



The Voice of the
Defense Bar™

The Voice

September 4, 2019

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This Week's Feature



Seat Belt Evidence: The Evolving Status of the Law and Admissibility

By Shane O'Dell and Quinn Campbell

In general, the seat belt defense allows for reduced damages when a plaintiff's injuries can be linked to his or her failure to wear a seat belt. In most states, specifically, 29, evidence of seat belt use is not admissible in civil actions. NHTSA, Report No. DOT HS 812 129 (2015). However, the majority of laws preventing the seat belt defense were written in the 1970s and 1980s when American society had a very different outlook on seat belt use. The evolution of mandatory seat belt usage creates the opportunity to revisit the seat belt defense.

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- The Value of Hiring a "Credible" Attorney, September 18, 2019, 12:00 pm-1:00 pm CST
- Gathering, Preserving, and Using Non-Traditional Sources of Electronic Data in Your Trucking Case, September 25, 12:00 pm-1:00 pm CST
- Using Experts to Navigate the Minefields of Litigation, October 1, 12:00 pm-1:30 pm CST

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dri™	Nursing Home/ ALF Litigation Seminar
	September 19-20, 2019 Chicago REGISTER TODAY

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State Membership Chair/State Representative Spotlight

- Ohio

John J. Garvey III, Shareholder, Garvey Shearer Nordstrom PSC

Anne Marie Sferra, Partner, Bricker & Eckler LLP

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New Member Spotlight

Ericka Fang, Kaufman Borgeest & Ryan LLP

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Quote of the Week

“They hate because they fear, and they fear because they feel that the deepest feelings of their lives are being assaulted and outraged. And they do not know why; they are powerless pawns in a blind play of social forces.”

– Richard Wright (September 4, 1908 – November 29, 1960), [Native Son](#)

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In general, the seat belt defense allows for reduced damages when a plaintiff's injuries can be linked to his or her failure to wear a seat belt. In most states, specifically,

29, evidence of seat belt use is not admissible in civil actions. NHTSA, Report No. DOT HS 812 129 (2015). However, the majority of laws preventing the seat belt defense were written in the 1970s and 1980s when American society had a very different outlook on seat belt use. The evolution of mandatory seat belt usage creates the opportunity to revisit the seat belt defense.

In 1983, the Campbell family took road trips from Minnesota to Colorado. Three children would all lay unbelted on the bed in the back of a conversion van. No one knew how dangerous that was. But it was a different world. Back then, only 14 percent of people wore seat belts. NHTSA, Report No. DOT HS 810 962 (2008). Most states didn't have seat belt laws. *The Seat Belt Defense and North Carolina's New Mandatory Usage Law*, North Carolina Law Review (1986). Fast-forward 36 years and seat belt use rates had increased to around 90 percent. NHTSA, Report No. DOT HS 812 546 (2018).

All 50 states have mandatory laws for child restraints. This year, Florida also considered a bill that would have made it child abuse if a child was not properly restrained while riding in a vehicle. SB-128 (Fla. 2019). When child safety seats are used correctly, they can reduce fatal injuries by 71 percent for infants and by 54 percent for toddlers. NHTSA, Report No. DOT HS 812 383 (2017). While the proposed Florida law did not pass, it is a microcosm of the radical change in American's views on seat belt use since the 1980s.

Should a plaintiff's failure to use a seat belt be excluded from evidence, to the benefit of the plaintiff's case? A Minnesota court of appeals specifically addressed that issue in 1995. *Cressy v. Grassmann*, 535 N.W.2d 39 (Minn. Ct. App. 1995). A mother and son were driving in their personal vehicle when they were hit by a bus. The mother was able to sue for damages to herself and her son, when neither were restrained in seat belts, and the defendant was not able to mention seat belt use. Additionally, a com-

plaint filed by the father against the mother was dismissed because seat belt use was not admissible by statute.

Cressy epitomizes the seat belt evidence issue. Courts have upheld the gag order on seat belt evidence despite changing laws requiring seat belt use, even when a parent's case benefits despite failing to restrain a child. If evidence of seat belt use is excluded, a plaintiff could benefit financially in a vehicle accident case from an unrestrained child's death. Florida's proposed legislation earlier this year, under which leaving children unrestrained would have become child abuse, illustrates the change in position of our society on this issue. The Minnesota case, *Cressy*, shows that courts will exclude seat belt evidence and preclude the jury from considering it, potentially leading to verdicts that juries may be ashamed of, if they knew all the facts.

