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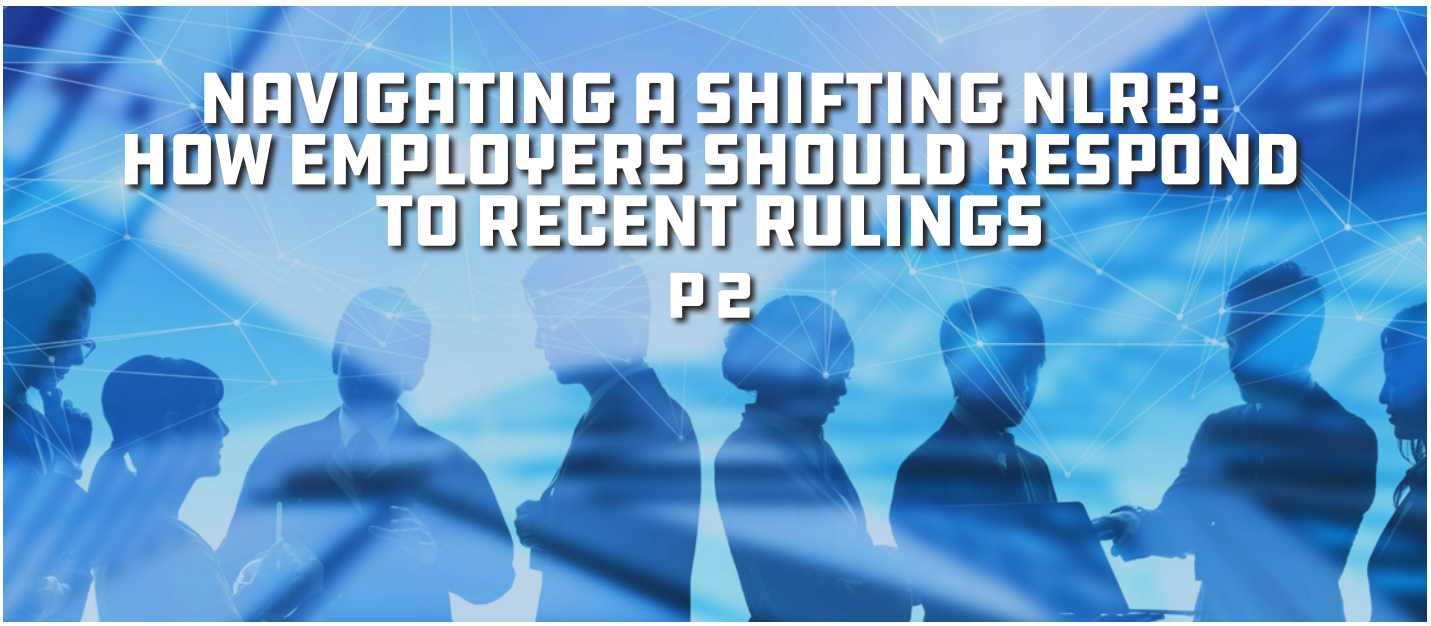

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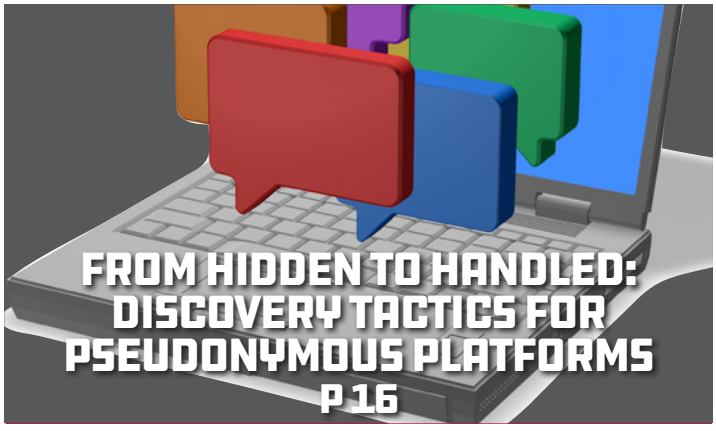

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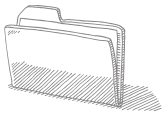

from the CHAIR'S DESK

One of my first official duties as the new Chair of USLAW NETWORK is to invite you to enjoy the latest edition of *USLAW Magazine*, where we explore timely, thought-provoking and interesting perspectives on some of today's hot topics, including how employers should respond to recent Supreme Court rulings, impacts and benefits of artificial intelligence, cannabis in the workplace, digital video evidence, and so much more.

I'm honored to serve as Chair for 2025-26, especially as we celebrate USLAW's 25th anniversary in 2026 and the milestones and connections that have been the hallmark of USLAW since its founding in 2001. At the heart of USLAW are the people, trusted relationships and connections forged over the years. We will shine a light on that and other successes as we move the NETWORK forward towards our next 25 years. As in year one, we remain committed to providing exceptional client service and making trusted referrals to support legal decision-makers and their businesses wherever and whenever the need arises.

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As you peruse *USLAW Magazine*, know that this is just one of the many complimentary resources USLAW produces each year. From magazines, podcasts and webinars to virtual and in-person events, USLAW offers a deep library of legal programming and social events to help you stay on top of changing legal matters and develop best practices and connections across practice areas and industries.

Whether reading this on your morning commute, while traveling or from your home office, enjoy this latest issue of *USLAW Magazine*. Please connect with us on LinkedIn, follow us on social and visit uslaw.org to learn more about USLAW and how we can help you. Thanks for your continued support of USLAW NETWORK and our members.

All the best,

Jennifer D Tricker

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NAVIGATING A SHIFTING NLRB

HOW EMPLOYERS SHOULD RESPOND TO RECENT RULINGS

Julie Proscia and **Kevin Kleine** Amundsen Davis, LLC

Whether you are a union or nonunion employer, the decisions issued by the National Labor Relations Board (the "NLRB" or "Board") affect your workplace. This article offers summaries of the latest NLRB rulings, along with strategies and tips to implement them effectively—and avoid legal missteps.

CURRENT STATE OF THE LABOR BOARD

The Board has been without a quorum since January 27, 2025, after President Trump removed Gwynne Wilcox, a Biden appointee, as a member from the Board. The National Labor Relations Act (NLRA) requires a quorum of three members for the NLRB to exercise its powers and conduct business, namely, to issue decisions in union representation and unfair labor practice cases.

Despite the Board's lack of a quorum, the NLRB appears to be preparing to take a much different path forward in administering and enforcing the NLRA under the Trump administration than under Biden's. On February 14, 2025, William Cowen, the acting general counsel ("GC") for the NLRB, rescinded several guidance memorandums that were previously issued by the NLRB's former GC, Jennifer Abruzzo. The recissions made through Memorandum GC 25-05 impact very significant and slightly controversial policy priorities under GC Abruzzo. How and to what extent is not yet known.

Further, it will take several months for the Board, once it has a proper quorum, to receive and rule on cases with any impact on Biden-era decisions. For now, it appears the Board's top policymaker is not going to continue to blow the proverbial "dog whistle" that inevitably invites labor organizations to file unfair labor practice charges over just about everything and anything coming from management.

Of particular significance, GC Cowen rescinded prior NLRB memorandums issued during the Biden administration that covered the Board's *Cemex Construction Materials Pacific, LLC and International Brotherhood of Teamsters* decision, the Board's attack on noncompete agreements, "stay or pay" agreements, severance agreements (including confidentiality and non-disparagement provisions), and captive audience meetings, along with other guidance.

CEMEX DECISION: REPRESENTATION ELECTIONS

In August 2023, the NLRB handed big labor a major assist when it comes to union organizing in its *Cemex* decision. In *Cemex*, the NLRB ruled that an employer

must essentially recognize a labor union claiming to represent a majority of its employees in an appropriate unit, unless the employer promptly files a petition (an RM Petition) to test the union's majority status or the appropriateness of the unit. The NLRB explained that, absent unforeseen circumstances that may be presented in a particular case, *promptly* will mean that the employer must file its petition within two weeks following the union's demand for recognition. This new procedure assumes the union has not already filed its own petition with the NLRB, an option that still exists.

