
2024 ANNUAL REPORT

 THE
CENTER
FOR LAW AND PUBLIC POLICY





A very special thank you to the 2024 members of the Center's **Advisory Council**. Their support and guidance on projects and initiatives throughout the Center is valued beyond description by DRI leadership.

AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION
HOLLINGSWORTH LLP
LOCKE LORD LLP
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES
U-HAUL
ZURICH NA

The Advisory Council is a group of companies, law firms, and other organizations within the Center. The Advisory Council regularly meets to provide input into the Center's overall strategy. Advisory Council members may also support specific Center initiatives, depending on their interest.

To learn more about the Advisory Council or how to join, email TheCenter@dri.org.



Thank you, as well, to each and every law firm, company, and organization with appointed members to the committees, task forces, and working groups within the Center. Your labor is why the Center is known as *The Voice of the Defense Bar*.

Adams and Reese LLP, American Property Casualty Insurers Association, Atain Insurance, Babst Calland Attorneys at Law, Barry McTiernan & Moore LLC, Beveridge & Diamond PC, Bodman PLC, Bolin Law Group, Borden Ladner Gervais LLP, Bowman and Brooke LLP, Bradley Arant Boult Cummings LLP, Bricker Graydon LLP, Brown and James PC, Bullivant Houser Bailey PC, Burglass Takersley, Gaudin Phayer, Butler Snow LLP, Capital Appellate Advocacy PLLC, Carney Badley Spellman PS, Cetrullo LLP, Clausen Miller PC, Cross Jenks Mercer & Maffei LLP, Crowley Fleck PLLP, Dentons Sirote PC, Dinsmore & Shohl LLP, Dutton Brock LLP, Elverson Vasey Attorneys at Law, Eversource Energy, Evert Weathersby Houff Attorneys at Law, Fey LLC, Franz Ward LLP, Freeman Mathis & Gary LLP, Goodwin Procter LLP, Gordon Rees Scully Mansukhani LLP, Gowling WLG (Canada) LLP, Grove Holmstrand & Delk PLLC, Hall Booth Smith PC, Hawkins Parnell & Young LLP, HeplerBroom LLC, Herrin Health Law PC, Hinshaw & Culbertson LLP, Hite Fanning & Honeyman LLP, Hollingsworth LLP, Horvitz & Levy LLP, Houston Harbaugh PC, Irwin Fritchie Urquhart & Moore LLC, Jackson Kelly LLP, Jenner & Block LLP, Johnson Hanan Vosler Hawthorne & Snider PC, Keating Jones Hughes, Kennedy & Graven, Chartered, King & Spalding LLP, Larson King LLP, Lewis Brisbois Bisgaard & Smith LLP, Lewis Thomason King Kreig & Waldrop PC, Lightfoot Franklin & White LLC, Locke Lord LLP, Longman & Van Grack, Markel Services Inc., Marshall Dennehey Warner Coleman & Goggin PC, Maynard Nexson PC, McGlinchey Stafford PLLC, Milling Benson Woodward LLP, Modern Woodmen of America, Morrison Mahoney LLP, Nelson Mullins Riley & Scarborough LLP, Nissan North America, O'Bryon and Schnabel PLC, Ogden Murphy Wallace PLLC, Ogletree Deakins Nash Smoak & Stewart PC, O'Hagan Meyer Attorneys at Law, Overturf McGath Hull PC, Peri & Stewart LLC, Pierce Atwood LLP, Plunkett Cooney PC, Pugh Hagan Prahm PLC, Reed Smth LLP, Reeves Law LLC, Robinson + Cole LLP, Rodey Dickason Sloan Akin & Robb PA, Roetzel & Andress LPA, Rogers Townsend LLP, Secura Insurance Company, Shari Belitz Communications, Shook Hardy & Bacon LLP, Sidley Austin LLP, Simpson Law PLLC, SpencerWillson PLLC, Stoll Keenon Ogden PLLC, Sulloway & Hollis PLLC, Sutter O'Connell Attorneys, Sweeney & Sheehan PC, Taylor Porter Brooks & Phelps LLP, Taylor Wessing, TM Claims Service, Inc., Town Law Center, Troutman Pepper Hamilton Sanders LLP, Turney LG, UFG Insurance, U-Haul, Underwood Law Firm, Walmart Inc., Waranch & Brown LLC, Warner Norcross + Judd LLP, Westguard Insurance Co., Wiedner & McAuliffe, Ltd., Womble Bond Dickinson (US) LLP, Zurich NA.

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A MESSAGE FROM THE INCOMING CENTER CHAIR, JOHN GUTTMANN



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John S. Guttman is a principal of Beveridge & Diamond PC in Washington, D.C., where he represents companies in complex, high-stakes toxic tort, product liability, and environmental litigation. He has served in leading roles in litigation matters with potential damages/awards in the billions of dollars and has secured dismissal or reduction of claims in numerous matters. John serves as lead national counsel for a petroleum refiner in all MTBE product liability litigation and has been a member of the defense steering committee for the refining industry in those cases. He led a team that successfully defended a public water utility in multiple cases claiming health effects due to alleged lead exposure. John devotes a substantial part of his practice to the defense of natural resource damages (NRD) cases brought by trustees. His litigation experience also includes indemnity litigation, securities class actions, breach of fiduciary duty claims, directors and officers liability suits, complex contract cases, unfair competition cases, and health insurance matters. John is a former DRI national director and previously served as chair of the DRI Toxic Torts and Environmental Law Committee.

Dear Valued Center Team Members and Collaborators,

It is with pride that I present to you the DRI Center for Law and Public Policy's Annual Report covering the Center's accomplishments in 2024. It is truly an honor to step into the role of Chair of the Center, and I'm delighted to share the milestones and accomplishments of our collective journey.

This year has been a remarkable demonstration of the tireless efforts of our team, the continued growth of our committees, and the trust placed in us by the DRI Community. Together, we've elevated the Center's presence within DRI and throughout the legal community. The progress captured in this report reflects our collective dedication and the strides we've made toward continuing to establish the Center as the leading voice for the civil defense bar.

I am honored to begin my term as Chair of the Center and am inspired by the growth opportunities ahead for the Center. With the incredible commitment of our team and the support of our community, I am confident that we will achieve even greater milestones in the future.

The achievements of the Center would not have been possible without the contributions of so many. I extend my deepest gratitude to every individual, committee, and organization that has devoted their time, resources, and expertise to furthering our mission. Your efforts have been instrumental in shaping the Center's success and future.