Most of the original decisions regarding the seat belt defense were made in the 1980s when there were no seat belt laws, when there wasn't good evidence to support seat belt use, and frankly, when the public didn't support using seat belts. Currently, most Americans use seat belts and are very aware of the significant risk associated with not wearing one. This is due in part to the much better scientific evidence demonstrating which injuries seat belt use can prevent. In the 1980s some judges argued that juries would have to speculate about which injuries would be prevented or would not be prevented by a seat belt. That is not a problem now, given the state of accident reconstruction and biomechanics. *Using Biomechanics to Support or Refute a Seat Belt Defense*, [The Expert Inst.](#) (Apr. 20, 2017).

In many cases, the introduction of seat belt evidence would result in a more accurate outcome. In jurisdictions where the seat belt defense is allowed, most require affirmative evidence that the occupant was not using a seat belt and evidence demonstrating which injuries resulted from not doing so.

While opinions regarding seat belt use have evolved, the law has not—until recently. The tides are beginning to turn. In 2015, the Texas Supreme Court reversed 30–40 years of precedence regarding the admissibility of seat belt use. *Nabors Well Services v. Romero*, 456 S.W.3d 553 (Tex. 2015).

The seat belt defense is not a windfall to defendants, but it will render more accurate verdicts. Preventing the introduction of a seat belt defense penalizes the 90 percent of people who wear their seat belts. Excluding this evidence results in higher verdicts in these cases, which, in turn, leads to higher insurance premiums for all. Trucking companies may unjustly pay an even greater portion of this cost because these companies are bigger targets for plaintiffs.

More and more states are reconsidering the long-held position on admissibility. Just as changing societal norms regarding seat belt use are changing, the legal norms on the admissibility of that evidence are changing, too. Other safety equipment such as motorcycle helmets have experienced similar societal changes, and depending on the jurisdiction, may experience increased admissibility as well.

[Shane O'Dell](#) is the managing member of the Fort Worth, Texas, office of **Naman Howell Smith & Lee PLLC**. Shane represents clients throughout the state of Texas, from the initial emergency response, to pre-suit investigation, and through trial. Shane's goal is to effectively and efficiently advise his clients to make sound business decisions from the initial investigation throughout the judicial process. Shane is a member of the DRI Trucking Committee and the IADC.

J. Quinn Campbell, Ph.D. is a senior biomechanical engineer with **Jensen Hughes**. He is located in Denver but works on cases throughout the United States and Canada.

[If you would like more information on the current status of the seat belt defense in your state, please do not hesitate to contact the authors of this article.](#)

Member News

Martin Honored with Lifetime Achievement Award



DRI Past President **John H. Martin** of Thompson & Knight in Dallas has been honored with a 2019 Lifetime Achievement Award from *Texas Lawyer* magazine. Mr. Martin, who served as DRI president in 2007–2008, is a veteran trial lawyer who has dedicated his practice to defending clients in mass tort and catastrophic injury, aviation, pharmaceutical, professional liability, and general business and commercial litigation. Over the course of his career, he has led or served as primary counsel in some of the most important aviation cases in history, defending several major airlines, including Delta, American Airlines, and Continental Airlines.

Mr. Martin, a University of Texas School of Law graduate and former U.S. Navy officer, joined Thompson & Knight LLP in 1974. He has been an active DRI member since 1984, including service as Southwest Region Director, Texas State Representative, Finance Committee Chair, Corporate Counsel Roundtable Chair, and Election Procedure Task Force Chair. Mr. Martin was the 2015 recipient of DRI's Louis B. Potter Lifetime Professional Service Award.

Mr. Martin is also a former president and chair emeritus for the National Foundation for Judicial Excellence, which awarded him the Richard T. Boyette Award for Outstanding Contributions in 2015. He has had leadership roles with Lawyers for Civil Justice, the Texas Association of Defense Counsel, the Dallas Association of Defense Counsel, and the Center for American and International Law, and fellowships with the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the Litigation Counsel of America. Mr. Martin has been recognized by the Best Lawyers in America, Texas Super Lawyers, Lawdragon, and *InterContinental* magazine. He is a consummate professional, a credit to the legal profession, and a stellar representative of the defense bar.

