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This Week's Feature



Getting What You Need in Key Fire Depositions

By Allison A. Waase and Bradley D. Remick

Litigating a fire case presents unique challenges during the pretrial phase. Depositions are fraught with both minefields and opportunities. This article discusses strategies for securing key testimony and navigating through the crucial depositions of the major players.

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- Bryan Browning Named HNBA Vice President

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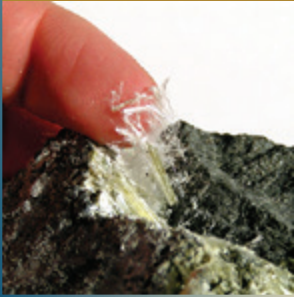
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Upcoming Seminars

- DRI Workers' Compensation West Coast Seminar, October 9, 2018
- Professional Liability Seminar, November 29–30, 2018
- Insurance Coverage and Practice Symposium, November 29–30, 2018
- Civil Rights and Governmental Liability Seminar, January 31–February 1, 2019

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dri™ **Asbestos Medicine Seminar**



November 8–9,
2018
Austin, TX

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dri™ **Women in the Law Seminar**



January 23–25,
2019
Coronado, CA

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Upcoming Webinars

- Student Loan Best Practices for DRI Members, October 2, 2018, 12:00 p.m.–1:00 p.m. CST
- No Tell/Do Tell: The ABA’s Recent Ethics Opinions on Attorney Communications with the Public and the Client, October 4, 2018, 12:00 p.m. – 1:00 p.m. CST
- The Epic Implications of Epic Systems, October 9, 2018, 12:00 p.m.–1:30 p.m. CST
- How to Use Technology and Animations to Visualize Your Case, October 11, 2018, 12:00 p.m.–2:45 p.m. CST

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DRI Membership—Did You Know...

- Keep Having **Fun!**

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New Member Spotlight

Rob Wheeler, Jr., Bovis Kyle Burch and Medlin LLC



Rob Wheeler, Jr., is an associate at Bovis Kyle Burch and Medlin LLC, located in Atlanta, Georgia, where he practices litigation and insurance coverage. Mr. Wheeler previously worked as an assistant state attorney in Fort Myers, Florida. He was admitted to practice in Florida in 2017, and in Georgia in 2018.

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Quote of the Week

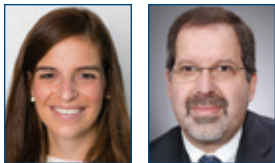
“[I]f you really want to have a long and productive career, you have to work against your temperament a little bit and learn to do the things that you don’t start out knowing.”

—Jane Smiley (b. Sept. 26, 1949), [Limitless: An Interview with Jane Smiley](#), Fiction Writers Review (June 5, 2014).

This Week's Feature

Getting What You Need in Key Fire Depositions

By Allison A. Waase and Bradley D. Remick



Litigating a fire case presents unique challenges during the pre-trial phase. Depositions are fraught with both minefields and opportunities. This article discusses strategies for securing key testimony and navigating through the crucial depositions of the major players.

Depositions, Generally

A deposition is out-of-court testimony made under oath and recorded by an authorized officer for later use in court. Depositions generally take place in a lawyer's office. Occasionally, lawyers will take a deposition in a courthouse. A court reporter attends each deposition and records the witness's testimony, preserving it "on the record." Some depositions are taken on video simultaneously with the stenographic record.

A deposition has three main purposes. One is for lawyers to gain information. Lawyers take depositions to discover what witnesses know and how much they know. The second purpose is to record a witness's testimony on the record. This allows lawyers to access and use a witness's testimony throughout the trial. Finally, depositions allow you to assess the credibility of the witness.

During a deposition, each lawyer attempts to uncover information that is favorable to his or her case. Lawyers may attempt to accomplish this by asking questions that make a witness uncomfortable or nervous. Although thorough preparation is crucial to taking any sworn testimony, given the nuances inherent in fire-related litigation, the importance of being prepared cannot be overemphasized.