GC Abruzzo argued in the *Cemex* case that the NLRB should reinstate the 1960s-era Joy Silk doctrine. Under that doctrine, employers are required to recognize and bargain with a union claiming to have majority support of the employer's employees unless the employer can affirmatively establish a good-faith doubt to the claimed majority status of the union. While the NLRB ultimately did not adopt the full Joy Silk doctrine in *Cemex*, it adopted certain key aspects of the doctrine. Namely, if and when a union claims majority representative status for a particular group of employees, the employer will be compelled to recognize the union and bargain with that union unless it timely moves for a petition to hold a secret ballot election. However, by not fully adopting Joy Silk, the NLRB need not have to demonstrate and prove an employer's lack of good faith in rejecting the union's claim of having representative status.

Of significant consequence, an employer moving for an election under this new standard cannot commit an unfair labor practice charge that would otherwise frustrate the election process. If the employer commits an unfair labor practice that would set aside an election, the employer's petition will be dismissed by the NLRB. Additionally, it should be noted that even if an employer's petition is processed and the election results are in the employer's favor, the union can file objections and claim that the employer committed unfair labor practices to a degree and nature that could overturn the election and result in a bargaining order that requires the employer to recognize the union.

The NLRB did not go so far in *Cemex* as to prevent lawful persuasive action by an employer when faced with potential or ongoing union organizing. In fact, the NLRB's decision in *Cemex* went on to state that an employer may continue to persuade employees with lawful expressions of its views under section 8(c) of the National Labor Relations Act.

AMAZON DECISION: CAPTIVE AUDIENCE MEETINGS

However, the NLRB reversed course in November of 2024 when the Board issued its decision in *Amazon.com Services LLC and Dana Joann Miller and Amazon Labor Union*, under which the Board outright banned mandatory meetings at which an employer can express its views on unionization and educate workers on the good, bad, and ugly of union membership ("captive audience meeting"). Since 1948, employers could lawfully require employee attendance at on-the-clock captive audience meetings, even under threat of discharge or discipline. This changed in *Amazon*, when the Board held that mandatory captive audience meetings constitute an automatic unfair labor practice that violates section 8(a)(1) of the NLRA—leaving employers with less of an ability to simply educate employees on union membership and express their views. The NLRB clarified in *Amazon* that requiring employees to attend such meetings is unlawful regardless of whether the employer expresses support for or opposition to unionization. To be clear, the NLRB did not ban voluntary captive audience meetings in Amazon, where employee attendance is not mandatory and employees can freely attend such meetings.

MCLAREN MACOMB DECISION: SEVERANCE AGREEMENTS

In February of 2023, the Board issued its *McLaren Macomb* decision, under which it held that the mere act of offering a severance agreement with terms that have "a reasonable tendency to interfere with, restrain, or coerce employees in the exercise of their [s]ection 7 rights" under the NLRA can constitute an unfair labor practice—regardless of other employer conduct or external circumstances (e.g., employer motive, employer animus against section 7 activity, or whether or not the employee accepts the agreement).

In *McLaren*, the Board took issue with overly broad confidentiality and non-disparagement provisions in severance agreements that prohibit employees from disclosing terms of a severance agreement or from making statements about their former employer without time limitations or exceptions for employees to speak with government agencies or report legitimate concerns the employee may have about the employer's potential violations of the NLRA. The Board also took issue with general waivers in severance agreements, relying on the long-standing principle that employers cannot ask employees to choose between receiving benefits (i.e., severance pay) and exercising their rights under the NLRA.

KEY TAKEAWAYS: EMPLOYERS MUST ADHERE TO NLRB DECISIONS—FOR NOW

Employers must keep in mind that, while the GC's memorandums that helped to usher in the Board's decisions in *Amazon*, *Cemex*, and *McLaren* are rescinded, the underlying decisions are not, as they remain in effect. Therefore, until the NLRB has a quorum, employers should continue to adhere to the NLRB's decisions until a quorum is reached and the Board takes action to overturn the decisions issued under the Biden Administration, which may or may not occur during the Trump Administration.

Simply put, employers should continue to narrowly tailor their severance agreements to include reasonable limitations and exceptions for employees to disclose terms of the agreement or make statements against their former employer in situations where the employee has a legal right to do so or is otherwise required to by law. Additionally, employers should not take any action to commit unfair labor practices when faced with union organizing efforts or a demand to recognize a bargaining unit, including that employers should not require attendance at captive audience meetings. Employers who hold captive audience meetings should allow employees to attend such meetings voluntarily.

Lastly, employers need to be mindful of applicable state laws, as states are taking action to pass their own laws in response to recent NLRB decisions. For instance, states are increasingly passing laws banning mandatory captive audience speeches.

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MANAGING SUSPECTED CANNABIS USE IN THE WORKPLACE

Elizabeth Dalberth Sweeney & Sheehan P.C.

The legalization of cannabis for medical and recreational use in many states has created new challenges for employers. While employees may legally use cannabis outside of work, employers still have the responsibility to ensure a safe, productive, and drug-free workplace. One of the key challenges under evolving cannabis laws is determining how employers should respond when they suspect an employee is under the influence of cannabis during work. Employers often question whether drug testing is permissible, how to conduct such tests, and how to balance workplace safety with an employee's legal right to use cannabis outside of work. The situation is further complicated by varying state laws, with some jurisdictions explicitly prohibiting termination based solely on a positive marijuana test unless on-the-job impairment can be proven.

The first and most important step for employers is to adopt a strong, well-defined employment policy addressing substance use in the workplace. While no law requires employers to allow on-the-job intoxication, state laws uphold the right to maintain a drug and alcohol-free environment. Thus, employers should address cannabis use in zero-tolerance policies. However, an employer should be careful to ensure that any such policies are not so overbroad that they cause confusion over whether state or federal law applies, especially since marijuana is still classified as a Schedule I illegal substance at the federal level. Employers should

also ensure that policies cover all forms of cannabis to avoid loopholes. A strong policy should prohibit the use, possession, or impairment of cannabis during work hours and on company premises, define "impairment" in practical terms, state that employees may be subject to reasonable suspicion testing and disciplinary action, address all forms of cannabis (smoked, ingested, vaped, topical), outline consequences for violations (warnings, suspension, termination, Employee Assistance Program referrals), and include state-specific compliance notes. A sample policy provision is as follows: "The company maintains a zero-tolerance policy for the use or impairment from drugs, including smoking, ingesting, vaping or topically applying cannabis, during work hours or on company property. Employees suspected of impairment will be subject to evaluation and possible drug testing in accordance with applicable law. 'Impairment' means being physically or mentally unable to perform work functions safely and effectively. Any violation of this policy may subject an employee to disciplinary action, including immediate termination."

In addition to a clear policy, employers need a formal process for identifying and addressing impairment. The courts require a reasonable suspicion standard, and workplace observations should be reported and recorded. The written reports should include all observations because, under the law, a single observation is usually not enough; thus, employers and management staff should be counseled that multiple observable signs are required. Observations should be specific, timely, and based on factors such as appearance, behavior, speech and odors. Thorough documentation is critical both for supporting decisions and defending against potential claims.

Common indicators of cannabis impairment include physical signs, such as a flushed, sweaty or pale face, red or bloodshot eyes, droopy eyelids, dry mouth or lip-smacking, and a disheveled appearance. A strong odor of marijuana can be important corroborative evidence. An employer should also look at behavioral signs, including lack of coordination; disorientation, confusion or euphoria; incoherent, rambling, repetitive or slow speech; excessive yawning; the inability to operate equipment; extended breaks; overconsumption of junk food; and unusual use of sunglasses. Employers should also consider the employee's history, past performance issues, recent accidents, safety violations, and possession of drug paraphernalia. Corroboration from credible sources, particularly supervisory employees, can be strong support for establishing reasonable suspicion. Gathering a significant amount of corroborative evidence is key in both the determination of cannabis use and in protecting an employer from possible future claims.

The above may seem overwhelming to an employer. Employers may retain a Drug Recognition Expert (DRE), who is a certified professional trained to detect drug and alcohol impairment. A DRE must successfully complete all phases of training requirements for certification as established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration. A DRE is also skilled in identifying the category or categories of drugs causing the impairment. Another option is to designate and train a supervisory staff member to assist in making reasonable suspicion determinations. While state guidance may allow internal designees, hiring an independent, certified DRE often provides greater protection and credibility.

If impairment is confirmed, employers may request a drug test. However, THC detection presents challenges, and the presence of THC does not necessarily indicate current impairment. In addition, THC can be detectable long after use, and detection windows vary by sample. For example, THC can be detected in hair samples for up to 90 days, in urine for one day to over one month, in saliva for up to 24 hours, and in blood for up to 12 hours. The route of consumption (smoked vs. ingested), frequency of use, and personal metabolism also influence the results. Employers should use certified testing facilities and preserve and document the chain of custody.