A profile of Mr. Martin and his fellow 2019 honorees will be published in the September issue of *Texas Lawyer*. An

awards ceremony in their honor will be held on September 18 at the Belo Mansion in Dallas.

Congratulations, John!

Q&A with John Martin

Texas Lawyer: The legal profession is constantly evolving and that evolution only seems to have accelerated in recent years. What's the biggest change you've seen in the profession during your career?

John Martin: By far, the biggest change has been the use of technology in the practice. When I started with the firm, all the typing was done by secretaries using typewriters and carbon paper. There was no storage capability, so if a young associate needed to make a minor change in a document the secretary would be most unhappy! Courtroom demonstrative aids consisted of a blackboard and a flipchart. Correspondence was entirely by letter sent by US Mail or hand delivery.

TL: What is one thing about the profession that has remained unchanged over the years?

JM: For trial lawyers, thorough preparation is still the most important key to success. Skilled advocacy techniques and detailed factual and legal research are important but those are less useful in the absence of preparation.

TL: What is one piece of advice you would give someone entering into the profession that you wish you had as a young lawyer?

JM: Spend non-billable time watching the best of the best in the courtroom. While there are far fewer trials today, there are still opportunities to watch some of the great trial lawyers perform in high stakes cases, and young lawyers can learn much by observation.

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.

Jonathan D. Rubin



On June 21, 2019, DRI member [Jonathan D. Rubin](#), a partner in the Medical Malpractice Group of **Kaufman Borgeest & Ryan LLP** in New York, New York, achieved a defense verdict in favor of his client in the case captioned

Raymond Bonsignore v. Steven Puopolo M.D., Orthopedic Associates of Long Island, Howard Blumstein M.D., and Rheumatology Associates of Long Island, LLP, No. 064549/2014, in the New York State Supreme Court, Suffolk County.

This action involved a failure to rule out an infection before treating a plaintiff for a suspected rheumatologic condition with immunosuppressant medications subsequent to an A1 pulley release procedure on June 27, 2012. Specifically, the plaintiff alleged that the co-defendant, an orthopedic surgeon, and his client, a rheumatologist, placed the plaintiff on a course of steroids, and later, the rheumatologist prescribed Enbrel before diagnostically ruling out infection on their differential list, which allowed osteomyelitis to develop and cause severe damage to the plaintiff's left wrist until it was diagnosed in late August 2012.

The plaintiff initiated the action in 2014, seeking damages for injuries to his left wrist and fingers, which necessitated a wrist-fusion procedure in 2014. The plaintiff further claimed that the damage to his left wrist and fingers left him permanently unable to work or perform numerous daily living activities, such as doing laundry, other household chores, and opening a water bottle. In addition, the plaintiff claimed that he could no longer drive long distances, and he could no longer participate in coaching or recreational sports, namely bowling. In total, the plaintiff sought damages approaching \$3.5 million.

The defense of the rheumatologist and Rheumatology Associates of Long Island focused on the propriety of the treatment, given the plaintiff's overarching clinical picture at the time, as well as the lack of disability and damages resulting from the plaintiff's injury. In particular, the defense

argued that the plaintiff had a history of rheumatologic issues dating back to his 2005 treatment with the rheumatologist for ankle swelling and plantar fasciitis, which evidenced that the plaintiff's post-operative swelling was a recurring rheumatologic condition. Though the plaintiff argued that a July 19, 2012, wrist aspiration that came back dry necessitated an open wrist-swab procedure to get a fluid sample for the hospital's pathology laboratory, the defense successfully countered that the dry aspiration was clinical evidence in itself that there was no infection present at the time, and given the plaintiff's clinical picture at the time, an open wrist-swab procedure would have been unnecessarily invasive and risky.

