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This Week's Feature

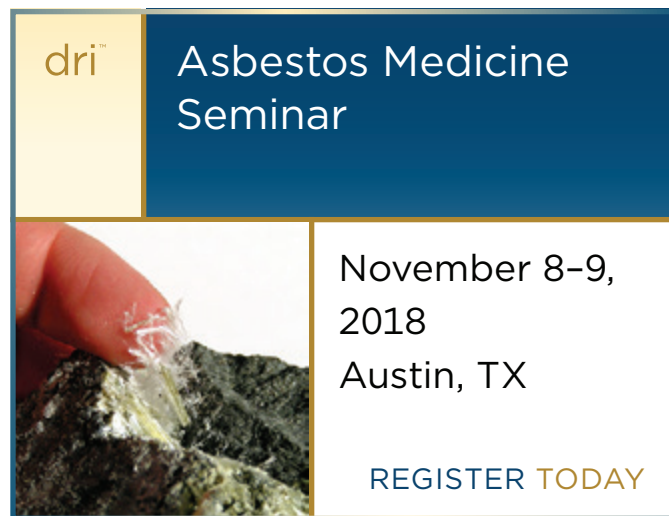


Effect of Employment Practices Liability Insurance on Employment Litigation Involving Sexual Harassment Claims

By Stephen Irving

Employment practices liability insurance (EPLI) protects employers from liability from various employment practices. Before the creation of EPLI policies, employers attempted to get coverage for various employment practices lawsuits under their existing commercial general liability (CGL), directors and officers (D&O), and workers' compensation policies. James B. Dolan Jr., *The Growing Significance of Employment Practices Liability Insurance*, 34 *The Brief* 30, 31-32 (Winter 2005). However, it became apparent that those policies were not intended to provide coverage for employment practices litigation.

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- Insurance Coverage and Practice Symposium, November 29-30, 2018
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New Member Spotlight

Melina E. Garcia, Hill Ward Henderson



[Melina E. Garcia](#) is an associate with Hill Ward Henderson in Tampa, Florida. She focuses on general and complex commercial litigation, including creditors' rights and employment law. She is admitted to practice in Florida, and the U.S. District Courts for the Middle and Southern Districts of Florida.

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Quote of the Week

“Etiquette is the science of living. It embraces everything. It is the code of sportsmanship and of honor. It is ethics.”

—[Emily Post](#) (b. Oct. 3, 1873).

This Week's Feature

Effect of Employment Practices Liability Insurance on Employment Litigation Involving Sexual Harassment Claims

By Stephen Irving



Employment practices liability insurance (EPLI) protects employers from liability from various employment practices. Before the creation of EPLI policies, employers attempted to get coverage for various employment practices lawsuits under their existing commercial general liability (CGL), directors and officers (D&O), and workers' compensation policies. James B. Dolan Jr., *The Growing Significance of Employment Practices Liability Insurance*, 34 *The Brief* 30, 31-32 (Winter 2005). However, it became apparent that those policies were not intended to provide coverage for employment practices litigation.

The increase in employment practices litigation in combination with the realized risk of potential judgments resulted in employers seeking coverage specifically for employment practices claims and insurance companies striving to meet that demand. Thus, most major insurance carriers provide EPLI policies. Joan Gable *et al.*, *Conflict Between Standards for Employment Discrimination Liability and the Delegation of that Liability: Does Employment Practices Liability Insurance Offer Appropriate Risk Transference*, 4 *U. Pa. J. Lab. & Emp. L.* 1, 28 (2001).

During this past year, several sexual harassment allegations against various public figures have forced many companies to look toward their EPLI coverage to protect the brands of their companies in light of these allegations. James R. Murray & Jared Zola, [Addressing Sexual Harassment Claims with EPLI Coverage, Risk Management](#) (Jan. 29, 2018). This article will discuss the coverage under an EPLI policy versus other policy types, the types of sexual harassment claims, and scope of EPLI coverage for sexual harassment.

General Overview of Coverage Under an EPLI Policy

Employment practices liability insurance developed in the 1980s, with limited policies that only covered costs of the defense of mostly common law wrongful termination claims, and they had low policy limits. Joseph P. Monteleone, *Employment Practices Liability Insurance*, in *Practitioner's Guide to the Defense of EPL Claims* 1, 1

(Ellis B. Murov ed., 2005). In the early 1990s, insurance companies began to offer coverage for defense costs and indemnity. *Id.* Also in the early 1990s, insurance companies broadened the types of claims covered by EPLI to include sexual harassment and discrimination claims. Jeffrey P. Klenk, *Emerging Coverage Issues in Employment Practices Liability Insurance: The Industry Perspective on Recent Development*, 21 *W. New Eng. L. Rev.* 323, 333 (1999).