If there is a positive drug test, the employer should then determine what disciplinary action should be imposed. Disciplinary measures depend on the situation and are fact-specific. Options range from mild discipline, such as a written warning or probation, to more severe discipline, such as suspension or termination. Supportive discipline could include mandatory counseling, treatment programs, or referral to an Employee Assistance Program (EAP). These procedures should be outlined in the employee handbook to provide clarity and reduce legal risks. Employers should also ensure that the disciplinary process is consistent with company policy, clearly communicated to employees, and applied uniformly to avoid discrimination claims.

A practical application of the above law is illustrated in *Layne v. Kanawha County Board of Education*, No. 16-0407, 2017 W. Va. LEXIS 112 (Supreme Court of Appeals, Feb. 17, 2017). In that case, the petitioner was a middle school sign language interpreter who was observed behaving erratically by five employees. Specifically, the employees observed the interpreter sitting in her car and waving her arms as if she was fighting with someone, chasing pieces of paper across the school's parking lot, staggering and tripping in the classroom, and leaving a bathroom that smelled like something had been set on fire or was burning. She was also late to work that morning and never signed in. These observations were reported to the school principal, who then met with the interpreter and made her own observations, which included the following: the inability to sit still; glassy eyes; dry mouth; rambling speech; being overly talkative and displaying exaggerated politeness; displaying quick-moving actions and body contortions; the inability to hold her pen in her hand; messy hair; fixation on items in her bag; and repeatedly asking the principal whether she appeared to be coherent. The principal was familiar with the petitioner's customary behavior, and she concluded that the petitioner's behavior on the date in question was "drastically different and unusual." The petitioner refused a drug test, the consequences of the refusal were explained, and she was suspended without pay. Her probationary contract was not renewed, and she then engaged in the grievance and appeal process. The non-renewal and suspension were upheld by the court, which found that the facts constituted a sufficient basis for reasonable suspicion drug testing and resultant disciplinary action. This case highlights the importance of thorough, well-documented evidence to substantiate reasonable suspicion and justify disciplinary action related to drug use.

In summary, a comprehensive policy, combined with structured procedures, trained personnel, and clear documentation, enables employers to manage suspected cannabis use effectively, safeguard workplace safety, and minimize discrimination claims. Best practices for compliance with such policies include regularly updating policies to reflect changes in state laws, providing annual supervisor training on impairment recognition and documentation, maintaining confidentiality in all investigations and disciplinary actions, and consulting with legal counsel before implementing major policy changes.

Elizabeth Dalberth of Sweeney & Sheehan P.C. in Philadelphia practices employment law, cannabis law, personal injury and professional liability. She is co-chair of the Philadelphia Bar Association Cannabis Committee.

WHO OWNS AI-GENERATED CONTENT?

EU Perspectives on AI and Copyright

Gabriela Kadlecová Vyskočil, Krošlák a partneři s.r.o

Generative AI has shaken up how we create. What once took weeks or months of work by a designer, a writer, or a production team can now be made in seconds with the help of AI. As a result, more companies and creators rely on AI-powered tools to generate text, images, video and other types of content.

The development is rapid and raises a number of important questions. One of these questions is: Who owns the copyright to the AI-generated creations?

While many users may assume they automatically own the rights to the content produced by the AI tools they use, the reality is more complex.

AI-GENERATED CONTENT

AI-generated content refers to material created by AI systems, typically based on machine learning, trained on large datasets, and designed to generate outputs in response to user instructions, the so-called 'prompts.'

These creations can range from a simple image made with a prompt like "a cat in a business suit" to an entire realistic-looking film. The latter type of content is typically created with stronger human involvement, with the human guiding the AI through lots of prompts, refining outputs intensively, and combining various elements into a final outcome.

From a legal perspective, the type and level of human involvement seems to matter, as copyright law rewards human creativity rather than machine output.

NO COPYRIGHT WITHOUT HUMAN CREATIVITY

Copyright laws across the EU tend to agree that only works created by a human author are protected by copyright.

This principle has already been reaffirmed with respect to AI-generated content in a few national court rulings, such as in the decision of the Municipal Court in Prague in case 10 C 13/2023 which specifically states that "image created by artificial intelligence does not constitute a work of authorship, as

it does not meet the defining characteristics of a copyrighted work. Specifically, it is not a unique result of the creative activity of a natural person - the author.

In other words, if a work is generated entirely by an AI system without meaningful human input, it is not eligible for copyright protection. Such creations would fall into the public domain, meaning that anyone could use, reproduce, or adapt them (within the limits described below) without needing permission or paying royalties. The nature of AI systems, combined with the absence of copyright, may also mean a lack of legal basis for claiming the content as exclusive or treating it as such.

However, if a person makes a sufficient creative contribution (such as by originally selecting, combining, editing, or refining the AI's output), then, in our opinion, they may be considered the author and their creation may be considered a copyrighted work, even if an AI tool has been involved in the process - as long as the other requirements for copyright protection, such as creativity and originality, are met.

Since the law is notoriously slow to catch up with technological reality, we are still waiting for a clear key precedent recognized at the EU level that would confirm this view and define the required level of human involvement. Even the above-mentioned Czech decision leaves the door open for such cases to be reconsidered in the future.

Nevertheless, proving authorship or originality in such cases can be challenging. Therefore, it is advisable to document the extent and timeline of human involvement in such a creative process (prompts, version history and human edits) to demonstrate when and how the work was created and to support potential copyright claims.

The U.S. Copyright Office has taken a similar stance, confirming that materials generated entirely by AI are not eligible for copyright protection. Recent decisions, such as the Zarya of the Dawn case, confirm that only the human-authored parts of AI-assisted works are to be protected. The quality and nature of the necessary human involvement are also being challenged in other cases, such as in the *Théâtre D'opéra Spatial* case.

Even though the U.S. and EU copyright systems differ in some respects, the underlying principle remains the same: no human authorship, no copyright.

IF THERE IS NO COPYRIGHT, WHO OWNS THE CONTENT AND WHO MAY USE IT?

The absence of copyright does not necessarily mean that AI-generated content is always completely free to use by the entity that generated it or by any third person.

Some of the limits may stem from the terms and conditions of the AI tool used to create the content. It is thus important to read the fine print, as some platforms grant users full rights to use the output, while others place limitations. Licensing and ownership terms, leaving aside whether they are always enforceable, often vary depending on whether a free or paid plan is used.

It is advisable to maintain oversight of the AI systems used within one's business, both by employees and vendors. In addition to specifying which tools and versions may be used and for what purposes (including the handling of sensitive data or materials in prompts), the relevant policies or contracts should also address the issue of who owns the AI-assisted content, who may use it and to what extent.

The (possible) lack of copyright protection also does not mean that AI-generated content cannot infringe on someone else's rights. For example, an image generator might produce visuals that closely resemble a famous brand, artwork or identifiable person. Whether intentional or not, such outputs may violate copyright, trademark or publicity rights, or could amount to unfair competition and can be challenged in EU countries.

This risk is closely linked to the way AI systems work. Since they learn from existing data, their output can only be as reliable and legally sound as the data on which they are trained. Algorithms and training data are often not disclosed, which leaves users uncertain about what the AI system was trained on and whether copyrighted content may be reflected in its outputs.
In general, everyone remains responsible for ensuring that their actions do not infringe laws, contracts, or the rights of others, and in most cases, liability will fall on the person or entity using the AI-generated content. Therefore, it is strongly advised that users review and control that the outcomes do not imitate real people, brands or copyrighted styles before they are published or used commercially.

AI tools rarely accept any liability in their terms and conditions – it is usually quite the opposite. Cases where the liability of an AI tool is claimed will, however, certainly become more frequent, and it will be interesting to follow how they unfold.

In the EU, there has been an attempt to address the issue of liability through a proposal for a Directive on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive). The draft included a rebuttable presumption of causality and better access to information about high-risk AI systems if harm occurs. Nevertheless, the adoption of this Directive was postponed, and its future now remains uncertain.

THE EU REGULATIONS

The first piece of legislation successfully adopted to regulate AI in the EU is the AI Act (Regulation (EU) 2024/1689), which introduces a risk-based regulatory framework - the higher the risks posed by an AI system to fundamental rights, the stricter the legal obligations.

Although complex, the AI Act addresses copyright only marginally. In particular, it requires the providers of general-purpose AI models to put in place a policy that complies with the EU law on copyright and related rights and to disclose information about the content used for training, thereby improving transparency for users.