Throughout the three-week-long trial the jury heard testimony from a significant number of qualified physicians and experts retained by both sides, arguing their respective positions. Defense testimony from a rheumatologist, who testified about the standard of care, and from an orthopedic surgeon, who testified for the rheumatologist defendant about the lack of damages suffered by the plaintiff, were key among other supportive defense experts to achieving the defense verdict. In addition, surveillance, played during the trial, revealed that the plaintiff was capable of performing many tasks that he claimed he was unable to do with his left hand, such as handling heavy rocking chairs, twisting a fused hose head, and easily operating a large SUV. The defense also successfully argued that while the plaintiff may have been unable to return to work, this was likely due to his many other subsequent health issues and procedures, such as a knee surgery and a gastric bypass, rather than solely his injured wrist. Further, though the plaintiff claimed that he was still actively looking for work, the defense debunked his claim by highlighting recent Facebook posts in which the plaintiff discussed traveling to Florida to look for retirement homes. Ultimately, the defense prevailed after a short jury deliberation of approximately two and a half hours.

Grow Your Network at DRI's 2019 Annual Meeting!

Strengthen old relationships and develop new ones in New Orleans this fall! DRI's **2019 Annual Meeting** will take place October 16–19 at the New Orleans Marriott in New Orleans. You'll find out what your peers are doing, what the new trends are, and where there's room for movement

and improvement. Invest in your career by joining us in New Orleans for a productive, inspiring, motivational, and memorable experience. Check out the [brochure](#), [register](#), and [book your room](#) today! #DRI2019AM

DRI Cares

WDTL Helps Foster Youth

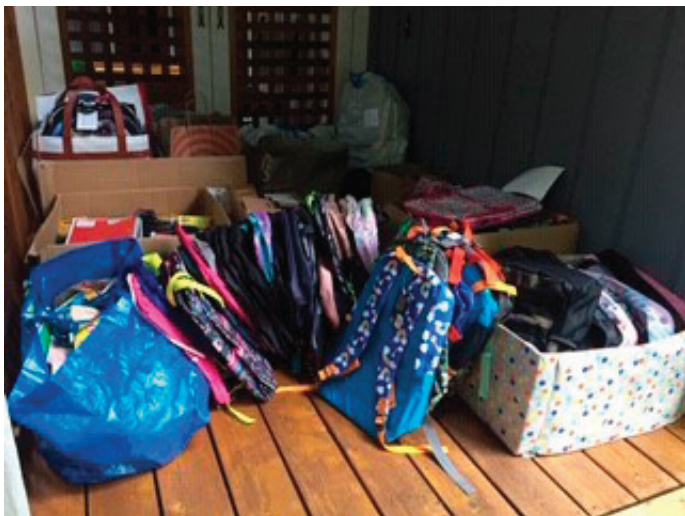
While most members of the Washington bar were dealing with the daily demands of practicing law or taking time off to enjoy the one month of guaranteed sunshine in the Pacific Northwest, this past August **Washington Defense Trial Layers** (WDTL) rolled up their sleeves and gathered school supplies and backpacks for [Treehouse](#). Founded in 1988, Treehouse is Washington's leading nonprofit organization dedicated to closing the academic gap between youth in foster care and their peers. Treehouse helps 7,000 youth in foster care through programs that help them succeed in school, fulfill key material needs, and provide important childhood experiences every child deserves.

In this year's back to school drive, WDTL added a competitive incentive by offering a pizza party to the firm or person who donated the most backpacks. WDTL members collectively donated three carloads of school supplies (consisting of crayons, pens, glue sticks, folders, notebooks, loose-leaf paper, pens, calculators, etc.) and a total of 265 backpacks. Through WDTL's donations, foster youth not only went back to school in style this fall with cool new backpacks, they were also provided the necessary tools to be successful in the classroom.

Congratulations to **Forsberg & Umlauf** for donating the most backpacks. Bravo to **Carrie Cook**, legal assistant at Betts Patterson Mines, for donating the most backpacks

as an individual. "Best in Show" goes to **ExamWorks**, which does independent medical examinations, peer and bill reviews, and case management. ExamWorks donated a Victoria Secret backpack that had all the sparkle and glam one would expect from this infamous retailer. Kudos to **Preg O'Donnell & Gillett** for donating the most school supplies, and a special shout out to those who donated soccer gear to this year's drive.

