



The Voice of the  
Defense Bar™

# The Voice

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Volume 17, Issue 48

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## This Week's Feature



## Causation in Appellate Malpractice Cases—for a Judge or Jury?

By Laura Dean

As a general rule, proximate cause is generally a question of fact to be determined by the fact finder. However, courts across the country have carved out an exception for appellate malpractice cases involving failing to appeal. In this narrow set of cases, most courts that have addressed the issue have held that whether a hypothetical appeal would have been successful is a question of law left to a court.

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- Product Liability Conference, February 6-8, 2019
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- Medical Liability and Health Care Law Seminar, March 20-22, 2019
- Trial Skills and Damages, March 20-22, 2019
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### New Member Spotlight

Cassie Barkett, Structured Financial Associates, Inc.



Cassie Barkett is a settlement consultant with Structured Financial Associates, Inc. She began her insurance career in 2012, bringing with her extensive experience as a trial attorney. Her practice consisted of both civil and criminal law, focused primarily on complex civil litigation, including wrongful death, product liability, and personal and catastrophic injury litigation. ...

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### Quote of the Week

“One government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy. It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each.”

—John Jay (b. Dec. 12, 1745), *The Federalist No. 4* (Nov. 7, 1787).

## This Week's Feature

# Causation in Appellate Malpractice Cases—for a Judge or Jury?

By Laura Dean



As a general rule, proximate cause is generally a question of fact to be determined by the fact finder. However, courts across the country have carved out an exception for appellate malpractice cases involving failing to appeal. In this narrow set of cases, most courts that have addressed the issue have held that whether a hypothetical appeal would have been successful is a question of law left to a court.

In November 2018, Idaho joined a majority of states across the country in ruling that when a client sues an attorney for failing to file a timely appeal, the success of the hypothetical appeal is a matter of law for a court to decide. *Lanham v. Fleenor*, Docket No. 45488, 2018 WL 5813559 (Idaho Nov 7, 2018).

In *Lanham*, Gordon Lanham wrote a will explicitly limiting the inheritance of his son, Thomas Lanham. Thomas Lanham hired an attorney to file a will contest, arguing that because the will failed to devise the property or name a residuary, certain property should pass to him. After a judge ruled against Thomas Lanham, his attorney failed to timely file an appeal, and as an untimely appeal, the appeal was dismissed.

Thomas Lanham sued the attorney for legal malpractice for failing to file an appeal before the deadline passed. The trial court ruled that because the appeal would have been unsuccessful, the legal malpractice caused no injury. Thomas Lanham appealed, arguing that a jury should decide whether the appeal would be successful. The Idaho Supreme Court affirmed, holding that the success of a hypothetical appeal is a matter of law for a court to decide.

The court reasoned that if a jury were to make this determination, the jury would, in effect, sit as an appellate court. The court further found that “[a] judge is better trained and in a better position to make that decision than is a jury.” *Lanham*, 2018 WL 5813559, at \*4. Further, the court noted that “jurors are never tasked with the responsibility of determining legal issues.” *Id.*

This decision follows the majority, if not the super majority, of other jurisdictions that have addressed this exact question. See, e.g., *Tinelli v. Redl*, 199 F.3d 603, 607 (2d Cir. 1999) (“[t]o rule otherwise—and hold that a jury should

decide how an appellate court would have ruled—would misconstrue the very nature of appellate review.”); *Steeves v. Bernstein, Shur, Sawyer & Nelson, P.C.*, 718 A.2d 186, 191 (Me.1998) (“[n]umerous courts have recognized that the determination of whether an appeal not taken would have succeeded is within the exclusive province of the court, not the jury.”); *Fine & Block v. Evans*, 295, 411 S.E.2d 73 (Ga. Ct. App. 1991) (“a determination of whether an appeal to this Court would have been successful is a question of law, exclusively within the province of judges”).