Practice Tip: Go to the scene, review all documents, research technical issues, review the case law and statutory law for theories, and even suggested questions, review the pattern jury instructions for the elements of a prima facie case, review the pleadings and the claims and allegations set forth, and learn as much about the witness as possible (using social media and Google). Also, do not be afraid to uncover evidence that is detrimental to your case. You will need to let your client know if it exists out there. It is also far easier to deal with bad news when you are not surprised by it at trial.

The Parties

The obvious deponents are the parties themselves. Their depositions generally proceed first. Fire loss cases are unique in the number of witnesses to the occurrence and the number of parties with actual or personal knowledge of the event.

For example, there are witnesses to the fire itself, how it started, how fast it spread, and where it originated and spread; fire and police department personnel who responded to the call; local investigators (both private and municipal); representatives from the fire marshal's office; officials with arson and explosion units; insurance claims representatives; forensic accountants; and private investigators or experts.

The witnesses in fire loss cases generate records that become very important to the litigation. These records, for example, should be used and marked as exhibits during the depositions: responding police and fire department records and reports; fire scene photos; fire scene diagrams; fire marshal reports; origin and cause reports; police reports; 911 call records and sprint reports; social media and Twitter records of incoming calls and responses; fire scene, YouTube, and Facebook videos; building plans and blueprints; witness statements; surveillance footage; newspaper and media articles; contents inventory; contents worksheets; contents records; contents photos; appraisals; and property assessments, loans, and payments.

All pertinent documents, photographs, and investigative materials should be obtained from your client, the adversary (through discovery), investigators, experts, insurance carriers, and social media and the internet well before proceeding with any depositions.

Practice Tip: Use the Freedom of Information Act liberally in seeking to obtain all records from municipal entities and all other responding units to uncover further information and records, and read each report carefully for indications of official photographs.

Deposing a Firefighter

A firefighter or first responder may be responsible for completing certain types of reports, including a fire inci-

dent report, emergency medical services report, and fire inspection reports. Ideally, the reports are factual, accurate, complete, and clear. Obtaining copies of the reports and thoroughly reviewing and understanding the findings and conclusions within them must be done in advance of the deposition. The handling attorney must look critically at the conclusions and evaluate the same against the adopted strategy.

Documentation of a fire begins with the alarm and continues throughout the incident. There should be records delineating actions, observations, and information received en route to the scene; upon arrival at the location; during suppression and overhaul operations; and of origin and cause determination.

Actions entail what personnel did and would include tactics, any forcible entry, and rescue and emergency care rendered. Observations may include smoke and fire conditions, the fire's locations, and observations of a patient's condition when the patient received medical aid.

Documentation of an emergency incident is usually completed on a standardized departmental form. A close look at the notations within narrative boxes and other areas where further elaboration is allowed may help glean more specifics pertaining to the incident. This information is important to piecing together the timeline of the fire and in setting the stage for questioning during depositions.

Firefighters also keep logs or journals of daily activities that may include maintenance performed on the rigs and the equipment carried on the ladder and truck. Any repairs that are made or defects found should be noted. Depending on the nature of the loss, and the anticipated deposition, a comprehensive overview of these records may also be necessary.

It is crucial to gain some understanding of firefighting protocols and "lingo."

Practice Point: First responders and investigators often keep personal field notes and photographs that may be discoverable. Ask, subpoena, and also thoroughly review the fire company's website.

Questioning must include comprehensive coverage of the firefighter's training (fire or police academy and poten-

tial military experience); certifications (such as firefighter, National Fire Protection Association, state, or certified-fire investigator); career and experiences; teaching experience; association memberships; professional writing credits; and awards and honors.

Practice Point: Questioning should be geared toward an objective. If the witness' documented findings or conclusions are not favorable to the position that you are trying to take or maintain, then impeachment strategies should be considered. Working with an expert to assist with preparation in this regard may be crucial.