The most common types of claims that are covered under an EPLI policy are wrongful termination, discrimination, sexual harassment, and retaliation. *Id.* The policies will also provide coverage for claims that arise out of certain conduct that occurred in the workplace, such as defamation, failure to promote, and negligent evaluation. *Id.* Usually excluded from EPLI coverage are alleged OSHA violations, Fair Labor Standard Act violations, COBRA violations, ERISA violations, payments allegedly owed under an employment contract if terminated, and stock options and employee benefits other than back pay and front pay (which are payable in certain covered events). Marianne Bonner, [General Liability Coverage and Discrimination, The Balance](#) (updated Mar. 13, 2017).

Claims Made Versus Occurrence

Most EPLI policies are claims-made policies. Claims-made policies provide coverage for claims that are made against the insured during the effective policy period. *Id.* An occurrence EPLI policy provides that an insurance company will provide coverage for claims arising out of occurrences during the policy period, regardless of when the claim was reported. If a business terminates its EPLI policy, it should evaluate purchasing an "extended reporting period" policy so that the business will continue to have coverage for claims that arise after the policy ended.

Understanding how a claim is defined under an EPLI policy is important because the claim is triggered once an insurance company begins to incur liability for defense costs. Most policies will identify the specific method that triggers coverage, such as a demand letter, administrative complaint, or filing of a lawsuit. Although oral demands are often not considered to be a triggering event because of

concerns regarding proof, some policies will deem an oral demand to be a sufficient triggering event. Many insurers require the named insured to report the claim as soon as practicable, while other insurers will provide the specific time period within which the claim must be reported, at the risk that coverage will be denied. Richard S. Betterly, *The Betterly Report, Employment Practices Liability Insurance Market Survey 2012: Rates Continue to Firm, but Not for All Carriers* (Dec. 2012).

Sexual Harassment Defined

Title VII of the Civil Rights Act of 1964 is the federal provision that bars an employer from discriminating against its employees on the basis of sex, race, color, national origin, or religion. Aileen Spiker Berry & Katie Kruiuzenga, [Employment Practices Liability in the Age of #MeToo, AmWINS Group, Inc.](#) (Jan. 11, 2018). The two types of employment sexual harassment are quid pro harassment and hostile work environment. Quid pro harassment is defined as sexual advances, contact, or actions that are identified as conditions of employment. The employers are held strictly liable for the conduct of a manager or supervisor. *Id.* Hostile work environment claims pertain to sexual behavior by a co-worker or supervisor that creates an intimidating workplace environment and affects the employee's ability to perform his or her duties. *Id.* The employee is held to the reasonable person standard. *Id.*

EPLI Coverage for Sexual Harassment Claims

Sexual harassment in the employment context gained national recognition in 1991, when Professor Anita Hill asserted allegations that a then-Supreme Court nominee subjected her to persistent sexual harassment when he was her boss. At that time, only five insurance companies issued EPLI policies that offered coverage for employment-based sexual harassment and discrimination. Berry & Kruiuzenga, *supra*.

In the last year, the number of high-profile individuals involved in sexual harassment matters has brought the focus to EPLI coverage of those claims. Most insurers would agree that there should not be any dispute that an EPLI policy provides coverage for a sexual harassment claim. However, the issue that could arise after the determination

of coverage is the statute of limitations. [EPLI Claims Reach Tipping Point Amid Anti-Sexual Harassment Movement, MyNewMarkets.com](#) (Feb. 21, 2018). Although the statute of limitations may vary by state, the statute of limitations for filing with the EEOC is 180 days, a relatively short period of time. *Id.*

However, even if it appears that the statute of limitations bars the claim, employers should report any and all matters including sexual harassment claims to the applicable insurer to avoid any potential late notice limitations. Berry & Kruiuzenga, *supra*. Moreover, with the increased awareness of sexual harassment, especially in the workplace, any sexual harassment claims or resulting lawsuit will have an effect on an employer; therefore, clients should be encouraged to select appropriate coverage in an effort to reduce any exposure resulting from these types of claims. *Id.*

Conclusion

Because of the increase in employment-related litigation, the demand for EPLI coverage has also increased. Therefore, defense counsel should be knowledgeable about the typical components of an EPLI policy, the potential exclusions, and the specific events that trigger coverage under the applicable EPLI policy, especially as it relates to sexual harassment claims. It is not only necessary for counsel to be aware of the underlying facts that may trigger coverage, it is also necessary for counsel to be aware of any available defenses under the applicable laws, such as statute of limitations.

