



Raising the Bar

The newsletter of the
Young Lawyers Committee

10/31/2018

Volume 14, Issue 10

Committee Leadership



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In This Issue

Featured Article

Expert Witness Research Tips 2

Articles of Note

Impeaching a Witness on Deposition Testimony 4

Making Your Differences Work for You (and for Your Firm
and Your Clients in the Process)..... 5

Leadership Note—The Chair's Corner

Annual Meeting: Farewell from San Francisco 7

DRI Young Lawyers Member Spotlight

Kevin K. Peek 8

Seminar Spotlights

Breezing Through Cybersecurity in the Windy City 9

Get Fired Up!..... 10

Membership Minute

Membership Q & A with Stephanie Wurdock..... 12

Timeout for Wellness

Mindfulness for Lawyers 13

News & Announcements

And The Defense Wins 14

Featured Article

Expert Witness Research Tips

By Emily Ruzic



When it comes to expert witnesses, young lawyers can add tremendous value to their team through research into the background of both their own and the opposing party's experts. This research should be done as early as possible and continue to be updated as the case progresses. Items found in outside research on experts can have a significant effect on the outcome of your case. Here are some research areas to consider:

Criminal History

Imagine the sinking feeling of showing up at a deposition (or worse, at trial) to learn that your expert-witness accountant had a felony tax fraud conviction or the trucking expert had three recent DUIs. It is important to make these discoveries as early as possible. Consider running the expert's name through PACER and any relevant state court databases. Also, perform an internet search for news reports of any noteworthy incidents with the law. Along the same lines, it is also valuable to check any professional licensing organizations in the expert's field for disciplinary records. You will certainly want to know if the expert property appraiser was disciplined for performing unsupported appraisals.

Prior Engagements

Often expert disclosures only require that the expert initially share prior engagements "during the previous 4 years, [where] the witness testified as an expert at trial or by deposition." See, e.g., Fed. R. Civ. P. 26(a)(2)(B)(v). This leaves open the possibility that the expert provided an affidavit or formal report without testifying or that the witness gave unfortunate testimony more than four years ago. Subscription services such as Westlaw or Lexis allow parties to quickly learn of prior engagements. While full reports may not be available online, these searches can provide enough information to identify the lawyers who appeared in the prior case and whether you should consider reaching out to them to ask for any non-confidential prior materials. Consider visiting sites like CrossExam.com to obtain prior court transcripts involving experts. DRI's Expert Witness Database, which is free to DRI members, can be a valuable resource as well. It is not uncommon for experts to have

been retained dozens of times over their career and not always on the same side of a case. This leaves open the possibility for inconsistent testimony. For example, 10 years ago, the expert may have testified that it was proper to use a certain technique in a medical procedure, but now the expert wants to testify that that same technique is per se medical malpractice. Left unexplained, this change in testimony can cause problems for a case, so it is best to learn of any prior inconsistencies from the outset.

Prior Publications

As with engagements, the Federal Rules of Civil Procedure limit the time period for which an expert must disclose their past publications. See Fed. R. Civ. P. 26(a)(2)(B)(v) (requiring disclosure of any publications in the last 10 years). Further, some state courts do not require any disclosure of prior publications. Young lawyers who are savvy in searching academic databases such as JSTOR and HeinOnline can impress their team with hidden gems that may help discredit the opposing party's expert. Further, JSTOR can show whether the expert's academic works are regularly cited by other academics and can lead to other publications disproving the expert's theory.

Prior Motion History

Associates are essential in motion practice regarding experts. Daubert motions and motions in limine related to experts are commonplace. These motions can be bolstered if you can show that the expert is rarely allowed to testify. It is difficult, if not impossible, to search PACER or state court databases by expert name to learn about prior success. However, services such as LexMachina or WestlawEdge allow parties to search by expert name and quickly find out how many times an expert has been allowed to testify compared to how many times that person was excluded. These services can even show whether the expert has ever been ruled on by the judge in the current case or whether the judge generally refuses to allow expert testimony on a particular topic. Daubert Tracker is another resource to help ascertain the expert's prior admissions.

