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This Week's Feature



Defending a Sexual Harassment Case in a #MeToo World

By J. Chadwick Hatmaker and Scott A. Ohnegian

Beginning in the fall of 2017 and continuing through today, the #MeToo movement has swept through the country. From Hollywood, to major television networks, to Fortune 500 companies, to the world of politics, to small businesses, and several others in between, the #MeToo movement resulted in high-level executives and other employees losing their jobs, EEOC charges being filed, lawsuits being filed, and millions of dollars spent in investigation costs, defense costs, settlements, and judgments. But how does this affect you, the employment attorney who does not represent Harvey Weinstein, Matt Lauer, NBC, CBS, a Hollywood studio, or some other high-profile executive or employer of an accused?

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- Cannabis Law, May 15, 2019
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- Diversity for Success and Corporate Expo, June 19-21, 2019
- Young Lawyers, June 26-28, 2019
- Appellate Advocacy, July 19, 2019

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The banner for the Business Litigation Super Conference features the dri logo in the top left corner. The main title "Business Litigation Super Conference" is in white text on a dark brown background. Below the title, on the left, is a collage of images including a globe, a key, and a circular graphic with the words "COMPLIANCE", "SECURITY", "REGULATORY", "STANDARDS", "OLDFASHIONED", and "LITIGATION". To the right of the collage, the dates "May 8-10, 2019" and location "Austin, TX" are listed. At the bottom right, the text "REGISTER TODAY" is displayed in blue.



The banner for the Drug and Medical Device Litigation Seminar features the dri logo in the top left corner. The main title "Drug and Medical Device Litigation Seminar" is in white text on a dark purple background. Below the title, on the left, is a photograph of a person looking at a screen displaying a blue brain scan. To the right of the photo, the dates "May 16-17, 2019" and location "Washington, D.C." are listed. At the bottom right, the text "REGISTER TODAY" is displayed in purple.

Upcoming Webinars

- Separating Association from Causation Using Epidemiology, May 21, 2019, 1:00 pm-2:00 pm CST
- Friction or Fiction: The Changing World of Slip-and-Fall Analysis, June 12, 2019, 12:00 pm-1:00 pm CST

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Quote of the Week

“When women decide this war should end, this war will end.”

—[United Women's Contingent](#) (Apr. 24, 1971).

This Week's Feature

Defending a Sexual Harassment Case in a #MeToo World

By J. Chadwick Hatmaker and Scott A. Ohnegian



Beginning in the fall of 2017 and continuing through today, the #MeToo movement has swept through the country. From Hollywood, to major television networks, to Fortune 500 companies, to the world of politics, to small businesses, and several others in between, the #MeToo movement resulted in high-level executives and other employees losing their jobs, EEOC charges being filed, lawsuits being filed, and millions of dollars spent in investigation costs, defense costs, settlements, and judgments. But how does this affect you, the employment attorney who does not represent Harvey Weinstein, Matt Lauer, NBC, CBS, a Hollywood studio, or some other high-profile executive or employer of an accused?

It likely means that in the near future you will represent a client accused of sexual harassment, and you may be doing so currently. The EEOC reported that in 2018 sexual harassment charges increased by over 12 percent. Some of those charges will result in lawsuits. And in some states, such as Tennessee and New Jersey, a lawsuit alleging sexual harassment under the state's human rights law can be filed without having to first file a charge of discrimination with the EEOC or the state agency equivalent. While the #MeToo movement is a recent occurrence, the legal framework for a sexual harassment claim is not. With that framework in place, consider these tips the next time you are defending against a sexual harassment claim.

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Not Every Environment Is Hostile

The term "hostile work environment" is one of the most misunderstood terms in today's work place. A difficult boss, or difficult working conditions, does not create a legally actionable hostile work environment.

The EEOC defines sexual harassment as follows:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
- Submission to the conduct is either explicitly or implicitly made a term or condition of the employment;
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

- The conduct has the purpose or effect of substantially interfering with the person's work performance or creates a hostile, intimidating, or offensive work environment.

An actionable hostile work environment exists if the following elements are proved:

1. Member of protected class;
2. Unwelcome harassment;
3. Based on sex or gender;
4. The harassment is sufficiently severe or pervasive to affect a term, condition, or privilege of employment;
5. A reasonable person would find the environment hostile or abusive; and
6. The victim subjectively regards the environment as hostile or abusive.

