Also, an IADC member referred one of his existing clients to me in Texas. The case presented an unusual set of issues both jurisdictionally and procedurally. We were pleased to obtain a favorable outcome for the mutual client and I was humbled by the trust the member placed in me. I would not hesitate to refer a client to him in return."

Think IADC is First program designed to encourage our members to consider fellow members when the opportunity arises to refer business.

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.



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