Personal Experiences

Being mindful of confidentiality issues and with the permission of the relationship attorney, it can be helpful to obtain firsthand experience and feedback from other attorneys who have worked with the expert in the past. The DRI Communities pages are a great way to obtain feedback from others in your practice area who may have used this expert in the past. Consider calling other lawyers, especially DRI members, who have appeared in your research as having had experience with the expert. Your own expert can also be a valuable source of personal knowledge on the opposing expert. There may be only a few true experts in a subject matter in a particular jurisdiction. Your expert may be able to recall a speech given by the opposing expert that contradicts the current testimony or can point you to a particular case where the expert took a contrary position.

CV Verification

Most experts will disclose their curriculum vitae or “CV” through discovery. A handy young lawyer will take steps to verify items listed on the CV. Any inaccuracies can be used to question the witness’s credibility at trial. Imagine a jury’s reaction to hearing that Phi Beta Kappa member expert went to a school without a Phi Beta Kappa chapter or that John Smith was named the “2004 Physics Professor of the Year” and not your expert, Joe Smith.

Social Media

Social media can provide valuable evidence to discredit the other side’s expert. If the expert is testifying that a reasonable person would never ride a bike without a helmet, photographs from the expert’s public Facebook page showing him riding without a helmet will be difficult to explain. Likewise, if a social media search reveals that the expert has regularly vacationed with the injured

person’s family since 10 years before the accident, you can use this evidence to insert doubt into the objectiveness of the witness. Along these lines, you should not limit yourself to only the expert’s pages. The expert may have put the appropriate privacy settings on her page, but her sibling’s page may have public photographs of the expert engaging in unflattering behavior.

General Internet Searches

Never underestimate the power of a Google search on the expert. You may discover positive things that your expert was too humble to share with you. You may also discover that the local newspaper regularly runs articles bashing the expert as untrustworthy. Simple internet searches, which are free, can result in discoveries that change the dynamics of a case.

Conclusion

The above list is not intended to provide an exclusive list of sources when researching your own and opposing expert witnesses. As your research develops, think hard about other avenues that may provide valuable insight. Remember that this research should not be done just one time and forgotten about. Instead, it should be continually updated as the case progresses. Happy researching!

Emily Ruzic is a commercial litigation associate in the Birmingham, AL office of Bradley Arant Boult Cummings LLP. She is a member of the DRI Young Lawyers Steering Committee, currently serving as Vice-Chair of the Expert Witness Subcommittee.



Articles of Note

Impeaching a Witness on Deposition Testimony

By Daniel E. Furshpan



Impeaching a witness on deposition testimony is the most time-honored method of cross-examination, with good reason. Performed skillfully, deposition testimony can be a devastating weapon at trial. Failure to use the proper technique—supported by a methodical, careful and imperious style—may cause the jury to think the attorney lacks credibility and is wasting their time with unintelligible or irrelevant questioning.

Generally, all or part of a deposition may be used against a witness if he or she was present or represented at the taking of the deposition or had reasonable notice of it. Fed. R. Civ. P. 32(a)(1). An adverse party may use for “any purpose” the deposition of “a party or anyone who, when deposed, was the party’s officer, director, managing agent, or [corporate designee].” Fed. R. Civ. P. 32(a)(3).

When preparing for a deposition, the attorney must think about what needs to be proven at trial to win. What are the issues of the case? What facts need to be established? It is always a good idea to review the pattern jury charges. It is also essential to conduct an exhaustive deposition. Be thorough and ask leading questions. Impeaching witnesses on a deposition is only as good as his or her testimony.

If, at trial, a witness contradicts his or her own earlier deposition testimony, the witness’s credibility is diminished. Highlight the discrepancy, and do it in a dramatic fashion. It is ineffectual to simply jump to the point and ask the witness, “Isn’t it true that you previously testified that” Instead, employ a methodical breakdown as illustrated below.

First, the witness must be locked in on trial testimony.

Q. Mr. Jones, you told the jury earlier that the traffic light was green.

A. Yeah.

Q. And you’re absolutely sure of that?

A. Yes.

Q. No doubt in your mind that the light was green?

A. Yes.

Next, establish that deposition testimony is just as sanctified as trial testimony.

Q. Mr. Jones, do you recall coming to my office on July 25, 2018, for a deposition?

A. Yes.

Q. And do you recall raising your right hand before you gave testimony?

A. Yes.

Q. And while your right hand was raised you swore under oath to a court reporter that you would tell the truth, similar to what you did here today?

