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The Voice

January 27, 2021

Volume 20, Issue 3

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Shopkeeper's Privilege

By Floyd G. Cottrell

Shopkeeper's privilege is given to merchants by common law or statute to allow the merchant to detain a suspected shoplifter for a reasonable time and in a reasonable manner if probable cause exists to believe a theft occurred. It is a defense to claims of false arrest and false imprisonment, as well as other tortious conduct allegedly arising from the detention.

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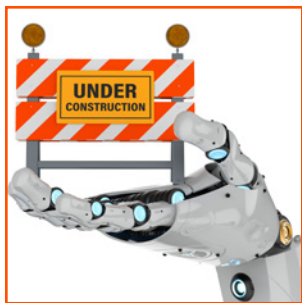
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DRI News

The Voice – Update

Beginning in February 2021, *The Voice* will be transitioning to a more robust offering with a monthly, instead of weekly, publication frequency. DRI is also replacing the PDF delivery format of *The Voice* (as well as committee newsletters) with an HTML/web-based platform, which will provide easier access, better sharing capabilities, enhanced search engine optimization, and a better ability to analyze readership trends. We are confident that you will enjoy this new and improved product. Thank you for reading!

Quote of the Week

“Nevertheless the passions, whether violent or not, should never be so expressed as to reach the point of disgust; and music, even in situations of the greatest horror, should never be painful to the ear but should flatter and charm it, and thereby always remain music.”

— Wolfgang Amadeus Mozart (January 27, 1756 – December 5, 1791)

This Week's Feature

Shopkeeper's Privilege

By Floyd G. Cottrell



Shopkeeper's privilege is given to merchants by common law or statute to allow the merchant to detain a suspected shoplifter for a reasonable time and in a reasonable manner if probable cause exists to believe a theft occurred. It is a defense to claims of false arrest and false imprisonment, as well as other tortious conduct allegedly arising from the detention.

New Jersey's statutory codification of the common-law privilege, N.J.S.A. §2C:20-11(e) is illustrative:

A law enforcement officer, or a special officer, or a merchant, who has probable cause for believing that a person has willfully concealed unpurchased merchandise and that he can recover the merchandise by taking the person into custody, may, for the purpose of attempting to effect recovery thereof, take the person into custody and detain him in a reasonable manner for not more than a reasonable time, and the taking into custody by a law enforcement officer or special officer or merchant shall not render such person criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense of shoplifting as defined in this section.

A merchant who causes the arrest of a person for shoplifting, as provided for in this section, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the merchant has probable cause for believing that the person arrested committed the offense of shoplifting.

Sometime called "merchant's defense," there are similar enactments in many if not most states, including California (Cal. Penal Code §495.50); Florida (Fl. Stat. §812.015(3); Illinois (720 ILCS 5/16-26); Massachusetts (MA. L. c.231, §94B) and New York (N.Y. General Business Law §218).

The privilege is triggered by probable cause to believe that shoplifting is occurring. This is typically established by store personnel observing the shoplifter handle, select, and conceal merchandise; observing the shoplifter's movement through the store; and witnessing the shoplifter's failure

to pay for the merchandise, such as by the shoplifter passing through check-out with the merchandise still concealed and unpaid. An alarm raised by an "electronic article surveillance device" also will suffice. (See Va. Code §8.01-226.9). Failure to present a receipt for merchandise at the request of a "door checker" is probable cause. *Archer v. Wal-Mart Stores East, L.P.*, 2020 U.S. Dist. LEXIS 6757 (M.D. Fla.).