The AI Act also introduces several obligations concerning the use of AI-generated content, particularly in terms of transparency. For instance, AI-generated content that falls within the definition of a deep fake will need to be clearly disclosed as such.

Many additional details still need to be addressed through guidelines and templates to be developed by the European AI Office, which was also established under the AI Act.

CONCLUSION

Copyright is not guaranteed when AI takes the lead in the creative process, but that does not mean AI-generated content is to be left entirely unprotected. Other forms of protection may apply, such as trade secrets, unfair competition law, contractual arrangements, or trademark rights. A smart mix of legal tools, proper assessment of the AI systems in use, and clear documentation and contracts can help users stay compliant and competitive as AI reshapes the creative landscape.

The current copyright system, now perhaps more than ever, remains open to future revisions, and it is not unthinkable that some key rules may be completely transformed. That is why regulatory developments and upcoming court decisions should be watched. Until the legal framework becomes more settled, AI-generated content should be treated as a high-potential, but high-risk asset.

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FROM HEADLINES TO THE JURY BOX

Assessing the Impact of Nuclear Verdicts on Litigation

Jessica Kansky, Ph.D. and Juliana Manrique, M.A. Verdict Insight Partners

Over the past decade, trial lawyers and insurers alike have witnessed a dramatic rise in nuclear verdicts. These verdicts, characterized by awards exceeding $10 million, highlight a fundamental shift in how jurors perceive corporate responsibility and appropriate mechanisms for achieving justice. But when we step back from courtrooms and law offices, how are these verdicts perceived by the broader public? Jury consultants at Verdict Insight Partners (formerly Immersion Legal Jury) set out to explore what jurors, our ultimate decision-makers, think when they hear about massive awards in the media. Results provide a window into public sentiment surrounding nuclear verdicts, shedding light on how news coverage, advertising, and social discussions influence juror expectations before they even set foot in a courthouse.

EXTRAORDINARY JURY AWARDS AREN'T SO OUT OF THE ORDINARY

The legal profession finds itself at a critical juncture where extraordinary jury awards have transcended from occasional outliers to a defining characteristic of modern litigation. In 2024 alone, there were 135 nuclear verdicts documented, a 52% increase from the previous year. More striking was that the aggregate value of these verdicts totals $31.3 billion, representing a 116% increase over the 2023 value. Further, the emergence of "thermonuclear verdicts," which refers to damages exceeding $100 million, emphasizes this trend. Last year, 49 such verdicts were recorded, with five cases resulting in awards greater than $1 billion. These figures underscore a seismic shift in the judicial landscape that warrants further review.

PUBLIC CONSCIOUSNESS AND THE REALITY GAP

While the surge in nuclear verdicts has become a focal point in the legal community, the extent of prospective jurors' knowledge of the trend remains comparatively unclear. To gather insights into public perception of jury awards, VIP consultants surveyed 259 jury-eligible citizens across six venues.[1] Results suggest a striking paradox: while nuclear verdicts dominate legal discourse, only 8.1% of respondents reported seeing or hearing of large verdicts (defined as verdicts of $10 million or more) in the news. This limited public exposure contrasts sharply with the legal community's heightened concern, suggesting that nuclear verdicts remain largely unknown to the general public.

Among the minority who recall seeing coverage of large verdicts, perhaps unsurprising, social media emerges as the predominant medium, accounting for 47.6% of reported exposures, followed by television at 33.3%. Traditional print media (newspapers), once the primary vehicle for legal news dissemination, accounts for merely 4.8% of exposures. This distribution pattern suggests that public understanding of nuclear verdicts is increasingly shaped by network connections rather than traditional news sources.

The implications of this nuclear verdict awareness gap suggest many people are likely to serve on a jury who have never heard of the big cases, so the usual ideas of how news coverage shapes jury decisions don't always fit. Indeed, the overwhelming majority (90.3%) stated their opinion about lawsuits or the legal system has not changed as a result of any nuclear verdict exposure. At the same time, the few who do see these stories may become more aware and more critical of how

companies behave, which may influence their ultimate damage calculations.

MOTIVATIONS BEHIND LARGE VERDICTS

Despite the low exposure rate to nuclear verdicts among the mock juror population, responses indicate more nuanced views of such large awards. When asked about the justification of substantial jury damages, 38.2% believe large jury awards are often justified, while nearly 55% see merit in them at least some of the time, considering them to sometimes be appropriate. This widespread acceptance reflects a public attitude that mirrors the judicial trend toward large damages awards, laying the groundwork for potential pervasive nuclear verdicts.

A closer look uncovers the deeper framework that shapes how the public interprets and evaluates these awards. When asked about the primary purpose of large verdicts, results were nearly evenly distributed: 40.5% viewed them as mechanisms for "sending a message to companies or society," 32.8% emphasized victim compensation, and 26.6% considered them to serve as punishment for the wrongdoer. This distribution indicates jurors are approaching their potential decision of large damages for varied purposes.

The broader societal impact stemming from nuclear verdicts was also assessed. Results indicate that a significant portion of respondents (41.3%) believe large verdicts lead to positive changes (i.e., improve safety standards, enhanced corporate responsibility), while only 6.2% anticipate primarily negative consequences (i.e., higher insurance premiums). Such optimistic assessment of large verdicts provides crucial context for understanding why juries may feel comfortable delivering substantial awards: They perceive them as constructive tools for societal improvement rather than punitive excess or a detriment to their fellow citizens.

CORPORATE TRUST AND ACCOUNTABILITY

Within the legal community, much of the discussion of nuclear verdicts centers on the changing discourse surrounding corporate trust. However, only a quarter (27.8%) of respondents agreed that their trust in corporations has decreased as a result of hearing about large verdicts in lawsuits against corporations. Just over half (51.0%) of the jurors remained unsure whether their corporate trust has changed, while 21.2% disagreed that their trust has been affected. This suggests that while nuclear verdicts may fuel debate within the legal field, their broader impact on jurors' trust in corporations remains limited and uncertain.

Nonetheless, 65.6% of respondents view large jury awards as effective mechanisms for holding corporations accountable. Recognizing the role of accountability sheds light on jury motivations, showing that substantial awards are often intended to influence corporate behavior, not just provide compensation. For legal professionals, this emphasizes the need to weave appropriate corporate responsibility into litigation strategies. Results also underscore the importance of trial teams to provide education on the intent and meaning of damages. Educating the jury may combat the potential for jurors to focus on corporate responsibility generally and instead encourage jurors to critically evaluate the specific nuances and details of the case in front of them.

MEDIA INFLUENCE ON JUROR EXPECTATIONS

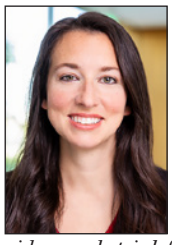
The relationship between media coverage and nuclear verdict expectations presents both opportunities and challenges for legal professionals. Over half of the respondents (50.2%) agree that news coverage tends to sensationalize verdicts, and another 40.9% were unsure whether headlines carried weight for typical lawsuits. This indicates sophisticated media literacy regarding legal reporting among the majority of jurors. Results of media awareness suggest that potential jurors may approach media coverage of large awards with appropriate skepticism, providing an opportunity to mitigate concerns about pre-trial publicity.

At the same time, results also reveal more subtle influence patterns. While only 29.4% of respondents indicated that media coverage of large awards makes them believe such amounts are typical in successful lawsuits, 46.7% remained unsure about this relationship. This uncertainty creates an opportunity for attorneys to shape jury expectations by providing case-specific calculations to encourage jurors to more narrowly focus their deliberation discussions. Interestingly, advertising by plaintiff's attorneys appears to exert limited influence on public expectations, with only 29.3% indicating such advertising affects their perception of typical award amounts. This finding suggests that direct, targeted marketing efforts may be less influential than organic media coverage in shaping juror expectations of lawsuit awards. In sum, the majority of jurors are critically evaluating media and advertisement efforts, rather than passively accepting that large verdicts are accurate reflections of courtroom reality.

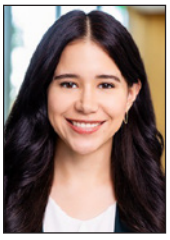
STRATEGIC CONSIDERATIONS FOR CONTEMPORARY PRACTICE AND FUTURE IMPLICATIONS

For defense practitioners, the survey findings emphasize the importance of addressing corporate responsibility themes proactively rather than defensively. Given the public's view of nuclear verdicts as accountability mechanisms, successful defense strategies must acknowledge legitimate corporate responsibility concerns while providing context for appropriate proportionality in awards.