A. Yes.

Q. And you told the truth during your deposition on July 25, 2018, correct?

A. Yes.

Q. And after the deposition you were given the opportunity to read the transcript and check for errors, correct?

A. Yes.

Now, confront the witness with the inconsistent testimony.

Q. On page 25 lines 5-10 you were asked what the color of the light was, and you responded that it was red. Is that correct?

A. Yes but---

Q. Thank you.

The more times this method is used on cross-examination, the more effective it becomes. At first, the witness may attempt to explain his or her conflicting answers. Do not allow it. Move on to the next topic. Avoid gloating follow-up questions such as, “So you weren’t telling the truth, were you?” Let the jury draw their own conclusion, and save your boasting for closing arguments.

Lastly, this method should only be used for material inconsistencies. A jury will not care that a witness contradicted himself on some minutia that has no relevance to the case. They will care that their time is being wasted.

If only part of a deposition or written statement is read, the “adverse party may require introduction of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with the writing or recorded statement originally introduced.” Fed. R. Evid. 106. This rule is meant to prevent testimony

from being taken out of context. Opposing counsel could read remaining portions of relevant testimony to the jury or, worse, require the questioning attorney to read it right then and there. Avoid this situation. Make sure all relevant portions of the deposition are read.

The same formula for impeachment on depositions applies to prior written statements, such as interrogatories and affidavits. Commit the witness to his or her trial testimony, establish that the prior written statement was made earnestly and close in time to the event, and then confront the witness with the prior inconsistent statement.

Q. Mr. Jones, you told the jury that the light was green, correct?

A. Yes.

Q. Am I right to say that you made a written statement about the car accident a day after it happened?

A. Yes.

Q. And that was because an investigator went to your home and asked you to write down what you observed the day before?

A. Yes.

[Mark the statement as an exhibit, show to opposing counsel and hand to the witness]

Q. Is that the statement that you made the day after the accident?

A. Yes.

Q. That's your signature on the end?

A. Yes.

Q. In your statement it says, "I saw the light and it was red." Did I read that correctly?

A. Yes.

Again, for dramatic effect, pause to let the discrepancy sink in, but do not let the witness explain why the story has changed.

Impeachment of adverse witnesses is a fundamental trial technique. When utilized properly, it is the most effective method of cross-examination that could make a witness wither in the face of his or her own testimony and sway the jury to decide the case in your favor.

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Making Your Differences Work for You (and for Your Firm and Your Clients in the Process)

By Allison E. Laffey



If I could give my past self, freshly out of law school and newly in the legal profession, one piece of advice it would be this: Stay true to yourself, as hard as it may be (and as corny as it may sound). Do not try to change yourself to fit into the boxes you think you "should" fit into, and do not hide what makes you different. Embrace your differences and use them to your advantage, your firm's advantage, and your clients' advantage. We all know there is a great deal of pressure within the legal field to fit in—to the role of a lawyer, to your firm, and to the field as a whole. This is especially true for young lawyers. There is this idea that as a lawyer one should look a certain way, behave a certain way, participate in certain activities, and so on. But the

reality is that lawyers, like clients, are just people. And people are different.

Entering the legal field as a young, female, LGBTQ attorney was very intimidating at times – and it still can be. I did not, and do not, look like most of the lawyers I was and am surrounded by. Many of my life experiences, shaped in large part by my identity, were and are very different from those around me. As a new lawyer, I sometimes found myself minimizing or diminishing the parts of myself that made me different in an effort to fit in. On top of the exhaustion that comes with the work of a lawyer, I was exhausted mentally and emotionally from the extra effort it took to try to be someone that I am not. It was not sustainable, and I eventually realized that I could not be my

best self—for myself and for my clients—if I was busy trying to cover up the things that made me, me.

For unrelated reasons, I moved across the country shortly after this revelation. There, I was fortunate to find a law firm that emphasizes the value of diversity and encourages its employees to embrace their differences and the differences of those around them. With the support of my new firm, I started to think about how I could use what is different about me to my advantage, and ultimately to the advantage of my firm and my clients. I came up with a whole host of ideas, but here are a couple that any of us could implement, with or without the direct support of our firms.

