

Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Executive Director at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

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 Diana Gerstberger

Firm/Company AXIS Insurance Company

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Born (location) Albany, New York

Education Juris Doctorate California Western School of Law January 1996 / Bachelor of Business Administration San Diego State May 1991

Awards and achievements

- David Carr Outstanding Chair Award 2018. It is my understanding that I am the first industry person (not engaged in active practice of law) to be appointed as Chair and Vice Chair of a substantive law committee;
 - Silver award for outstanding claims handling from Zurich;
 - Bonus award from Catlin for my involvement in with the development, training and implementation of the new claims system;
 - Internal newsletter recognition for my partnership and collaboration with underwriting while at AXIS.
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Areas of practice: Construction, Products liability, NY Labor Law

Years as a defense attorney: 1 year in defense practice. Nineteen years handling complex litigated claim files with defense counsel across the United States.

Employment history: AXIS Insurance April 2017 to present, XL Catlin September 2008 to April 2017, Zurich NA June 2003 to September 2008 Sam Hooper & Associates November 2002 to June 2003 Balesteri Pendleton & Potocki May 2001 to October 2002.

Noteworthy defense work N/A

Professional affiliations: CLM, US Law, State Bar of California

DRI member since October 1, 2009

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.

Construction Law Section Steering Committee member since 2009, Construction Law Section SLG Chair 2011- 2014, Construction Law Seminar Program vice Chair 2014, Program Chair 2015, Construction Law Section Vice-Chair 2015-2017, Section Chair 2017 to Present; Co-Created and Co-Chair of the Construction Defect 101 Course developed for the Construction Annual Seminar

presented 2012 -2016, Developed the DRI Construction Law 101 Boot Camp Nov 2018, Developing DRI Construction Law Work Place Injury Boot Camp scheduled for Nov 2019. Article published in the "For The Defense" June 2014. Recipient of the David Carr Outstanding Chair award 2018. I have presented on numerous panels at the Construction Law section seminars since 2009. Very active in working with DRI and executive board to make the Construction Law Section successful and a benefit to all of our members.

List any leadership roles in other defense organizations:

Member of the US Law Client Leadership Counsel

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

My goals would be to work with the board and the DRI members to expand the presence and participation of the insurance industry within DRI. There are tremendous advantages to partnering with the insurance industry for both counsel and the insurance representatives. Forming a strong partnership especially in the area of education will allow DRI members to showcase their education and talent with their clients and potential clients. As someone from the Insurance industry I have first-hand experience in how valuable the relationship with DRI can be. I have benefited both professionally and personally from my involvement in DRI. I have been and continue to be an advocate for DRI within the insurance industry. My experience and background would make me a valued asset to the board as I can provide real examples of the benefits of this organization and why DRI makes an ideal partner for the insurance industry. I believe this is important goal going forward as so many of our members work with or are involved with the insurance industry. By forming a productive and mutually beneficial relationship with the insurance industry, our members can form strong relationships with clients and potential clients at DRI events and not look to other organizations for this benefit. I believe I will be a fresh voice for the board and provide a unique perspective that will benefit DRI and its members.

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

A crucial issue impacting the defense bar is cyber security. In a field where it is imperative to protect client information, we are now sending file updates, medical records, employment records, and other documents containing personal information in electronic form to claims adjusters, clients and opposing counsel. How to keep the information protected from hackers or protect against errors in sending information to third parties has become a focus for law firms around the United States. This has become an even larger issue with the privacy laws in other countries such as England where including innocent information such as a person's name and job title as part of document discovery sent outside of England can expose the firm to large

finances and penalties per the GDPR rules. It is crucial that the legal industry keep up with the electronic paperless evolution but implement policies and procedure for the firm staff to follow in order to protect sensitive confidential information.

Another issue impacting the defense bar is the fact that many younger attorneys are not interested in becoming partners or leaders in the firms where they work. This is becoming a larger issue as many partners and senior counsel from the previous generation move into retirement age. The industry as whole needs to find creative ways to keep the younger generation motivated and engaged which will in turn generate interest in promotion and leadership within the law firm and the defense bar.

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

DRI is already a well-recognized leader of the defense bar and has a well-defined mission statement as the premier national defense bar organization. I believe going forward, DRI needs to continue to evolve with the new generation of lawyers and make sure they are listening to their members. A strong active membership is the key to the success and will keep DRI at the forefront of the defense bar. With many law firms limiting the number of organizations their attorneys can join (such as DRI), combined with the increased competition with other bar organizations, the focus on our membership is crucial. In addition to finding new and creative ways to attract and recruit young lawyers, DRI needs to make sure we keep our current members. The insurance industry is an integral part of the civil justice system and a majority of DRI members have an insurance-based component as part of their practice. This is an area where DRI can develop in both partnering with the insurance industry as well membership. Bringing the insurance industry together with the defense bar for education, networking and partnership on issues affecting both industries is an area that DRI can improve and thrive. By advancing this partnership DRI opens additional avenues where current members can expand their involvement with a positive correlation to the growth of the firm and the professional development of members as well.

Hobbies and/or interests

Sports especially football and soccer, reading and going to the movies

Family

One daughter Michaela who is attending college at San Diego State