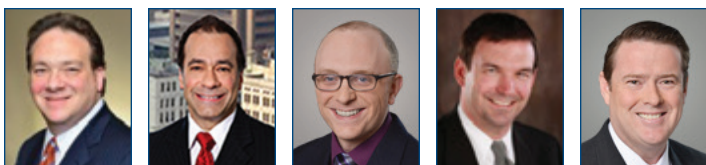
Before joining the firm, [Stephen Irving](#), with Funderburk Funderburk Courtois LLP, in Houston, Texas, worked as an attorney with the United States Department of Labor, where he gained extensive experience in litigation, occupational safety and health, and labor and employment matters. In non-government practice, Mr. Irving has also had experience with various labor and employment issues, including litigating matters of employment discrimination and sexual harassment (including EEOC charges), minimum wage and overtime, employee benefit programs, affirmative action plans, unfair labor practices, labor certifications (H1A & B), and federal prevailing wage requirements. He is a member of the DRI Insurance Law Committee.

And The Defense Wins

Keep The Defense Wins Coming!

Please send 250–500 word summaries of your “wins,” including the case name, your firm name, your firm position, city of practice, and e-mail address, in Word format, along with a recent color photo as an attachment (.jpg or .tiff), highest resolution file possible (*minimum* 300 ppi), to DefenseWins@dri.org. Please note that DRI membership is a prerequisite to be listed in “And the Defense Wins,” and it may take several weeks for *The Voice* to publish your win.

Kelly Hughes Iverson, Michael J. Wasicko, Sean Gugerty, Brant Poling, and Derek M. Stikeleather



Goodell, DeVries, Leech & Dann LLP attorneys and DRI members [Kelly Hughes Iverson](#), [Michael J. Wasicko](#), and Sean Gugerty successfully obtained a jury verdict for an OB/GYN physician and his practice group in the U.S. District Court for the District of Maryland. The plaintiff alleged that the child’s neonatal brachial plexus palsy had been caused by excessive clinician traction and sought in excess of \$2 million in damages. Echoing a recent trend across the country, the plaintiff had attempted to exclude defense testimony about the maternal forces of labor, including testimony from the defendant’s expert in biomedical engineering and certain literature about the effects of maternal forces. Following an evidentiary *Daubert* hearing, at which the biomedical engineer testified and a library of medical literature about neonatal brachial plexus palsy was presented to the court, the defense team defeated the plaintiff’s attempt, presented the literature to a jury, and introduced the testimony of the biomedical engineer, a neurosurgeon, and two expert OB/GYNs describing the maternal forces of labor. DRI member [Brant Poling](#) of Poling Law LLC joined the trial team as co-counsel.

Pretrial, the defense team filed an economic *Daubert* motion to exclude the testimony of plaintiff’s economist, who had opined that the child had sustained a roughly \$500,000 loss of earning capacity. At the evidentiary *Daubert* hearing, the GDLG lawyers presented the testimony of an economist who highlighted the methodological flaws in the plaintiff’s expert testimony. The federal trial

court found the plaintiff’s economist lacked a basis to conclude that the child had the earnings loss claimed and excluded the conclusory opinion testimony. Goodell DeVries partner and DRI member [Derek M. Stikeleather](#) participated in the *Daubert* briefing.

Jerry Popovich



DRI member [Jerry Popovich](#), a partner in **Selman Breitman**’s Orange County office, has again brought in a very low verdict in a case with admitted negligence. It was a nine-day jury trial at Riverside County’s Murrieta Branch in California. The clients are an international company and its employee. The employee, in the course of her employment, rear-ended the plaintiff, a 67-year-old workers’ compensation defense lawyer. The defendants admitted the negligence of the employee driver, but disputed the causation for extensive injuries and damages being claimed. The plaintiff sought damages for permanent nerve injuries in her right shoulder, arm, and hand, with a claim for a future surgery. The plaintiff asked the jury to award \$1.1 Million in economic and noneconomic damages.

