



The Voice of the
Defense Bar™

The Voice

January 16, 2019

Volume 18, Issue 2

[This Week's Feature](#)
[And The Defense](#)
[Wins](#)
[Legal News](#)

[Amicus Update](#)
[DRI News](#)
[DRI Cares](#)
[LegalPoint](#)

[On-Demand](#)
[Upcoming Seminars](#)
[Upcoming Webinars](#)

[State Membership](#)
[Chair/State](#)
[Representative](#)
[Spotlight](#)

[New Member](#)
[Spotlight](#)
[Quote of the Week](#)

This Week's Feature



Resolve to Practice Ethically, Civilly, and Courteously in 2019

By Carson W. King

Be respectful. Take the high road. Do not engage in needless squabbling. Avoid insults and derisions. Follow ethical rules. Practice with integrity and professionalism.

Article continues on page 4.



And The Defense Wins

- Keep The Defense Wins Coming!
- Thomas J. Hurney, Jr.
- Evan Stephenson and Terence Ridley
- Michael W. Kehoe

[MORE](#)

Amicus Update

- DRI Files Amicus Brief in *Cochise Consultancy, Inc. and the Parsons Corporation v. U.S. Ex. Rel. Billy Joe Hunt*

[MORE](#)

DRI Cares

- Microsoft Holds Holiday “Micro-Give” Event

[MORE](#)

Legal News

- SCOTUS Rejects Exxon Petition for Certiorari

[MORE](#)

DRI News

- Membership Recruitment Awards
- There May Be 50 Shades of Red but the Washington State Liquor and Cannabis Board Only Allows Certain Shades for Cannabis Edibles
- Laurel Road Student Loan Refinancing for DRI Members—Benefits Extended to Parents
- Connect with Your Friends and Colleagues Through DRI Circles

[MORE](#)

LegalPoint

- Skating on the Glass Ceiling: Unique Challenges Facing Female Leaders
- Regulations and Initiatives Affecting Cyber Practices in the Financial Services Industry

[MORE](#)

Looking for
**Targeted
Contacts?**

**Hit the
Bullseye**
with **dri**



Contact Laurie Mokry today at
lmokry@dri.org or at **312.698.6259**.

dri™

Women in the Law Seminar



January 23–25,
2019
Coronado, CA

REGISTER TODAY

On-Demand

- Available On-Demand: Outsmarting the Trucking Reptile at Trial

[MORE](#)

Upcoming Webinars

- Welcome to the New Normal: Synthetic Drugs of Abuse, February 13, 2019

[MORE](#)

New Member Spotlight

Gilda M. Arroyo, Burns White LLC

[MORE](#)

Quote of the Week

“All experience is an arch, to build upon.”

—Henry Adams (b. Jan. 16, 1838), *The Education of Henry Adams: An Autobiography*,
Ch. VI, “Rome.”

Upcoming Seminars

- Women in the Law, January 23–25, 2019
- Civil Rights and Governmental Liability Seminar, January 31–February 2, 2019
- Trial Skills and Damages, March 20–22, 2019
- Life, Health, Disability & ERISA, April 3–5, 2019
- Retail and Hospitality, May 8–10, 2019
- Employment and Labor Law, May 8–10, 2019

[MORE](#)

State Membership Chair/State Representative Spotlight

- Alaska
Taylor Rounds, Attorney, Law Office of James H. McCollum LLC
Elizabeth Slattery, Associate Attorney, Clayton & Diemer LLC

[MORE](#)

This Week's Feature

Resolve to Practice Ethically, Civilly, and Courteously in 2019

By Carson W. King



Be respectful. Take the high road. Do not engage in needless squabbling. Avoid insults and derisions. Follow ethical rules. Practice with integrity and professionalism.

Law students and young lawyers alike have almost certainly received this and other similar advice ad nauseum during law school and during the early part of their careers. Or at least they should be receiving this advice. These principles apply to the practice of law and also quite simply to life. Failing to abide by these simple ethical rules can also cause a violation of many different state and local rules of professional conduct. Disparaging conduct will also cause you to be disliked and distrusted within your local bar.

Yet all too often, lawyers forget. In certain circumstances, it can cost them and their clients dearly. It isn't just your personal reputation on the line. Judges can throw out verdicts and sanction clients or attorneys. Judges are also not immune to personal dislike of certain lawyers, which can make it difficult for them to remain unbiased. Several recent large and highly publicized product liability cases demonstrate the potential consequences for failing to act courteously and failing to avoid inflammatory arguments.