Start with these definitions to determine which defenses may be available to you in a particular case. (Note: an employee can also assert a hostile work environment claim based on race, religion, national origin, or any of the other classes protected by statute. The framework for analysis of those claims is the same.)

Is the Harassment Because of Sex or Gender?

To be illegal, the harassment must be because of sex (motivated by sexual desire) or gender (hostile to men or women because of their gender). Most courts also find it illegal to harass someone because the person does not conform to the traditional stereotype for the gender (the woman is not feminine enough and the man is not masculine enough).

In contrast, the supervisor or coworker who treats everyone in the same hostile or harassing manner, sometimes known as the "equal opportunity harasser," is not engaging in harassment based on sex or gender. Depending on the allegations in the complaint, you should explore this line of questioning in the plaintiff's deposition to determine whether the alleged conduct is directed at both males and females.

Is the Harassment Sufficiently Severe or Pervasive?

In some circumstances a single serious incident is alone sufficient to create a hostile work environment. Examples include sexual assault, sexual touching of an intimate body part, and threats to deny benefits or compensation for rejecting sexual advances. But generally there must be multiple incidents to create an actionable hostile work environment. While there is no magic number of harassing incidents that automatically gives rise to liability, courts consider the frequency of the conduct, whether the incidents occurred close in time, whether the conduct was directed at the plaintiff, and whether the conduct consists of words, touching, physically threatening or humiliating conduct, or some combination of all of the above.

Based on these factors, use the plaintiff's deposition to determine every act that he or she is relying on to support the hostile work environment claim, the type of conduct involved, what occurred, where it occurred, when it occurred, how often it occurred, and how close in time the alleged incidents occurred. Of course, you will want to determine whether there are any witnesses to the events and whether any documents exist that pertain to the allegations.

Was the Harassment Unwelcome?

Was the harassment unwelcome? Arguing that the harassment was unwelcome can certainly backfire if the judge or jury thinks that you are simply blaming the victim. But in some cases, arguing that the harassment was not unwelcome may be appropriate.

To make this determination you must explore the plaintiff's conduct in and out of the workplace. Has the plaintiff engaged in conduct similar to what he or she is claiming was experienced? Do the plaintiff's social media accounts tell a different story than the one painted in the lawsuit and the notion that he or she would be offended by the alleged conduct? Do the text messages between the plaintiff and the alleged harasser indicate that the conduct was consensual or welcome? Did the plaintiff ever object to any of the conduct? Did the plaintiff ever tell the harasser no, or complain to anyone about the alleged conduct? All of these areas should be explored during the investigation and discovery phase.

Was the Complaint Policy Followed?

For an employer to be liable for harassment of an employee by a co-worker or non-employee, the plaintiff

must show that the employer knew, or should have known, of the harassment and failed to take prompt and effective corrective action.

If a supervisor is accused of harassment, whether the employer established and disseminated an appropriate anti-harassment policy and whether a complaint was made in accordance with that policy will be key to determining the affirmative defenses available to the employer. In *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998), and *Faragher v. City of Boca Raton*, 118 S. Ct. 2275 (1998), the Supreme Court made clear that employers are subject to vicarious liability for unlawful harassment by supervisors. These cases hold that an employer is vicariously liable for a supervisor's harassment if it culminates in a tangible employment action. If it does not, an employer may be able to avoid liability or limit damages by establishing an affirmative defense that includes two necessary elements: (1) the employer exercised reasonable care to prevent and correct promptly any harassing behavior; and (2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer, or to avoid harm otherwise.

To establish the first element of the affirmative defense, the employer must be able to show that it established and disseminated an anti-harassment policy that clearly prohibits unlawful harassment and retaliation and contains a clear method for making complaints of harassment. If your client has established and disseminated such a policy, that document will be a key exhibit in the case. You also have to show that the employer enforced the policy and took prompt corrective action in response to any complaints that were made. If your client conducts regular anti-harassment training, you will also want to offer that proof, to show these additional reasonable steps that your client has taken to prevent harassment.

If the plaintiff did not complain in accordance with the policy, that is your best fact to show the second element of the affirmative defense. However, if the plaintiff has also engaged in consensual conduct with the accused, or other conduct which would indicate that the harassment is not unwelcome, that proof could also go to show that the employee unreasonably failed to take advantage of the employer's preventative opportunities, or to avoid harm otherwise.