Although this is clearly the majority rule, some still question how permitting a jury to make a causation determination in a case of appellate malpractice differs from similar determinations in malpractice actions involving other professions. In *Andrews v. Saylor*, 80 P.3d 482, 487 (N.M. Ct. App. 2003), the New Mexico Court of Appeals, which is the sole court to hold that a jury should determine whether a hypothetical appeal would be successful, stated, “We see no need for treating legal malpractice any differently than other types of professional malpractice.” *Id.*

In *Charles Reinhart Co. v. Winiemko*, 513 N.W.2d 773, 792 (Mich. 1994) (Brickley, J., dissenting), the dissent also struggled with this distinction. The dissent noted that in medical malpractice cases, juries are routinely asked to determine what would have happened to a patient had an alternative medical procedure been employed by a doctor. *Id.* Likewise, in product liability or engineering malpractice cases, juries are often asked to determine whether an accident or event would have occurred had a different design or manufacturing process been employed. *Id.* The dissent could not see the difference between these professional malpractice matters and appellate malpractice matters and expressed concern that these decisions carve out an exception from the jury system that would only be available to attorneys. *Id.*

Similarly, in *Millhouse v. Wiesenthal*, 775 S.W.2d 626, 628 (Tex. 1989) (Mauzy, J., dissenting), Justice Mauzy, writing for the dissent, noted that “[t]he field of appellate law is no more complicated or obscure than the fields of medicine, chemistry, engineering, biology, construction, or any of a myriad of professions. In all negligence cases involving these professions, the issue of causation is submitted to the jury.” *Id.* The dissent reasoned that the rule for these

professionals should be the same as for attorneys. *Id.* at 628–29.

Thus, while courts across the country have found that the proximate cause question in appellate malpractice cases is somehow different and distinguishable from all other professional malpractice cases, there is a real concern that these courts are carving out an exception that may only reinforce a rift, whether real or perceived, between attorneys and fellow professionals. See *Charles Reinhart Co. v. Winiemko*, 513 N.W.2d 773, 792 (Mich. 1994) (dissent) (noting that the majority rule has the potential to reinforce “an already problematic image of systemic attorney self-protection and further alienate from the legal system our peers in the other professions.”). As the dissent in *Millhouse*

noted, “[t]he privilege of being an attorney should not carry with it immunity from the jury system. The argument that attorney-judges are better equipped to decide appellate legal malpractice cases is elitist. We do not impanel a jury of physicians to decide a medical malpractice case.” *Millhouse*, 775 S.W.2d at 629.

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[Laura Dean](#) is an associate with Cranfill Sumner & Hartzog LLP in Raleigh, North Carolina. She focuses her practice on professional liability defense. She also handles a variety of other civil litigation matters. Ms. Dean is a member of the DRI Professional Liability Committee and serves on its steering committee.



## Member News

# Robinson Inducted into NCSC's Burger Society



DRI member [Forrest James \(Jim\) Robinson, Jr.](#), a seasoned and decorated business litigator with 35 years of experience, has been inducted into the National Center for State Courts Warren E. Burger Society. The Burger Society honors individuals who have used their time, talent, and support to the National Center for State Courts (NCSC) in exceptional ways. It is named for the former chief justice of the United States who helped found NCSC in 1971. The induction ceremony took place November 15 in Washington, D.C.

Mr. Robinson, a senior partner in the law firm of Hite Fanning & Honeyman in Wichita, Kansas, has worked tirelessly to preserve a fair and impartial judiciary, and has stepped forward and taken the lead in countering unwarranted criticisms or intrusions upon the independence of the judiciary. Throughout his career, he has devoted himself to improving and defending the judicial system and has assumed numerous leadership roles, such as serving on the Kansas Bar Association's legislative committee, the Kansas Judicial Council, and NCSC's lawyers committee. As a member of the lawyers committee, Mr. Robinson has provided education on the issues facing the state court systems and

has kept committee members aware of challenges that may come to their states.

A DRI member since 1995, Mr. Robinson is a member of the DRI Center for Law and Public Policy's Judicial Task Force and Issues and Advocacy Committee, and is a former DRI Kansas State Representative. He is also a past president of the Kansas Association of Defense Counsel. He is listed in Best Lawyers in America in the areas of "bet-the-company" litigation and commercial litigation. He is recognized by Chambers, U.S.A., as a top tier lawyer in Kansas commercial litigation, Benchmark Litigation as a "Litigation Star in Kansas" and is included in Missouri and Kansas Super Lawyers editions from 2008 to 2018.

