



# Declaration of Candidacy

Position sought

- Second Vice President\*
- Secretary- Treasurer
- National Director

\*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

- Yes
- No

Name: **Diane Fleming Averell**

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Firm/Company: **Porzio, Bromberg & Newman, P.C.**

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Address: **100 Southgate Parkway, Morristown, NJ 07962**

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Telephone: **973.889.4150**      Cell Phone: **973.234.3972**

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E-mail: **dfaverell@pbnlaw.com**

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Born (location): **Philadelphia, Pennsylvania**

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Education: **Villanova University, B.A.(1997); Villanova University School of Law, J.D. (2000)**

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Awards and achievements:

**Recognized on NJBiz's 2018 list of Best Fifty Women in Business, 2018**

**Recognized on the New Jersey Super Lawyers List, Personal Injury-Products: Defense, 2016 - 2019.**

**Recognized by New Jersey Law Journal in their annual "40 Under 40" list of attorneys, 2011.**

**Recognized on the New Jersey Super Lawyers "Rising Stars" List, 2009 -2010, 2013.**

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Areas of practice: **Product liability, toxic tort, and mass tort litigation; business litigation and counseling.**

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Years as a defense attorney: **19 years**

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Employment history:

**2002-Present: Porzio, Bromberg & Newman, P.C.;**

**2001-2002: Daller, Greenberg & Dietrich, LLP;**

**2000-2001: United States Department of Labor, Law Clerk to Administrative  
Law Judge Ainsworth H. Brown.**

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Noteworthy Defense Work:

- **National litigation counsel for leading manufacturer of commercial transportation equipment.**
  - **Lead counsel for manufacturer of household and personal care products in defense of product liability claims across the U.S.**
  - **Trial counsel for chemical manufacturer in the defense of product liability claims based on alleged exposure to aromatic amines.**
  - **Science counsel for chemical manufacturer in the defense of product liability claims arising out of alleged exposure to aromatic amines.**
  - **Counsel for two major chemical manufacturers in the New Jersey asbestos litigation, including product and premises liability claims.**
  - **Counsel for petroleum product manufacturers, specialty material manufacturers, and paint manufacturers in the defense of product liability claims arising from alleged exposure to benzene derivatives.**
  - **Lead counsel for flexible packaging manufacturer in commercial litigation.**
  - **Co-counsel for chemical manufacturer in the defense of product liability claims arising out of alleged exposure to dry cleaning solvents.**
  - **Lead counsel for specialty chemical manufacturer in the defense of product liability claims in federal district court for the Western District of New York.**
  - **Lead counsel for air spring manufacturer in the defense of product liability claims filed in Pennsylvania Court of Common Pleas, Philadelphia County.**
  - **Co-counsel for HVAC system manufacturer and a design/installation company in the defense of commercial litigation arising out of alleged breach of contract and defect claims.**
  - **Co-counsel for power tool manufacturer in the defense of a product liability/subrogation claims related to an alleged defects in an air compressor.**
  - **Lead counsel for manufacturer of anti-corrosion products in the defense of product liability claims.**
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*Noteworthy Defense Work, continued:*

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- **Co-counsel for major pharmaceutical company in the defense of product liability claims arising out of the ingestion of prescription hormone therapeutics.**
  - **Co-counsel for major pharmaceutical company in the defense of product liability cases arising out of the ingestion of over-the-counter cough/cold medications.**
  - **Co-counsel for major pharmaceutical company in the defense of product liability cases arising out of the ingestion of diet drug medications.**
  - **Co-counsel for tobacco company in the defense of wrongful death/product liability claims filed in Pennsylvania Court of Common Pleas, Philadelphia County.**
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Professional affiliations:

**DRI, 2002 – present.**

**International Association of Defense Counsel, May 2014 - present.**

**The Network of Trial Law Firms, 2016 – present.**

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DRI member since **2002**

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Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

**Committee Involvement:**

**Women in the Law Committee, 2010-present. Leadership positions held: Chair, 2017-2019; Vice-Chair, 2015-2017; Program Chair, 2015; Program Vice-Chair, 2014; Program Marketing Chair, 2013; Program Marketing Vice-Chair, 2012; Networking Activities Chair, 2010-2011.**

*Accomplishments:*

*First joint fly-in meeting with Corporate Counsel Committee and Diversity & Inclusion Committee (2019)*

*SLDO Toolkit on Creating/Reinvigorating Women's Initiatives (2018).*

*Pathways to Leadership Program for Women who aspire to leadership roles in DRI (2016-2017).*