As we look toward 2025, I am immensely proud of the progress we've made together and energized by what lies ahead. Thank you for your trust, dedication, and partnership as we continue to work toward our shared vision.

Those in the DRI Community who are interested in getting involved in the Center's important work are invited to do so. Please write to TheCenter@dri.org to learn more.

Warm regards,

A handwritten signature in black ink that reads "John Guttman". The signature is written in a cursive, flowing style.

JOHN GUTTMANN, CHAIR
The DRI Center for Law and Public Policy



A MESSAGE FROM THE OUTGOING CENTER CHAIR, **LARRY EBNER**



Lawrence S. Ebner is both Executive Vice President & General Counsel of the Atlantic Legal Foundation and Founding Member of Capital Appellate Advocacy PLLC in Washington, D.C. A Fellow of the American Academy of Appellate Lawyers, Larry has a half-century of pro-business litigation experience. In addition to handling appeals for companies of all sizes, he has authored dozens of amicus curiae briefs in the U.S. Supreme Court, and in federal courts of appeals and state appellate courts throughout the United States. At the Atlantic Legal Foundation, Larry conducts that national, nonprofit, public interest law firm's renowned amicus program, including by personally authoring almost all of its amicus briefs.

Dear Center Colleagues and Supporters,

As the Center's immediate past chair, I want to express my gratitude to the DRI community for its trust; to the Center Management Council for its leadership and wisdom; and to our many committees, task forces, and working groups for their enthusiasm, expertise, and invaluable contributions. Together, we've made significant strides in strengthening the Center's presence and advancing its mission within the civil defense bar.

It has been an honor to serve as Center chair and witness the impact of our collective efforts. I not only look forward to the Center's continued progress, but also to serving the Center in my new role as liaison between the Center Management Council and the Center Advisory Council.

Warm regards,

LARRY EBNER, IMMEDIATE PAST CHAIR
The DRI Center for Law and Public Policy



THE CENTER MANAGEMENT COUNCIL



JOHN GUTTMANN

Center Chair

John S. Guttman is a principal of Beveridge & Diamond PC in Washington, D.C., where he represents companies in complex, high-stakes toxic tort, product liability, and environmental litigation.



JIM MCCRYSTAL

Center Vice Chair

James L. "Jim" McCrystal is Of Counsel with Sutter O'Connell in Cleveland. He has spent four decades handling product liability cases and now has a national practice in that field.



BAXTER DRENNON

Public Policy Chair

Baxter D. Drennon is a partner in the Little Rock, Arkansas, office of Hall Booth Smith PC. His practice is a testament to a career built on safeguarding clients' rights across the complex landscape of products liability, commercial transactions, and banking and finance law.



BROOKS MAGRATTEN

Legislation and Rules Chair

Brooks R. Magratten is a partner of Pierce Atwood LLP in Providence, Rhode Island. He has more than 30 years of experience in insurance and commercial litigation.



LISA BAIRD

Amicus Chair

A partner of Reed Smith LLP in Miami, Florida, Lisa M. Baird represents manufacturers of medical devices, prescription drugs, and OTC drugs in product liability and commercial litigation.

THE CENTER MANAGEMENT COUNCIL



LANA OLSON

Outgoing Ex Officio

Lana A. Olson is a partner of Lightfoot Franklin & White LLC in Birmingham, Alabama. She is the immediate past president of DRI. Maintaining a varied litigation practice, Lana handles matters involving environmental, toxic tort, product liability, catastrophic injury, and employment claims.



LARRY EBNER

Advisory Council Liaison

Lawrence S. "Larry" Ebner is both Executive Vice President & General Counsel of the Atlantic Legal Foundation and Founding Member of Capital Appellate Advocacy PLLC in Washington, D.C.



DEAN MARTINEZ

Chief Executive Officer

Dean Martinez is the CEO of DRI.



SEAN DOLAN

General Counsel

Sean Dolan is COO and general counsel of DRI.



JAY LUDLAM

Director

Jay Ludlam is the director of the Center for Law and Public Policy.

KEY ROLE UPDATES FOR 2025

John Guttman Appointed as Center Chair

DRI is pleased to announce that **John S. Guttman** has become Chair of the Center for Law and Public Policy. A principal of Beveridge & Diamond PC in Washington, D.C., John represents companies in complex, high-stakes toxic tort, product liability, and environmental litigation. He has served in leading roles in litigation matters with potential damages/awards in the billions of dollars and has secured dismissal or reduction of claims in numerous matters.

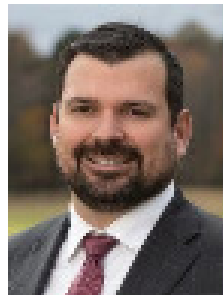
“The Center for Law & Policy is central to DRI’s mission. It focuses on issues that are important to DRI’s members and their clients and questions that are critical to preserving a fair and balanced civil justice system,” said John. “I am excited to continue to play a part in the Center’s work.”

“John Guttman is a nationally recognized environmental litigator and longtime DRI leader,” said DRI President Anne Talcott. “As president, I cannot think of a more qualified person to chair the DRI Center for Law and Public Policy and am excited to work with John in the coming year on issues affecting the defense bar and our business clients.”

John serves as lead national counsel for a petroleum refiner in all MTBE product liability litigation and has been a member of the defense steering committee for the refining industry in those cases. He led a team that successfully defended a public water utility in multiple cases claiming health effects due to alleged lead exposure. John devotes a substantial part of his practice to the defense of natural resource damages (NRD) cases brought by trustees. His litigation experience also includes indemnity litigation, securities class actions, breach of fiduciary duty claims, directors and officers liability suits, complex contract cases, unfair competition cases, and health insurance matters.

John is a former DRI National Director and previously served as chair of the DRI Toxic Torts and Environmental Law Committee.

In addition to [John Guttman’s elevation to Chair](#) of the DRI Center for Law and Public Policy, the Center is pleased to announce that **Jim McCrystal**, Of Counsel with *Sutter O’Connell* in Cleveland, has been appointed to a two-year term as Center Vice Chair. Replacing Jim as Chair of the Center’s Legislation and Rules Committee is **Brooks Magratten**, a partner of *Pierce Atwood LLP* in Providence, Rhode Island. **Baxter Drennon**, a partner in the Little Rock, Arkansas, office of *Hall Booth Smith PC*, has similarly received a two-year appointment as the new Public Policy Committee Chair.