Finally, honorary mention goes to **Heather**, who is not a lawyer and has no affiliation with WDTL. Heather donated a large bag of school supplies that included several calculators and two backpacks. When asked how Heather even knew about WDTL's back to school drive, Heather simply responded that she wanted to help contribute to the success and future of foster youth. In speaking further with Heather, she shared that she comes from somewhat limited means, but supporting the back to school drive for Treehouse was important. Heather's kindness and giving spirit epitomizes what the back to school drive is all about. So, hats off to Heather and her desire to help foster youth and all the WDTL members who supported this year's back to school drive for Treehouse.



DRI Cares

DRI Philanthropic Activities Committee Silent Auction

Get ready to bid! DRI will once again hold its annual **Silent Auction and Raffle** to benefit the [National Foundation for Judicial Excellence](#) (NFJE) during the [2019 DRI Annual Meeting](#) in New Orleans. Bids will be made once again this year through an easy-to-use electronic bidding app. The bidding will begin as soon as items are placed on the bidding website and will continue through the evening of the Thursday night networking event. You will be able to bid using the electronic smartphone application and website, so you can bid and win even if you can't attend the meeting! The Raffle is another great way to support NFJE during the Annual Meeting. The more tickets you purchase, the better your chances of winning. Raffle tickets are \$10 each but if you buy five tickets, you get a sixth ticket for free. You can pre-purchase your raffle tickets at the same time you register for the Annual Meeting by indicating how many tickets you want to buy on the registration form. It is simple and easy and will save you time onsite. Information on the many exciting items up for auction can be found on both the NFJE ([nfje.net](#)) and DRI ([dri.org](#)) websites. If you have an item that you would like to donate to the auction or raffle, please contact Tiffany Higgins at 312.698.6230 or thiggins@dri.org.

This Week's Featured Items

Tumi V3 International 22 inch Expandable Spinner Carry-On Silver Suitcase



This ultra-lightweight hard-shell carry-on is crafted from a tough multilayer polycarbonate alloy and ideally sized to fit easily in your airline's overhead.

Donor: DRI Toxic Torts and Environmental Law Committee

Est. Value: \$645.00

Unicorn Glam Box!



A perfect unicorn themed collection for any girl who loves unicorns! Complete with 7-10 unique unicorn items, ranging from make-up, accessorized, beauty products, and décor

Donor: Maggie Olson

Est. Value: \$45.00

DRI Cares

Bags4Kids Thank You!: LPM Committee and Gordon Rees

#DRICares and Bags4Kids sends a handwritten thank you in gel pen style to the **DRI Law Practice Management Committee** and **Gordon Rees** for *providing over 3,000 gel pens for the project backpack!* What kiddo does not love a gel pen in over 100 colors? These pens will bring smiles and inspiration to each of these kids. The DRI Philanthropic Activities Committee thanks you for your generosity.



YOUR 50 STATE PARTNER™

dri 2019 ANNUAL MEETING

Bags4Kids Community Service Project

DRI and #DRICares is delighted to be partnering with **Bags4Kids**, fulfilling 1,000 backpacks of personal items for foster children throughout the New Orleans area.



The majority of children placed in foster care come into the system with the clothes on their backs and nothing more. DRI is thankful for your generosity in providing providing these kids with toiletry items, small toys, and personal items. All items have been accounted for, **but we still need backpacks.** Thank you for working with DRI and #DRICares in making the lives of others just a little bit better.



Any items ordered should be shipped, to arrive no later than October 9, to:

Foley Mansfield PLLC
650 Poydras Street
New Orleans, LA 70130

Backpacks still needed:

<http://bit.ly/Bags4KidsDRIAM>



Each backpack will include:

- Shampoo
- Toothpaste
- Gel Pens
- Conditioner
- Deodorant
- Notepad/Journal
- Shower Gel
- Chapstick
- Crayons
- Lotions
- Water Bottle
- Playing Cards
- Toothbrush
- Stuffed Animal

#DRI2019AM

Upcoming Seminars

Strictly Automotive, September 12-13, 2019

dri	Strictly Automotive Seminar
	September 12-13, 2019 Columbus, OH REGISTER TODAY

Come join your colleagues and peers for two days of interactive learning at the DRI Strictly Automotive Seminar. Hear directly from manufacturers on what is important right now in automotive litigation and what is on the horizon with the advancement of new technology. For the first time ever, participants will travel offsite to attend a live crash test and learn alongside experts as they show the latest ways to help defend your automotive cases. Click [here](#) to view the brochure and to register for the program.