Practice Point: In the United States, 75 percent of firefighters are volunteers. They are often young and inexperienced, or old and sometimes curmudgeonly. Treat them with respect for what they do, and they will be much more cooperative.

Allison A. Waase is an associate with Kaufman Borgeest & Ryan LLP in New York City. She focuses in the fields of general liability, fire and explosion, premises liability, product liability, and construction and labor law, representing clients including building owners, management companies, hotels, business owners, security companies, and trucking companies in all aspects of civil defense. Ms. Waase actively serves on the DRI Young Lawyers Committee Steering Committee and as the DRI Young Lawyers liaison to the DRI Product Liability Committee and its Fire Science Specialized Litigation Group.

Bradley D. Remick is a shareholder with Marshal Dennehey Warner Coleman & Goggin in Philadelphia. He is a supervising attorney in the firm's Product Liability Practice Group. He concentrates his practice in the defense of complex product liability cases for small, medium, and Fortune 500 manufacturing companies and their distributors. Mr. Remick is also a nationally certified fire fighter, who serves the Penn Wynne/Overbrook Hills Fire Company (Lower Merion Fire Department), and he holds over 50 different certifications. He is active in the DRI Product Liability Committee.

Ms. Waase and Mr. Remick recently served as faculty for the DRI Fire Science Litigation Seminar (September 13-14, 2018), in Washington, D.C.

Member News

Bryan Browning Named HNBA Vice President



DRI member [Bryan R. Browning](#) is now a member of the executive committee for the [Hispanic National Bar Association](#) (HNBA), after rising to the office of Vice President, Programs. He previously served HNBA as the 2017–2018 National Finance Director and was recognized by the organization in 2017 as a “Top Lawyer Under 40.” Hispanic National Bar Association

Mr. Browning is a shareholder at Bassford Remele in Minneapolis, where he specializes in litigating complex cases, including commercial claims, fire/explosion, and product liability matters. He is an active leader within the DRI Young Lawyers Committee and the DRI Diversity and Inclusion Committee, serving the latter as program

chair for its 2018 DRI Diversity for Success Seminar. He is also a member of the 2019 DRI Annual Meeting Steering Committee. In addition to HNBA and DRI, Mr. Browning is the immediate past president of the Minnesota Hispanic Bar Association and co-chair of the Minnesota State Bar Association Diversity and Inclusion Council. He also serves on the board of directors for the University of Minnesota’s National Diversity Advisory Board. Mr. Browning is a fellow with the American Bar Foundation, the 2016 Minnesota Defense Lawyers Association Deb Oberlander Award recipient, and was recognized as a Top Lawyer Under 40 in 2017 by the Hispanic National Bar Association.

And The Defense Wins

Keep The Defense Wins Coming!

Please send 250–500 word summaries of your “wins,” including the case name, your firm name, your firm position, city of practice, and e-mail address, in Word format, along with a recent color photo as an attachment (.jpg or .tiff), highest resolution file possible (*minimum* 300 ppi), to DefenseWins@dri.org. Please note that DRI membership is a prerequisite to be listed in “And the Defense Wins,” and it may take several weeks for *The Voice* to publish your win.

Timothy J. Korzun and Deborah I. Hollander



DRI members [Timothy J. Korzun](#) and [Deborah I. Hollander](#), shareholders in [Sheak & Korzun, P.C.](#), Pennington, New Jersey, secured the dismissal of the complaint

with prejudice on preliminary motion in *McGuire v. CKT Enterprises, L.L.C.* In July 2018, CKT sold several commercial buildings adjoining a public plaza in downtown Princeton, New Jersey. In March 2018, Janet McGuire sued CKT in New Jersey Superior Court alleging that in 2016, she had broken her leg in or within the vicinity of a retailer whose Shop the World store adjoined the same plaza. CKT notified plaintiff’s counsel that it had sold its Princeton real estate holdings. McGuire amended her pleadings to name the property purchaser as an additional defendant, but continued to also assert claims against CKT. Shop the World filed a crossclaim alleging that its lease required its

landlord to indemnify and provide a defense. The counterclaim neither attached the lease, nor identified which of the other defendants was the alleged landlord.