Thank You, Larry Ebner!

The DRI Center for Law and Public Policy is deeply indebted to its outgoing chair, **Larry Ebner**, for his tremendous leadership. “Under Larry’s guidance, the Center has experienced an unprecedented period of growth and productivity,” said Center Director Jay Ludlam. “It has been an honor to collaborate closely with him and I look forward to doing so in other capacities.”

In addition to his ongoing service as a member of the Center’s Amicus Committee, Larry—who is both Executive Vice President & General Counsel of the Atlantic Legal Foundation and Founding Member of Capital Appellate Advocacy PLLC in Washington, D.C.—will also be stepping into a new leadership role as the Center [Advisory Council](#) Liaison.

In acknowledgement of his service, Larry was presented with a Leadership Award by then-DRI President Pat Sweeney at the Center’s business meeting during the 2024 DRI Annual Meeting in Seattle.

Thank You, John Pierce!



DRI and the defense bar community owe a debt of gratitude to **John C.S. Pierce**, whose term as chair of the Center’s Public Policy Committee closed as of October’s Annual Meeting in Seattle. Through his service as

chair of Public Policy, and before that as the first chair of the Center’s Social Inflation Task Force, John was instrumental in raising the profile of the Center. Highlights of John’s contribution include serving as lead author of the Center’s white paper on [Social Inflation – Legal System Abuse](#) and moderating the well-received main stage panel, “Social Inflation and Nuclear Verdicts: Practical Tips and Sound Strategies from Lawyers and Clients,” during the 2024 Annual Meeting.

HIGHLIGHTS OF 2024



Jay Ludlam and Larry Ebner at the U.S. Chamber of Commerce Institute for Legal Reform's 2024 Summit.

U.S. Chamber of Commerce Institute

On Wednesday, November 20, former Center Chair **Larry Ebner** (*Capital Appellate Advocacy PLLC*), and Center Director **Jay Ludlam**, along with Social Inflation Task Force member **Lisa Bellino** (*Zurich NA*) attended the U.S. Chamber of Commerce Institute for Legal Reform's 2024 Summit at the Chamber's headquarters in Washington, D.C.

The Center leader **Laura Clark Fey** (*Fey LLC*) recently spoke with *Litigation Daily* regarding the influence of the plaintiffs' bar in enforcing judicial privacy laws. Fey, the chair of the Center's [Data Privacy and Protection Working Group](#), spoke to the source specifically about New Jersey's Daniel's Law, commenting on the dangers of the law's provisions allowing the assignment of claims and more. [Read the full article](#) on *Litigation Daily* (subscription required).

DRI Annual Meeting 2024

Did you see what the Center had to offer during the [2024 DRI Annual Meeting in Seattle](#)? On **Thursday, October 17**, the Center sponsored a mainstage CLE session: "Social Inflation and Nuclear Verdicts: Practical Tips and Sound Strategies from Lawyers and Clients." In 2023, the Center published a [white paper](#) discussing some of the root causes of the social inflation phenomenon and providing suggestions for how the drivers of nuclear verdicts can be combatted, both in and outside of the courtroom. Moderated by **John C.S. Pierce**, Chair of the Center's Public Policy Committee and lead author of the white paper, this panel provided an overview of the factors that influence these issues and offered up-to-date strategies and tips to help create and maintain a level playing field in the courtroom. Attendees left with a toolkit of practical ideas to help their clients, buttressed with knowledge of national trends, and returned to their practices with an appreciation for what's coming next.

Also on **Thursday**, Annual Meeting attendees had the opportunity to learn more about everything that the Center has going on at the Center's Management Council meeting. Part of the meeting was dedicated to open discussion on the topics of artificial intelligence in the law and how the defense bar may take advantage of this year's decision from the Supreme Court striking down Chevron deference. Annual Meeting attendees shared their thoughts on these topics and others, which helped the Center set its focus for 2025.



DRI's 2024 Annual Meeting, mainstage CLE session: "Social Inflation and Nuclear Verdicts: Practical Tips and Sound Strategies from Lawyers and Clients" sponsored by the Center. Moderated by John C.S. Pierce with panelists Andrew Pauley, Konrad Pilatowicz, and Robert Vaughan.

HIGHLIGHTS OF 2024



Non-Lawyer Ownership of Law Firms

The Center's [Nonlawyer Ownership of Law Firms Task Force](#) was invited to present at the Louisiana State Bar Association's continuing legal education seminar in Quebec City, Canada, in February 2024. The Center was represented by task force chair **Marta A. Schnabel** of O'Bryon & Schnabel in New Orleans and task force member **Susan Gunter** of Dutton Brock LLP in Toronto. Their presentation, "Playing in the Sandbox: Non-Lawyer Investment in the Legal Economy," highlighted the [task force's recent whitepaper](#).

Insurance Coverage and Claims Institute

During DRI's [Insurance Coverage and Claims Institute](#), members of the Center lent their expertise to [two featured presentations](#). To lead off Thursday morning, **Michael Goodin**, (*Zurich North America*) a member of the Center's [Third-Party Litigation Funding Task Force](#), participated in a panel discussion titled "The Good, the Bad, and The Ugly: Third Parties in Civil Litigation." Wrapping up the seminar on Friday was **Laura Clark Fey** (*Fey LLC*), who presented on "Byte-Sized Ethics: Ethics Scenarios Highlighting the Importance of Choosing and Using 'Just Right' Legal AI Tools." Laura is a member of the Center's [AI Working Group](#) and chair of the Center's [Data Privacy and Security Working Group](#).

On [April 18, 2024](#), attendees joined the Center for the next installment of the [DRI Free Webinar Series, "Inflated Settlements and Verdicts - The Pushback."](#) As settlement demands and some verdicts rise, trial counsel can strategically push back on plaintiff tactics inside and outside of the courtroom.

A promotional graphic for a webinar. It features a background image of a hand holding a gavel. The text is arranged in a clean, modern layout. At the top right, a blue ribbon says "FREE WEBINAR SERIES". Below that, the title "DRI FREE WEBINAR SERIES: INFLATED SETTLEMENTS AND VERDICTS - THE PUSHBACK" is displayed in orange and white. A dark blue box contains the text "KEY SPEAKERS". Below this, three speakers are listed: LISA BELLINO (ZURICH INSURANCE COMPANY), PETER QUERUBIN (TM CLAIMS SERVICE, INC.), and CHRIS TURNEY (TURNEY LG). At the bottom right, a white box says "FREE FOR DRI MEMBERS" and a large orange button says "ACCESS NOW". The DRI logo is in the bottom left corner.