Nursing Home/ALF Litigation, September 19-20, 2019

dri	Nursing Home/ALF Litigation Seminar
	September 19-20, 2019 Chicago REGISTER TODAY

Join us in the Windy City for unparalleled programming and networking for defense practitioners, in-house counsel, claims specialists, and other professionals involved in the defense of claims against nursing homes, assisted living facilities, and other long-term care providers across the country. This year, we will hear firsthand the current regulatory challenges facing post-acute operators, including an in-depth analysis of the state of affairs in the assisted living industry. With our panel counsel meetings, Women in the Law lunch, and other networking opportunities, there will be ample time for individuals to connect and collaborate. Register now to ensure your spot at the preeminent program in the field. New this year are two workshops designed to help you build your

practice: The Art of the 30(B)(6) Deposition Litigation Skills Workshop, and Defining Your Career Professional Growth Workshop, both on Wednesday. Click [here](#) to view the brochure and to register for the program.

Talc Litigation, September 19-20, 2019

dri	Talc Litigation: Medical and Scientific Issues
	September 19-20, 2019 Washington, DC REGISTER TODAY

Over the past 24 months, there has been an avalanche of new cases involving allegations that there were measurable concentrations of asbestos in talc and that those fibers were allegedly responsible for causing mesothelioma. As has been claimed for 20 years, plaintiffs' experts often stated that any exposure to asbestos above background could be causal (e.g., "every fiber counts") or that "every fiber contributes to the disease." Defendants claim that this is inaccurate and irrelevant since there is ample information that no measurable concentrations of genuine asbestos fibers over 5 µm were detected in bulk samples of talc of the era. Interestingly, defendants have been losing a significant number of cases, and juries have, at times, concluded that huge awards were appropriate.

How can this seemingly "implausible" legal conflict over a product that was historically considered harmless have happened, and where is it headed? Click [here](#) to view the brochure and to register for the program.

Upcoming Seminars

Annual Meeting, October 16–19, 2019



Join us for DRI's 2019 Annual Meeting October 16–19, at the New Orleans Marriott Hotel. We have planned a week of spectacular keynote speakers, cutting-edge CLE presentations, and plenty of networking events—all just for you. By attending this industry-event-of-the-year you will experience outstanding educational programming on timely topics to include the ever-changing world and developing legal topics to stay ahead of the game; earn up to 10 hours of CLE credit including up to 3 hours of ethics credit; get involved within the industry—join your substantive law committee colleagues for committee CLE presentations, business meetings, and other activities. Click [here](#) to view the brochure and to register for the program.

Asbestos Medicine, November 14–15, 2019



Head down the pike to join new friends and old in the cradle of liberty this November! The 2019 DRI Asbestos Medicine Seminar will bring together a superb lineup of experts in the science and medicine of asbestos and top-flight litigators to the city on a hill—Boston, Massachusetts. With updates on recent U.S. Supreme Court and state court rulings that affect our ever-changing litigation, the latest on genetics in causation, and insights into cross-examination and deposition taking, this seminar has more touch-downs than Brady to Gronk. And do not miss out on the opportunities for business development during the breaks, mixers, and receptions, or even those over a cup of Dunk's coffee before the day starts. Attendees at the 2019 DRI Asbestos Medicine Seminar will depart this city, which played a crucial role in American history, with the latest and greatest information to ride home and be revered by their peers! Click [here](#) to view the brochure and to register for the program.

Upcoming Webinars

The Value of Hiring a “Credible” Attorney, September 18, 2019, 12:00 pm–1:00 pm CST



Attorney credibility and its influence on courtroom verdicts has been a topic of interest to attorneys for quite some time. Some attorneys believe that their credibility matters, while others believe that only the evidence matters. The purpose of this webinar is to take an in-depth look at the definition of attorney credibility, discuss the ways in which attorney credibility can influence verdicts, and identify the ways in which attorneys are hurting their credibility. Click [here](#) to register.