With the trajectory of nuclear verdicts increasing, as reflected by a median award of $51 million in 2024 compared to $21 million in 2020, the legal profession must adapt to an environment where large awards become routine considerations rather than outliers. As evidenced by study data, the public is poised to support substantial awards when they serve legitimate purposes and are proportional to the harm addressed. The challenge for the profession lies in maintaining the civil justice system's foundational principles, focusing on fair compensation, appropriate deterrence, and proportional justice, while simultaneously acknowledging the legitimate public expectations that drive nuclear verdict activity.



Verdict Insight Partners Director of Jury Consulting Jessica Kansky, Ph.D., leverages over 15 years of expertise in psychology and statistics to analyze jurors' reactions to case themes and predict juror behavior at trial. She provides mock trial facilitation and jury selection assistance with an emphasis on developing juror profiles to effectively guide counsel through jury selection.



With nearly a decade of dedicated trial consulting experience, Juliana Manrique of Verdict Insight Partners refines trial strategies through mock jury research, nuanced data analysis, and guidance in jury selection.

[1] The six venues include Chicago (Illinois), Decatur (Alabama), Houston (Texas), Milwaukee (Wisconsin), San Francisco (California), and Seattle (Washington).

CFPB'S 1033 OPEN BANKING RULE

Final Rule and Developments Since its Publication

Grayson LaMontagne of Poyner Spruill LLP and **Nick Christopherson**

The increasing number of financial products and services in the market has created new challenges for consumers and regulators in the financial industry. Consumers want their data protected, but they also expect seamless integration between different financial service platforms. For these reasons, the Consumer Financial Protection Bureau ("CFPB") published its Personal Financial Data Rights Rule, commonly referred to as the "Open Banking Rule" (the "Rule"), in late 2024 to "give consumers greater rights, privacy, and security over their personal financial data."[1] The Rule requires financial institutions, credit card issuers, and other financial providers to unlock consumers' personal financial data and transfer it to another provider upon request for free, moving the United States closer to having an open banking system similar to the United Kingdom and European Union.

The Rule has been years in the making, dating back to 2010, when Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which established the CFPB and provided the authority for the Rule under Section 1033. In 2017, the CFPB first issued a Request for Information on the subject and issued an Advance Notice of Proposed Rulemaking in 2020. The final Rule was published in late 2024 and immediately became embroiled in trade-group litigation and political turmoil, which have threatened to undo years of work and progress. Nevertheless, despite the Rule's uncertain future, financial institutions and fintechs should understand the key compliance issues surrounding the Rule's implementation to best protect themselves against the range of possible outcomes.

FINAL RULE AND KEY COMPLIANCE ISSUES

Covered Entities

The Rule requires "data providers" to make "covered data" related to "covered financial products and services" available to consumers and "authorized third parties" without charge.[2] "Data providers" means any person (or affiliate that acts as a service provider) that engages in offering or providing a consumer financial product or service and who is (i) a financial institution (as defined in Regulation E), (ii) a card issuer (as defined in Regulation Z) or (iii) any other person that controls or possess information concerning a covered consumer financial product or service that the consumer obtained from that person. This definition includes depository institutions (including credit unions) and non-depository institutions that issue credit cards, hold transaction accounts, issue devices to

access an account, or provide other types of payment facilitation products or services. This definition also covers many types of fintechs.

"Covered data" includes information about transactions, costs, charges, and usage, such as account balance, payment-initiation data, terms and conditions, upcoming bill information, and basic account verification information. Covered data does not include, however, confidential commercial information (e.g., credit score algorithms), information collected to prevent fraud or money laundering or to detect illegal conduct, information required by law to remain confidential, and information that is not retrievable in the ordinary course of business.

"Authorized third parties" means a third party that has complied with certain authorization procedures that include (i) providing a consumer with an authorization disclosure, (ii) certifying and agreeing to limit its collection of covered data to what is reasonably necessary to provide the consumer's requested product or service and agreeing to not use the covered data for targeted advertising, cross-selling other products or services, or selling the covered data, and (iii) obtaining the consumer's express informed consent to access the covered data on behalf of the consumer.

Key Obligations

a. Free Access. The Rule requires data providers to create two interfaces for handling data requests. One for consumers and one for authorized third parties and their "data aggregators" (persons that access covered data for and on behalf of authorized third parties). Importantly, data providers must not allow third parties to access the developer interface with the same credentials that a consumer uses to access the consumer interface. In both interfaces, data providers must grant consumers, authorized third parties, and data aggregators access to covered data in electronic form, and in a manner that is usable by the consumer and authorized third party. In addition, the Rule prohibits data providers from charging fees for establishing or maintaining the interfaces or for processing requests for covered data.

Developer interfaces require additional requirements beyond those required for consumer interfaces, which include providing covered data in a "standardized format" with "commercially reasonable performance." "Standardized format" means a manner that conforms to a format widely used by other data providers and designed to be readily usable by authorized third parties. "Commercially reasonable performance" requires demonstration of several compliance indicia, but the most notable requires that the interface processes requests with 99.5% accuracy.

b. Written Policies; Reporting. The Rule obligates data providers to maintain written policies that are "reasonably designed" to achieve the objectives of the Rule, including making covered data available, ensuring accuracy in the processing of requests, and retaining certain transaction records to demonstrate compliance with the Rule. In addition, the Rule requires data providers to disclose certain information about the data provider (such as its legal name, a link to its website, contact information, developer interface documentation, and performance disclosures) in a manner "at least as available as it would be on a public website."

Enforcement Timeline

The Rule will be implemented in phases, affecting bigger institutions as early as April 1, 2026, and smaller ones as late as April 1, 2030. Specifically, the Rule requires compliance for the following entities prior to the dates set forth below:

April 1, 2026

Depository Institutions. Total assets equal to or greater than $250 billion.
Non-Depository Institutions. Total receipts as of 2023 or 2024 equal to or greater than $10 billion.

April 1, 2027

Depository Institutions. Total assets equal to or greater than $10 billion, but less than $250 billion.
Non-Depository Institutions. Total receipts as of 2023 or 2024 less than $10 billion.

April 1, 2028

Depository Institutions. Total assets equal to or greater than $3 billion, but less than $10 billion.

April 1, 2029

Depository Institutions. Total assets greater than $1.5 billion, but less than $3 billion

April 1, 2030

Depository Institutions. Total assets equal to or greater than $850 million, but less than $1.5 billion.
Depository institutions with total assets below $850 million are exempt from the Rule.

LEGAL CHALLENGES AND PREDICTIONS FOR THE FUTURE OF OPEN BANKING

The Rule has faced significant scrutiny from lenders and banking groups who argued that the open banking framework imposed by the CFPB would put consumer information at risk and burden financial institutions with substantial costs. The Kentucky Bankers Association and the Bank Policy Institute filed a lawsuit against the CFPB, asserting that the agency was "overstepping its statutory mandate and injecting itself into a developing, well-functioning ecosystem," in which banks, their regulators and fintech companies worked together to seamlessly and safely integrate open banking practices using their expertise.

In light of this lawsuit, CFPB leadership reviewed the Rule and agreed that the current framework exceeds the authority conferred to the CFPB by Section 1033. Namely, Section 1033 does not authorize broad regulation in the form contemplated and also does not authorize the CFPB to prohibit banks from charging any fees. The CFPB responded with a motion for summary judgment and requested that the court find the Rule unlawful. The CFPB has since worked to rescind the Rule along with a bevy of other rules that exceed its statutory authority.

With the withdrawal of the Rule, the CFPB will be forced to rework its open banking concept to prescribe a standardized format and standards to support the goals of open banking. Section 1033, as the authority for the Rule, still requires that the CFPB promulgate a rule that allows consumers access to "transaction data" and "information concerning a consumer financial product or service." However, with a new administration in office and defunding of the CFPB, there is uncertainty surrounding how Section 1033 will be implemented going forward. Although banks and financial institutions have already made strides towards "open banking" by implementing mechanisms for consumers to access and share their data, the practice is largely unstandardized until new authority is put in place.

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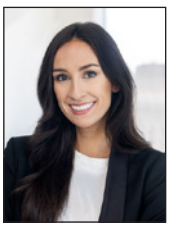
[1] *CFPB Finalizes Personal Financial Data Rights Rule to Boost Competition, Protect Privacy, and Give Families More Choice in Financial Services, CFPB Newsroom* (Oct. 22, 2024), https://www.consumerfinance.gov/about-us/newsroom/cfpb-finalizes-personal-financial-data-rights-rule-to-boost-competition-protect-privacy-and-give-families-more-choice-in-financial-services/.