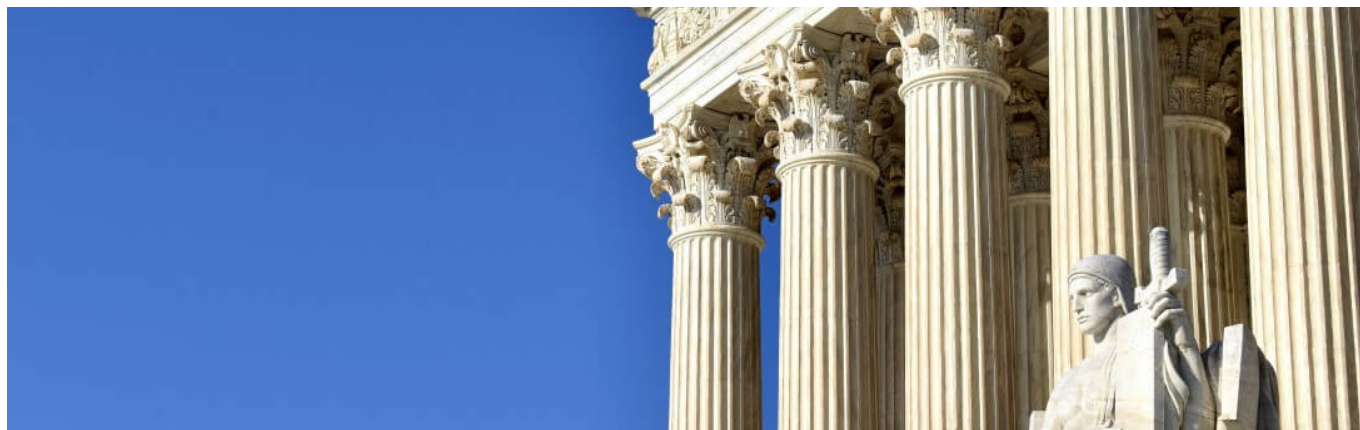
20th Annual Symposium of the National Foundation for Judicial Excellence

The Center had a meaningful presence during the 20th Annual Symposium of the National Foundation for Judicial Excellence, July 26–27 in Washington, D.C. **David Levitt** (*Hinshaw & Culbertson*), Chair of the Center's Third-Party Litigation Funding Task Force, moderated the session, "Money Ball: What You See Is Not What You Get in Third-Party Litigation Funding," and **Lisa Bellino** (*Zurich NA*), a member of the Center's Social Inflation Task Force, participated on a lightning round panel during which she illustrated how issues related to attorney advertising may land on appellate benches.

Center Website Enhanced

[The DRI Center for Law and Public Policy's website](#) has recently been enhanced to provide more information about the Center; the work of its committees, task forces, and working groups; and its leaders and members. Included among the new features are the ability to [submit requests for amicus assistance](#) online and [apply to join](#) the new Appellate Skills Development Subcommittee. Members can [access resources](#) from the Federal Judicial Center and learn about the amendment process for Federal Rules, and SLDOs can seek assistance from the State Legislation and Rules Task Force by visiting [www.dri.org/center](#). You can [also help the Center's Social Inflation Task Force](#) in its efforts to analyze litigation outcomes.

COMMITTEE AND SUBCOMMITTEE SUCCESSIONS IN 2024



Amicus Committee

The Center's **Amicus Committee** prepares amicus curiae briefs on behalf of DRI in carefully selected cases that present issues of extraordinary importance to civil litigation defense lawyers, their clients, and the civil justice system. DRI may participate as amicus curiae at either the certiorari stage or the merits stage in cases pending before the U.S. Supreme Court, and occasionally files in federal court of appeals cases. Requests for amicus support in state appellate courts are referred to the appropriate State and Local Defense Organization (SLDO) for possible collaborative filings.

New Appointments

The Center is excited to announce that longtime DRI members **Charlie Frazier** (*Alexander Dubose & Jefferson*) **Rob Wise** (*Nelson Mullins*), **Susan Snowden** (*Jackson Kelly*), **Lorie Gildea** (*Greenberg Traurig*), and **Mychal Schulz** (*Babst Calland*) have joined the Center's [Amicus Committee](#). Frazier has served on the steering committee for the DRI Appellate Advocacy Committee in numerous capacities, including currently as Appellate Rules Chair and as the liaison to the DRI Corporate Council Committee. Wise is a past chair of the DRI Appellate Advocacy Committee and continues to serve on its steering committee. He also serves the Center as a member of its MDL Working Group. Snowden is a past president of the Defense Trial Counsel of West Virginia and also serves on the DRI Appellate Advocacy Committee. Gildea served as Chief Justice of the Minnesota Supreme Court for 13 years. She was the second woman to hold the position and the third longest-serving Chief

Justice in Minnesota history. Schulz, who also serves on the Center's State Legislation and Rules Task Force, will serve as chair of the Appellate Skills Development Subcommittee with the Center's Amicus Committee. **Hillary Taylor** (*Keating Jones Hughes*) is now chair of the DRI Appellate Advocacy Committee and thus holds an ex officio seat on the Center's Amicus Committee, a position recently vacated by **Sarah Spencer** (*SpencerWillson*), who is now a fully appointed member of the Amicus Committee.

The Center extends its heartfelt gratitude to **Willy Jay** (*Goodwin Procter*) and **Scott Burnett Smith** (*Bradley*), whose long and valuable service on the Amicus Committee ended as of the October 2024 Annual Meeting.

Other News

In April, Law360 published an Expert Analysis, authored by Center for Law and Public Policy Chair and Amicus Committee Member **Larry Ebner**, titled "[Requiring Leave to File Amicus Briefs Is a Bad Idea](#)." The article criticizes the recommendation of the Amicus Subcommittee of the U.S. Judicial Conference's Advisory Committee on Appellate Rules (which advises the "Standing Committee" on Rules of Practice and Procedure) to amend Fed. R. App. P. 29(a) by requiring a motion for leave to file any nongovernmental amicus brief in a federal court of appeals. This is the exact opposite of what Ebner, on behalf of the Center, [proposed to the Standing Committee in January 2023](#), i.e., that the Supreme Court's own rules amendments should be followed and that neither the parties' consent nor leave of court to file an amicus brief in a court of appeals should be required.