In New Jersey, a property owner’s sale of a property does not always preclude premise suits for post-sale accidents, but Sheak & Korzun compiled onsite inspection of the stores adjoining the plazas, interviews with tax assessors, and researching deeds and surveys in local and state planning board and real estate records to demonstrate the building housing Shop the World, nor its surrounding passageways had never been among those owned or subject to easements by CKT. McGuire agreed to dismiss CKT with prejudice, but Shop the World failed to respond, requiring counsel to proceed with a motion to dismiss all claims with prejudice. The court issued a rare order under New Jersey Court Rules dismissing all claims against CKT without requiring it to defend discovery.

The case serves as a reminder that early and thorough factual investigation can reduce the risk of extended litigation of weak claims.

Gary M. Burt and Brendan O’Brien



[Gary M. Burt](#), Managing Director at [Primmer Piper Eggleston & Cramer PC](#) in Manchester New Hampshire, and fellow DRI member [Brendan O’Brien](#), an associate

And The Defense Wins

with the firm, successfully convinced the New Hampshire Supreme Court to affirm the trial court's decision to grant summary judgment to their clients, Jones Lang LaSalle Construction Company, Inc. ("Jones Lang"), Liberty Mutual Insurance Company, and Liberty Mutual Group, Inc. ("Liberty Mutual"). The matter, *Grady v. Jones Lang LaSalle Constr. Co., Inc.* (Slip. Opin. August 8, 2018) arose from work performed by A&M Roofing and Sheet Metal Company ("A&M") at a Liberty Mutual building, when A&M's employee sustained serious burns to his right hand. He claimed that Jones Lang, the general contractor on the project, and Liberty Mutual, the owner of the property, breached duties of care to him, resulting in the injuries. Joining the majority of other courts that had addressed the issue, the New Hampshire Supreme Court concluded that a general contractor owes no duty to a subcontractor's employee concerning the method and manner of performance of the work.

On February 21, 2013, a windy, cold day, the appellee was assigned to work on a roof and install flashing and insulation. Before he could install the insulation, he was required to clean dirt from a roofing membrane using flammable cleaning solvent. There was ice on the roof, and the plaintiff was required to melt the ice in order to clean the membrane. He admitted that rubber gloves were supposed to be used to apply the solvent, and fire retardant gloves to light and use the torch. He also admitted that a striker was to be used lighting the torch. Those items, according to the plaintiff, were not available from his employer's on-site job box. Further, because it was cold, he was wearing cotton gloves to protect him from the cold. The gloves became saturated with solvent.

The appellee attempted to light the torch with a lighter, when a gust of wind came, igniting the glove on his right hand. The fire was eventually extinguished, but not before the appellee sustained serious burns to his right hand.

The contract between Liberty Mutual and Jones Lang called for the latter to monitor and control job-site safety for the benefit of the owner, and to indemnify the owner for claims made arising from work performed on the job. In turn, Jones Lang contracted with A&M, requiring the latter to maintain the workplace in a safe manner, and furnish all safety equipment.

In a case of first impression, the New Hampshire Supreme Court was asked to determine if the general contractor owed a duty of care to train or supervise a subcontractor's employees in the manner and method of their

work, or to supply safety equipment to them. In rejecting the imposition of a duty, the court noted that Jones Lang did not owe a "duty of care to provide training, equipment, and oversight to the [appellee]." The court also ruled that the contract between the Jones Lang and Liberty Mutual did not impose any duty of the general contractor to the subcontractor's employee. The court noted that the language of the construction contracts did not support the conclusion that the appellee was a third-party beneficiary of the agreement between Jones Lang and Liberty Mutual, and at most, established a duty limited to providing a safe workplace for the performance of work.