[2] 89 Fed. Reg. 90839 (Nov. 18, 2024).



Grayson LaMontagne works with clients on a variety of commercial loan transactions. She represents borrowers, lenders, and financial institutions in a wide range of transactional matters. Grayson is an associate attorney at Poyner Spruill LLP.

FROM DVR TO DISCOVERY:

Best Practices When Dealing with Digital Video Evidence

John Swanson and **Jack Nevins** S-E-A

It's become common practice in the litigation of claims to ensure the proper handling of physical evidence — retaining an expert to retrieve and store it, track the chain of custody, and avoid spoliation. Digital video evidence, however, is not always given the same consideration. Despite how prevalent video evidence has become - and how critical it can be to a claim - it is often improperly retained, mishandled, or otherwise corrupted. At times, these oversights have the potential to take a smoking gun and turn it into a landmine. Fortunately, implementing a few best practices to preserve the integrity of digital video evidence will enable the right expert to make use of a video, even if circumstances aren't ideal.

ACQUISITION & HANDLING

With the amendment to the Federal Rules of Evidence (FRE) addressing electronically stored information (ESI) such as digital video evidence, consideration must be given to the preservation of potentially relevant evidence when litigation is reasonably anticipated. Acting proactively is paramount, as electronic data is both transient and highly susceptible to alteration, modification, deletion, or permanent loss. Failure to preserve relevant ESI can negatively impact litigation outcomes and lead to adverse court rulings. One surprisingly common oversight is leaving a digital video recorder (DVR) system powered on, thereby overwriting older footage through cyclic recording, silently erasing critical data.

The process of collecting, preserving, and preparing electronic evidence for admissibility is addressed in FRE 901(a) and 902(13)–(14), which concern provenance and authentication. Digital forensic experts are uniquely qualified to collect evidence in a manner that satisfies these rules. Industry best practices include:

- Use of forensic write-blocking hardware/software to prevent alteration of source data.
- Automated logs, notes, and photographs documenting all expert actions.
- Use of digital hashing algorithms to ensure integrity at each stage of collection and handling.

A hash algorithm is a computational tool designed to process a file or collection of data (input) and produce a fixed-length hash value unique to the input. A change in the calculated hash value signals a potential integrity issue. The goal is to preserve all relevant data in a forensically sound manner while maintaining the original source unaltered. Done correctly, such evidence withstands scrutiny and is admissible in court.

TRANSFER & STORAGE

Once collected, the evidence must be stored securely for the duration of the claim and litigation process, which may span years. Best practices call for:

- Multiple encrypted copies stored across different mediums (e.g., encrypted hard drives, secure network storage, flash media).
- Redundancy to guard against loss from hardware failure or corruption.

When production of evidence is re-

quired by court order, response to discovery requests, or provision to other experts, digitally identical copies can be readily reproduced. These copies are validated by recalculating and matching hash values to confirm their fidelity. Any such production, be it in whole or in part, should include proper chain of custody documentation to ensure full traceability and court compliance.

"NATIVE FORMAT" DIGITAL FILES

It is critical to understand the vast differences between forensic data preservation versus a more crude data copy process. A forensic data image is a digitally identical, bit-for-bit replica of the source data validated against the original. A data copy produced through non-forensic processes will likely alter the source data and produce a non-identical copy that cannot be validated to the original. If we again consider the DVR appliance, these systems permit a user to produce selected video data by accessing a live system and navigating an administrative menu to produce "data exports." Typically, the exported data is produced in a different form than the data that resides on the internal storage media. The term "native format" refers to the data form as it resides on the internal storage media. Any non-native format produced during a live export process will result in a compressed or degraded format, which not only violates forensic best evidence-preservation processes but also results in an inferior file quality, which may impact future analysis of the video data. Further, non-forensic copy processes are likely to remove or alter critical metadata, such as file creation date and time, frame rate, original file format, original camera make and model, geo-coordinate data and much more.

To apply any form of validation of video evidence, forensic best practices must be followed from the outset. Without the ability to calculate a hash value of a forensic image of a DVR storage drive or a subset of native files preserved forensically, the provenance and veracity of the data cannot be verified and is therefore open to attack under FRE provisions.

VIDEO/IMAGE ENHANCEMENT

With digital video evidence in hand, the next step is to make use of the video itself – the actual imagery. While properly acquired and handled video evidence provides the best possible data for review and analysis of that imagery, that doesn't mean that the data captured is clear and obvious. Often, digital video evidence is low resolution, grainy, blurry, washed out, or otherwise not an ideal view of the subject or incident. Worse, not all digital evidence is handled properly, resulting in over-compressed video with reduced quality, screen recordings of video instead of the native file, or worst of all, yet all too common, video of the video — handheld cellphone video of the video evidence playing on a screen.

In any case, most digital video evidence will benefit from forensic video enhancement. The goal of a forensic video enhancement is to improve the visual clarity of the data that exists within the file, such as improving legibility of specific features or actions. The keyword here is "forensic," because this can often be misconstrued as modifying or altering the evidence. Though it technically has been modified, in that it's no longer an exact copy of the original, the important distinction is that forensic enhancement is a clarification that is tracked and quantified, not an arbitrary alteration. Properly conducted enhancement does not substantively alter the imagery and is not the same as "doctoring" a video. Rather, it uses validated tools and methods to apply a series of mathematical equations to adjust the numerical values represented by the individual pixels that comprise the overall digital image. These equations, often applied in the form of "filters," serve purposes like improving brightness and contrast, reducing blur, enlarging or magnifying details, stabilizing shaky video, and reducing or removing distortion.

A BIT ABOUT COMPRESSION

Furthermore, as with analyzing the make-up of a digital file and its metadata, additional analysis of the pixel information is often conducted at the enhancement stage. Most notably, the video compression. Simply put, video compression is how all the numerical values contained within a digital file, the 1s and 0s that are translated into images, are optimized to reduce file size while maintaining a certain fidelity based on the compression parameters. Most video evidence is captured and stored with some form of compression before anyone even accesses the file, and any time a video is clipped, cropped, trimmed, or transferred, there is the potential for that compressed data to be re-compressed, resulting in a less reliable video. That's not to say video compression inherently makes a video less reliable or less accurate. Even highly compressed videos can still contain accurate, reliable information. Still, it's useful to understand how a video has been compressed to address whether it's a significant factor in a given case.

In fact, understanding video compression and ensuring the use of validated tools are further reasons to engage qualified forensic experts, even for basic video editing. Gone are the days when you could recruit a friend or family member to help trim a video because they're "good with computers," or they "took a digital media class last semester." With the prevalence of digital video, the industry's understanding of this evidence is becoming more and more sophisticated, which means it is facing greater and greater scrutiny. Questions about whether a specific detail is seen on an I-Frame or P-Frame, the level of quantization, or the method of interpolation in an enlarged image may cast doubt on the validity of perfectly good evidence. A qualified forensic expert can address these topics and help ensure that video evidence holds up to this line of questioning.

CONCLUSION

Digital video evidence can be a powerful asset or a liability, depending on how it is handled. From initial acquisition and forensic preservation to secure storage, analysis, and enhancement, each step must be executed with attention to accuracy and according to established processes to ensure admissibility and reliability. Courts expect digital evidence to meet the same rigorous standards as physical evidence. Failure to do so can jeopardize success and welcome a less-than-desirable outcome. By engaging qualified digital forensics professionals and adhering to industry best practices, insurance and legal professionals can avoid the risk of sanctions and adverse rulings and ultimately strengthen the integrity of their claims or defenses.

John Swanson is discipline lead, imaging sciences for S-E-A. He specializes in creating demonstrative evidence and other visuals using a variety of 3D, video, photo, and graphics techniques; forensic video and photo analysis; and scientific 3D modeling and animation, aided by over a decade of experience in the field of 3D laser scanning and digital preservation of evidence.

Jack Nevins is practice lead, digital forensics for S-E-A. He advises clients on the identification, proper collection, and analysis of all forms of electronically stored information. From automated water slides to cloud-based storage systems, he has over 25 years of diverse experience within the litigation and insurance areas.