The National Center for State Courts, headquartered in Williamsburg, Virginia, is a nonprofit court organization dedicated to improving the administration of justice by providing leadership and service to the state courts. Founded in 1971 by the Conference of Chief Justices and Chief Justice of the United States Warren E. Burger, NCSC provides education, training, technology, management, and research services to the nation's state courts.

## 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](mailto: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.

### Kathleen Reid



DRI member [Kathleen Reid](#) of **Grotefeld, Hoffmann, Gordon, Ochoa & Evinger, LLP** secured summary judgment in favor of her retail client in the Northern District of Illinois, Eastern Division. The Plaintiff alleged that the retail defendant was liable for Plaintiff’s significant injuries she suffered after allegedly slipping and falling on a “flyer” in the store. Plaintiff demanded upwards of \$2.5 million in damages and attempted to recover under three theories of liability: common law negligence, *res ipsa loquitur*, and premises liability.

In her premises liability count, Plaintiff alleged that she need not prove notice under the “notice exception,” and even if she did, there was sufficient evidence of constructive notice to survive summary judgment. The defense argued that, where there was no evidence that the flyer was related to the Defendant retail store, the notice exception did not apply. Additionally, the defense countered any possibility of constructive notice by arguing that evidence that merely establishes that the flyer could have been on the aisle floor at various times before Plaintiff’s fall is too vague and speculative to create a genuine issue of fact to be submitted to a jury.

In connection with her *res ipsa loquitur* claim, Plaintiff argued that she could not have slipped on the subject flyer without the retail store being negligent. The defense focused its argument on the element of control, arguing that just because a flyer was on the floor of the subject premises does not give rise to the single inference that the flyer was on the floor due to the store’s negligence, as the flyer was not in the “exclusive control” of the retail store, even when given a flexible meaning to the term. The court agreed, finding that where it is equally plausible that an employee or another individual was the reason for the instrumentality being on the floor of the premises, the

*res ipsa loquitur* doctrine cannot apply to give rise to the inference of negligence.

The court also found for the defense on Plaintiff’s common law negligence count, agreeing that where there is no evidence that the defendant store caused the flyer to be on the floor, and there is no evidence of how the flyer came to be on the floor, there is no genuine issue of fact as to breach. Additionally, the Plaintiff tried to argue that the defendant store violated its own policies and procedures, evidencing negligence. The Northern District agreed with the defense’s argument, that a business policy does not impose a new or heightened legal duty of care beyond what is required by law.

### Scott F. Gibson and Emma J. Chalverus



DRI members [Scott F. Gibson](#) and [Emma J. Chalverus](#) of **Davis Miles McGuire Gardner, PLLC** in Tempe, Arizona successfully defended Karekin Kaprelian, dba Vertex

Wealth Advisors, in a breach of contract, defamation, and false light lawsuit.

Plaintiff, a financial advisor, sold his book of business to Defendant, the owner of a wealth advisor firm. The sale price of the book of business was subject to a claw back provision. After only a fraction of the business actually transferred to Defendant, Defendant ultimately overpaid Plaintiff for the value of the book of business. Defendant did not renew the business relationship beyond the six month term of their agreement. Defendant filed a Form U5 with the Financial Industry Regulatory Authority (“FINRA”) stating that Defendant terminated Plaintiff for lack of performance. Defendant also sent a letter to the transferred clients notifying them that Plaintiff no longer worked with Defendant.

Plaintiff sued Defendant for breach of contract for alleged underpayment for the value of his book of business. Plaintiff also alleged defamation and false light invasion of privacy based on the language in the both Form U5 and the letter to the clients. Defendants obtained summary judgment on Plaintiff’s claims relating to the breach of contract claim and the defamation and false light claims relating to the client letter.

A four day trial was held on Plaintiff’s claims for defamation and false light in relation to the Form U5. Plaintiff sought about \$1 million of lost expected income

## And The Defense Wins

due to the defamatory nature of the Form U5. Plaintiff also sought \$500,000 in punitive damages. The jury found for Defendant on both of Plaintiff's claims.