Gathering, Preserving, and Using Non-Traditional Sources of Electronic Data in Your Trucking Case, September 25, 12:00 pm–1:00 pm CST



Attendees will hear from an experienced professional engineer with extensive experience in crash data retrieval and analysis and from a seasoned trucking lawyer regarding non-traditional sources of electronic data that can be used to vigorously defend motor carriers and drivers in your trucking cases. Specifically, attendees will learn about the electronic data (other than a passenger vehicle’s airbag control module (ACM) or a commercial vehicle’s electronic control module (ECM)) that may be gathered following a collision, including infotainment systems, collision avoidance systems, ABS systems, traffic signal data loggers, and more. Additionally, the speakers will discuss best practices associated with the collection and preservation of these non-traditional sources of electronic data and how you can use the data obtained from such non-traditional sources in your trucking cases. Click [here](#) to register.

Using Experts to Navigate the Minefields of Litigation, October 1, 12:00 pm–1:30 pm CST



Bringing one or more experts into play early in the process can assist parties in targeting issues for pre-litigation resolution and in developing theories, evidence, defenses and strategies that shape the litigation, and ultimately, the outcome at an alternative dispute resolution forum or trial. We will discuss perspectives outside consultants can bring to a construction dispute when they are engaged early. Building upon our 2019 seminar discussion, we will use hypothetical scenarios to show how experts can assist counsel in framing issues and solutions from the outset of a potential dispute, allowing counsel to efficiently navigate the dispute resolution process. Click [here](#) to register.

State Membership Chair/State Representative Spotlight

Ohio



State Membership Chair

John J. Garvey III, Shareholder, Garvey Shearer Nordstrom PSC

Areas of Practice: Casualty, Commercial Litigation, Construction Law, Director & Officers Liability, Employment Law, General Litigation, Governmental Liability, Insurance Fraud and Suspicious Claims, Insurance Law, Medical Liability, Nursing Home, Products Liability, Professional Liability, Transportation/Trucking

DRI member since 1998.

John's experience with DRI: "It started in 2004 in St. Louis at a Trucking Law Seminar; met the best group of lawyers one could hope to meet, which led to many return trips to seminars and Annual Meetings, into and through SLDO leadership, and currently SMC for Ohio."

Fun Fact: "On January 17, 2000, I delivered my first child on the kitchen floor, then sued myself for medical malpractice and got a nice settlement."



State Representative

Anne Marie Sferra, Partner, Bricker & Eckler LLP

Areas of Practice: Commercial and Insurance Litigation and Appellate Law

DRI member since 2002.

Anne Marie's experience with DRI: "I am a former SLDO president (Ohio Association of Civil Trial Attorneys). Currently, I am the DRI State Representative for Ohio and serve on the SLDO Relationship Committee, the Appellate Law Committee, and the Women in the Law Committee. I regularly attend the Annual Meeting and other conferences, such as Women in the Law and Appellate Advocacy, because they are top notch. DRI always strikes the right balance with great programming, fabulous speakers, engaging members, and fun activities. I always leave inspired!"

Fun Fact: "When I was young, my dad wanted me to be a Rockette. (If you know what that is, you're likely over the age of 50.) After years of dancing lessons, my eternal optimism faded, and it finally sunk in that no matter how hard I tried, someone five feet tall was never going to be a Rockette because they are required to be at least 5'6". So, I turned in my dancing shoes and went to law school. These days I enjoy hiking, biking, and jogging, and have recently become an Orange-theory junkie."

New Member Spotlight

Ericka Fang, Kaufman Borgeest & Ryan LLP



Ericka Fang is a senior associate attorney at **Kaufman Borgeest & Ryan LLP**, in the Westchester County office in Valhalla, New York, concentrating in the fields of medical malpractice defense, nursing home litigation, and general liability. She has experience representing major metropolitan medical hospitals, physicians, dentists, nurses, home-health attendants, and other health-care professionals.

Before beginning her legal career, Ms. Fan worked as a registered nurse in both the hospital and long-term care settings in managerial and supervisory roles at numerous health-care and long-term care facilities across the United States.

Ericka earned a bachelor of science in Nursing from Howard University and a master of public health from Oregon Health and Sciences University. She received her J.D. from Hofstra University School of Law, where she served as president of the Health Law Society.

Quote of the Week

“They hate because they fear, and they fear because they feel that the deepest feelings of their lives are being assaulted and outraged. And they do not know why; they are powerless pawns in a blind play of social forces.”

– Richard Wright (September 4, 1908 – November 29, 1960), [Native Son](#)