The Roundup product liability litigation in San Francisco has been extensive and has shown one potential consequence of overly inflammatory trial conduct. Fifty lawsuits were filed against Monsanto in San Francisco, alleging that exposure to Roundup caused non-Hodgkin lymphoma. Roundup litigation has also clogged numerous state and federal courts over the year 2018, with thousands of other, similar lawsuits. In the San Francisco litigation, Judge Suzanne Ramos Bolanos slashed a jury award of \$250 million in punitive damages down to \$39.25 million. During oral argument, Judge Bolanos commented on the plaintiff's lawyers' tactics when an attorney told the jury that "if the damages number isn't significant enough, champagne corks will pop." This argument rose to the level of inflammatory and also was unnecessary.

Similarly, in New York litigation, Goodyear Tire & Rubber Company filed a motion for a new trial following a jury award of \$40.1 million to a man who developed mesothelioma after a lengthy employment with Goodyear.

The crux of the motion argued that the plaintiff's attorney made disparaging remarks and inappropriate objections by saying "this is outrageous" and insulted the defense expert witnesses in closing argument. While the court had previously denied Goodyear's motion for a mistrial on similar grounds, New York Supreme Court Judge Lucy Billings did warn the plaintiff's attorney to be more careful about his conduct and noted that she had admonished the plaintiff's attorney repeatedly in the presence of the jury. She also noted that she was frustrated with his conduct. In the mistrial hearing, the judge observed that she had seen conduct before that was that bad, but rarely. She also told the plaintiff's lawyer that he was "basically on probation."

Finally, attorneys representing drug manufacturers and distributors in opioid product liability litigation in early January 2019 filed a motion in Ohio federal court that claimed that the plaintiffs' lawyers were engaging in a concerted effort to taint potential jury pools. As of the time of authorship of this article, the court had not yet ruled on this motion.

Mudslinging is a commonly used tactic by plaintiff and defense lawyers alike. Some believe it to be a routine and necessary tactic in the practice of law. But rarely, if ever, is it successful. Further, attorneys are officers of the court, whether in the courtroom or firing off an email from behind a computer screen. Clients and the general public rely on attorneys and have the right to expect the best from their lawyers.

Also, from a defense perspective, do not be afraid to call out an overly aggressive plaintiff's attorney who fails to abide by these ethical rules. But do it civilly and professionally. Start with correspondence directly to opposing counsel indicating their ethical or professional violations and give them an opportunity to correct them. If opposing counsel refuse, only then consider involving the court. Do not engage at their level. It may just result in a trial judge granting your motion for a new trial or a significant reduction in a verdict.

Lawyers carry on a great heritage and tradition. In a year in which the media has made a mockery of the civil justice system, it is our duty to continue to improve the public's trust of the legal system. Choose to practice with integrity,

high standards, and fair play. So as you enter 2019, resolve to practice ethically, civilly, and cordially. Every lawyer can affect the perception of the profession as a whole by practicing in a manner that will cause those around them to take notice.

[Carson W. King](#) practices with Hall Booth Smith PC in Nashville, Tennessee. He focuses his practice in product

liability, health-care liability, and complex commercial litigation. Mr. King employs zealous advocacy and enjoys trying high-exposure cases. He graduated first in the Illinois College of Business, majoring in Accountancy, and fourth in his law school class at the University of Illinois. Mr. King plays the banjo and the fiddle and previously toured with an award-winning bluegrass band. He is a member of the DRI Product Liability 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.

Thomas J. Hurney, Jr.



DRI member [Thomas J. Hurney, Jr.](#), of **Jackson Kelly PLLC** in Charleston, West Virginia, completed an appellate victory in a case he originally argued on May 16, 2018. On November 14, 2018, the Supreme Court of Appeals of West Virginia denied a petition for rehearing in *West Virginia Investment Management Board v. Variable Annuity Life Insurance Company*, 820 S.E.2d 416 (W.Va. June 5, 2018). Plaintiffs appealed from a defense verdict in an arbitration conducted before three circuit judges in the state’s Business Court Division. The Court issued a signed opinion on June 5 but consideration of the rehearing was denied until November 14 due to resignations and retirements of justices and impeachment proceedings. In its opinion, the Court rejected plaintiffs’ argument that the arbitration proceeding was illegal and therefore void finding that with the parties’ agreement the Business Court Division properly provided binding arbitration before a three judge panel. “Because the parties were sophisticated and represented by able counsel, we find no cause to void the parties’ agreement to submit the matter to binding arbitration, including their agreement to waive appellate review.” The Court also rejected plaintiffs’ argument that the arbitration “was unconstitutional because it violated the public’s constitutional right to access the courts,” finding “the parties’ agreement to keep matters confidential to the extent allowable by law as little more than an agreed protective order.” The Court also examined the plaintiffs’ substantive arguments and affirmed the findings of the panel. The Court’s opinion is viewed as an important affirmation of the West Virginia Business Court Division’s ability to offer flexible Alternative Dispute Resolution options with the agreement of the parties.