Conclusion

While the #MeToo movement is still relatively new, the best way to defeat these claims is tried and true. Remind your clients that an ounce of prevention is worth a pound of

cure. Encourage them to conduct anti-harassment training on a regular basis, and preferably annually. Indeed, in some jurisdictions, annual training is mandated by statute. Make sure that your clients' policies clearly prohibit harassment and retaliation and have clear and effective complaint procedures. Encourage prompt, thorough, and complete investigations. If you are brought into the decision-making process, ensure that the corrective action taken is effective to address the current issue and hopefully avoid further issues. And when a lawsuit occurs, go to the legal framework set forth above to establish your defenses.

Mr. Hatmaker and Mr. Ohnegian will present a session during the [DRI Employment and Labor Law Seminar](#), May 8-10, 2019, in Phoenix, Arizona.

[J. Chadwick \(Chad\) Hatmaker](#) is a member of **Woolf McClane Bright Allen & Carpenter PLLC** in Knoxville, Tennessee. His primary areas of practice are employment law and commercial litigation. He represents his clients in proceedings before various administrative agencies and state and federal trial and appellate courts. Mr. Hatmaker is a member of the DRI Employment and Labor Law Committee.

[Scott A. Ohnegian](#), chair of **Riker Danzig Scherer Hyland & Perretti LLP's** Labor and Employment Group, in Morristown, New Jersey, represents management in litigating federal and state employment matters including claims involving allegations of discrimination, whistleblowing, harassment, Sarbanes-Oxley retaliation, misappropriation of trade secrets, and restrictive covenant matters in state and federal courts and represents them before various state and federal agencies. He is a member of the DRI Employment and Labor 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.

Brendan Doherty and Adam Robertson



DRI members [Brendan Doherty](#) and [Adam Robertson](#), of **Gieger Laborde & Laperouse LLC**, Houston, Texas, secured a favorable outcome after a trial in Harris

County, Texas, on April 4, 2019. The plaintiff, a scaffold builder, was involved in an accident at a petrochemical refinery in which an object was dropped from elevation and struck him on the neck. The plaintiff alleged that the defendant, an ironworking firm, negligently dropped the object and that it had failed to properly barricade its work area. The plaintiff underwent a cervical fusion and claimed permanent disability and an inability to return to work, resulting in significant wage loss and medical treatment expenses. The jury deliberated for approximately six hours and returned a verdict, finding that the plaintiff, his

employer, and the owner/operator of the facility were primarily at fault. After deductions for fault, the verdict was approximately \$650,000 less than the plaintiff’s last demand.

Michael P. Spellman and Matthew J. Carson



DRI members [Michael P. Spellman](#) and [Matthew J. Carson](#), of **Sniffen & Spellman PA** in Tallahassee, Florida, recently obtained a jury verdict on behalf of the Columbia

County Sheriff’s Office in federal court. The case, which was brought by the estate of an inmate who committed suicide in the Columbia County Jail, was originally brought alleging claims under Section 1983 and state court law. After a four-day jury trial, the jury returned a verdict of no liability.

Don't Forget! *For The Defense*—Digital Edition App Now Available

NOW is the time to take advantage of the opportunity to view DRI's flagship publication in its online format. Please take a minute to watch this brief [video](#) that provides an overview and outlines the benefits and advantages of making *FTD*—Digital Edition your “go-to” DRI publication.

Great news! *FTD* digital edition is now 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 April 2019 issue of *FTD* Digital Edition.

New Episode of DRI's Podcast, “A Conversation with...”

On this week's “A Conversation with...” Podcast, Frank Ramos and Tom Hurney chat about Tom's family of lawyers (including his grandmother), trying cases and communi-

cating with jurors, challenges of the profession and life in general. Click [here](#) to listen to this episode.

DRI Cares

#DRICares Supports Operation Gratitude at Toxic Tort and Environmental Law Seminar

Attendees at the recent 2019 DRI Toxic Torts and Environmental Law Seminar in New Orleans had the opportunity to support our nation's troops by teaming with [Operation Gratitude](#). Operation Gratitude annually sends 200,000 care packages to U.S. service members deployed overseas and their family members waiting to welcome them home. During seminar breaks and at the TTEL committee meeting, seminar attendees assembled "Battalion Buddies" teddy bears to be sent to children of deployed service members as a show of comfort and support. In just a few hours' time, the group assembled 300 bears.

Many thanks to Laurel Royer of Exponent and Elizabeth Brotten of Foley & Mansfield, who organized the projects; the employees of Thompson Hine LLP and Hinshaw & Culbertson LLP, who raised funds to support the project; and all who took the time to assemble the bears!