The cases considering the privilege generally accept that a request to accompany store personnel to a private location constitutes a detention without any further coercion. A closer question of fact exists in those situation

where a customer is challenged to present a receipt then permitted to leave without the merchandise when a receipt cannot be produced. See *Archer, supra*; *Moore v. Federated Retail Holdings, Inc.*, 2009 U.S. Dist. LEXIS 3500 (M.D. Fla). In *Archer*, the court found that no detention occurred after plaintiff refused to produce a receipt for a television he purchased, when a five minute video of his encounter with security showed that plaintiff "was never moved from the

scene of the incident, taken to another room or arrested" (although his television was removed from his cart and kept by the store). In *Moore*, the plaintiff came into the defendant's store wearing a fleece jacket purchased at the same store two months earlier that still had the sales tags attached. The plaintiff was challenged to produce a receipt by store personnel. The plaintiff was made to leave the fleece at the store, which was returned with an apology after a receipt was produced, but was never restrained from leaving, causing the court to question whether a detention ever took place.

The burden is on the store to show that the privilege is supported by the facts leading up to the detention. The store must be prepared to detail the observations made of the suspected shoplifter supporting probable cause; vague suspicions will not be sufficient. However, the privilege will survive as a defense if properly supported by probable cause—even if the accused shoplifter is ultimately exonerated from criminal charges.

The privilege will survive as a defense if properly supported by probable cause—even if the accused shoplifter is ultimately exonerated from criminal charges.

This Week's Feature

The privilege is limited to detentions occurring in or near the store, in a reasonable manner, and for a reasonable time. *Davis v. May Dep't Stores Co.*, 2001 Ohio App LEXIS 4321 (2001); *Guijosa v. Wal-Mart Stores, Inc.*, 101 Wn. App. 777, 6 P.3d 582 (Wash. 2000); *Gortarez v. Smitty's Super Valu*, 140 Ariz. 97, 680 P.2d 807 (1984).

The operation of the privilege is vividly illustrated in *Jacques v. Sears, Roebuck & Co.*, 30 N.Y. 2d 466, 285 N.E. 2d 871, 334 N.Y.S. 2d 632 (1972). The plaintiff, Henry Jacques, was a self-employed carpenter who had only three fingers on one hand. Shopping in a Sears store in Syracuse, New York, he gathered various items, including a mailbox, keys, a bulletin board, chalk, erasers, and a pencil sharpener. He also picked up nineteen reflectorized letters and numbers of fairly nominal value that he placed in his pocket, as observed by a security guard. Jacques paid for his purchases, except for the letters and numbers, which remained in his pocket. He was stopped by the security guard in the parking lot, admitted that he had not paid for the letters, and apologized. However, the police were summoned, and he was arrested. He was willing to plead guilty to petit larceny, but the judge refused to accept the plea since Mr. Jacques was initially not represented by counsel. The charge was ultimately dismissed on the motion of the assistant district attorney due to lack of intent; plaintiff—quite credibly—explained “that the letters were put in his pocket to facilitate carrying other bulky items, handicapped as he was by having only three fingers on one hand, and that leaving the store without paying for them was done inadvertently.” 30 N.Y. 2d at 474.

Jacques' civil suit followed and resulted in an award of damages at trial. The appellate division reversed based on the application of the shopkeeper's privilege and the reversal was affirmed by New York's highest appellate court, the

New York Court of Appeals. The appellate courts found the defense well-supported by the facts of the detention, as well as the plaintiff's own admission of not paying for the merchandise, and the detention being reasonable under the circumstances. Rejecting the sympathy that the jury seemed to have felt, the court stated that the store “is not required to probe further the nature of the intent before making a formal arrest.” *Id.*

The incident giving rise to the *Jacques* lawsuit occurred shortly after New York codified its shopkeeper's privilege in G.B.L. §218 and vindicated its aims and purpose under facts highly favorable to the plaintiff. Jacques' “theft” was indisputably unintentional and under understandable conditions. The merchandise involved had negligible value. An after-the-fact offer to pay was made. The store's summoning of the police could be seen as an overreaction by the store. The municipal court judge undoubtedly thought a criminal conviction too severe and the assistant district attorney seemingly agreed. Most likely, the jury thought Jacques was not treated fairly by the store. And despite all this, the privilege was upheld. *Jacques* therefore bears keeping in mind when defending against claims of false arrest and imprisonment for suspected shoplifting.