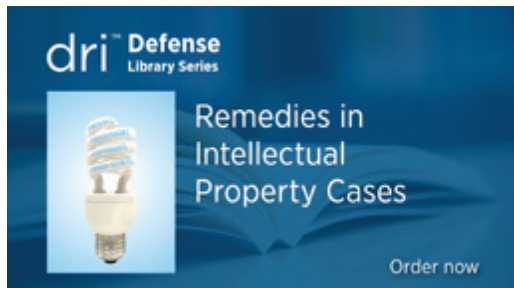
The appellate court also rejected the application of Restatement (Second) of Torts §324A (1965). The court indicated that §324A only applies where three requirements are met, including "undertak[ing] to perform a duty owed by the other to the third person." Noting that the Jones Lang did not "undertake to render services necessary for the protection of the [appellee] because both the general contract and the subcontract require A&M to directly supervise, equip, and ensure that its employees worked in a safe manner.

The supreme court similarly concluded that Liberty Mutual owed no duty to the appellee, based on the claim that the work being performed was inherently dangerous, an exception to the general rule in New Hampshire that a landowner is not responsible for injuries sustained by an independent contractor's employees. Rejecting the contention, the court noted that the work itself was not inherently dangerous, and there was no evidence that Liberty Mutual knew how the work was being carried out.

The court also limited the application of a prior decision, *Valenti v. NET Properties Management*, 142 N.H. 633 (1998), where the court imposed vicarious liability on a property owner for conduct of an independent contractor where the land owner operated its property for business purposes and opened the premises up to the public. The court refused to extend that rule to a situation where the employee of the independent contractor was injured where the employer indemnified the owner, as the appellee would effectively be receiving double recovery from his employer. The court noted that a ruling permitting recovery would thwart the exclusivity of benefits under New Hampshire's Worker's Compensation law, RSA 281-A:8.

DRI News

New from the DRI Defense Library Series

Remedies in Intellectual Property Cases

With cutting-edge analysis of the recent decisions and trends, *Remedies in Intellectual Property Cases* will be a valuable resource that you will consult in all your IP matters as you navigate the complicated array of potential remedies. This publication, a product of the DRI Intellectual Property Litigation Committee, not only covers the recent changes to the law but also foreshadows some of the areas where changes may be coming in the near future. For each type of case—patent, copyright, trademark, and trade secret—it considers monetary damages and injunctive relief, covering the gamut of options for each and considerations in the determination of each.

DRI members can now access [Remedies in Intellectual Property Cases](#) here *for free* via LegalPoint.

For The Defense Digital Edition App Now Available

For The Defense magazine is now available to the DRI membership in **both** digital and print formats. Take a minute to watch this [brief video](#) that provides an overview of the benefits and the advantages that make *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 September issue of *FTD* digital edition.

DRI Circles—Making Lawyer-to-Lawyer Connections Simple

DRI member lawyer-to-lawyer connections have become even easier and even more valuable. The DRI Circles App allows members to connect with each other by establishing personal networks or “circles.” Through DRI Circles, you can create networks based on practice area, geographic region, shared interests, etc. The DRI Circles app allows you to send messages, set up meetings, refer and track business, references and more on your mobile device. Join DRI Circles today or update your app to get even more out of your membership.