South/Southeast Meeting Set to Support Local Library

The Southern and Southeastern Region is meeting April 25-27 in Key Largo, Florida. In keeping with DRI Cares, the region's leaders will be collecting new, best-selling books, audiobooks on CDs, music CDs, and DVDs with new movies to donate to the [Friends of Key Largo Library](#). The library is excited about getting donations and depends on these donations to provide materials to

their patrons. A wish list has been set up through Amazon Smiles with links as set out below. If you are unable to attend the meeting or if convenient, Foley Mansfield, in Miami has agreed to receive the items.

Links:

[Young Adult Books](#)
[Movies](#) (DVD)
[Music](#) (CDs)

Address:

Foley Mansfield
Attn: Virginia Johnson - DRI
4770 Biscayne Boulevard
Suite 1000
Miami, Florida 33137
Main: 305-438-9899
Fax: 305-438-9819

Thank you for caring!

LegalPoint

What's Bubbling Up? Emerging Issues in Environmental Consulting

Authors Angie Perez, Dallas Cohen, and John Kind have noticed a recent trend of an increasing number of litigations involving female plaintiffs alleging asbestos-related mesothelioma, particularly in “take-home” exposure scenarios. Whereas historically most mesothelioma cases have been associated with prior asbestos exposure, epidemiological evidence of incidence trends over the last several decades indicate that not all mesotheliomas are associated with asbestos exposure (Moolgavkar et al., 2017). Moolgavkar et al. reported that incidences of pleural mesothelioma among women, and peritoneal mesothelioma among both men and women, “show little or no association with commercial asbestos use trends in the USA,” and therefore, have a small role in the etiology of mesothelioma (Moolgavkar et al., at 45, 2017). It is estimated that for pleural mesothelioma, 50 to 80 percent of these cancers in men, and 20 to 30 percent in women, are associated with asbestos exposures (Carbone et al., 2012). While only 30 percent of peritoneal mesothelioma in men is associated with asbestos exposure, and in women,

the association with asbestos exposure is “considered epidemiologically weak to undetectable” (Carbone et al., at 20, 2012).

Please take advantage of one of the many offerings that [DRI LegalPoint™](#) has to offer and review this [item](#) from February 2019. DRI LegalPoint™ (formerly DRI Online) is a DRI members-only service that provides exclusive access to a vast online library of DRI articles, books and materials. Members can search thousands of documents and filter them by practice area and resource. DRI LegalPoint™ includes content from:

- *For The Defense*
- *In-House Defense Quarterly*
- Committee newsletters
- Defense Library Series (DLS) NEW
- Seminar materials
- DRI Defense Wins Reporter

On-Demand

Ethical and Effective Use of Motion Practice and Representing Multiple Parties: A View from the Bench

Hear from a federal magistrate on how to use motion practice effectively and ethically to try and resolve cases or limit the scope of issues for trial. The presentation will discuss counsel’s ethical obligations to the court and opposing counsel when citing nonbinding and unreported legal authority and evidence in a summary judgment

motion. There will also be a discussion about ethical issues when representing multiple parties, such as a municipality and its police officers in civil rights litigation.

If this [On-Demand](#) offering from DRI sounds valuable to you, [click here](#) to take advantage and check back each week in *The Voice* for a newly featured item.

Upcoming Seminars

Intellectual Property Litigation, May 8–10, 2019



The graphic for the Intellectual Property Litigation Seminar features the DRI logo in the top left. The main title "Intellectual Property Litigation Seminar" is in a dark green box. Below it, a collage of images shows a laptop with "COPYRIGHT" and "PATENT" labels, and a hand holding a document with "REGISTER" and "COPYRIGHT" labels. The dates "May 8–10, 2019" and location "Austin, TX" are in a white box. A "REGISTER TODAY" button is at the bottom right.

This year, we take a look at a variety of issues relevant to IP litigators—ranging from building a strong case for attorney’s fees to IP issues from an in-house perspective. We will explore emerging issues in patent, copyright, and trademark law, focusing on industries such as video gaming, and provide practical, cutting-edge strategies for issues that IP litigators face every day, such as consumer surveys. We will join in a plenary session with the DRI Commercial Litigation Committee, where we will learn insights from Alberto Gonzalez, former U.S. Attorney General and White House Counsel to President George W. Bush; explore the pros and cons of arbitration; and hear the perspective of a retired judge on the changing landscape of truth in the United States. Our young lawyers also

have the opportunity to join the Young Lawyers Breakout on Wednesday afternoon. Click [here](#) to view the brochure and to register for the program.