For the defendants, Mr. Popovich challenged the relationship between the accident and the nerve injuries through cross-examination of the plaintiff’s expert neurosurgeon, successfully restricting testimony of plaintiff’s treating doctors, and use of a defense-retained expert neurosurgeon. A forensic accountant was also used to challenge the plaintiff’s claims of lost profits from her law business because she retired early as a result of the accident. The defendants accepted responsibility for two or three months of neck pain and stiffness, with headaches, but nothing more.

After less than 40 minutes of deliberation, the jury unanimously agreed with the defense arguments, awarding no damages in five categories of economic losses, and only awarding a mere \$1,000 for past pain and suffering relating to the neck complaints and headaches. There was no award relating to the nerve injuries in the right upper extremity.

Selman Breitman partner Asir Fiola and associate Celeena Pompeo in the Orange County office did the outstanding work in preparing this case for trial.

Legal News

Center for Law and Public Policy—Climate Change Hot Sheet #3

Study Attempts to Identify Successful Strategies in Climate Change Litigation

By Sean W. Martin



A first of its kind study, recently published in the peer reviewed journal *Nature Climate Change*, outlines the type of climate change lawsuits that are more likely to win or lose and why.

Researchers at George Washington University in Washington, D.C., and New York University built and analyzed a database of 873 climate change-related lawsuits from 1990 through 2016, and conducted 78 in-depth interviews with litigants who were scientists, lawyers, and advocates about the legal strategies and the evidence they used.

The review found the majority of lawsuits were filed over air-quality concerns and coal-fired power plants by litigants seeking more regulation to curb emissions, but that many of those lawsuits failed. By contrast, the courts favored pro-regulations litigants by a ratio of 2.6 to 1, where the lawsuits concerned energy efficiency or renewable energy.

A copy of the study can be found [here](#).

Sean W. Martin is a partner in the Chattanooga office of Carr Allison and is the current Chair of the Climate Change Task Force of DRI's Center for Law and Public Policy. He can be reached at swmartin@carrallison.com.

DRI News

DRI and Laurel Road Student Loan Refinancing

One of DRI's newest member benefits is the Laurel Road Student Loan Refinancing Program. Please [click here](#) to review program details in their entirety.

Program-at-a-Glance

The Laurel Road Student Loan Refinancing Program offers fixed and variable rate loans in terms of 5, 7, 10, 15, and 20 years. Laurel Road offers qualified DRI members an interest rate discount of 0.25 percent, contingent on DRI membership. If a program participant drops their DRI membership, their loan rate increases. Laurel Road currently lends to graduates of 5,345 qualified secondary education institutions. They have lent to borrowers in all 50 states. The average lawyer graduates with \$84K to \$122K in student

debt. The average starting salary is \$135K. Laurel Road can save DRI members on average \$20,000 plus over the life of an average student loan.

Recently Added Bonus for Parents

In addition to the established member benefit, Laurel Road now offers its student loan refinancing program to parents who have taken out loans for their children's college education. Parents are able to take advantage of the same low rates that graduates can and are eligible to apply as soon as their child has graduated. More information on the program can be found here: <https://www.laurelroad.com/refinance-student-loans/refinance-parent-plus-loans/#easy-savings>

NFJE Silent Auction: This Week's Featured Items

The DRI Philanthropic Activities Committee is pleased to announce the Ninth Annual Silent Auction benefiting the [National Foundation for Judicial Excellence](#) (NFJE) will be held October 17-18, 2018, at The Village (969 Market Street) in conjunction with the [DRI Annual Meeting](#) in San Francisco. This year bids will only be made through BidPal and you can start bidding now! You don't even have to be at the Annual Meeting in order to bid and win. Please visit our [online auction website](#) to get started on bidding on some awesome items to benefit a great cause!

Each week leading up to the Annual Meeting, we will feature some of our top items in the Silent Auction & Raffle. This week, our theme is travel. Here are just a few of the great opportunities for you to bid, win, and get away!

One Week Stay in an Apartment in the Heart of Besançon, France, Donated by Richard Boyette and Beth Fleishman (Value: \$400)



One week in apartment located in the heart of Besançon, France, in the Franche-Comté region, which the *New York Times* has called France's "hidden gem." Full of natural light, with an open plan kitchen and living room, this two bedroom apartment can sleep up to six people.