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

Important Note: *If you are already utilizing the DRI Circles app, you will need to delete the current version and download the newest version to take advantage of these newly added features. Upon downloading the updated version, you will be notified of any future enhancements via Apple or Google.*



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



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

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

- Added chat functionality within a business referral

DRI Workers' Compensation West Coast Seminar, October 9

Are you ready for in-depth analysis of current legal trends and hot issues that will challenge the way you defend workers' compensation claims? If so, the *DRI Workers' Compensation West Coast Seminar* is the event you cannot afford to miss! This exclusive event will be held on **Tuesday, October 9, 2018** and will focus on issues of interest for West Coast workers' compensation stakeholders. The one-day program in advance of Comp Laude will offer guidance for claims professionals, including Risk Managers, claims

adjusters and employers, as well as workers' compensation attorneys, on emotional intelligence in the world of workers' compensation litigation, current ethical issues and considerations, and discussions on latest developments as to what constitutes a "working day" or "normal business day" for calculating timelines for all things important involving defense of workers' compensation claims. For full program details, [click here](#).

DRI Women in the Law Tool Kit for SLDOs

DRI's **Women in the Law Committee** recently announced the completion of 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.

Please visit the **DRI Committees** page at <https://www.dri.org/committees/> and click on **Women in the Law** then look for the blue **Women in the Law Tool Kit** button to access the document in its entirety.

DRI LegalPoint™ Offers Exclusive Member Access to Valuable Articles, Books, and Defense Library Series (DLS)

LegalPoint™ 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. LegalPoint™ includes content from:

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- Committee Newsletters
- Defense Library Series (DLS)—NEW!
- 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.

DRI News

DRI and Laurel Road Student Loan Refinancing

After spending years in law school, the last thing you need is the burden of high-interest student loan payments following you for years down the road.

Lowering your interest rate with Laurel Road is easy. Through its student-loan refinancing benefit offered through DRI, Laurel Road offers a seamless online experience with real rates and clear terms.

Start by checking your rate, and in just a few minutes, you can be well on your way to saving \$20k over the life of your student loan.

Plus, as a DRI member, you can refinance your student loans now and get a 0.25 percent rate discount!

[Check your rate now](#) and start saving today!

NFJE Silent Auction: This Week's Featured Items

The DRI Philanthropic Activities Committee is pleased to announce the Ninth Annual Silent Auction benefiting the National Foundation for Judicial Excellence (NFJE) will be held October 17-18, 2018, at The Village (969 Market Street) in conjunction with the [DRI Annual Meeting](#) in San Francisco. This year bids will only be made through BidPal and you can start bidding now! You don't even have to be at the Annual Meeting in order to bid and win. Please visit our [online auction website](#) to get started on bidding on some awesome items to benefit a great cause!

Each week until the Annual Meeting we will feature some of our top items in the Silent Auction & Raffle. This week's featured items:

South African Photo Safari for Two (Value \$5,950)



South African photo safari for two guests to enjoy six night's full board and lodging including two guided game viewing activities per day. Stay at the Zulu Nyala Game Lodge, a luxury resort in the heart of one of South Africa's most diverse conservation regions. Nestled between the wilderness reserves of Mkuze, Hluhluwe, St Lucia and Sodwana Bay, this lush stretch of paradise is home to a wide variety of game, from the majestic elephant to rhino, buffalo, hippo, giraffe, the secretive leopard and cheetah and the shy Nyala antelope that are endemic to the region. This is a true once-in-a-lifetime trip!

Private Wine Experience in Napa Valley (Value: \$2,500)



While in Napa Valley, you will stay at a stylish and sophisticated private guest house, which overlooks mountains, vineyards and a picturesque 100-year-old barn. The guest houses are located in the heart

of Napa Valley at the mid-Northern end of the valley, at the base of Howell Mountain, five minutes from St. Helena and 10 minutes from Calistoga. Furnished with collected antiques and art, the accommodations have abundant outdoor spaces for relaxing with a glass of wine to enjoy the view or play bocce along an old stone wall with the vineyard beyond. Your getaway for two includes: 3 days/2 nights accommodations at one of our private guest houses in Napa, all guest house related taxes. Private wine tastings at two (2) Napa Valley boutique wineries and free concierge reservation service.