Evan Stephenson and Terence Ridley



Wheeler Trigg O’Donnell attorneys and DRI members [Evan Stephenson](#) and [Terence Ridley](#) won a trial for the insurance industry after securing summary judgment

for the firm’s client as the defendant in the case. The trial arose out of claims a homeowners association made against WTO’s client, Owners Insurance Company. The association (Sunflower) filed suit after a 2014 hailstorm that allegedly damaged 30 buildings at a condominium complex.

Following the storm, Sunflower submitted a grossly inflated claim to repair the roofs of its buildings and other property. The insurance claim demanded that Owners pay two to three times the amount estimated by Owners’ adjuster. The claim included many overcharges buried in 70 pages of fine print. At trial, WTO identified hundreds of such overcharges totaling more than \$800,000.

Owners paid a full and fair amount to the policyholder based on the terms of the policy and the storm damage observed. Despite this, Sunflower sued Owners, accusing it of bad faith. Under Colorado’s insurance statutes, WTO’s client faced more than \$5 million in exposure. The court, however, granted Owners’ motion for summary judgment.

Because Owners identified hundreds of instances of claim inflation during discovery, the company filed a counterclaim under the anti-fraud clause of the insurance contract to recoup amounts previously paid. The policyholder argued that it could not be held responsible for the inflated claim because it had relied on its agents to submit the claim, including a public adjuster, an association manager, and a contractor. Following a one-week trial, the jury unanimously agreed that Sunflower had violated the anti-fraud clause. The verdict sends a strong message that the law does not permit claim inflation by insureds or their agents.

In addition, on November 15, the court issued an order directing Sunflower to pay back, with interest, the portion of the policy that Owners had paid to the HOA in good faith.

And The Defense Wins

Michael W. Kehoe



DRI member [Michael W. Kehoe](#), a partner in the Pensacola, Florida, office of **Quintairos, Prieto, Wood & Boyer, P.A.**, obtained a defense verdict in Okaloosa County, Florida, on behalf of a trucking company and its driver for an accident that allegedly resulted in herniated lumbar discs and surgery.

Plaintiffs alleged that the tanker truck driver negligently crashed into their SUV, injuring both he and his wife, while driving through the convenience store parking lot to fill the underground gas tanks.

A settlement was reached for the wife's claim for the amount of her medical bills. The husband's bills were approximately \$90,000.00 following a laminectomy.

Plaintiff testified at trial he wants a lumbar fusion surgery for recurring low back pain and his surgeon testified that he needed fusion surgery. Plaintiff's counsel sought over \$800,000.00 in total damages. The defense's lowest pretrial demand was \$195,000.00 and the defendant's highest offer was \$30,000.00.

The defense obtained the convenience store videos showing the accident from two angles. The videos arguably supported the defense position that the tanker truck had already started out and the plaintiff driver pulled forward, putting himself into a position that resulted in the tanker truck trailer traveling over and crushing part of the plaintiffs SUV. The case was defended both on negligence and causation. The jury returned a defense verdict on the threshold question of negligence.

Legal News

Center for Law and Public Policy—Climate Change Hot Sheet #4

SCOTUS Rejects Exxon Petition for Certiorari

By Sean W. Martin



On January 7, 2018, the U.S. Supreme Court refused to hear a challenge brought by Exxon Mobile to block an investigation by the Massachusetts Attorney General into whether Exxon Mobile misled consumers and investors about the link between fossil fuels and climate change. At the center of the investigation is a recent decision by the Massachusetts Supreme Court ordering Exxon Mobile to turn over documents sought by the Attorney General as part of her investigation. The request includes documents about Exxon

Mobile's prior knowledge between fossil fuel consumption and climate change.

The Attorney General of New York has also joined in the lawsuit and is pursuing a similar investigation.

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

Amicus Update

DRI Files Amicus Brief in *Cochise Consultancy, Inc. and the Parsons Corporation v. U.S. Ex. Rel. Billy Joe Hunt*

DRI has filed an amicus brief with the U.S. Supreme Court in *Cochise Consultancy, Inc. and the Parsons Corporation v. U.S. Ex. Rel. Billy Joe Hunt*. The brief was filed by DRI's Center for Law and Public Policy.