Legislation and Rules Committee

The **Legislation and Rules Committee** works directly with policymakers to appropriately represent the views of the defense bar and to protect the integrity and fairness of the civil justice system. This can take various forms, including providing testimony, public comment, counsel, and research to elected and appointed officials and government agencies. Where the issue arises on a state or local level, the Committee works closely with the relevant SLDO to provide assistance, resources, and counsel. The Legislation and Rules Committee includes task forces on Class Actions, Medicare Secondary Payer, and Federal Rules, State Legislation and Rules, Multidistrict Litigation, and All.

New Appointments

Appointed this year to the Center's State Legislation and Rules Task Force are DRI members **Brandon Wright** (*Lewis Brisbois Bisgaard & Smith LLP*), **Brendon Pashia** (*Gordon Rees Scully Mansukhani LLP*), **Cristina Cambo** (*Bolin Law Group*), **Dan Granfield** (*Sulloway & Hollis*), **Emily Motto Bottorf** (*UFG Insurance*), **George Simpson** (*Simpson Law*), **Giles Schanen** (*Maynard Nexsen*), **Henry Goldman** (*Wiedner McAuliffe*), **Jake Daly** (*Freeman Mathis & Gary*), **Jason Hill** (*Town Law Center PLLP*), **Jeanne Loftis** (*Bullivant Houser Bailey*), **Jenny Swajkoski** (*Hall Booth Smith*), **Jessica L. Mullen** (*Lewis Brisbois*), **Logan Caldwell** (*Crowley Fleck PLLP*), **Mike Gelfound** (*Freeman Mathis & Gary*), **Rory Cosgrove** (*Carney Badley Spellman*), **Tara Martens Miller** (*Snell & Wilmer LLP*), **Todd Page** (*Stoll Keenon Ogden PLLC*), as well as **Brett Rideout** (*Rideout Law*), providing representation on the task force from Canada.

In addition, **Nicole Marklein** (*Cross Jenks Mercer & Maffei LLP*) is now chair of the State Legislation and Rules Task Force.

The Center continues to grow and is pleased to announce the

recent appointment of three DRI members to its Federal Rules Task Force: **Cristina Cambo** (*Cambo Ferry PLLC*), **Ryan Clark** (*Lewis Thomason King Kreig & Waldrop PC*), and **Jessica Mullen** (*Lewis Brisbois*). The new members also join new leadership: **Bruce Craner** (*Milling Benson Woodward LLP*) and **Greg Farkas** (*Franz Ward*) now serve as chair and vice chair, respectively, of the Federal Rules Task Force.

Other News

With the adoption of important changes to Federal Rule of Evidence 702 in December 2024, the Center's [Legislation and Rules Committee](#), under the leadership of its 2024 chair, **Jim McCrystal** (*Sutter O'Connell*), worked with SLDOs interested in advocating similar changes in their states. The Center encourages SLDOs in the other states to consider advocating and supporting efforts to adopt these changes in their states.

McCrystal was also invited by Lawyers for Civil Justice to join their Spring Meeting at the start of May and participate in a panel that discussed the implementation at the state level that would track the recent revisions to Federal Rule of Evidence 702 in the states.

The Center [recently signed](#) on to a [coalition letter](#) to the Supreme Court of Ohio strongly supporting the proposal to align Ohio Rule of Evidence 702 with its updated federal counterpart. The proposed amendment clarifies that the proponent of expert testimony must demonstrate "to the court that it is more likely than not" that the rule's admissibility requirements are met.

The Center's Legislation and Rules Committee looks forward to working with all DRI members interested in advocating for these changes in their states and with all SLDOs interested in these issues. If you or your SLDO are interested, please contact TheCenter@dri.org.

Last year, the Center launched its [State Legislation and Rules Task Force](#), chaired in 2024 by **Brooks Magratten**, to monitor state legislative and rulemaking activity and respond to SLDO requests for information and assistance. The Task Force meets virtually every two months. The Task Force also convened in person during the DRI Annual Meeting in Seattle (Thursday, October 17, 1 – 2 p.m.). Most states are currently represented on the Task Force. The Task Force, however, strives for full state representation and is currently looking for representatives from the following states:

- ◆ Alabama
- ◆ Alaska
- ◆ Arkansas
- ◆ California
- ◆ Delaware
- ◆ Hawaii
- ◆ Idaho
- ◆ Kansas
- ◆ Maine
- ◆ Michigan
- ◆ Mississippi
- ◆ New Mexico
- ◆ South Dakota
- ◆ Vermont
- ◆ Virginia
- ◆ Wyoming

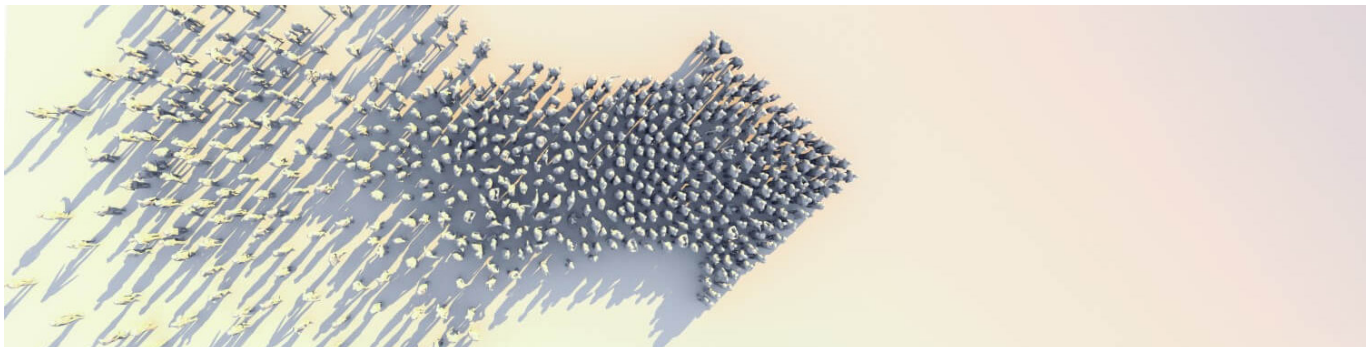
If you are interested in serving on this Task Force, please contact TheCenter@dri.org.