**Annual Meeting Steering Committee, 2018-2019. Leadership position held: Blockbuster Speakers, Vice-Chair.**

**Corporate Counsel Roundtable Steering Committee, 2018-2019.**

**DRI Search Advisory Committee, 2019.**

**DRI Membership Messaging Taskforce, 2019**

**Law in Transition Committee, 2015-2017. Leadership position held: Vice-Chair.**

**Toxic Tort & Environmental Law Committee, 2014- present. Leadership positions held: Seminar Marketing Chair, 2014-2016.**

**Center for Law and Public Policy, Member of the Issues and Advocacy Committee, 2013 – 2015.**

**Drug and Medical Device Committee, 2002-2009.**

**Past and Upcoming Presentations:**

**"Stop Pitching and Start Listening: The Key to Building Authentic Relationships," 2019 DRI Annual Meeting, New Orleans, LA, October 16-19, 2019.**

**"Women and Diversity Leadership: Building and Sustaining Diversity Excellence," 2019 DRI Managing Partners and Law Firm Leaders Conference, Denver, CO, September 5, 2019.**

**Moderator, "Partnering with Your Clients," 2016 DRI Toxic Tort and Environmental Law Seminar, New Orleans, LA, March 17, 2016.**

**Moderator, "The Year In Review: Significant Judicial Decisions And Litigation Trends In Toxic Torts And Environmental Law of 2013," 2014 DRI Toxic Tort and Environmental Law Seminar, New Orleans, LA, February 20, 2014.**

**"Don't Waste Our Money: Advice from In-House Attorneys on How to Manage a New Matter in a Shifting Legal Environment," Moderator, 2012 DRI Women in the Law Seminar, Scottsdale, AZ, February 23, 2012.**

**"Preparing for the Deposition of Plaintiff's Expert: Getting Behind the CV," Young Lawyers Break-out Session, 2005 Drug & Medical Device Seminar, New York, NY, May 12, 2005.**

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**Publications:**

**"#DRIforAll: Practicing Intersectionality," *For the Defense*, September 2018.**

**"Independent Cause of Action for Medical Monitoring Not in the "New York State of Mind", " DRI The Voice of the Defense Bar, Strictly Speaking Newsletter, May 12, 2014.**

**"The Year In Review: Significant Judicial Decisions And Litigation Trends In Toxic Torts And Environmental Law of 2013," DRI Toxic Tort and Environmental Law Committee, February 2014.**

List any leadership roles in other defense organizations:

**IADC, Business Litigation Committee, Membership Subcommittee.**

**The Network of Trial Law Firms, Program Review Committee.**

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Describe your goals if you are elected to the above position.

**If elected as a National Director, I will focus on increasing the membership of DRI through a three-prong strategy to (1) attract; (2) promote; and (3) retain members on a long-term — ideally lifelong – basis.**

**(1) Attracting new members: As a member of the Membership Messaging Task Force, I am focused on developing a strategy to promote the incredible depth, capabilities, and benefits of DRI in a relevant, authentic, and memorable way that will create a buzz about the organization – that will make it a "must join" proposition. To accomplish this, we must bring together those factors that differentiate the organization from other bar associations while creating an intersectional message that will resonate with *all* civil defense lawyers of diverse racial, ethnic, gender, sexual orientation, generational, socio-economic, and geographic backgrounds. We need to create a crystal clear value proposition that explains why DRI membership is an indispensable component of personal and professional success for civil defense lawyers who practice in firms, companies, and industries of varying sizes and geographic locations. As a National Director, I will work to craft and implement a "DRI for All" campaign that communicates the organization's culture, values and core services; strengthens and advances its brand recognition among the civil defense bar; and attracts new diverse talent to join DRI as an investment in their personal and professional development as they pursue fulfillment and success in their legal careers.**

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**(2) Promoting members:** Engaging members immediately after joining DRI is key to demonstrating that they invested their precious business development dollars and time wisely. While the level of engagement will vary from member to member, it is critical to recognize and create opportunities for members who are seeking to either learn leadership skills or flex well-developed leadership muscles. As a National Director, I will work to develop and implement, on a committee-by-committee basis, a formal succession planning structure to identify tested leaders and dedicated contributors and then guide them in mapping a promotion path that aligns with their short-term and long-term goals within the organization. Such succession planning would allow for cross-committee promotion of members from our affinity-based committees such as Corporate Counsel, Diversity & Inclusion, Women in the Law, and Young Lawyers.