Billy Joe Hunt filed a qui tam lawsuit under the False Claims Act (FCA) alleging that the Parsons Corporation and Cochise Consultancy, Inc., defrauded the United States in connection with work they performed as defense contractors in Iraq in 2006. The Supreme Court accepted review of this case to determine the proper deadline for filing such a claim.

The FCA allows a private citizen to sue companies allegedly defrauding the federal government. But citizens must first notify the government of the claim, allowing it an opportunity to intervene in the lawsuit on its own behalf, assuming the claim appears meritorious. Hunt reported his claim to the FBI in 2010. The government declined to intervene, and Hunt filed suit in 2013.

Defendants moved to dismiss, arguing the action was barred by the FCA statute of limitations, which provides that a civil action under section 3730 may not be brought

(1) more than 6 years after the date on which the violation of section 3729 is committed, or

(2) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, whichever occurs last.

31 U.S.C. §3731(b).

Defendants argued Hunt's claim was barred by the six-year limitations period in Section 3731(b)(1). Hunt argued his action was timely under Section 3731(b)(2) because it was brought less than three years after he notified the government of the alleged fraud. The district court ruled that

Hunt could not rely on Section 3731(b)(2), either because the United States had declined to intervene or because the limitations period began to run when Hunt learned of the alleged fraud in 2007. The district court therefore dismissed the action as untimely.

On appeal, the Eleventh Circuit reversed, holding that Hunt could rely on Section 3731(b)(2) and file suit within three years after the *government* learned of the claim, even though the government chose not to intervene. Circuits are split on this interpretation.

The DRI brief asserts that the language in Section 3731(b)(2) that considers when the United States became aware of the claim is not applicable in a case in which the United States does not intervene. In fact, the Eleventh Circuit's ruling incentivizes private plaintiffs to *delay* notifying the government of their claims, which runs contrary to a fundamental purpose of the FCA. The FCA authorizes citizen lawsuits "to combat fraud quickly and efficiently by encouraging relators to bring actions that the government cannot or will not—to stimulate actions by private parties should the prosecuting officers be tardy in bringing the suits"

DRI's position also considers the history of the FCA, its harsh penalties, and its susceptibility to what the Supreme Court has called "parasitic lawsuits." The practical consequences of the Eleventh Circuit's ruling, if not reversed, will be to revive stale claims, make adjudication of the statute of limitations at the motion-to-dismiss stage essentially impossible, and increase the amounts of third-party discovery in FCA cases. All of these developments increase the costs of litigation and the pressures to settle non-meritorious claims, which ultimately increase the cost of providing government services.

DRI's brief was authored by Zach Chaffee-McClure of Shook, Hardy & Bacon LLP in Kansas City, Missouri.

For the full text of the amicus brief, click [here](#).

Membership Recruitment Awards

During the 2019 DRI Leadership Conference, held January 10–11 in Chicago, DRI recognized an amazing year of accomplishments by its substantive law committees (SLCs), state membership chairs, and state representatives in terms of membership recruitment. Overall, SLCs recruited 435 full dues paying members in 2018; state membership chairs recruited, 132; and state representatives, 64.

Eight committees met or exceeded 2018 member recruitment goals in 2018, including the following:

- **Commercial Litigation**
 - Chair: Michelle Thurber Czapski
 - Vice Chair: Tracey L. Turnbull
 - Membership Chair: Dwight W. Stone II
 - Membership Vice Chair: Phillip C. Korovesis
- **DRI International**
 - Chair: Christine Gateau
 - Vice Chair: Philipp Behrendt
 - Membership Chair: Patricia S. Conti
 - Membership Vice Chair: Laura Emmett, Rachel E. Keen
- **Insurance Law** (exceeded—143 percent of goal!)
 - Chair: Matthew S. Foy
 - Vice Chair: F. Lane Finch Jr.
 - Membership Chair: Jennifer A. Ehman
 - Membership Vice Chairs: Melanie C. Lockett, Eric K. Bowers, Christian A. Cavallo, Rebecca S. Hendry, Jamie L. Hull, Samantha K. Lloyd, Margaret A. Shipitalo, Jud C. Stanford, Alicia D. Stewart, Langdon Ryan Worley
- **Intellectual Property Litigation**
 - Chair: Michelle L. Alamo
 - Vice Chair: Lisa L. Boswell
 - Membership Chair: Jeffrey H. Bergman
- **Life, Health and Disability** (exceeded—172 percent of goal!)
 - Chair: Leonor M. Lagomasino
 - Vice Chair: Byrne J. Decker
 - Membership Chair: Kristina M. Holmstrom
- **Product Liability**
 - Chair: Nicholas C. Pappas
 - Vice Chair: James E. Weatherholtz
 - Membership Chair: Sarah T. Eibling
 - Membership Vice Chair: Eric L. Probst
- **Trucking Law**
 - Chair: MaryJane Dobbs
 - Vice Chair: Matthew S. Hefflefinger