Cases in multidistrict litigation (MDL) proceedings created pursuant to 28 U.S.C. § 1407 now make up well over half of the cases in federal court, with over 430,000 cases pending as of the June 1, 2024. Defense practitioners and others have referred to MDLs as creating a “Field of Dreams” problem, because establishing a mass tort MDL practically guarantees that cases

will come. [An article](#) published in the June issue of The Voice, by **Jeff Holmstrand** (*Grove Holmstrand & Delk PLLC*), a member of the Center’s [MDL Working Group](#), outlines the concerns that the Center and others expressed as to why an MDL-specific rule should be implemented and then gives a brief overview of some key elements of Proposed Rule 16.1.

The Center’s MDL Working Group conferred and [submitted comments](#) on the Preliminary Draft, including suggestions to improve it as well as to address realities of MDL practice not fully covered by the Preliminary Draft. After receiving written comments from all sides of the bar, the Advisory Committee held multiple days of hearings, during which several members of the Center’s MDL Working Group testified.

[The Centers for Medicare and Medicaid Services \(CMS\)](#) has [finalized and published](#) the rule for Section III reporting, specifying how and when it will calculate and impose civil monetary penalties (CMPs) when Group Health Plan (GHP) and Non-Group Health Plan (NGHP) Responsible Reporting Entities (RREs) fail to meet their Medicare Secondary Payer (MSP) reporting obligations. The text of the Final Rule, as published at 42 CFR 402, [can be found here](#). The Final Rule became effective on December 11, 2023. For more information, read the report summary from the [MSP Task Force](#): <https://bit.ly/4iYOh1n>.



Public Policy Committee

The **Public Policy Committee** is charged with examining topics that are of importance to DRI members and seeks to identify and respond to issues that threaten the ideal of fundamental fairness and the very practice of law itself. Its task forces and working groups examine policy issues of broad applicability as requested by the DRI Executive Committee and the Center’s Management Council. They generate white papers for publication, present at DRI meetings and seminars, and work with SLDOs as they face important policy questions. The **Public Policy Committee** includes task forces and working groups on social inflation/legal system abuse, artificial intelligence, data privacy and protection,

third-party litigation funding, nonlawyer ownership of law firms, and climate change and sustainability.

New Appointments

Newly appointed to the Center’s Artificial Intelligence Task Force are **Sean Griffin** (*Longman & Van Grack*) and **Jay Mattappally** (*Irwin Fritchie Urquhart Moore & Daniels LLC*).

The Center is pleased to welcome the newest members of the Social Inflation Task Force: **Amy Wilkinson** (*SECURA Insurance Co.*), **Emily Motto Bottorf** (*UFG Insurance*), **Kathrin Hashemi** (*KCIC*), **Linda Fulop-Slaughter** (*Sompo International*), **Mandy Kamykowski** (*Kamykowski & Taylor PC*), **Mariel Taylor**

(Kamykowski & Taylor PC), **Molly Lang** (American Property Casualty Insurance Association (APCIA)), **Nicole Marklein** (Cross Jenks Mercer & Maffei LLP), and **Rhonda Hurwitz** (American Property Casualty Insurance Association (APCIA)). They are joined by new task force leadership: **Lauren Motes** (Dinsmore & Shohl) and **Eric Passeggio** (Wilson Elser) now serve as task force chair and vice chair, respectively.

New to the Center's Third-Party Litigation Funding Task Force are **Phil Goldberg**, (Shook Hardy & Bacon LLP) and **Siobhan Briley** (Pugh Hagan Prahm PLC).

Other News

During the annual roundtable summit of the American Board of Trial Advocates, September 13, 2024, in Washington, D.C., three Center members participated in presentations during the event, which addressed "The Effect of AI on the American Civil Trial Bar." In a session that included lawyers from both sides of the "v.," **Sean Griffin** (Longman & Van Grack) and **Brent Arnold** (Gowling WLG LLP) provided the voice of the defense bar, as the panelists discussed AI and how it's currently being used in civil trial practice and what may be in store for the future. Their presentation was followed by another that included **Laura Clark Fey** (Fey LLC) on "Ethical and Security Issues with AI." Fey and Arnold are both members of the Center's Artificial Intelligence Task Force. Fey also chairs the Center's Data Privacy and Protection Working Group, for which Griffin serves as vice chair.

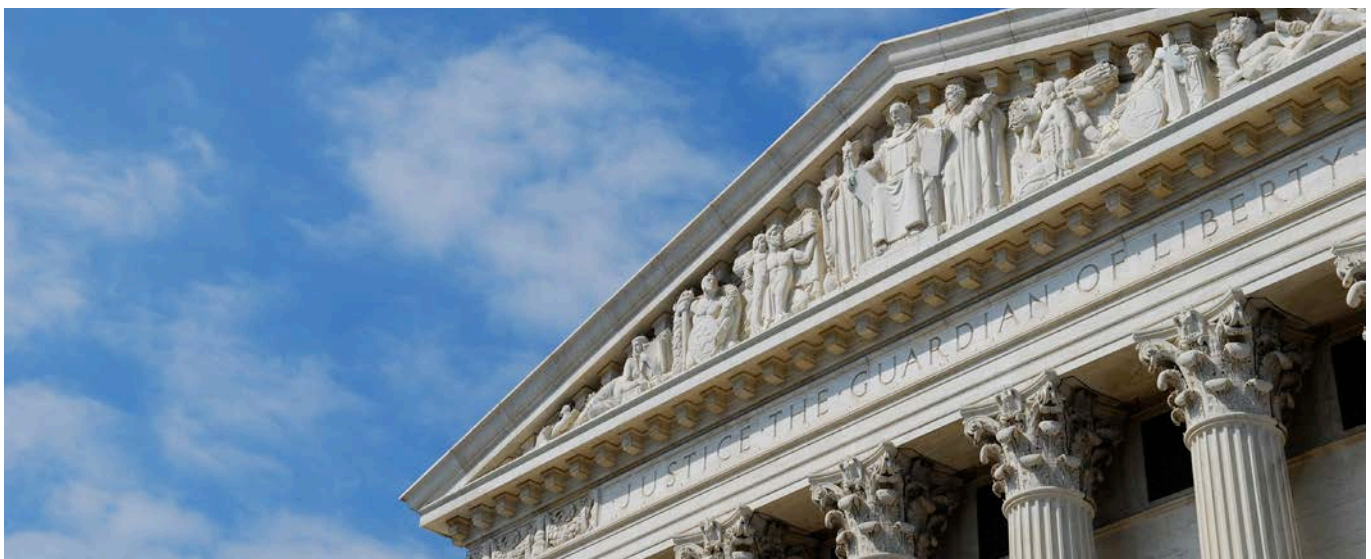
For their annual meeting held in August in the Wisconsin Dells, the Wisconsin Defense Counsel invited **Chris Turney** (Turney LG) and **Amy Wilkinson** (Secura Insurance Co.) to discuss anchoring, including when trial counsel should consult with an insurer for permission to anchor, how trial counsel should anchor effectively, and how the tactic has worked and not worked at trial. Turney

is the immediate past chair of the Center's Social Inflation Task Force, of which Wilkinson is also a member.