My first suggestion is this: Get involved in networking events and other activities related to your own interests. Try not to give into the pressure to follow the same path as the partners in the firm or even your peers just because it is what everyone else is doing. Give yourself permission to pursue interests that are not explicitly related to the practice of law. Pursuing your own interests is not only beneficial to you (and your mental health), but it can also be beneficial to your firm. Clients, like lawyers, are just people—people with varying interests and experiences. From a business perspective, this means potential clients are everywhere. It is to your advantage as well as your firm's advantage for you to get out into the community in whatever way best fits your interests. Look at it this way, if all of the attorneys in a firm belong to the same professional organizations, participate in the same activities, and socialize with the same group of people, the firm's exposure is largely limited to those few groups of people. If, however, a firm has ten attorneys out at ten different networking events or outside activities, that firm now has potential exposure to ten groups of people (potential clients) with varying interests, experiences, and needs.

At my firm, for example, one partner is a member of one of the local humane societies and also serves on the board of directors. As a result of his involvement, he has built up quite a reputation as an advocate for animals, which has led a variety of animal rights organizations as well as individuals to come to our firm for advice and guidance on such matters. Another partner is passionate about the arts, so she serves on the board of the Milwaukee Ballet. The board sometimes holds their meetings at our office, and we are often invited to events the ballet is hosting. When I joined the firm, I requested that the firm join the Milwaukee LGBT Chamber of Commerce and that I be the Chamber's main point of contact for the firm. While I do not know for certain whether we have gained any clients directly from

this involvement yet, I do know that it has increased the firm's visibility – we are listed in their business directory as a business that is open and affirming of LGBT individuals – and attending their business socials has increased my professional visibility throughout our city's business community and has allowed me to form relationships I may have otherwise missed out on. An added bonus to networking and meeting potential clients in this way is that presumably you and the potential client share at least one genuine interest, which can in turn foster an increased sense of trust and comfort from the start. Everyone—you, the client, and your firm—wins in this scenario.

My second suggestion: Do not be afraid of healthy dialogue and debate. Our firms, our clients, and we as individual lawyers benefit from the innovation that frequently results from the respectful sharing of differing thoughts and viewpoints. Typically, the presentation of an idea to a diverse group of people results in greater discussion and debate than would the presentation of that same idea to a homogeneous group of people. This healthy discussion and debate is beneficial to the practice of law. For instance, if a colleague and I disagree on a course of action in a case and I want to convince him or her that my course of action is best, I am forced to think about my positions in more depth than I likely otherwise would. And, if after discussion it appears that my proposed course of action may not be the best option after all, now I know that and I can adjust my plan accordingly. As a result of healthy debate, dialogue, and sharing of different viewpoints, I am a more prepared and effective advocate for my clients. Similarly, there have been numerous occasions where I have sat at my desk for what feels like forever, stuck as to how to respond to an argument raised by opposing counsel or how to best handle an issue I may not have encountered before—particularly as a young lawyer. Thankfully, I am surrounded by colleagues with diverse experiences and viewpoints who are ready and willing to help me work through the issue. Not too long ago, I found myself in a position I had never been in before, and it was imperative that I take appropriate action quickly. Thankfully, a partner in my firm heard me discussing potential options with another colleague in the hallway and came out to offer her assistance. We talked through the pros and cons of potential options, and because it was an issue she had encountered in the past, she actually had some case law I could use as guidance. With the help of my colleagues I was well on my way to solving the problem in less than half an hour, rather than wasting precious time trying to devise a solution by myself to an issue I had never encountered. I have found that the more varied backgrounds and viewpoints within a firm,

the greater the opportunity for creativity and innovation. This creation of new ideas and ways of approaching issues advances not only my career but the reputation and success of the firm. Another scenario where everyone wins.

Staying true to yourself and viewing your differences as assets is not always easy, and I recognize that not everyone will have the support of their firms or colleagues in this regard. Ultimately, only you can decide what is best for you and your career. However, I strongly believe that if you can push through the challenges – perhaps by utilizing your

other support systems (family, friends, DRI colleagues) for encouragement and empowerment – you and your career will benefit greatly in the long run, as will the legal field as a whole.