Floyd G. Cottrell is a partner of **Cottrell Solensky PA** in Hackensack, New Jersey. He is admitted to practice law in the States of New York (1984) and New Jersey (1985), as well as in the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey. He is also admitted to the Bars of the United States Court of Appeals for the Second and Third Circuits and the United States Supreme Court. Mr. Cottrell has tried in excess of 70 jury trials to verdict. He is a member of the DRI Retail and Hospitality Committee.

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COVID-19

Man, I Sure Do Miss Spending Time Together

By Matt Hefflefinger, DRI National Director



As I was thinking about what to say in this piece, I reflected on the things that have happened during 2020, both personally and professionally. I asked myself when the last time was that I spent time with my close friends at DRI and realized that it was during the Annual Meeting in New Orleans during October 2019. It seems like such a long time ago.

When the Trucking Law Committee gathered in New Orleans, we had an incredible dinner at Irene's. We had so much fun together that our waitress insisted on being a part of the group photo. As we have lived virtually for almost a year, I miss the stories, the laughter, and the togetherness. I miss seeing my friends. Camaraderie and collegiality are fostered through our gathering together in ways that can never occur living virtually. Our night in New Orleans provided a special memory when committee member Kelsey Taylor of Texas, who also presented at the Trucking Law Committee's Annual Meeting CLE, decided to sing her version of Etta James' "At Last" just after dinner ended. It is something none of us will forget. Because of the closeness of our committee, we were aware that Kelsey had worked as a professional singer and had to decide whether she wanted to pursue a career as a singer versus a career as a lawyer. Given her singing talent, it had to be a tough decision. Her performance was an incredible way for us to end our evening together.

We have all experienced benefits through our COVID experiences. We have discovered blessings in our lives that we may have overlooked pre-COVID. It has provided perspective on what is truly important in our lives, and it has given us great family time together. I know, some of you may say that it was not always "great," given the chaos that may have existed in your home at some point in time. Nevertheless, as we move on with our lives, I think we all recognize that even those times of chaos will be memories treasured and talked about in the years to come.

For some, living in the virtual world means that you have been forced to work out of your home since last March. For others, you may spend some time in the office, but you essentially work in your office married to your computer. The time has come where we need to take the lessons we have



learned through our experiences and use them wisely as we move out of COVID. We need to get back to seeing each other in person. There is no substitute for being together and developing meaningful relationships with one another.

As I was growing up in the Trucking Law Committee, now President-Elect Douglas Burrell was the national membership chair for DRI. His theme was "It's Personal." It took me a while to understand what he was really saying, but now I do, and I'm sure many of you do, as well. The intangible value that we get from in-person meetings is hard to quantify, but we all know its meaning to our professional lives. We see old friends, make new friendships, exchange ideas, and potentially meet new clients. Every meeting we attend helps to move our career in a positive direction. We share experiences together that carry forward when we're on the phone or in a Zoom meeting, planning a seminar, or simply talking about the latest activities of our committee. We care about each other because we have developed close personal relationships. That manifests itself in how the committee functions and grows.

We are going to get there. 2021 is going to be an incredibly exciting year for all of us at DRI. It seems somewhat prophetic that Kelsey Taylor sang the song "At Last" when the Trucking Law Committee last broke bread together during October 2019. Yes, at last, the time has arrived for us to see each other again.

I look forward to seeing old friends and making new friends in 2021. Let's work together to make it a great year.

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Raising the Bar

The Ugly, the Bad, and the Good: How COVID-19 Restructures the Workplace and Careers of Women in the Law

By Vanessa Offutt



The dark cloud that blanketed 2020 bears a laden weight. A pandemic that has left the world in shambles and has stripped us of life as we once knew it—coupled with social unrest in the United States caused by racial injustice—

have served as rain and hail, pummeling down with a vengeance. Each aspect of life has been affected, in some form, by these woes: interactions with family and friends, mental and emotional wellness, the economy, and the workplace, to name a few. No one has been exempt: young and old, all ethnicities, and all genders. Focusing on women in law, the effects of the COVID-19 pandemic have shed light on a myriad of issues, such as financial strife and opportunities, societal imbalances that highlight resilience, the importance of diversity in the workplace, and the need for overall wellness.