Its central location means you're only a few steps from a lot of great restaurants, cafés and bars, and it's located on one of Besançon's main shopping streets. It is also only a short walk from museums and historical sites, including several UNESCO World Heritage Sites.

Get Away at Caesars Palace, Las Vegas (Value: \$1,000)



Two night hotel stay with breakfast for two each morning at Caesars Palace, Las Vegas!

Get Away at the Ritz-Carlton Chicago, Chicago, IL (Value: \$950)



Two night hotel stay with breakfast for two each morning at the Ritz-Carlton Chicago, Chicago, IL!

Get Away to the Ritz-Carlton Bachelor Gulch, Avon, CO (Value: \$1,100)



Two night hotel stay with breakfast for two each morning at the Ritz-Carlton Bachelor Gulch, Avon, CO!

DRI News

Get Away at the Sheraton New York Times Square, New York, NY (Value: \$900)



Two night hotel stay at the Sheraton New York Times Square, New York, NY!

Raffle Items

Don't forget about the great **raffle items!** Check out all of the offerings here: <https://one.bidpal.net/drifoundation/custom/custom1>. Even if you cannot join us in San

Francisco, you can still play! **You can purchase tickets three ways:**

- Purchase a Raffle Ticket(s) as part of your meeting registration and pick up your tickets at the NFJE booth. Drop any of your tickets into the onsite raffle fishbowls.
- DRI members will be selling raffle tickets onsite during various meetings. Look for the “DID YOU RAFFLE” orange button!
- If you will not be at the Annual Meeting, you can purchase raffle tickets for entry into the raffle by emailing [Patrick Winters](#) at with information about the number of tickets you want to purchase and sending money via Venmo (information to be provided in response to your email).

Winners are chosen on Thursday evening with pick up available on Friday (or can be shipped if not present)!

DRI LegalPoint™ Offers Exclusive Member Access to Valuable Articles, Books, and Defense Library Series (DLS)

LegalPoint™ LegalPoint™ (formerly DRI Online) is a members-only service providing DRI members with exclusive access to a vast online library of DRI articles, books and materials. DRI members can search thousands of documents and filter them by practice area and resource. LegalPoint™ includes content from:

- *For The Defense*
- *In-House Defense Quarterly*
- Committee Newsletters
- Defense Library Series (DLS)
- Seminar Materials
- DRI Defense Wins Reporter

In addition to searching all of DRI's LegalPoint™ content, you can also access Defense Library Series (DLS) books separately and review the table of contents and individual chapters. If you have not yet accessed LegalPoint, please [click here](#) to view a brief video and find out what you are missing.

Leverage the expertise of leading defense practitioners and find the on-point articles and resources you need with LegalPoint™. Visit <https://www.dri.org/legal-resources> for more information.

DRI Women in the Law Tool Kit for SLDOs

DRI's **Women in the Law Committee** recently announced the completion of its *DRI Women in the Law Tool Kit: A Resource for State and Local Defense Organizations*. The demographics of the practice of law have changed in recent years. The American Bar Association Commission on Women in the Profession reported in 2016 that women make up 36 percent of the legal profession. Perhaps more significantly, for the first time, women make up the majority of first-year law students in the United States, coming in at 51 percent. These figures indicate that as the legal profession continues to evolve and become more diverse, an organization that can offer its female members professional value will continue to grow and remain relevant. DRI's Women in the Law Committee recognizes these important facts and has created the WITL Tool Kit for SLDOs with this in mind.

Please visit the **DRI Committees** page at <https://www.dri.org/committees/> and click on **Women in the Law** then look for the blue **Women in the Law Tool Kit** button to access the document in its entirety.

DRI Circles—Making Lawyer-to-Lawyer Connections Simple



DRI member lawyer-to-lawyer connections have become even easier and even more valuable. The DRI Circles App allows members to connect with each other by establishing personal networks or “circles.” Through DRI Circles, you can create networks based on practice area, geographic region, shared interests, etc. The DRI Circles app allows you to send messages, set up meetings, refer and track business, references and more on your mobile device. Join DRI Circles today or update your app to get even more out of your membership.