Cannabis Law, May 15, 2019



The graphic for the Cannabis Law Seminar features the DRI logo in the top left. The main title "Cannabis Law Seminar" is in a dark blue box. Below it, an image shows cannabis leaves with sunlight filtering through. The date "May 15, 2019" and location "Washington, D.C." are in a white box. A "REGISTER TODAY" button is at the bottom right.

Thirty-three states have legalized medicinal cannabis and 10 states have legalized the recreational use of cannabis. However, the combination of the Controlled Substance Act (Schedule One), the resignation of Jeff Sessions, and ongoing regulatory uncertainty presents a barrier to full realization of the potential of this \$50 billion-plus business. This quickly developing sector affects virtually every area of the law and provides opportunities to those with the knowledge base to guide clients and companies deftly through a shifting regulatory and legal landscape. DRI’s Cannabis Law Seminar provides you with subject matter experts who will share with you the knowledge and strategies needed by professionals, businesses, and insurers to traverse the complex pitfalls and prospects of

cannabis legalization successfully. Click [here](#) to view the brochure and to register for the program.

Fidelity and Surety Roundtable, May 17, 2019



The graphic for the Fidelity and Surety Roundtable features the DRI logo in the top left. The main title "Fidelity and Surety Roundtable" is in a dark blue box. Below it, an image shows a large gold dollar sign surrounded by a blue fence. The date "May 17, 2019" and location "Chicago" are in a white box. A "REGISTER TODAY" button is at the bottom right.

The Fidelity and Surety Roundtable focuses exclusively on important legal issues involving fidelity and surety claims and litigation. We are excited about the ethics presentation this year, which will address limitations on enforcing a surety’s rights. Plus, it is great to earn an ethics CLE credit. The size of the seminar encourages lively group participation from the many surety company representatives and attorneys who attend. Also, meet and socialize with other attendees at the networking dinner Thursday night and at the Friday afternoon social event in Chicago. Click [here](#) to view the brochure and to register for the program.

Upcoming Seminars

Diversity for Success and Corporate Expo, June 19-21, 2019



The graphic features the 'dri' logo in the top left corner. The main title 'Diversity for Success Seminar and Corporate Expo' is displayed in white text on a dark brown background. Below this, the dates 'June 19-21, 2019' and the location 'New Orleans' are listed. A photograph of hands assembling puzzle pieces is shown on the left side. At the bottom right, there is a 'REGISTER TODAY' button.

The DRI Diversity and Inclusion Committee invites you to New Orleans for the 14th annual Diversity for Success Seminar and Corporate Expo. This seminar will include an honest and frank conversation about the ongoing struggle for diversity and inclusion in the legal profession. The program will discuss strategies for overcoming the roadblocks faced by diverse law firm attorneys and for utilizing support from our corporate friends in implementing those strategies. You will learn what corporate clients are looking for when you make a pitch for business and then be able to use those skills in your expo interviews on Friday. Click [here](#) to view the brochure and to register for the program.

Young Lawyers, June 26-28, 2019



The graphic features the 'dri' logo in the top left corner. The main title 'Young Lawyers Seminar' is displayed in white text on a purple background. Below this, the dates 'June 26-28, 2019' and the location 'Nashville' are listed. A photograph of a woman standing on a stage under spotlights is shown on the left side. At the bottom right, there is a 'REGISTER TODAY' button.

Welcome to Nashville, Music City and home to some of the best barbeque there is! This seminar is jam-packed with sessions to teach young lawyers practical skills while giving them ample opportunities to develop and grow meaningful, career-rocketing relationships. Join like-minded, enthusiastic young lawyers not only to develop critical skills, but also to create genuine friendships with top attorneys from around the country. Hear from engaging in-house and outside counsel alike on key issues such as voir dire techniques, making compelling opening statements and persuasive closing arguments, interfacing with the news media on behalf of your client, and more! Click [here](#) to view the brochure and to register for the program.

Appellate Advocacy, July 19, 2019



The graphic features the 'dri' logo in the top left corner. The main title 'Appellate Advocacy Seminar' is displayed in white text on a dark green background. Below this, the date 'July 19, 2019' and the location 'Chicago' are listed. A photograph of two people in business attire reviewing documents is shown on the left side. At the bottom right, there is a 'REGISTER TODAY' button.