The Effects of COVID-19 in the Workplace: The New “Normal”

Due to the nature in which COVID-19 spreads, many law firms have made a temporary switchover to remote work, enabling attorneys to work from home. The switchover has proved to be a savvy way to keep the ball rolling, providing convenience and a degree of peace of mind to employees.

However, remote work comes with its own set of issues. A well-known issue is the technological learning curve, but there are many others that may not be readily apparent to some. While remote work has leveled the playing field between men and women in one sense, for high-ranking employees to lower-level employees alike, working from home has also revealed an imbalance: some women are taking on a lot more than the dynamics of simply “working from home.” (See e.g., <https://www.abajournal.com/magazine/article/female-lawyers-face-pandemic-challenges>; <https://www.law.com/americanlawyer/2020/10/21/are-women-leaving-big-law-because-of-covid/?slre-turn=20210005082259>.)

The nature of remote working increases the ease and occurrence of exclusion, to which women attorneys are unfortunately most vulnerable.

Women Are Burdened with More Than Their Fair Share

Mothers, spouses, and caretakers are shouldering heavy tasks in juggling matters of the home and the family, in

addition to their work responsibilities. The management of such responsibilities creates room for burnout, in addition to worry about affected work performance and the way in which upper management may address it. Another issue is the reduction in attorney engagement. Women are strongly affected in this regard—suffering from

exclusion; losing out on opportunities to connect and foster relationships with sponsors and mentors; and failing to receive steady access to necessary resources, new updates, new cases, and new clients. The nature of remote working increases the ease and occurrence of exclusion, to which women attorneys are unfortunately most vulnerable. Remote work has also impeded social connection and, as a result, mentorship and sponsorship have taken a hit.

More at risk of experiencing such exclusion and, in turn, facing challenges in advancement, are women attorneys of color. (See e.g., <https://news.virginia.edu/content/law-professor-pandemics-impact-women-highlights-opportunities-change>.) With the many acts of racial injustice witnessed this year, emotional and mental wellness is not the only worry of this subpopulation. Women attorneys of color are not receiving the same opportunities as their colleagues, ushering in anxiety and stress over career advancement and financial security, especially when firms are furloughing and laying off employees in addition to cutting pay due to the economic effects of the pandemic. There is a higher probability of layoffs, furloughs, and pay cuts affecting junior level attorneys, which, as research has shown, are most likely to be minority attorneys. (See e.g., <https://www.law360.com/articles/1295575/law-firms-must-note-pandemic-s-outsize-impact-on-women>.) While the focus has been on hiring minorities, emphasis on reten-

Raising the Bar

tion of minority talent is lacking, leaving that population susceptible to layoffs and pay cuts.

Firm Business Is Ultimately Impacted

For many firms, inclusivity and minority programming were underway in light of the long-standing inequity in staff. Many of those initiatives have been postponed or pushed to the bottom of the list of priorities because of the pandemic's financial toll on many businesses. Those programs, which are designed to boost diversity and champion retention to yield racial and gender equity in law firms, are capable of protecting and cultivating many jobs for women in the field of law. When such programming is reduced, those protections and helpful boosts weaken or disappear, rendering women attorneys—in particular, women of color—vulnerable to exclusion that can have a greater impact on firms.

Law firms will be adversely affected by these challenges that the pandemic has created and exacerbated within the workplace. Female attorneys are facing unique difficulties that can, and have been, resulting in women decelerating their careers and leaving the workforce, either temporarily or permanently. This greatly influences female attorney presence and female leadership in law firms. Firms are at high risk of losing female talent, which stands to compromise diversity efforts. Relations with clients, who place emphasis on diversity, can also be in danger. Moreover, the burnout and anxieties that many female attorneys experience are possibly damaging to productivity and quality of work, which may impair firm reputation and client retention.