The Ultimate Beach, Backyard, Tailgating, Camping Package! (Value: \$1,200)



This package begins with a Yeti Tundra 65 cooler—think survival mode capability. Complement that with the Hopper Backpack—on the go to the top of the climb. To keep things exciting, the package is complemented

with a Bose Soundlink Revolve Plus Bluetooth speaker—this blows your massive high school speakers away. For coolness and to open a beverage, we've added the Leatherman Side-

DRI News

kick. For practicality, we've added the multifunction LL Bean camp light and to chill-out, we're including two Yeti Ramblers for your beverages.

His and Hers Fitbit and Yeti Rambler package. Two Fitbit Versa's Peach/Rose Gold and Black and Two Yeti 18 oz Yeti Ramblers Black and Seafoam (Value: \$460)

Live your best life with Fitbit Versa—a health & fitness smartwatch that lasts 4+ days between charges and features 24/7 heart rate monitoring, phone-free music,



apps, coaching & more. The Rambler 18 oz. Bottle is a necessary addition to your day hikes, kayak trips, and daily commutes. This tough bottle is double-wall vacuum insulated to keep your water cold (or coffee hot) until the last sip and comes with a TripleHaul Cap. Separate your Rambler from the herd—Rambler Bottles are available in stainless and DuraCoat Colors that won't fade, peel, or crack.

DRI Cares

Law Firm Leaders Support Bunkers in Baghdad

DRI's Law Practice Management Committee sponsored a fundraiser during the 2018 Managing Partners and Law Firm Leaders Conference, September 6-7, 2018, in Chicago, to raise funds for [Bunkers in Baghdad](#), a charity founded by DRI member Joe Hanna of Goldberg Segalla LLP. Bunkers in Baghdad is a not-for-profit charity that collects and sends new and used golf balls, clubs, and equipment to our troops around the world, with a focus on the brave men and women currently serving in combat zones. Bunkers also supplies golf equipment to Wounded Warriors pro-

grams around the country to aid in the rehabilitation of our injured veterans. One of their largest expenses is shipping. Joe Hanna, Stacy Moon of F&B Law Firm, P.C., and Marta Ann Schnabel of O'Bryon & Schnabel donated door prizes given away at each night's reception to encourage (but not require) donations. The Law Practice Management Committee and attendees of both the Managing Partners and Law Firm Leaders Conference and the Cybersecurity and Data Privacy Seminar raised \$272.



Upcoming Seminars

DRI Workers' Compensation West Coast Seminar, October 9, 2018

	<p>Workers' Compensation West Coast Seminar</p>
	<p>Tuesday October 9, 2018 San Diego, CA</p> <p>REGISTER TODAY</p>

Are you ready for in-depth analysis of current legal trends and hot issues that will challenge the way you defend workers' compensation claims? If so, the DRI Workers' Compensation West Coast Seminar is the event you cannot afford to miss! This exclusive event will focus on issues of interest for the West Coast workers' compensation stakeholders. The one-day program in advance of Comp Laude will offer guidance for claims professionals, including Risk Managers, claims adjusters and employers, as well as workers' compensation attorneys, on emotional intelligence in the world of workers' compensation litigation, current ethical issues and considerations, and discussions on latest developments as to what constitutes a "working day" or "normal business day" for calculating timelines for all things important involving defense of workers' compensation claims.

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

Professional Liability Seminar, November 29-30, 2018

	<p>Professional Liability Seminar</p>
	<p>November 29-30, 2018 New York, NY</p> <p>REGISTER TODAY</p>

The 2018 DRI Professional Liability Seminar will provide you with the tools to defend any professional successfully in our current legal climate. With presentations by the most prominent and experienced professional liability lawyers, experts, and insurance professionals in the country, this year's seminar will again provide attendees with the most up-to-date information regarding new issues, defenses, and strategies. Through the insight, tools, and skills that you will gain at this seminar, we hope to build on DRI's renowned foundation of success by putting you at the forefront of establishing efficient and creative ways to defend the modern professional.