- Membership Chair: Stephen G. Pesarchick
- Membership Vice Chairs: Emily J. Bordens, Heidi E. Ruckman, Jeremy P. Taylor

- **Young Lawyers**
 - Chair: Joshua C. Webb
 - First Vice Chair: Baxter D. Drennon
 - Second Vice Chair: Shannon M. Nessier
 - Membership Chair: Matthew B. DiMario, Stephanie M. Wurdock
 - Membership Vice Chairs: Gayatri Deodhar, Jami Lacour Ishee

The following individuals recruited five or more members for their respective SLCs:

- Charles W. Browning (Insurance Law)
- Eric K. Bowers (Insurance Law)
- Erik W. Snapp (Drug & Medical Device)
- F. Lane Finch Jr. (Insurance Law)
- Joseph D. Cohen (Drug & Medical Device)
- Marie E. Chafe (Women in the Law)
- Matthew S. Foy (Insurance Law)

The following state membership chairs were acknowledged for their extraordinary efforts:

- Gary Howard (AL)
- Cynthia Pertile Tarle (CA)
- Mark Antonelli (FL)
- Daniel K. Ryan (IL)
- Todd S. Page (KY)
- Paul Rajkowski (MN)
- Anthony J. Sbarra Jr. (MA)
- Michael D. Carter (OK)
- Elizabeth Lampson (OR)
- Anna Nelson (UT)
- Lindsay Rollins (VA)
- Jodi V. Terranova (D.C.)

The following state representatives that met or exceeded 2018 member recruitment goals:

- Allen M. Estes (AL)
- Glenn M. Holley (CA)
- Meghan Hatfield Yanacek (DC)

DRI News

- Matthew G. Moffett (GA)
- Beth Lochmiller (KY)
- David P. Very (ME)
- Rebecca A. Nickelson (MO)
- Thomas E. Ganucheau (TX)

Special thanks to 2018 DRI Membership Committee Chair Dick Tucker and Vice Chair June Essis, along with officer liaison and DRI First Vice President Emily Coughlin for spearheading the effort.

There May Be 50 Shades of Red but the Washington State Liquor and Cannabis Board Only Allows Certain Shades for Cannabis Edibles

In anticipation of DRI's fourth annual **Cannabis Law Seminar**, the cannabis CLE committee will be bringing you biweekly updates and articles on where this billion dollar industry is headed.

The 2019 Cannabis Law Seminar brochure will be coming out shortly. But, please save the date of May 15 in Washington, D.C., at the beautiful Renaissance Hotel. Reserve your rooms now and don't miss out.

In October 2018 the Washington State Liquor and Cannabis Board (WSLCB) announced that all hard candies and tarts, fruit chews, jellies, and gummy-type products would not be approved as of January 1, 2019. However, after receiving industry input, the WSLCB amended its policy that categorically banned certain types of edibles and instead decided to limit cannabis-infused edibles and their packaging will be restricted to 16 specific colors.

- Only colors and shapes from an approved list on the WSLCB website can be used.

- A white or cream background with brown or black lettering and up to three accent colors from the approved color list will be provided on the WSLCB website. A percentage or gradient of an approved color counts as one color.
- A grey or black background with brown or white lettering and up to three accent colors from the approved color list will be provided on the WSLCB website. A percentage or gradient of an approved color counts as one color.
- A tan or brown background black or white lettering and up to three accent colors from the approved color list provided on the WSLCB website. A percentage or gradient of an approved color counts as one color.
- Company logos are permitted.

Additional regulations implemented in 2020. Be sure to attend the 2019 Cannabis Law Seminar and stay in the know on this ever moving industry.