The Charitable Immunity Doctrine in the United States

HISTORY, EVOLUTION AND CONTEMPORARY RELEVANCE

Sydney Stuart MehaffyWeber

The charitable immunity doctrine is a legal principle that historically protected charitable organizations from tort liability. Rooted in the belief that charities served the public good and should not have their limited funds diverted to damage awards, the doctrine once provided a broad shield against lawsuits. Over time, however, the doctrine's impact has diminished as it has been challenged, limited and, in many jurisdictions, abolished altogether. Today, its application varies significantly across states, reflecting broader societal shifts in how courts and legislatures balance the protection of charitable assets with the rights of injured parties.

ORIGINS OF THE CHARITABLE IMMUNITY DOCTRINE

The charitable immunity doctrine in the U.S. has its roots in English common law. Its genesis was an 1848 English case, *Feoffees of Heriot's Hospital v. Ross*. The case suggested that charitable trusts should not have their funds diverted to satisfy tort claims, as doing so would undermine the charitable purpose. American courts adopted similar reasoning in the late 19th and early 20th centuries, creating a broad shield for nonprofit and charitable organizations. The doctrine was initially justified on several grounds. The first of these was the "Trust Fund Theory." Donations and assets of a charity were viewed as being held in trust for the intended beneficiaries. Diverting those funds to pay damages would violate donor intent, diverting resources away from their mission to serve the public good.

A second rationale was based on public policy. Charities were considered essential for the welfare of society; therefore, protecting them from tort liability ensured their continued operation. Protecting charities from liability was seen as a way to encourage the establishment and operation of nonprofit organizations serving a wide range of needs.

A final justification for the doctrine was the "Implied Waiver Theory." Under this theory, some courts reasoned that beneficiaries of charities implicitly accepted the risk of injury in exchange for free or discounted services.

As a result, charitable hospitals, schools, churches, and other nonprofit institutions often enjoyed immunity from tort suits, even when their negligence caused harm to individuals. Hospitals were immune from medical malpractice suits, even if negligence caused severe harm. Religious institutions were protected from liability for accidents on their premises. Educational charities were shielded from claims by students or visitors.

However, the doctrine was not always applied consistently. Some courts limited application of the doctrine to cases involving beneficiaries of the charity, while others extended it to third parties, such as visitors or employees. As society evolved, so did the legal landscape. Critics began to argue that the doctrine unfairly denied justice to individuals harmed by the negligence of charitable organizations.

THE EROSION OF CHARITABLE IMMUNITY

By the mid-20th century, the tide began to turn against charitable immunity. Courts and legislatures started to recognize that the doctrine often left injured parties without recourse, undermining the principle of accountability. Several factors contributed to this shift:

1. Expansion of Insurance Availability
The rise of liability insurance for nonprofits reduced the need for charitable immunity. As liability insurance became more widespread, the argument that damage awards would deplete charitable resources weakened. Courts recognized that charities could purchase insurance to protect themselves. Organizations could now protect themselves financially without relying on immunity from lawsuits.

2. Growth of Large Nonprofit Institutions
Many hospitals, universities and nonprofits grew into massive enterprises with substantial assets. Judges and legislators questioned whether such organizations truly needed immunity.

3. Changing Public Policy and Legislative Reforms
Many states enacted laws to limit or abolish charitable immunity. For example, in 1959, New Jersey passed legislation eliminating the doctrine, citing the need for greater accountability. The rise of modern tort law emphasized compensating victims of negligence. It was increasingly viewed as unfair to deny recovery simply because the tortfeasor was a charitable entity.

4. Judicial Skepticism of Donor Intent Arguments
In cases like *President and Directors of Georgetown College v. Hughes*, courts also began to question the fairness of charitable immunity. *President and Directors of Georgetown College v. Hughes*, 130 F.2d 810 (D.C. Cir. 1942). Courts recognized that most donors did not explicitly intend to shield charities from liability for negligence. The doctrine was increasingly seen as outdated and inconsistent with modern legal principles.

LANDMARK CASES LIMITING THE DOCTRINE

Several key cases marked the decline of charitable immunity in the United States.

- ***President and Directors of Georgetown College v. Hughes*** – Judge Learned Hand rejected the trust fund theory, stating there was no reason a charity should not bear liability for its torts. *Georgetown*, 130 F.2d at 820
- ***Pierce v. Yakima Valley Memorial Hospital Association*** – The Washington Supreme Court abolished charitable immunity, emphasizing the injustice of denying compensation to injured patients. *Pierce v. Yakima Valley Memorial Hospital Ass'n,* 43 Wash. 2d 162, 260 P.2d 765 (Wash. 1953).
- ***Raymond v. Providence Hospital*** – The Alaska Supreme Court followed suit, holding that immunity was outdated in an era of modern insurance and institutional wealth. *Raymond v. Providence Hospital,* 374 P.2d 797 (Alaska 1962).

By the 1960s and 1970s, many states had judicially or legislatively abrogated the doctrine.

MODERN STATUS OF CHARITABLE IMMUNITY

Today, the charitable immunity doctrine is largely abolished or significantly limited in most U.S. jurisdictions. However, its status varies. The majority of states, including California, New York, Illinois, and Washington, have completely abolished charitable immunity. Charitable organizations in these states are held to the same liability standards as private businesses.

A handful of states retain partial immunity, often with damage caps. For example, New Jersey retains immunity for nonprofits from suits by beneficiaries of the charity but

not from suits by third parties. Texas limits the liability of charitable organizations to a cap of $500,000 per person and $1,000,000 per occurrence under the Texas Charitable Immunity and Liability Act of 1987. Some states provide immunity for volunteers of charitable organizations under Good Samaritan laws, but not for the organization itself. At the federal level, the Volunteer Protection Act of 1997 shields volunteers of nonprofits from personal liability for ordinary negligence while performing duties for the organization. However, this does not immunize the organization itself.

POLICY ARGUMENTS REGARDING CHARITABLE IMMUNITY

Even where charitable immunity remains, it is highly debated. Proponents argue that liability risks could deplete charitable funds, reducing the organization's ability to serve its mission. There is also concern that donors may be discouraged if they believe their contributions could be diverted to legal claims rather than helping beneficiaries. They also maintain that immunity can encourage volunteerism by reducing the fear of lawsuits.

Critics argue it is unjust to deny compensation to individuals harmed by a charity's negligence, particularly when insurance can cover the cost. Many modern charities are financially robust and operate like businesses, and it is believed they should be held accountable like any other entity. There is also the school of thought that eliminating immunity incentivizes charities to maintain safe practices and prevent harm.

CHARITABLE IMMUNITY VS. SOVEREIGN IMMUNITY

It's important to distinguish charitable immunity from sovereign immunity. While charitable immunity shields private nonprofits, sovereign immunity protects government entities from liability unless explicitly waived. However, some public hospitals and universities have historically invoked both doctrines, leading to overlapping legal debates.

IMPACT ON HOSPITALS AND HEALTHCARE

Hospitals were once the primary beneficiaries of charitable immunity, particularly nonprofit religious hospitals. But as healthcare evolved into a major industry, courts increasingly held hospitals accountable for medical malpractice. Today, in most states, nonprofit hospitals face the same malpractice liability as for-profit hospitals, with only a few states providing caps on damages for charitable hospitals.

PRACTICAL IMPLICATIONS FOR CHARITABLE ORGANIZATIONS

The decline of immunity has several practical consequences for charitable organizations. Liability insurance is essential, and nearly all nonprofits now carry general liability and directors-and-officers insurance. Risk management practices have become critical, and nonprofits must adopt robust safety policies, training programs, and oversight to minimize liability risks. Governance and legal compliance are more important than ever, and boards of directors must ensure that the organization complies with applicable tort laws, particularly if they operate in multiple states with varying immunity rules. Finally, volunteer protections must be understood. While volunteers may have statutory immunity in some jurisdictions, organizations remain liable for their negligence.

CURRENT TRENDS AND THE FUTURE OF THE DOCTRINE

Legal scholars generally predict that the charitable immunity doctrine will continue to be further limited rather than expanded, as courts and legislators increasingly prioritize victims' rights over protecting nonprofit assets. The modern trend favors narrowly tailored protections rather than blanket immunity. Some states have moved toward the institution of damage caps instead of full immunity, providing volunteer immunity while holding the charitable organization liable, and enforcing minimum insurance requirements for nonprofits as a gatekeeper to certain damage caps, and to ensure injured parties can be compensated.