The Center's Social Inflation Task Force is working on a comprehensive tracking system to analyze litigation outcomes in light of pretrial demands and offers. This data will inform defendants in litigation about the risks and benefits of trying cases in certain venues despite the rise in settlement demand amounts. To help, please complete this brief form: <https://bit.ly/402Ze9n>.

In March, **David Levitt** (Hinshaw & Culbertson LLP), Chair of the Center's Third-Party Litigation Funding Task Force, testified before a Louisiana House Committee considering a statutory requirement to disclose TPLF agreements. It passed the Committee, then the entire House, and is awaiting action in the Senate. Louisiana also passed a TPLF disclosure statute last year, but it was vetoed by the then-Governor; Louisiana has a new Governor, raising hopes for a different result that would align with the advocacy presented in the task force's white paper, *Third-Party Litigation Funding: Civil Justice and the Need for Transparency*.

During the DRI Litigation Skills Seminar earlier this year, members of the Center's Social Inflation Task Force engaged in an active discussion about strategic responses to increasing settlement demands, the impact of attorney advertising, and pitfalls associated with third-party litigation funding. The panel for the session, titled "The Pushback: Strategies for Countering Plaintiff Tactics in Inflated Valuations and Verdicts," also discussed celebrating recent trial victories and settlement outcomes from across the country. Moderated by **Lauren Motes** (Dinsmore & Shohl), the panel included **Lisa Bellino** (Zurich North America), **Eric Passeggio** (Sulloway & Hollis), **Chris Turney** (Turney LG), and **Clare Maisano** (Evert Weathersby Houff).



AMICUS BRIEFS IN 2024

In 2024, the Center filed numerous amicus briefs in the U.S. Supreme Court and, in collaboration with SLDOs, in state courts of last resort.

- ◆ The Center filed a brief in *Dart v. Scott*, urging the Supreme Court of the United States to examine the use of incentive awards in class actions. The brief was authored by Center Amicus Committee member and DRI Board member Matt Nelson and DRI member Charlie Quigg of *Warner Norcross + Judd LLP*.
- ◆ The Center [filed an amicus curiae brief](#) with the Supreme Court of California in *Gilead Sciences, Inc. v. Superior Court of the City and County of San Francisco* arguing against expansive liability under a purported “duty to innovate.” The Center’s brief, which was joined by the Association of Defense Counsel of Northern California and Nevada and the Association of Southern California Defense Counsel, was authored by **Lisa M. Baird**, along with *Reed Smith LLP* colleagues **James C. Martin**, **Corrine Fierro**, **Steven J. Boranian**, and **Sarah B. Johansen**.
- ◆ In *Lange v. GMT Auto Sales, Inc.*, the Center [joined the brief](#) of the Missouri Organization of Defense Lawyers (MODL) in support of the respondent’s position that the Missouri Court of Appeals, Eastern District, erroneously held that defendant waived its right to arbitration by filing a motion to dismiss.
- ◆ In *Piasa Armory LLC v. Raoul*, the Center joined the [brief of the Illinois Defense Counsel \(IDC\)](#) in support of the continued viability of the intrastate forum non conveniens doctrine.
- ◆ The Racketeer Influenced and Corrupt Organizations Act (RICO) authorizes civil suits for treble damages and attorney fees for those injured in business or property due to specific illegal racketeering activities. [The Center](#) and [Atlantic Legal Foundation \(ALF\)](#) filed an amicus brief in *Medical Marijuana Inc. v. Horn* urging the Court to exclude personal injury-related economic harm from civil RICO. The Center’s brief was written by **Sarah Elizabeth Spencer** ([Spencer Willson PLLC](#)) with Center Chair and ALF Executive Vice President & General Counsel **Larry Ebner** serving as co-counsel.
- ◆ The Center has [filed an amicus brief](#) in the United States Supreme Court in *Wisconsin Bell, Inc. v. United States of America Ex Rel. Todd Heath* in support of Petitioner Wisconsin Bell. In support of Wisconsin Bell’s position, the Center’s brief, which urged the Court to curb expansive liability under the False Claims Act, was written by **Mary Massaron** and **Briana Combs** of *Plunkett Cooney PC*.
- ◆ On June 28, 2024, [the Supreme Court overruled](#) the 40-year-old “Chevron doctrine” in the case of *Loper Bright Enterprises v. Raimondo*, 603 U.S. ___, No. 22–451. *The Chevron* doctrine derives from *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). The Center [submitted an amicus brief](#), authored by DRI members **Melinda Kollross** and **Don Sampen**.
- ◆ The Center [filed an amicus brief](#) in the United States Supreme Court to address removal rights in *Royal Canin U.S.A., Inc. and Nestlé Purina PetCare Company v. Anastasia Wullschlegler and Geraldine Brewer* in support of Royal Canin and Nestlé Purina, the petitioners. The Center’s amicus brief was written by **Mary Massaron** and **Briana Combs** of *Plunkett Cooney*.
- ◆ The Center recently [filed an amicus brief](#) in the U.S. Supreme Court supporting the petitioner in *Visa Inc. v. National ATM Council, Inc.* The Center’s brief, which asked the Court to stop the erosion of “rigorous analysis” under Rule 23, was authored by **Matthew T. Nelson** and **Thomas M. Amon**, both of *Warner Norcross + Judd LLP*.
- ◆ The Center has filed an [amicus brief](#) in the United States Supreme Court in *PHH Mortgage Corporation v. Mark Anthony Guthrie in support of PHH*, the petitioner. DRI’s amicus brief, written by **Mary Massaron**, a former DRI President, and DRI member **Josephine DeLorenzo**—both partners of *Plunkett Cooney*, Bloomfield Hills, Michigan, asked the Court to review and clarify that the Bankruptcy Code preempts state-law claims and to protect longstanding principles of uniformity in the law of bankruptcy.