Laurel Road Student Loan Refinancing for DRI Members—Benefits Extended to Parents

The **Laurel Road Student Loan Refinancing Program** offers fixed and variable rate loans in terms of 5, 7, 10, 15, and 20 years. Laurel Road offers qualified DRI members an interest rate discount of 0.25 percent, **contingent on DRI membership**. If a program participant drops their DRI membership, their loan rate increases. Laurel Road currently lends to graduates of 5,345 qualified secondary education institutions. They have lent to borrowers in all 50 states. The average lawyer graduates with \$84K to \$122K in student debt. The average starting salary is \$135K. Laurel Road can save DRI members on average \$20,000

plus over the life of an average student loan. Please [click here](#) to review program details in their entirety.

Special Parent Offering Now Available

In addition to the established member benefit, Laurel Road now offers its student loan refinancing program to parents who have taken out loans for their children's college education. Parents are able to take advantage of the same low rates that graduates can and are eligible to apply as soon as their child has graduated. Specifics on the recently-added bonus for parents can be found [here](#).

Connect with Your Friends and Colleagues Through DRI Circles



The DRI Circles App allows members to connect with each other by establishing personal networks or “circles.” Through DRI

Circles, you can create networks based on practice area, geographic region, shared interests, etc. The DRI Circles app allows you to send messages, set up meetings, refer and track business, references and more on your mobile device. Join DRI Circles today or update your app to get even more out of your membership.

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

- Added chat functionality within a business referral

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

Important Note: *DRI Circles users who have not updated the App recently need to delete the current version and download the newest version to take advantage of these features. Upon downloading the updated version, users will be notified of any future enhancements via Apple or Google.*



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



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

DRI Cares

Microsoft Holds Holiday “Micro-Give” Event

Microsoft in-house attorneys and employees participated in a micro-give event this December to fulfill holiday wish lists for [Asian Counseling Referral Service](#). ACRS serves more than 35,000 clients with offices in Seattle, Bellevue, and Kent, providing naturalization, mental health, employment, and other programs to support children, families, and elderly access social services and become engaged in civic processes. Microsoft and its employees from the HR Legal Department donated gift cards, hats, gloves, socks, art supplies, and blankets for ACRS—filling more than 100 bags—and delivering them with handwritten holiday cards. Special thanks to Summit Law Group (Seattle) attorney Mike Bolasina who collected and donated more than 50 items. Nate Baum, ACRS volunteer coordinator noted, “Our programs are really excited about the gift bags and supplies. They will really help our clients have access to the food and supplies they need. The holiday cards

will be a really nice touch for a lot of our clients and volunteers.” Microsoft employees from the HR Legal department also helped ACRS staff become expert Excel and Power BI users. Mr. Baum has developed a number of micro-give projects that volunteers can help in one-hour increments and sometimes from their homes (answering questions about the website, writing notes of support to clients and volunteers, etc.).

Microsoft in-house counsel Kim Tran, a former ACRS board president, was really moved by the generosity of her colleagues and of Microsoft. Microsoft matches donations and volunteer time (\$25 per hour of volunteer time is paid to the nonprofit). Ms. Tran noted, “Giving during the holiday season brings an extra special cheer as the holidays can be a lonely and stressful time for those in need.”



LegalPoint

Skating on the Glass Ceiling: Unique Challenges Facing Female Leaders

Please take advantage of one of the many offerings that [DRI LegalPoint](#) has to offer and read Teri H. Peebles' article, [Skating on the Glass Ceiling: Unique Challenges Facing Female Leaders](#) today. Ms. Peebles is an associate in Sidley Austin LLP's Product Liability & Mass Torts practice in New York. She represents pharmaceutical and life sciences clients in federal and state courts, including in multidistrict litigation.

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

In addition to having the ability to search all of the valuable **DRI LegalPoint** content, visitors may also access Defense Library Series (DLS) books separately and review the table of contents and individual chapters.

Leverage the expertise of leading defense practitioners and find the on-point articles and resources you need with **DRI LegalPoint**.

Regulations and Initiatives Affecting Cyber Practices in the Financial Services Industry

Another great offering available through [DRI LegalPoint](#) is [Regulations and Initiatives Affecting Cyber Practices in the Financial Services Industry](#), a white paper by Christopher K. Veatch, Megan Von Borstel, and Laurie A. Kamako,

Christopher K. Veatch is a partner in the White Collar & Investigations practice group at Perkins Coie LLP. Chris is the former Chief of the National Security & Cybercrimes Section at the U.S. Attorney's Office in Chicago, and a former SEC Enforcement Attorney. At the time this paper was written, Megan Von Borstel was a summer associate at Perkins Coie LLP. Laurie A. Kamaiko is a partner in the

New York City office of Saul Ewing Arnstein & Lehr, where she is Chair of Cyber Insurance and a member of both the Cybersecurity & Privacy and Insurance practice groups. Their white paper identifies some of the significant federal, state, and international regulations and national initiatives affecting cybersecurity practices in the financial service industry. It is not an exhaustive survey of all laws and regulations that can potentially apply, but discusses some key ones and is intended to be a useful resource and a starting point for those considering the data security obligations of financial institutions.