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Leadership Note—The Chair's Corner

Annual Meeting: Farewell from San Francisco

By Joshua C. Webb



Greetings friends—you thought that you read my last column back in August—not so fast. As I rounded out my term as chair, and my tenure with the Young Lawyers Committee, I am thankful to have seen so many of you at the DRI Annual Meeting in San Francisco this month ...

I'm adapting these points from a slightly different talk I had recently with a different group, but the concepts are relatable, and I hope meaningful to at least a few.

Care

Practicing with care is the very example of focus. It means



Image Credit: AMC Networks

... but you didn't think that I would leave just like that, did you? In this last column (really this time), I simply want to share a few points about the foundations of our respective practices that I try to keep in focus on a daily basis in mine.

not only concentrating on the task and objective at hand to be precise with the details; it also means caring about the entire scope of, and everyone impacted by the matter you are handling.

Promise

Practicing with promise is a reminder of our obligations. Too often I find that lawyers are willing to trade convenience for the duties that bind us together in this profession and that are meant to protect the trust we want others to have in the law.

Intention

The ability to practice with intention comes from always using care and promise in your practice. There is more than satisfaction that comes from doing things the right way, the approach also leads to more deliberate action and results.

I hope for all the best for each of you, and even though my official term with the committee is closing, you can always feel free to contact me for anything that you need. Many thanks again.

Joshua C. Webb is the Immediate Past Chair of the DRI Young Lawyers Committee. He is a commercial litigator and trial lawyer, and a shareholder of Hill Ward Henderson in Tampa, Florida. His litigation practice includes defending and prosecuting a wide variety of business disputes in state and federal courts throughout Florida, and sometimes in other jurisdictions. Most notably, Josh dedicates a significant part of his practice to representing other lawyers and law firms in professional liability matters, and he is also a member of the DRI Professional Liability Steering Committee.

DRI Young Lawyers Member Spotlight

Kevin K. Peek



Kevin K. Peek is an associate at Sandberg Phoenix & von Gontard P.C. in St. Louis, Missouri. Sandberg Phoenix handles a wide variety of matters in the areas of Business, Business Litigation, Health Law, and Products Liability. Kevin is an associate in the Health Law Practice Group and handles cases involving medical malpractice defense, in addition to cases involving the defense of healthcare providers in correctional facilities.

Kevin graduated from Hendrix College in Conway, Arkansas with a bachelor's degree in Physics. He went on to receive his Juris Doctor from the University of Arkansas in Little Rock – William H. Bowen School of Law.

Kevin is licensed to practice law in Missouri and Illinois. He is also licensed to practice before the United States District Courts of Eastern Missouri, Western Missouri, Kansas, and Southern Illinois.

Kevin participates annually as a Corporate Achiever with the National Multiple Sclerosis Society to raise money for research. Kevin also provides pro bono services to the community by assisting in guardianship matters and assisting individuals seeking asylum through the MICA Project.

How and why did you first get involved with DRI?

I was introduced to DRI through reading *For The Defense* issues. As a newly licensed defense attorney, I found the articles incredibly informative and interesting to read.

What DRI committees (other than Young Lawyers) are you most interested in, and why?

I have an interest in the Intellectual Property Litigation Committee and the Medical Liability and Health Care Law Committee.

What is your favorite part about being a lawyer?

To be honest, my favorite part is knowing that I'm assisting people and reducing the stress created by lawsuits. As a defense attorney in the medical malpractice and correctional healthcare fields, I regularly receive phone calls from clients in a panic due to legal matters. It is a great feeling to put their minds at ease throughout the legal process, as well as when we receive a favorable judgment.

When you are not practicing law, what do you enjoy doing?

When not working on my files, I enjoy writing and blogging on legal and technology topics. The law is a dense beast, making it difficult for the average individual to fully understand all of the implications. I enjoy writing articles on hot legal topics and translating the Legalese to English for readers.

What has been your biggest success in your legal career thus far?

For me, my biggest success is the honor of having several of my articles published in national publications. In addition to this, I am very proud of the multiple summary judgment motions I have won in favor of my clients throughout my career.

What is most important piece of advice you have been given related to practicing law?

“Walk into chambers ready to argue against or for the motion as if the judge never read the pleadings.” – Mitchell Jacobs.