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

Insurance Coverage and Practice Symposium, November 29-30, 2018

	<p>Insurance Coverage and Practice Symposium</p>
	<p>November 29-30, 2018 New York, NY</p> <p>SAVE THE DATE</p>

The DRI Insurance Coverage and Practice Symposium is the foremost educational event for insurance executives, claims professionals, and outside counsel who specialize in insurance coverage. This year's symposium will once again offer an unparalleled opportunity to engage with a distinguished faculty of insurance industry leaders, experts, and coverage lawyers on emerging issues, recent court rulings, national trends, and the future of insurance coverage law. In addition, the symposium will provide exceptional networking events, as well as an opportunity to experience the wonder of New York City during the holiday season!

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

Civil Rights and Governmental Liability Seminar, January 31-February 1, 2019

	<p>Civil Rights and Governmental Tort Liability Seminar</p>
	<p>January 31-February 1, 2019 San Antonio, TX</p> <p>REGISTER TODAY</p>

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.

Upcoming Webinars

Student Loan Best Practices for DRI Members, October 2, 2018, 12:00 p.m.–1:00 p.m. CST



The webinar will cover all student debt repayment options that are available to DRI members, including the exclusive student loan refinancing program being offered by Laurel Road. There is no one size fits all approach to student loan repayment, and this online presentation will delve into the considerations surrounding each option. [Click here](#) to learn more and register for the webinar.

No Tell/Do Tell: The ABA's Recent Ethics Opinions on Attorney Communications with the Public and the Client, October 4, 2018, 12:00 p.m. – 1:00 p.m. CST



Two Formal Opinions from the ABA Standing Committee on Ethics and Professional Responsibility discuss a lawyer's obligation regarding information relating to a client in the course of a representation. Formal Opinion 480 clarifies the limits on a lawyer's ability to publicly discuss or blog about a client's case. On the other hand, Formal Opinion 481 discusses when a lawyer must tell a client about a mistake made during a representation. [Click here](#) to learn more and register for the webinar.

The Epic Implications of Epic Systems, October 9, 2018, 12:00 p.m.–1:30 p.m. CST



Combining viewpoints from the employment arena, the class action defense arena and the business sector, this panel will discuss the Supreme Court's recent 5–4 decision in *Epic Systems Corp. v. Lewis*, holding that the NLRB had no authority to prohibit class action waivers in employment contracts. [Click here](#) to learn more and register for the webinar.

How to Use Technology and Animations to Visualize Your Case, October 11, 2018, 12:00 p.m.–2:45 p.m. CST



The presentation will go over the uses of different types of visuals and technology in today's litigation landscape. Visualizations can take the form of 3-D animations, illustrations, and stitched together laser scan data to name a few. Virtual reality technology will also be covered along with the benefits that come from using it with animation. [Click here](#) to learn more and register for the webinar.

DRI Membership—Did You Know...

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New Member Spotlight

Rob Wheeler, Jr., Bovis Kyle Burch and Medlin LLC



Rob Wheeler, Jr., is an associate at Bovis Kyle Burch and Medlin LLC, located in Atlanta, Georgia, where he practices litigation and insurance coverage. Mr. Wheeler previously worked as an assistant state attorney in Fort Myers, Florida. He was admitted to practice in Florida in 2017, and in Georgia in 2018.

Mr. Wheeler studied political science and history at the University of Florida. He graduated from Florida State University College of Law with his juris doctorate. During his time in law school he worked in both the public and private sectors. In his free time, he enjoys exploring with his wife, CrossFit, and attending sporting events. "I am very excited to be one of the newest members of DRI!" He is a member of both the Florida and Florida State clubs in Atlanta.

Quote of the Week

"[I]f you really want to have a long and productive career, you have to work against your temperament a little bit and learn to do the things that you don't start out knowing."

—Jane Smiley (b. Sept. 26, 1949), [Limitless: An Interview with Jane Smiley](#), Fiction Writers Review (June 5, 2014).