On-Demand

Available On-Demand: Outsmarting the Trucking Reptile at Trial

Editor's Note: In each week's issue of *The Voice* throughout 2019, a new DRI On-Demand item will be featured. For a complete list of currently available DRI On-Demand items, click [here](#).

In 2017, The DRI Trucking Law Committee presented an advanced workshop for trial lawyers, senior claims examiners, and industry professionals dedicated to the defense of the Reptile Theory. This unique workshop provides practical techniques for conquering reptile cases in all areas of practice. You will learn what to consider in your answer, discovery, depositions, pre-trial motions, voir dire,

examination of witnesses, and closing arguments at trial. The program is by the foremost trucking defense trial lawyers and world-renowned Reptile Theory expert, Bill Kanasky, Jr., PhD, of Courtroom Sciences, Inc.

Sound interesting? Click [here](#) to take advantage of this On-Demand offering from DRI and check back each week in *The Voice* for a newly featured item.

Upcoming Seminars

Women in the Law, January 23–25, 2019



Women in the Law Seminar



January 23–25, 2019
Coronado, CA

[REGISTER TODAY](#)

DRI's Women in the Law Committee proudly presents this premier educational and networking event designed to bring together women attorneys within corporate legal departments or law firms to connect and grow. We gather distinguished faculty from around the country, including in-house lawyers from some of the most recognized companies in America, experienced and successful trial lawyers, and nationally prominent business and professional coaches. Our superior programming provides concrete tools, real-world data, and experienced-based advice to invigorate our practice, increase our connections, and rise together in our professions and in our communities. Click [here](#) to view the brochure and register for the program.

Civil Rights and Governmental Liability Seminar, January 31–February 2, 2019



Civil Rights and Governmental Tort Liability Seminar



January 31–February 1, 2019
San Antonio, TX

[REGISTER TODAY](#)

The seminar program is packed full of presentations on timely topics in many different areas affecting government entities, including school shootings, technology in law enforcement departments, discovery, and trial. Dean Erwin Chemerinsky and Professor Karen Blum are returning with their always insightful presentations on Supreme Court decisions and qualified immunity. Look for networking and community service events to attend both during and right after the seminar. Click [here](#) to register for this program.

Can't Attend in Person? Purchase the Live Stream!

New this Year: Earn CLE and tune-in to the seminar from your home or office! Click [here](#) to purchase the seminar live-stream. If your law firm already has an in-person registration, they can get streaming for 50 percent off the Member registration fee. Click [here](#) to contact DRI Customer Service for more information or call 312.795.1101.

Trial Skills and Damages, March 20–22, 2019



Trial Skills and Damages Seminar



March 20–22, 2019
Las Vegas

[REGISTER TODAY](#)

The evolution of legal practice over the past several decades has been shaped by technological innovation. Technology simultaneously provides a medium through which we can educate juries on complex matters and provides lawyers with the tools that they need to make better decisions leading up to and during trial. That is not to say that technology dominates the courtroom. Come learn how you can blend proven trial tactics and technology through presentations and demonstrations on effectively navigating the complex damages case, including mock oral arguments and hard-hitting technology-focused presentations from experts and consultants. Join us at the new Park MGM Las Vegas Hotel this March for practice-enhancing education and networking. Click [here](#) to register for the program.

Upcoming Seminars

Life, Health, Disability & ERISA, April 3–5, 2019

dri	Life, Health, Disability, and ERISA Seminar
	April 3–5, 2019 Chicago REGISTER TODAY

DRI's Life, Health, Disability, and ERISA Seminar is the annual must-attend event for anyone whose practice touches any of these areas. It offers 23 substantive presentations, in which leading practitioners will provide insights into trends and developments in the law, as well as practical tips you will not want to miss. All of your favorite networking opportunities are back, including the Women's Networking Dinner, dine-arounds, a post-dinner reception hosted by the Young Lawyers Subcommittee, multiple DRI for Life events and new this year, an on-site community service project. Click [here](#) to register for the program.