WHITE PAPERS AND REPORTS IN 2024



SOCIAL INFLATION - LEGAL SYSTEM ABUSE

Observations and solutions to support the right to fair and impartial dispute resolution

John C.S. Pierce
Michael K. Callahan
Catherine Ava Leatherwood
Lauren E. Motes
Andrew Pauley
F. James Robinson, Jr.
Christopher B. Turney



One of the most important functions of DRI is research on issues of importance to the defense bar. This research is generally carried out by the Center and is embodied as either background materials or a more formal white paper. Either can serve one of two purposes depending upon DRI's institutional perspective. One, on an issue in which DRI takes no formal position, they provide information background to educate our members on the topic allowing them to form their own conclusions. Two, on issues in which DRI has taken an organizational position, they form the intellectual basis for DRI's advocacy.

The Center's white paper, [Data Mining, Algorithms, and Deepfakes: Combatting Misinformation, Disinformation, and Malinformation in 2024 Elections and Beyond](#), written by members of its [Data Privacy and Protection Working Group](#), was prepared to provide examples of recent campaigns to spread misinformation, disinformation, and malinformation (MDM), which the World Economic Forum selected as the most severe short-term risk the world faces in 2024. The paper explains why these risks should be on the radar of DRI members; provides insights into how MDM campaigns work; gives examples of actions being taken by countries around the globe to confront this risk; and provides recommendations on actions that DRI members, their clients, and others can take to combat MDM risks in the 2024 elections and beyond.



Artificial Intelligence in Legal Practice Benefits, Considerations, and Best Practices

DRI Center for Law and Public Policy Artificial Intelligence Working Group



The Center was also proud to announce the publication of its white paper, [Artificial Intelligence in Legal Practice: Benefits, Considerations, and Best Practices](#). Recognizing that AI is becoming more useful—if not indispensable—for legal practice, the white paper contends that AI will not any time soon replace the necessary legal judgment and discretion that is exercised by lawyers every day in furtherance of their clients' respective goals. Authored by members of the [Center's Artificial Intelligence Working Group](#), the white paper propounds that AI should be seen as a boon to the practice and something that will make lawyers more productive, not obsolete.

MAKING THE MOST OF THE CENTER

The Center for Law and Public Policy provides the most effective voice for the defense bar in the discussion of substantive law, judicial process, constitutional issues, and the integrity of the civil justice system at both the national and state levels.

Join the effort to defend justice and fairness through promotion of an equitable legal system and protect the interests of business and individuals. The following Center task forces and working groups are looking to add members to their teams:

- ◆ Appellate Litigation and Trends
- ◆ Climate Change and Sustainability
- ◆ Third-Party Litigation Funding
- ◆ Nonlawyer Ownership of Law Firms
- ◆ Artificial Intelligence
- ◆ Data Privacy and Protection
- ◆ AI
- ◆ Federal Rules
- ◆ State Legislation and Rules
- ◆ Social Inflation

Stay up to date with the Center’s projects and initiatives for the benefit of DRI members, their clients, the business community, consumers, and principles of judicial economy by reading the Center newsletter—created in 2023 and sent to all DRI members quarterly—and by following the DRI Center for Law and Public Policy on LinkedIn and X (Formerly Twitter).



The Center Management Council meets at DRI’s 2024 Annual Meeting.



Dean Martinez, CEO of DRI, and DRI COO/General Counsel met with Jeffrey Hantson, Deputy General Counsel of the Senate Judiciary Committee and Scott Jorgeson, Counsel. They discussed the Center and making it a respite for the Judiciary Committee.



Learn more about the Center’s projects and initiatives for the benefit of DRI members, their clients, the business community, consumers, and principles of judicial economy:

Looking for more news on the Center? Follow the DRI Center for Law and Public Policy on LinkedIn and X (Formerly Twitter) for the latest updates.

MAKING THE MOST OF YOUR DRI MEMBERSHIP



LOOKING TO DO MORE WITH YOUR DRI MEMBERSHIP?

DRI is not just part of your career; we're a partner in it. Leverage these exclusive resources and high-quality programming to expand your network, skills, and business. Learn more at [DRI.org/Membership](https://dri.org/membership).

- ◆ **Grow Your Referral Network with Fellow DRI Members**
In a survey of active DRI members, 49% of respondents reported that they have given or received a referral in the last two years, and at least 40% of those referrals were worth more than \$50K. Connect with your DRI community to build your network and expand your business.
- ◆ **Expand Your Expertise Through SLC Leadership Roles**
Take on leadership roles and surround yourself with a network of attorneys in your practice area by joining one of DRI's 29 substantive law committees at no additional cost.
- ◆ **Share Your Knowledge by Speaking at DRI Seminars**
Achieve professional success by sharing thought-provoking ideas on cutting-edge topics in your field. Establish yourself as a trusted source by speaking at DRI seminars and webinars.
- ◆ **Establish Yourself as a Thought Leader with DRI Publications**
Looking to share your professional expertise with colleagues across the globe? DRI's publications offer publishing opportunities to share your thought leadership to help civil defense lawyers with pressing litigation matters and more.
- ◆ **Save with Exclusive Discounts and Solutions Marketplace Access**
DRI Members receive exclusive discounts on seminars, webinars, on-demand learning, and more. Make sure to take advantage of your access to DRI's Solutions Marketplace and Affinity Programs that offer solutions for your professional challenges.
- ◆ **Leverage the Expertise of Leading Defense Practitioners**
With thousands of documents at your fingertips, LegalPoint helps you find what you're looking for. Filter by practice area and resource to make it even easier to find an article on your issue. LegalPoint offers a robust online library of DRI articles, books, and materials.
- ◆ **Access the Leading Repository of Expert Witnesses**
With a growing database of over 65,000 plaintiff and defense experts, you can enjoy exclusive member access to a vast network of expert witness contact information and documents.

TESTIMONIALS



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“[The Center] is a tremendous value-added benefit for every lawyer who belongs to DRI.”

Larry Ebner, Outgoing Center Chair

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“The Center is one of the absolute best parts of your DRI membership. If you do not know everything they do to help support and protect our Civil Justice System, please take some time to learn more about it. It is truly fantastic.”

Slater Elza, DRI Director, State Legislation and Rules Task Force Member

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“The Center is one of DRI’s crown jewels and the very tip of the spear of what we do as an organization. You make all of us at Locke Lord LLP very proud.”

Toyja Kelley, Past DRI and Center President

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*"THE CENTER IS DOING GREAT
WORK FOR DRI MEMBERS AND
THEIR CLIENTS."*

JOHN GUTTMANN, CENTER CHAIR