Take a look at some of the recently added valuable benefits available through the DRI Circles App:

- Added chat functionality within a business referral

DRI member lawyer-to-lawyer connections have become even easier and even more valuable. The DRI Circles App allows members to connect

- Added functionality to broadcast a message within a group
- Increased circles limit to 250 participants
- Videoconferencing

Important Note: *If you are already utilizing the DRI Circles app, you will need to delete the current version and download the newest version to take advantage of these newly added features. Upon downloading the updated version, you will be notified of any future enhancements via Apple or Google.*



<https://itunes.apple.com/us/app/dri-circles/id1292016061?mt=8>



https://play.google.com/store/apps/details?id=com.dri.circles&hl=en_US

For The Defense Digital Edition App Now Available

For The Defense magazine is now available to the DRI membership in **both** digital and print formats. Take a minute to watch this [brief video](#) that provides an overview of the benefits and the advantages that make *FTD* digital edition your “go to” DRI publication.

Great news! *FTD* digital edition is also available as an App (click the following links to download the App on [Apple](#) or [Google Play](#)). Similar to the *FTD* digital edition that comes to your inbox, the App allows you to search and share content with clients and colleagues. The App also allows you to create a favorite, zoom and pinch to see content, search and connect with advertisers and more! It is important to note that you need your DRI website login and password to download issues in the App, the App will notify you when a new issue is available.

[Click here](#) to access the September issue of *FTD* digital edition.

DRI Workers' Compensation West Coast Seminar, October 9

Are you ready for in-depth analysis of current legal trends and hot issues that will challenge the way you defend workers' compensation claims? If so, the *DRI Workers' Compensation West Coast Seminar* is the event you cannot afford to miss! This exclusive event will be held on **Tuesday, October 9, 2018** and will focus on issues of interest for West Coast workers' compensation stakeholders. The one-day program in advance of Comp Laude will offer guidance for claims professionals, including Risk Managers, claims adjusters and employers, as well as workers' compensation attorneys, on emotional intelligence in the world of workers' compensation litigation, current ethical issues and considerations, and discussions on latest developments as to what constitutes a “working day” or “normal business day” for calculating timelines for all things important involving defense of workers' compensation claims. For full program details, [click here](#).

DRI Cares

Idaho Works to Support ISB’s Access to Justice Campaign

The 53rd [Idaho Association of Defense Counsel](#) (IADC) annual meeting was held recently at the beautiful Shore Lodge in McCall, Idaho. McCall is located in the beautiful central mountains of Idaho about two hours north of Boise on Highway 95. The meeting lasted a day and a half and covered a judge’s panel, instructing attendees on current issues regarding the bench and two appeal court judges, including Ninth Circuit Judge Randy Smith, who addressed the group on appeals and oral argument on appeal. The keynote speaker was John Trimble, who let everyone know about the changes in a defense legal practice and what lawyers can do to stay ahead of the changes and plan accordingly.

The IADC was challenged by the Idaho State Bar’s Access to Justice representative, Angela Sasser, who asked everyone to donate more time and money to those who cannot afford or desperately need legal help, including domestic violence victims or the wrongfully accused. The 2018 [Idaho Access to Justice](#) campaign fundraising goal is \$250,000, and \$150,000 has been raised to date. The funding earned through the Access to Justice campaign is spent on the Idaho Volunteer Lawyers Program, Disability Rights of Idaho, and Idaho Legal Aid Services.



IDAHO
Access to Justice
 ...AND JUSTICE FOR ALL

Upcoming Seminars

Workers' Compensation West Coast Seminar, October 9, 2018



dri Workers' Compensation West Coast Seminar

Tuesday
October 9, 2018
San Diego, CA

REGISTER TODAY

Are you ready for in-depth analysis of current legal trends and hot issues that will challenge the way you defend workers' compensation claims? If so, the DRI Workers' Compensation West Coast Seminar is the event you cannot afford to miss! This exclusive event will focus on issues of interest for the West Coast workers' compensation stakeholders. The one-day program in advance of Comp Laude will offer guidance for claims professionals, including Risk Managers, claims adjusters and employers, as well as workers' compensation attorneys, on emotional intelligence in the world of workers' compensation litigation, current ethical issues and considerations, and discussions on latest developments as to what constitutes a "working day" or "normal business day" for calculating timelines for all things important involving defense of workers' compensation claims. [Click here](#) to register.