### Thomas E. Brenner



DRI member [Thomas Brenner](#) of **Caldwell & Kearns**, Harrisburg, Pennsylvania, successfully defended a distributor of exploding hunting targets in a negligence and products liability action filed in Lancaster County, Pennsylvania.

In *Graff v. H2 Targets, LLC and Kinsey's Archery Products, Inc.*, Plaintiff asserted that an exploding target product was

dangerous and had exploded causing personal injuries to him.

The defense took an extensive factual deposition of Plaintiff. Based upon that deposition, a Motion for Summary Judgment was filed on the grounds that the Plaintiff failed to state a cause of action for either negligence or products liability because of obvious misuse and comparative negligence in handling the exploding target. The trial court granted the motion finding that the Plaintiff failed to establish a basis for a claim in negligence or products liability as to any of the Defendants.

## DRI News

### New in Next Week's *The Voice*: DRI LegalPoint™ Dedicated Column

LegalPoint™ (formerly DRI Online) is a members-only service providing DRI members with exclusive access to a vast online library of DRI articles, books and materials. DRI members can search thousands of documents and filter them by practice area and resource. Beginning next week with the 12/19/18 issue, *The Voice* will feature a weekly DRI LegalPoint™ column dedicated to highlighting the wide variety of content available through this great online member resource.

DRI LegalPoint™ includes content from:

- *For The Defense*
- *In-House Defense Quarterly*
- Committee Newsletters

- Defense Library Series (DLS)
- Seminar Materials
- DRI Defense Wins Reporter

In addition to searching all of DRI's LegalPoint™ content, you can also access Defense Library Series (DLS) books separately and review the table of contents and individual chapters. If you have not yet accessed LegalPoint, please [click here](#) to view a brief video and find out what you are missing.

Leverage the expertise of leading defense practitioners and find the on-point articles and resources you need with LegalPoint™. Visit <https://www.dri.org/legal-resources> for more information.

### Make *For The Defense* Digital Edition Your “Go To” DRI Publication in the New Year

In 2019, make one of your priority New Year's resolutions to establish *For The Defense* Digital Edition as your “Go To” DRI publication. If you have not had the chance to do so already, **NOW** is the time to take advantage of the opportunity to view DRI's flagship publication in its online format. Please take a minute to watch this [brief video](#) that provides an overview and outlines the benefits and advantages of making *FTD* Digital Edition your “go to” DRI publication.

Great news! *FTD* digital edition is also available as an App (click the following links to download the App on

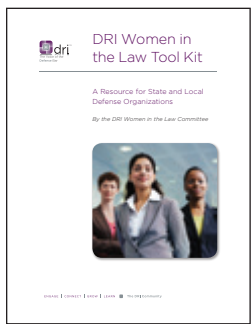
[Apple](#) or [Google Play](#)). Similar to the *FTD* digital edition that comes to your inbox, the App allows you to search and share content with clients and colleagues. The App also allows you to create a favorite, zoom and pinch to see content, search and connect with advertisers and more! It is important to note that you need your DRI website login and password to download issues in the App, the App will notify you when a new issue is available.

[Click here](#) to access the December issue of *FTD* digital edition.



## DRI News

### DRI Women in the Law Tool Kit for SLDOs



Earlier this year, DRI's **Women in the Law Committee** published its *DRI Women in the Law Tool Kit: A Resource for State and Local Defense Organizations*. The demographics of the practice of law have changed in recent years. The American Bar Association Commission on Women in the Profession reported in 2016 that women make up 36 percent of the legal profession. Perhaps more significantly, for the first time, women make up the majority of first-year law students in the United States, coming in at 51 percent. These figures indicate that as the legal profession continues to evolve and become more diverse, an organization that can offer its female members professional value will continue to grow and remain relevant. DRI's Women in the Law Committee recognizes these important facts and has created the *WITL Tool Kit for SLDOs* with this in mind.

[Click here](#) to access the Women in the Law Tool Kit.

### Mediterranean Escape, June 2–9, 2019

Take advantage of the opportunity to cruise the Mediterranean with our friends from ABOTA in June 2019! [Click here](#) to learn more.