**(3) Retaining members:** Remaining relevant is key, and DRI consistently strives to adapt to the latest trends in the legal industry in order to meet the ever-changing needs of its members. Certain core services differentiate DRI as preeminent: superior programming and publications, first-rate networking and business development opportunities, and thought leadership and activism on issues that shape the law and the profession. *How* and *when* DRI delivers those services now and in the future is essential to enticing members to stay engaged in the organization. *What* our members might need or expect from their DRI membership in order to realize what they consider to be a demonstrable "ROI" in the future is equally important. *Who* comprises the defense bar also requires DRI to be imaginative and inclusive in tailoring its services to meet the needs of defense lawyers from diverse backgrounds as it relates to generation, race, ethnicity, gender, sexual orientation, industry focus, firm or company size and geographic location. As a National Director, I will work to evaluate new and innovative ways to deliver DRI's core services to *all* members while maintaining superlative quality. DRI must strive to get out in front of emerging issues that dominate legal and business headlines on a more rapid basis through impactful but smaller-scale programming, social media campaigns, and activism that will allow DRI and its members to occupy the cutting edge of thought leadership for the civil defense bar. I also will work to promote collaboration across SLCs and SLGs to identify and develop (a) additional services that defense lawyers and clients need but cannot otherwise secure in their law firms or companies; and (b) a new level of value through joint programming and services for members *and* clients. Likewise, I will support DRI's ongoing efforts to collaborate with the SLDOs to identify partnership opportunities for sharing resources and delivering joint programming and services on the state and local levels.

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What do you believe is the most important issue confronting the defense bar?

**As the market for traditional legal services continues to dwindle at a rapid pace, civil defense lawyers are struggling to break free of the old constructs in order to define and fulfill the needs of the 21<sup>st</sup> century consumers of legal services. Likewise, the defense bar is striving to identify new markets for legal services as alternative vendors and service providers, both global and domestic, continue to encroach on and takeover legal services traditionally handled by lawyers. Against this backdrop, corporate legal departments are coping with shrinking budgets and being asked to do more with less resources and diminished headcount. In-house legal teams are embracing this new reality by taking on and handling more work themselves, while hiring outside counsel who are positioned to serve as trusted business partners. This hiring processes now assumes professional competency in candidates; rather, what seems to distinguish one lawyer or one firm from the others is the authentic alignment in culture and values, and the ability to leverage technology and resources to advance the corporation's business objectives, increase efficiency, reduce costs, and share both the risks and rewards that come with the relationship. Clients demand diversity in their outside legal teams, making it critical for law firms to go beyond simply recruiting diverse lawyers and instead committing to inclusive workplace practices necessary to retain and promote diverse talent. Clients also expect their outside firms to work collaboratively with them in all aspects of the legal function beyond traditional litigation – e.g., compliance counseling, resolving pre-litigation business disputes, conducting internal investigations, responding to government agencies, training client workforces, and auditing policies and response plans to myriad crises that threaten modern businesses. DRI is well-positioned to create services for both in-house and outside lawyers as they adapt to this new legal marketplace.**

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Define the appropriate role for DRI as the national defense bar organization.

**DRI is, and should continue its role as, *the* premier organization for attorneys who defend businesses, insurers, and individuals in civil litigation. To ensure and broaden its competitive advantage on a global basis into the future, DRI should leverage its resources to identify and respond to the needs of its members who are working hard – and at times, struggling – to succeed in a rapidly evolving legal profession. To that end, DRI also should focus on: (1) continuing to leverage technology in its delivery of superior, cutting-edge legal education on emerging "hot topics" more quickly and more economically for the organization and members, alike; (2) identifying and then developing solutions-focused services aimed to fill the "gaps" in training, career**

counseling, and resources that members are struggling to overcome in their law firms and companies; (3) offering innovative networking events on a more frequent basis through its 29 SLCs and SLGs to foster greater business development and "ROI" opportunities for members; and (4) expanding and publicizing better its thought leadership and achievements in shaping critical issues that impact the substantive law and the legal profession through the amazing work of The Center for Law and Public Policy.

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Hobbies and/or interests: **Born and raised in Philadelphia, I am life-long fan of the Philadelphia Eagles (but I'm a nice person!). I also am a bit obsessed with college basketball and love cheering on my beloved Villanova Wildcats. Each summer, I enjoy spending as much time as possible with my family at the Jersey Shore.**

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Family: **My husband Tim and I will celebrate our 15<sup>th</sup> wedding anniversary this December. We have two children – Tim (age 12) and Margaret (age 9).**

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