Professional Liability Seminar, November 29-30, 2018



dri Professional Liability Seminar

November
29-30, 2018
New York, NY

REGISTER TODAY

The 2018 DRI Professional Liability Seminar will provide you with the tools to defend any professional successfully in our current legal climate. With presentations by the most prominent and experienced professional liability lawyers, experts, and insurance professionals in the country, this year's seminar will again provide attendees with the most up-to-date information regarding new issues, defenses, and strategies. Through the insight, tools, and skills that you will gain at this seminar, we hope to build on DRI's renowned foundation of success by putting you at the forefront of establishing efficient and creative ways to defend the modern professional. [Click here](#) to view the brochure and register for the program.

Insurance Coverage and Practice Symposium, November 29-30, 2018



dri Insurance Coverage and Practice Symposium

November
29-30, 2018
New York, NY

REGISTER TODAY

The DRI Insurance Coverage and Practice Symposium is the foremost educational event for insurance executives, claims professionals, and outside counsel who specialize in insurance coverage. This year's symposium will once again offer an unparalleled opportunity to engage with a distinguished faculty of insurance industry leaders, experts, and coverage lawyers on emerging issues, recent court rulings, national trends, and the future of insurance coverage law. In addition, the symposium will provide exceptional networking events, as well as an opportunity to experience the wonder of New York City during the holiday season! [Click here](#) to view the brochure and register for the program.

Civil Rights and Governmental Liability Seminar, January 31 - February 1, 2019



dri Civil Rights and Governmental Tort Liability

January 31-
February 1, 2019
San Antonio, TX

SAVE THE DATES

Join us for the 32nd Annual Civil Rights and Governmental Tort Liability Seminar as we return to the Lone Star State and visit San Antonio. The seminar program is packed full of presentations on timely topics in many different areas affecting government entities, including school shootings, technology in law enforcement departments, discovery, and trial. Dean Erwin Chemerinsky and Professor Karen Blum are returning with their always insightful presentations on Supreme Court decisions and qualified immunity. Our popular substantive law committee breakout presentations will return this year along with additional breakout sessions on topics that governmental entities commonly face. Finally, look for networking and community service events to attend both during and

right after the seminar. [Click here](#) to view the brochure and register for the program.

Upcoming Webinars

No Tell/Do Tell: The ABA's Recent Ethics Opinions on Attorney Communications with the Public and the Client, October 4, 2018, 12:00 p.m. – 1:00 p.m. CST



Two Formal Opinions from the ABA Standing Committee on Ethics and Professional Responsibility discuss a lawyer's obligation regarding information relating to a client in the course of a representation. Formal Opinion 480 clarifies the limits on a lawyer's ability to publicly discuss or blog about a client's case. On the other hand, Formal Opinion 481 discusses when a lawyer must tell a client about a mistake made during a representation. [Click here](#) to learn more and register for the webinar.

The Epic Implications of Epic Systems, October 9, 2018, 12:00 p.m.-1:30 p.m. CST



Combining viewpoints from the employment arena, the class action defense arena and the business sector, this panel will discuss the Supreme Court's recent 5-4 decision in *Epic Systems Corp. v. Lewis*, holding that the NLRB had no authority to prohibit class action waivers in employment contracts. [Click here](#) to learn more and register for the webinar.

How to Use Technology and Animations to Visualize Your Case, October 11, 2018, 12:00 p.m.-2:45 p.m. CST



The presentation will go over the uses of different types of visuals and technology in today's litigation landscape. Visualizations can take the form of 3-D animations, illustrations, and stitched together laser scan data to name a few. Virtual reality technology will also be covered along with the benefits that come from using it with animation. [Click here](#) to learn more and register for the webinar.

New Member Spotlight

Melina E. Garcia, Hill Ward Henderson



[Melina E. Garcia](#) is an associate with Hill Ward Henderson in Tampa, Florida. She focuses on general and complex commercial litigation, including creditors' rights and employment law. She is admitted to practice in Florida, and the U.S. District Courts for the Middle and Southern Districts of Florida.

Ms. Garcia graduated magna cum laude from Florida State University College of Law with a certificate in business law with high honors.

Outside of the office, she enjoys Orange Theory, traveling, reading, cheering on the Tampa Bay Lightning, and spending time with her family, friends, and rescue Labrador.

Quote of the Week

“Etiquette is the science of living. It embraces everything. It is the code of sportsmanship and of honor. It is ethics.”

—[Emily Post](#) (b. Oct. 3, 1873).