This was incredibly important advice that I received very early in my career as an attorney. By preparing for any oral arguments with this in mind, it allows me to be very thorough in my preparations and sets the impression before

the judge that I am very well prepared, which is invaluable street cred for a motion hearing.

What is the greatest concert you’ve ever been to?

The greatest concert would have to be my first rock concert: Blink 182 in California in the summer of 2004.

What was your very first job?

I was a lifeguard during the summer for the city pool. Countless children were forced to stop running around the pool as a result of me and my plastic whistle.

If someone is visiting your city, where is it essential that they go to eat?

Tani Sushi Bistro. The sushi is phenomenal, especially the “Oh My God!” roll which is self-explanatory.

Seminar Spotlights

Breezing Through Cybersecurity in the Windy City

By Emily M. Ruzic



In early September I attended DRI’s Cybersecurity and Data Privacy Seminar in Chicago. This was my first experience at a DRI event other than the Young Lawyers Seminar or the Annual Meeting. My experience was outstanding, and I look forward to attending other substantive committee seminars in the future.

I have the Young Lawyers Committee to thank for my attendance. Last fall, Josh Webb sent an email to the Young Lawyers Steering Committee asking if anyone had experience speaking on cyber-related topics as the Cybersecurity and Data Privacy Committee was looking for speakers for their seminar. Through my firm, I had spoken several times on cyber-insurance and related topics so I replied back, stating my interest.

The committee slotted me as a moderator for a panel with two industry experts on cyber insurance: Anna Stafford of Travelers and Michael Carr of Brit Global Specialty. In the months leading up to the seminar, I prepared the written materials necessary for the panel to obtain CLE credit and a PowerPoint presentation to accompany the panel discussion.

Working with Anna and Michael was an awesome experience, and I got to interact with and learn from two insiders on the topic. For example, Anna has been involved in one way or another in nearly every type of major cyber coverage dispute, and she was able to provide insight that was not apparent from simply reading the published decisions.

For me, the seminar began with a brief faculty meeting, and then we headed to a happy hour reception. The happy hour was jointly hosted by the Law Practice Management Committee, who was also having their seminar at the same hotel that week. There was even a celebrity appearance by John Kuppens, current DRI president. Following the reception, I attended the faculty dinner. While I enjoyed the dinner, it paled in comparison to the other event of the night: a group trip to see *Hamilton*.

The seminar was packed with interesting content. One company recounted its first-hand experience with a data breach incident, and we learned about new trends in data breach class actions and regulations. We even played a game of data security and privacy trivia and participated in a few rounds of speed networking. Other than *Hamilton*,

the highlight of the event—at least on the social front—was a night at Lucky Strike Bowling, a high-tech gaming venue.

Overall, my experience at the Cybersecurity and Data Privacy Seminar was outstanding, and I will certainly be attending other substantive law seminars in the future.

Emily M. Ruzic is a commercial litigation associate in the Birmingham, AL office of Bradley Arant Boult Cummings LLP. She is a member of the DRI Young Lawyers Steering Committee, currently serving as vice chair of the Expert Witness Subcommittee.

Get Fired Up!

By Allison A. Waase



I recently had the privilege of attending and serving as faculty for the DRI Fire Science and Litigation Seminar in Washington, D.C. The seminar took place on September 13 and 14 and for the first time ever the program included a “live burn” component on September 12.

Similar to past years, the program was stacked with interesting and varied topics and engaging speakers. Each continuing legal education session offered new and differing perspectives and commentaries on a wide variety of significant issues relating to fire litigation. The program also provided an opportunity to catch up with old friends and network with new people from across the country in a relatively small and nuanced field. I left the conference with a wealth of knowledge and renewed excitement for this area of my practice.

As highlighted, I served as faculty, and together with Bradley D. Remick, Esq. gave a talk on strategizing and preparing for key depositions in fire cases during a Young Lawyer breakout session. As an active volunteer firefighter, Mr. Remick was well-positioned to give the talk with me and explain the unique language, protocols and procedures that firefighters and fire officials employ in their suppression efforts and tactics. Learning the “lingo” is major aspect of appropriately preparing for fire personnel depositions and hearing it directly from someone with experience offered the attendees a helpful first-hand perspective. We also discussed efforts to employ in seeking that documents and information are comprehensively collected in advance of depositions, and we focused on strategy considerations when questioning witnesses. There was significant ground to cover, but I am hopeful that the overview provided offered our attendees some helpful tips and practice points.