Retail and Hospitality, May 8–10, 2019

dri	Retail and Hospitality Seminar
	May 8–10, 2019 Orlando, FL REGISTER TODAY

Over two days, you will hear experts in their fields discuss trial tactics, settlement strategies, legal updates, and business trends. Highlights include technology and data privacy topics, in-house perspectives from the biggest hospitality and retail companies, and special breakout sessions for corporate counsel, young lawyers, and workers' compensation practitioners. In addition to top-notch CLE and networking, endless entertainment, beautiful weather, and family fun make Orlando one of the top travel destinations in the world. Discounted tickets to the parks may be available to purchase in advance for attendees, families, and friends. Please email RSVP@BakerDonelson.com no later than April 5, 2019, for details or to be included in the group purchase. We hope to see you in Orlando! Click [here](#) to register for the program.

Employment and Labor Law, May 8–10, 2019

dri	Employment and Labor Law Seminar
	May 8–10, 2019 Phoenix REGISTER TODAY

DRI's 42nd annual Employment and Labor Law Seminar is the preeminent educational and networking event for management-side labor and employment attorneys, in-house counsel, human resources professionals, and EPLI representatives. Always intensely practical and accompanied by superior written materials, this seminar is a must-attend for experienced practitioners, as well as for those who are just getting started in labor and employment law. Don't miss this opportunity to learn from some of the best practitioners and professionals in the labor and employment arena. Click [here](#) to register for the program.

Upcoming Webinars

Welcome to the New Normal: Synthetic Drugs of Abuse, February 13, 2019



Law enforcement officers and first responders across the country face serious challenges as they interact with suspects and patients under the influence of illegal drugs. Those challenges have increased in recent years as the proliferation of synthetic drug abuse abounds. These drugs have enhanced side effects and rarely show up on standard drug screenings. This webinar will present a general overview of synthetic drugs of abuse as well as some case-based discussion. We will also discuss limitations of drug testing and predictions for what is to come regarding illicit drug use. We will also discuss best practices for attorneys defending excessive force, false arrest, and malicious prosecution cases (among others) involving plaintiffs under the influence of these types of drugs. Click [here](#) to view the brochure and register for the program.

State Membership Chair/State Representative Spotlight

Alaska



State Membership Chair

Taylor Rounds, Attorney, Law Office of James H. McCollum LLC

Practices Areas: Personal Injury Litigation, Product and Premises Liability, Professional and Medical Malpractice, Occupational Licensing, Labor and Employment Law, Real Estate, and Property Law

DRI member for five years.

Taylor's experience with DRI: "DRI has been a great resource for networking with other attorneys and staying current on new issues and changes in the law. The publications and online resources offered by DRI provide valuable insight and information, and I continue to use these resources to expand my knowledge-base and maintain a competitive edge."

Fun Fact: "Every summer I take a week off and go river rafting in the wilderness of the great State of Alaska. "



Alaska State Representative

Elizabeth Slattery, Associate Attorney, Clayton & Diemer LLC

Practice Areas: Insurance Defense

DRI member for three years.

Elizabeth's experience with DRI: "Like many others, I was drawn to DRI for its user driven content and have been impressed with the tools and resources DRI continues to offer. I also enjoy making DRI resources available at a local level."

Fun Fact: "I like to travel, mountain bike and snowboard."

New Member Spotlight

Gilda M. Arroyo, Burns White LLC



Gilda M. Arroyo is an associate in the Burns White LLC firm in its Pittsburgh, Pennsylvania, office. She focuses on transportation and logistics law, insurance and extra-contractual litigation, immigration law, product and premises liability, and toxic tort litigation. She also supports the firm's Banking and Financial Services Practice Group, as well as the Family Law Group. In addition, Ms. Arroyo chairs the firm's Diversity and Inclusion Committee and is currently a Leadership Council on Legal Diversity Fellow.

Ms. Arroyo graduated from the University of the District of Columbia (UDC) David A. Clarke School of Law. While in law school, she served as a teaching assistant and senior

editor of the UDC Law Review. Ms. Arroyo received a B.A. in Sociology, with an emphasis on Criminal Justice from the George Washington University.

An active member of the legal community, Ms. Arroyo is currently chair of the Allegheny County Bar Association Hispanic Attorneys Committee. She also mentors law students in the Pittsburgh area.

Ms. Arroyo is admitted to practice law before the Supreme Court of the United States, the Supreme Court of Pennsylvania, and the U.S. District Court for both the Middle and the Western Districts of Pennsylvania.

Quote of the Week

"All experience is an arch, to build upon."

—Henry Adams (b. Jan. 16, 1838), *The Education of Henry Adams: An Autobiography*, Ch. VI, "Rome."