As We Round Out the Year, It Is a Great Time to Reflect on the Progress That Has Been Made and the Work Yet to Be Done

Many firms have stepped-up to the plate and pledged to continue their efforts to increase diversity, implement changes for consistent and quality mentorship, encourage regular check-ins by management, and promote self-care and overall wellness. These efforts will serve as effective ways to stave off some of the negative effects that COVID-19 has had on women lawyers.

Additionally, instead of reducing inclusivity/diversity programs in the workplace, now is a pivotal time to continue fostering such efforts. Remote work has the ability to

increase inclusion and social connection, as it takes away the burden of travel and costs. However, intentionality is essential to maximize the opportunities presented by these times. Intentional contact, with outreach by partners, can lead to quality mentorship and sponsorship. Further, intentionality is needed from management to ensure that employees feel supported during these onerous times. Regular contact with attorneys to discuss new matters, current workload and progress, present challenges, and other work-related topics are essential to the health and management of employee relationships. This relays the message that employees are valued amid the many recent workplace restructurings. Another important measure to combat the ills of COVID-19 in the workplace is to promote self-care and overall wellness through employer-provided services such as “employee assistance programs” and mental healthcare benefits. Encouraging employees to “stop and smell the roses” every now and again can also be beneficial.

While COVID-19 stormed down on the year 2020 and beyond, the moments of clarity have revealed resilience, strength, and opportunity. Many firms have shown that business can continue to be successful, even when conducting operations remotely. Women continue to display an admirable strength and ability to multitask, persevere, and produce quality work. And, despite the trying changes that occurred in the workplace this year, remote work and teleconferencing have proved to be beneficial tools that can be incorporated in the post-COVID-19 future by restructuring the workplace into one of convenience without sacrificing quality of work. Though there have been apparent downsides, the effects of COVID-19 on the workplace in general, and on women in law in particular, have not and cannot overshadow the value that women bring to firms and the practice of law.

Vanessa Offutt is an associate at **Shook Hardy & Bacon** in the firm's Miami, Florida, office. She focuses on pharmaceutical and medical device litigation, including toxic torts and product liability. Vanessa has a strong background in trial advocacy and court practice, as well as a deep commitment to helping her community, and she brings real-world experience, compassion, and discipline to her work for clients facing the challenges of litigation. She is a veteran of the U.S. Army, where she served as a military police officer.

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Membership Minute: Things to Look Forward to in 2021

By Alexandra Lilly



I think most of us breathed a sigh of relief to know that 2020 is behind us. Though many of us are still working remotely and facing challenges that the COVID-19 pandemic and 2020 brought, I am excited to know that there are finally events on my calendar to look forward to and a glimmer of hope that “normal” will one day return. Of course, [DRI is offering so many opportunities](#) to get things on the calendar and to be excited about in 2021!

I first joined DRI in the fall of 2019, which was also my first year as a practicing attorney. I was still trying to time my morning commute and figure out where the coffee machine was. My days at that point typically started with nodding and smiling at partners every time I was given an assignment before I walked back to my office and used Google to figure out where to start. Right around this time, a new colleague arrived at our office, Brett Tarver. Brett is a senior associate with whom I work closely. She is effortlessly friendly and always there to lend nonjudgmental advice. Through my first few conversations with Brett, I knew she was heavily involved in an organization called DRI, though I did not really know what that meant at the time.

One day, Brett came to my office with a flyer and a form and asked if she could come in and tell me about DRI. Brett went on to tell me about all the professional opportunities she had received from being a part of DRI, from speaking at events to publishing articles. However, what really stuck with me was how excited she was to talk about the relationships she had made through her involvement. I could tell that the DRI Young Lawyers Seminar was not just an obligatory networking event to her, but a reunion of true, close friends that she looked forward to all year! With that being her most successful selling point, I joined DRI, and applied the following year to join the [Young Lawyers Steering Committee](#).