This program will benefit all attorneys interested in appellate practice. All appellate practitioners, including seasoned appellate advocates, attorneys looking to branch into or build an appellate practice, and young lawyers, will learn relevant and practical skills to apply to their daily work. Moderators will pose thought-provoking questions and hypotheticals to panels of distinguished judges, practitioners, and academics who will share their knowledge of appellate practice, business development, legal writing, records on appeal, appeals of injunctions, and judicial recusal. As a bonus, the committee is teaming up with the National Foundation for Judicial Excellence (NFJE) to provide two sessions of joint programming and a joint networking reception at the conclusion of

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

Upcoming Webinars

Separating Association from Causation Using Epidemiology, May 21, 2019, 1:00 pm–2:00 pm CST



Epidemiology is the study of the causes and patterns of diseases in populations. This science is essential to establishing general causation, that is, whether exposure to an agent is capable of causing a health effect. This webinar will provide an overview of epidemiology and explain how an exposure and a health outcome may be associated due to a causal effect or due to other, non-causal reasons. Examples will be given to illustrate how epidemiologists evaluate the weight of scientific evidence to determine whether general causation has been established. Click [here](#) to register.

Friction or Fiction: The Changing World of Slip-and-Fall Analysis, June 12, 2019, 12:00 pm–1:00 pm CST



The past 10 years have brought significant advances in the field of reliable walkway slip analysis. At the same time, the inertia of decades of questionable analysis methods has not been overcome. Many “experts” still rely upon these questionable methods. This presentation, which features numerous case studies, takes an in-depth look at methodologies, research, standards, and practical applications of tri-bometer testing. A brief review of litigation considerations will be discussed as well. Click [here](#) to register.

State Membership Chair/State Representative Spotlight

Kansas



State Membership Chair

John R. Hicks, Managing Member, Norris & Keplinger LLC

Areas of Practice: Medical malpractice, professional liability, and premises liability

DRI member since 2008.

John's experience with DRI: "I joined DRI in 2008 but did not really get involved until I joined the DRI Lawyers' Professionalism and Ethics Committee in 2010. Since then, I have forged many lasting friendships with DRI members who have helped me grow my practice. In 2014, I became more involved in and worked with the DRI Medical Liability and Health Care Law Committee by assisting in the planning of the Medical Liability Seminar. The contacts I have made within this committee have become a valuable resource. I have found that the more involved I get, the more I appreciate just how much DRI has to offer."

Fun Fact: "I cannot touch my thumb to my little finger."



State Representative

Mark D. Katz, Senior Member, Coronado Katz LLC

Areas of Practice: Product liability, governmental liability, personal injury, and insurance law

DRI member since 1993.

Mark's experience with DRI: "As the outgoing chair of the Fire Science and Litigation SLG and an active member of the DRI Product Liability Committee, I have been fortunate to form professional and personal friendships throughout the United States and Canada. My experiences as a board member and officer of the Kansas Association of Defense Counsel and my involvement in DRI's Mid-Region have given me a well-rounded view of how DRI and SLDOs can work cooperatively to provide networking, education, and professional development to their members. Without question, these opportunities have combined to make me a better lawyer and partner."

Fun Fact: "I am a member in good standing of the 'Grateful Dead Subcommittee' that convenes at every DRI Product Liability meeting; and when there are instruments, I sing way-in-the-background vocals and play rhythm guitar."

New Member Spotlight

Martin D. Trimiew, Unum Group



[Martin D. Trimiew](#) is assistant vice president, legal counsel of **Unum Group** in Chattanooga, Tennessee. He counsels clients in the areas of life, long-term care, and disability benefits related to ERISA- and non-ERISA-governed insurance products. He is admitted to practice in the state of Tennessee, the U.S. District for Eastern District of Tennessee, and the U.S. District for the Middle District of Tennessee.

Mr. Trimiew graduated from Wheaton College (B.A.), the University of Notre Dame (M.Ed.), and Washington

University School of Law in St. Louis (J.D.). After law school, he practiced at a regional insurance defense firm in the areas of employment law, workers' compensation, personal injury litigation, and insurance defense. Then he served as in-house litigation counsel at a global insurance broker in the areas of errors & omissions investigation and professional liability litigation. Mr. Trimiew is committed to Unum's ongoing initiatives in inclusion and diversity, and he is inspired to help DRI lead in this important movement in the legal profession.

Quote of the Week

"When women decide this war should end, this war will end."

—[United Women's Contingent](#) (Apr. 24, 1971).