## DRI Cares

### Suitcases of Dignity: FDLA Partners with GAL Program



The **Florida Defense Lawyers Association** (FDLA) is proud to partner with the [Florida Guardian ad Litem Program](#) (GAL). In 2017, well over 50,000 children were part of the Florida Dependency System. When children are removed from their homes, the Judge appoints the Guardian ad Litem Program to represent the child's best interests. GAL volunteers step in, not as legal counsel, but rather in the role of child advocate. They communicate with attorneys, the court, therapists, and other adults to gather the necessary information needed to make recommendations pertaining to what is in the best interest of the child.

To support this amazing program, the FDLA started "Suitcases of Dignity," a project to collect kids' rolling suitcases. GAL offices around the state collect these suitcases and provide them to children who are being suddenly removed from their homes. If a suitcase is not available, often a child must stuff their belongings into a garbage bag, adding another layer of suffering to an already terrifying situation. So far we have donated 33 suitcases to GAL offices throughout FL. FDLA members are encouraged to purchase them through Target gift registries, which are set up to deliver the suitcases directly to GAL offices in each of the five Florida DCAs. Being given a suitcase is such a small thing, but we hope it helps preserve the dignity of a child

going through an unimaginable experience.

Please consider helping your local Guardian ad Litem program by volunteering your time, your legal expertise, a suitcase, money—whatever you have to give. Children are precious, and unfortunately many of them need a caring adult to be their voice and their champion. The FDLA applauds the Guardian ad Litem Program for filling that void.

### REMINDER: Golden Coat SLDO Challenge

**WHO:** All SLDO members, core sponsors, law firms, and friends.

**WHAT:** A diehard, fierce, nationwide competition among SLDOs to collect the most new and gently used coats. All collected coats will be donated to organizations in your local community, which will provide them free of charge to individuals in need. Winner (collector of the most coats) will receive a Golden Coat Award provided by #DRICares and bragging rights. All who participate are winners and will feel awesome for helping others.

**WHEN:** November 10, 2018, to December 31, 2018.

**HOW:** Each SLDO will report to Melissa Roeder ([mroeder@foleymansfield.com](mailto:mroeder@foleymansfield.com)) on the number of coats collected. The top three SLDOs will be announced in *The Voice*.



## Upcoming Seminars

### New Date for DRI's 2019 International Hot Topics Seminar: June 17-18, 2019, Paris, France. Save the Date!

### 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 1, 2019


**Civil Rights and Governmental Tort Liability Seminar**



January 31-  
February 1, 2019  
San Antonio, TX

[REGISTER TODAY](#)

Join us for the 32nd Annual Civil Rights and Governmental Tort Liability Seminar as we return to the Lone Star State and visit San Antonio. 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. Our popular substantive law committee breakout presentations will return this year along with additional breakout sessions on topics that governmental entities commonly face. Finally, look for networking and community service events to attend both during and

right after the seminar. [Click here](#) to view the brochure and register for the program.

### Product Liability Conference, February 6-8, 2019


**Product Liability Conference**



February 6-8,  
2019  
Austin, TX

[REGISTER TODAY](#)

Welcome to Austin, the preeminent city for music, food, and fun. To take advantage of the unique location, we tailored this year's conference to have the most networking events ever at a DRI Product Liability Conference. Check out all the events on the next page! Also, the main stage and SLG presentations are chock-full of dynamic speakers, concentrating on all aspects of defending the product manufacturer, from voir dire to closing arguments, with legal writing and depositions in between—and even a musical production! You do not want to miss it! For the first time ever, conference registration includes a free Product Liability Case Law Update Webinar, presented by the Young Lawyers SLG of the DRI Product Liability Committee. [Click here](#) to view the brochure and register for the program.

## Upcoming Seminars

### Toxic Torts and Environmental Law Seminar, March 14–15, 2019

dri	<b>Toxic Torts and Environmental Law Seminar</b>
	<p>March 14–15, 2019 New Orleans</p> <p><a href="#">REGISTER TODAY</a></p>

DRI is back in the Big Easy with the latest in environmental and toxic tort law to take your practice to the next level. Come to New Orleans to polish your skills with the best lawyers, judges, and experts from across the country. This is the premier gathering for the defense bar, focusing on litigation tactics, science, and regulatory updates, presented in one of America's most enjoyable and hospitable cities. [Click here](#) to view the brochure and register for the program.