Though I was most looking forward to the Young Lawyers Seminar and meeting all the people Brett told me about,

2020 had other plans. I was disappointed that the Young Lawyers Seminar, which was supposed to be held in my backyard of Atlanta, was cancelled. However, in some ways, the events of 2020 gave me the opportunity to attend even more DRI events. I attended the virtual Young Lawyers Seminar in October and was blown away by how the leadership was able to portray the same friendly and inclusive spirit on a virtual platform that I know would have been present if the seminar had been held in-person. I felt that same spirit at the DRI Annual Meeting held a few weeks later.

As much as we hate not being together, the number of virtual events this year provides an amazing opportunity for those not yet involved in DRI to get a taste of what the organization has to offer from the comfort of their homes. Many events are even being offered for free or at a reduced price! I encourage you to reach out to other young lawyers in your firms, just as



Brett reached out to me, and ask them to join DRI this year and to participate in all of our events. And remember, if you recruit a new member to the [Young Lawyers Committee](#), be sure to fill out their [application](#), place your name in the “Referred By” line above “Young Lawyers” as the referring committee, and ask if you can send the application to DRI on their behalf. DRI will send an invoice for the membership fee. You will be rewarded with a \$100 DRI CLE credit for each new member you recruit. Encourage them to join and mark their calendars for the [Young Lawyers Seminar](#) in Minneapolis on June 23–25, 2021, regardless of whether it will be held virtually or in person. It is something we can all look forward to! Please join me in marking your calendars for the many great opportunities that DRI has to offer in 2021!

Alexandra Lilly is an associate at **Troutman Pepper** in their office in Atlanta. Her practice spans general commercial litigation matters with a specialization in product liability litigation. Alexandra provides solutions in cases involving breach of contract, class actions, and pharmaceutical and medical device litigation matters.

Thank you to the DRI Young Lawyers Committee’s *Raising the Bar* Subcommittee for their contributions to this week’s issue of *The Voice*.

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CMBG3 Cares: Feeding Families and Fulfilling Wish Lists



This past holiday season, **CMBG3 Law LLC** team members were among the over fifty volunteers who participated in the Bread of Life Christmas Day event. **Bread of Life** is an organization that serves communities north of Boston with the goal to feed those in need or who are homeless. Its Christmas Day event has now taken place for over thirty years! The organization delivered meals to 300 families and provided meals for over 300 additional families who walked in on the day of the event looking for assistance. CMBG3 also made a donation to support the purchasing of food for the meals at the Bread of Life event.

Also in December 2020, CMBG3 team members participated in two holiday gift drives for children in need by purchasing gifts to fulfill wish lists and wrapping the gifts for delivery to the organizations. CMBG3 contributed towards the gift drives to ensure that each child had a completely fulfilled wish list for the holidays.

In Boston, the Department of Children and Families organized a gift drive for children who were in the state's custody due to parental abuse, neglect, or abandonment. Fifty children received all of the gifts on their wish lists due to the CMBG3 team efforts. In California, team members and the firm sponsored five families with holiday wish lists, for a total of twenty-two children, through Families First. The Families First organization helps children who



Bread of Life

Food for the body...Nurture for the soul

are fortunate to be with their parents or relatives for the holidays, but the families have extremely limited means and cannot afford to provide holiday gifts for their children. The parents of the children were also given gift cards so that they could purchase additional items for their children and feel like they were part of their children's holiday.

CMBG3 is committed to supporting their communities and giving back throughout CMBG3 Cares program, an initiative that ensures that every month team members have a way to volunteer their time to their communities or make a contribution in some way to those in need.



"DRI Cares" content is coordinated by **James Craven** of Wiggan and Dana LLP and **Rebecca Nickelson** of Sinars Slowikowski Tomaska LLC. To submit items for upcoming issues, please contact them at jcraven@wiggan.com and rmickelson@sinarslaw.com.

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DRIKids

Diana Cuning

Why is it important to help other people who need our help?

If no one helps other people, it will be very sad.

If you could put on a project to help out others, what would you do?

I would help them pick up their toys.

What do you like daydreaming about?

All sorts of things—like hot lava, dinosaurs, making everything colorful like the rainbow, and riding on a magical unicorn.