The balance of the program covered equally important topics including, among many, investigating burn injuries,

jury selection considerations in light of burn injuries, litigating cases involving lithium ion batteries, as well as regulations and enforcement on flame-retardant clothing. Each speaker gave a thoughtful and insightful presentation on current issues faced by litigators in fire cases.

This year’s program also included a “live burn component” the day before the seminar began. I was personally unable to participate in it, but the positive feedback from it was overwhelming. The goal of the program was to provide attendees with hands-on experience related to several aspects of fire investigation. There were several learning station modules including, investigation of four fire scenes—two identical bedrooms (with different fire causes), a kitchen and a living room; fire debris sifting and evidence collection; 3D laser scanning and virtual reality demonstration; computer fire modeling demonstration and a spontaneous combustion demonstration. The finale of the program was a powerful live flashover demonstration where attendees were given the opportunity to see and feel the heat from a room fire transitioning to flashover. At the official kick-off of the seminar the next day, experts from each of the four vendors (Crane Engineering, Exponent, JENSEN HUGHES and S-E-A) presented the vital aspects of each fire scene. It was incredibly illustrative to both the lawyers and the experts present, and this was a powerful new area of programming that I would certainly enjoy seeing again.

I am incredibly grateful to have had the opportunity to attend the seminar and to serve among the other distinguished faculty. I am already looking forward to this committee plans for the next one!



Allison A. Waase is an associate with Kaufman Borgeest & Ryan LLP in New York City. She focuses in the fields of general liability, fire and explosion, premises liability, product liability, and construction and labor law, representing clients including building owners, management companies, hotels, business owners, security companies, and trucking companies in all aspects of civil defense. Ms. Waase actively serves on the DRI Young Lawyers Committee Steering Committee and as the DRI Young Lawyers liaison to the DRI Product Liability Committee and its Fire Science Specialized Litigation Group.

Membership Minute

Membership Q & A with Stephanie Wurdock

By Matthew B. DiMario



As one of my last acts as outgoing co-chair of the Young Lawyers Committee (YLC) Membership Subcommittee, it is with great pleasure that I get to write this piece. Over the last year, it has been my honor and joy to work with

Stephanie Wurdock in chairing this committee. Her unwavering commitment to DRI and the YLC is simply unparalleled, and I could not be more excited about her recent elevation to the position of Second Vice Chair of the Young Lawyers Committee. To help kick off her upcoming term, we asked Stephanie to answer a few questions about her experiences with DRI and the YLC over the years so we could shine the “Membership Spotlight” on her for a moment and give our readers a little insight into our newest Vice Chair.

Q: How did you first learn about DRI?

A: The day I was sworn in to the Kentucky Bar, my supervising attorney—who is a highly involved and long-time member of DRI—strongly encouraged me to get involved. He promised me it would jumpstart my career, and he was right!

Q: What most impressed you about DRI?

A: The sheer size of the organization, the number of Substantive Law Committees (SLCs), and the resources for young lawyers.

Q: What is the best DRI event you have attended or had the most fun at?

A: Is it a total cop-out to say every YLC seminar I’ve ever been to? In all seriousness, though, every time I am around the YLC qualifies as “the best time ever.”

Q: What is the biggest benefit in your eyes of being a member of DRI?

A: Definitely the ability to forge long-lasting and truly meaningful relationships—professional and personal.

Q: Coming from being the immediate past Co-Chair of the Membership Subcommittee, what is your favorite pitching point about DRI to others?

A: The FREE SEMINAR you get for joining as a “young lawyer” (meaning you have practiced fewer than five years). What an incredible value.

Q: What is your favorite city DRI has brought you to?

A: I have to go with Portland, Oregon, which was the location of the 2018 Young Lawyers Seminar. The weather was fantastic, the company was amazing, and the wine wasn’t too bad.

Q: What speaker have you heard or CLE did you attend that was most impressive or helpful to your practice?