### Medical Liability and Health Care Law Seminar, March 20–22, 2019

dri	<b>Medical Liability and Health Care Law Seminar</b>
	<p>March 20–22, 2019 Nashville, TN</p> <p><a href="#">REGISTER TODAY</a></p>

Join your colleagues in historic Nashville for the 2019 DRI Medical Liability and Health Care Law Seminar. The annual two-day seminar has something for everyone, with comprehensive instruction by leading attorneys, physicians, and in-house counsel on the hottest topics. Networking events include a Women in the Law luncheon, a Young Lawyers-sponsored gathering in downtown Nashville, a DRI for Life-sponsored run/walk, and a community service project with Operation Gratitude, mailing care packages to overseas military service men and women. Arrive early and participate in the first-ever, in-depth, and interactive session with both the DRI Litigation Skills and Medical Liability and Health Care Law Committees on cross-examination of a life care planner. Register

now to ensure your place at this cutting-edge seminar. [Click here](#) to view the brochure and register for the program.

### Trial Skills and Damages, March 20–22, 2019

dri	<b>Trial Skills and Damages Seminar</b>
	<p>March 20–22, 2019 Las Vegas</p> <p><a href="#">REGISTER TODAY</a></p>

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 and ERISA Seminar, April 3–5, 2019

dri	Life, Health, Disability, and ERISA Seminar
	April 3–5, 2019 Chicago <a href="#">REGISTER TODAY</a>

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 onsite community service project. [Click here](#) to register for the program.

### Insurance Coverage and Claims Institute, April 3–5, 2019

dri	Insurance Coverage and Claims Institute
	April 3–5, 2019 Chicago <a href="#">REGISTER TODAY</a>

Get ready for an insurance coverage extravaganza! Chicago has always been known for its pizza, museums, jazz, and architecture. But after the 2019 DRI Insurance Coverage and Claims Institute, you can add elite continuing education and networking events to the list! Delve into the most pertinent claims topics facing the insurance practitioner today, and rub elbows with peers from across North America who are looking to meet you. Sign up now to experience all of this and more in the Second City. [Click here](#) to view the brochure and register for the program.

### Construction Law Seminar, April 10–12, 2019

dri	Construction Law Seminar
	April 10–12, 2019 Las Vegas <a href="#">REGISTER TODAY</a>

The construction industry is rapidly being confronted by unprecedented changes—shortages of skilled workers, new technologies, and economic pressures caused by recent geopolitical events are all forcing stakeholders to adapt rapidly to the changing climate. Those who cannot adapt to these changes risk falling behind, or becoming obsolete. All attendees—construction professionals, attorneys, and insurance professionals alike—will benefit from the educational and networking opportunities presented at this year's seminar. [Click here](#) to register.



## New Member Spotlight

### Cassie Barkett, Structured Financial Associates, Inc.



Cassie Barkett is a settlement consultant with Structured Financial Associates, Inc. She began her insurance career in 2012, bringing with her extensive experience as a trial attorney. Her practice consisted of both civil and criminal law, focused primarily on complex civil litigation, including wrongful death, product liability, and personal

and catastrophic injury litigation. She discontinued her active practice to raise a family, returning to the courtroom periodically and assisting counsel for various hearings and jury trials.

From 2005–2011, Ms. Barkett was appointed by the governor and served a six-year term on the Oklahoma

Horse Racing Commission, serving as both secretary and vice chair of the commission.

Ms. Barkett holds a bachelor of science in Political Science from Texas Christian University and a juris doctor from the University of Tulsa College of Law, and upon graduation she was named to the Order of Curule Chair. She is admitted to practice law in the state of Oklahoma and the U.S. District Courts for the Northern and Western Districts of Oklahoma. She enjoys spending time with her husband Michael, also a lawyer, and three daughters, Zoe, Edee, and Sunny.

## Quote of the Week

“One government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy. It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each.”

—John Jay (b. Dec. 12, 1745), *The Federalist No. 4* (Nov. 7, 1787).