What's a memory that makes you happy?

The night our family stayed up late looking at the stars in the sky.

At what age is a person an adult.

I'm excited to be a teenager, which is like an adult kid.

What is the hardest thing about being a kid?

Growing up.

If you could give one gift to every kid in the world, what would it be?

A surprise gift because everyone likes surprises.

What is your perfect meal?

Dead octopus. Carrots. Kiwi. Chocolate cookies. Milk.

What do you want to be when you grow up?

I want to birth babies and have some fun with my kids.



Diana Cuning, four years old, is the daughter of DRI member [Jessica Knopp Cuning](#), a partner at **Vorys Stater Seymour and Pease LLP** in Akron, Ohio, and her husband, Tim.

“DRIKids” content is coordinated by **Diane Pumphrey** of Wilkins Patterson Smith Pumphrey & Stephenson PA and **Laura Emmett** of Strigberger Brown Armstrong LLP. To submit items for upcoming issues, please contact them at dpumphrey@wilkinspatterson.com and lemmett@sbalegwers.ca.

DTCI: New Leadership, Award Recipients

The **Defense Trial Counsel of Indiana (DTCI)** named its 2021 officers and directors at its twenty-seventh Annual Meeting, November 19–20, 2020. The officers and directors took office January 1, 2021.

Kori Chambers with Indiana University Health Risk Retention Group in Indianapolis became the DTCI's 54th president; **Elliott**

I. Pinkie with Pinkie Law in Indianapolis was named president-elect; **Christopher D. Lee** with the Evansville office of Dinsmore & Shohl was named secretary of the association; and **Anna Mallon** of Paganelli Law Group in Indianapolis was chosen treasurer. **Donald S. Smith** with Riley Bennett & Egloff in Indianapolis will continue on the board as immediate past-president. **James W. Hehner** of Clendening Johnson & Bohrer in Indianapolis will continue his duties as DRI state representative for Indiana.



*New DTCI President
Kori Chambers*

New to the board in 2021 are **Scott Cockrum** with Lewis Brisbois in Highland and **Lauren Dimmitt** with Dinsmore & Shohl in Evansville & Bloomington.

Also in conjunction with its 2020 Annual Meeting, the DTCI recognized the outstanding defense lawyers of the year.



Michael Tolbert has been named the 2020 **DTCI Defense Lawyer of the Year**. He is a partner in the Gary firm of Tolbert & Tolbert and the recently installed president of the Indiana State Bar Association. The Defense Lawyer of the Year award is presented to a licensed lawyer who, in the opinion of the awards committee, as approved by the board of directors, has promoted the interests of the Indiana Defense Bar, since the last Annual Meeting of the DTCI, in a most significant way in the fields of litigation, legislation, publication, or participation in local, state, or national defense organizations.

The DTCI has installed as a **Diplomat of the Indiana Defense Trial Counsel** a member of the Indiana bar who, in the judgment of the officers and directors of the Defense Trial Counsel of Indiana, has distinguished himself throughout his career by outstanding contributions to the representation of clients in the defense of litigation matters. The 2020 recipient is **John McCrum**, a partner in Eichhorn & Eichhorn in its Hammond office.

The DTCI **Outstanding Young Lawyer** award is presented to a member of the Defense Trial Counsel, less than thirty-five years old, who has shown leadership qualities in service to the Indiana defense bar, the national defense bar, or the community. The 2020 recipient is **Barath Raman**, an associate with Lewis Wagner and the chair of the DTCI Construction Law Section.

Upcoming Seminars and Webinars



DRI 2021 seminars and webinars

Registration is now open for DRI's 2021 seminars and webinars.

[Click here register now.](#)

Quote of the Week

“Nevertheless the passions, whether violent or not, should never be so expressed as to reach the point of disgust; and music, even in situations of the greatest horror, should never be painful to the ear but should flatter and charm it, and thereby always remain music.”

— Wolfgang Amadeus Mozart (January 27, 1756 – December 5, 1791)