A: One year, I participated in the fast pitch program, and I was paired up with former YLC Chair, Sarah Madsen. I was only a few years into my practice and suffering from serious imposter syndrome. Sarah taught me how to lead with my strengths, convey confidence, and be completely unapologetic about my experience level. Her advice has stuck with me to this day!

Q: How do you stay connected with DRI/people you’ve met outside of DRI events?

A: No joke—I am on at least five DRI group texts right now. Isn’t technology grand?

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Mindfulness for Lawyers

By Amber A. Eklof



Developing healthy habits is essential to maintaining one's mental, physical, and emotional sanity in a profession that can be demanding, time-consuming, and draining. Research suggests that mindfulness meditation has a positive effect on depression, anxiety, and stress. In a 10-week study, participants self-identified their anxiety and depression on the Depression Anxiety and Stress Scale (DASS-21). At the end of the study, participants showed decreased levels of all affective measures after participating in the 10-week mindfulness meditation program, suggesting that a practice of mindfulness training can be beneficial in reducing symptoms of depression and can "substantially reduce stress." Istvan Schreiner & James P. Malcolm, "[The Benefits of Mindfulness Meditation: Changes in Emotional States of Depression, Anxiety, and Stress, Behaviour Change](#)", Vol. 25 Issue 3, 156-68 (Sept. 2008).

Mindfulness is defined as the state of being conscious or aware of something, and to be present in the moment. As attorneys, far too often we are so concerned with accomplishing our next task or working on the next case that we forget to connect with what is happening around us. According to Scott Rogers, director of Miami Law's Mindfulness in Law Program, "[t]hrough an exercise as seemingly simple as paying attention to the breath, with practice one becomes more expert at noticing the subtle movement of the mind and body as thoughts, feelings, and sensations continuously arise and pass away." Jan L. Jacobowitz, "[The Benefits of Mindfulness for Lawyers](#)," American Bar Association (2013).

For lawyers, everyday mindfulness can help keep you calm in the inevitable unexpected and stressful situations that arise on a daily basis. Fortunately, technology now makes it easy to access tools to initiate and maintain a mindful practice that suits each individual's lifestyle.

Insight Timer is a free meditation app available for iPhone and Android users. This app offers "[g]uided meditations and talks led by the world's top mindfulness experts, neuroscientists, psychologists, and meditation teachers from Stanford, Harvard, Dartmouth, and the University of Oxford." Insight Timer provides the user the opportunity to select meditations of varying lengths (long and short) based on user need. It also allows users the opportunity to browse guided meditations by chosen topics, such as "dealing

with anxiety and reducing stress," "leadership," "focus and concentration," and "sleep quality." Additionally, at least 10 new free, guided meditations are added daily, so users will experience fresh material on a regular basis.

For those seeking a quick break in the workday, Jeena Cho, co-author of *The Anxious Lawyer: An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness and Meditation*, offers free guided meditations on her website. Each recording touches on a different topic and is roughly six (6) minutes, or the equivalent of billing 0.1 of an hour. While it can be difficult and even stressful to set aside 30 minutes to an hour a day to dedicate to mindfulness, giving up a at least 0.1 out of the billing day is an easy way to begin to practice mindfulness on a regular basis for the benefit of reducing stress. Aura is another app that helps to find a quick moment for mindfulness easy day by providing a short (3 minute), personalized meditation video each day.

Other recommended apps include Calm; Stop, Breathe & Think; Endomondo (for Fitness), and Omvana.

Regardless of which method you choose, simply making the effort to find a few minutes a day to breathe, relax, and meditate can help reduce anxiety and stress. Now, new technology makes it easier and more convenient than ever to find an option that fits your lifestyle.

You can access these peace-inducing meditations at:

- <https://insighttimer.com/>
- <http://theanxiouslawyer.com/6-minute-meditation-for-lawyers/>
- <https://www.aurahealth.io/>
- <https://www.mindful.org/free-mindfulness-apps-worthy-of-your-attention/>

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News & Announcements

And The Defense Wins

Have you or one of your fellow young lawyers recently received an honor, a promotion, or a defense win? Contact the editors [Taryn Harper](#), [Anna Tombs](#), [Natalie Baker](#), and [Darin Williams](#) so we can share it in *Raising the Bar!*"