CONCLUSION

The charitable immunity doctrine once offered sweeping protection for nonprofits in the United States, shielding them from tort liability based on trust fund theory and public policy considerations. However, over the past century, societal attitudes have shifted toward ensuring fair compensation for victims of negligence, leading most states to abolish or severely restrict the doctrine.

Today, only a handful of states retain partial immunity or damage caps for charities, while federal law provides limited protection for volunteers rather than organizations themselves. The prevailing view is that charitable status does not excuse negligence, especially when liability insurance is readily available. For modern nonprofits, immunity is no longer a reliable defense, and risk management, insurance, and accountability are essential components of responsible charitable governance.

STATES WITH PARTIAL OR RETAINED CHARITABLE IMMUNITY

Although most U.S. states have abolished full charitable immunity, a handful still maintain limited versions—often with restrictions tied to beneficiaries, damages caps, or exceptions. Below, find the current status in some key states.

- **Arkansas**
Continues to recognize partial immunity, applying an "immunity from suit" rather than immunity from liability. Organizations must pass an eight-factor test to qualify.

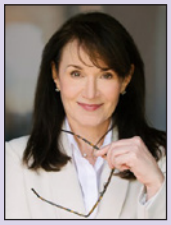
- **Georgia**
Retains immunity when charities exercise ordinary care in selecting and supervising employees. But paying beneficiaries are not protected by the doctrine.

- **Maine**
Maintains limited immunity rooted in the trust-fund theory, provided funds derive from public/private charities.

- **Maryland**
Upholds immunity for acts of ordinary negligence—but if the charity carries liability insurance, it waives immunity up to the policy limit.

- **Wyoming**
Still offers limited immunity for charge-free charitable institutions, though case law is sparse.

- **Colorado, Massachusetts, South Carolina and Texas**
No longer offer immunity per se, but impose statutory caps on damages:
  - **Colorado:** Charities are subject to suits, but execution of judgments is limited to insurance proceeds.
  - **Massachusetts**: Imposes a low $20,000 cap on tort damages for charities.
  - **South Carolina:** Historically capped damage awards—though recent case law has further refined scope.
  - **Texas**: Limits liability to $500,000 per person and $1,000,000 per occurrence for bodily injury, and $100,000 for property damage.



Sydney Stuart has been practicing law for over three decades and is a shareholder with the firm of MehaffyWeber. Currently in the practice of insurance defense, Sydney has extensive in-house and general counsel experience in both insurance and health law.

FROM HIDDEN TO HANDLED

Discovery Tactics for Pseudonymous Platforms

Alexis A. Moore Flaherty Sensabaugh Bonasso PLLC

We live in the golden age of oversharing. If something dramatic, unfortunate, or mildly inconvenient happens, chances are that someone has already posted about it on TikTok, Reddit, X, Threads, or some combination of the above. Whether it's a hospital visit, a workplace blow-up, or a personal injury that was definitely not their fault, the story is out there – probably told in a multi-part video series. Possibly with dramatic music.

They're not using their real names, of course. They're ranting, storytelling, and tearfully narrating their side of the events under usernames like "@SadGirlJustice" or "u/NotMyFault_1999," confident that their anonymity keeps them safe and perhaps thinking that no one in the legal system is paying attention.

For litigators, this is both a gift and a trap. The internet is full of statements that

can clarify timelines, contradict claims, or tank credibility. However, much of it lives behind pseudonyms and platforms built on the illusion of privacy. If your discovery strategy isn't built to uncover this kind of content specifically, you're not just missing helpful background; you may be missing the type of evidence that turns a case.

THE RISE OF ANONYMOUS EXPRESSION

TikTok and Reddit are illustrative of the challenge. On TikTok, users create and share short videos under handles that often differ from their legal names. A user going by "@TruckerDad" could just as easily be a plaintiff in a trucking negligence suit. Similarly, Reddit thrives on pseudonyms like "u/NotGuilty456" or "u/ProbablyPlaintiff," with threads that span personal confessions, legal advice-seeking, and venting about workplace incidents.

This anonymity is what draws many users to these platforms. But it also makes them inherently difficult to investigate. You may know your opposing party uses Reddit or TikTok, you may even suspect which handle is theirs, but confirming authorship without discovery is risky. You can't cross-examine "u/SnarkyWitness17" if you can't prove they're your plaintiff. And while tools exist to scrape public posts or analyze metadata, they fall short in confirming identity, especially in cases where the alias doesn't overtly tie back to the litigant.

And if reading all of this makes you feel like you're learning a foreign language — Discord? Reddit? Finsta? — Ask your Gen Z associates for help. They grew up on these platforms. They know how they work, how people use them to overshare behind a veil of anonymity, and how often those overshares include statements that are wildly relevant (or damaging) to litigation. In this context, your associates aren't just helpful, they're walking, talking field guides to the internet's hidden corners. Listen to them. You might learn something, and your case might depend on it.

STOP USING VAGUE DISCOVERY REQUESTS

A routine discovery request, such as "Produce all social media communications," is insufficient in today's digital environment. It is too vague to compel production from pseudonymous platforms and too narrow to capture the dynamic, multimedia content on modern apps. TikTok videos, for example, are not "messages," and Reddit posts may not fit within the traditional understanding of a "profile."
Moreover, these boilerplate requests often go unchallenged, resulting in waived opportunities. Suppose a party fails to request production of relevant TikTok or Reddit content explicitly. In that case, courts are less likely to entertain motions to compel later, especially when the producing party claims ignorance of the request's scope. Specificity is no longer just preferable; it's required.

MAKING THE CASE: LEGAL SUPPORT FOR TARGETED SOCIAL MEDIA DISCOVERY

Courts across jurisdictions have recognized the discoverability of social media content—regardless of the platform or privacy settings—provided it is relevant to the claims or defenses in the case. However, when it comes to alias-based platforms, courts expect a higher degree of precision and justification from the requesting party. In Forman v. Henkin, 93 N.E.3d 656 (N.Y. Ct. App. 2018), the court allowed discovery of private Facebook content because the plaintiff had put her physical and mental health at issue in a personal injury suit. The takeaway is that courts balance the privacy rights of users against the relevance and necessity of the data sought.

WHAT COUNTS AS A FACTUAL PREDICATE WHEN YOU DON'T KNOW THE HANDLE?

You can't walk into court with "a feeling" that someone's ranting about your case on Reddit. However, you can layer circumstantial facts into a credible and reasonable foundation for discovery. Here's how:

Confirm Platform Use in Interrogatories or Depositions

Before requesting content, ask if the plaintiff has used TikTok, Reddit, Discord, or similar platforms since the events at issue. If they say yes, even if they don't recall what they posted, that's a critical opening.
Also, ask if they've posted about the incident, their injury, or their emotional state. If they admit it, you're in. If they deny it and you later find they did, that creates an authentication and credibility issue for later.

Use the Plaintiff's Own Social Media Pattern

If they've posted on Facebook, Instagram, or elsewhere about the case (or even just about their emotional or physical condition), argue that it's reasonable to believe that the same pattern of expression exists on pseudonymous platforms where users tend to be more candid.
This becomes your factual predicate: "Plaintiff has posted publicly about [X]; it is reasonable and relevant to investigate whether they posted anonymously as well."

Tie the Discovery to Specific Allegations

Use the complaint as your roadmap. If the plaintiff alleges social withdrawal, depression, or reputational harm, you're entitled to ask how they've described those experiences online. You're not just curious, you're testing the claims they put at issue.

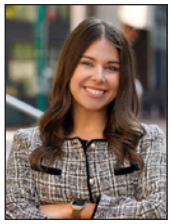
DON'T BE CREEPY: ETHICS STILL MATTER

Attorneys should exercise caution when investigating or interacting with opposing parties' social media. "Friending" an opposing party to access restricted content, or impersonating a third party to gain access, may violate ethics rules, including ABA Model Rules 4.2 and 8.4(c). Passive review of public content is generally permissible; however, any review beyond that should be routed through formal discovery channels.

CONCLUSION: FROM HIDDEN TO HANDLED

Alias-based social media platforms are no longer fringe. They're central arenas for the expression of thought, opinion, and fact. For litigators, they represent a rich but elusive source of discoverable evidence. The key to unlocking that evidence lies in precision: defining platforms, identifying handles, targeting requests, and authenticating results.

Gone are the days when a blanket "produce your Facebook" request was enough. As our clients' digital lives grow more complex and fragmented, our discovery strategies must evolve. By embracing platform-specific tactics and anticipating resistance, attorneys can transform anonymous posts from hidden hazards into handled evidence and use them to shape the narrative of the case.



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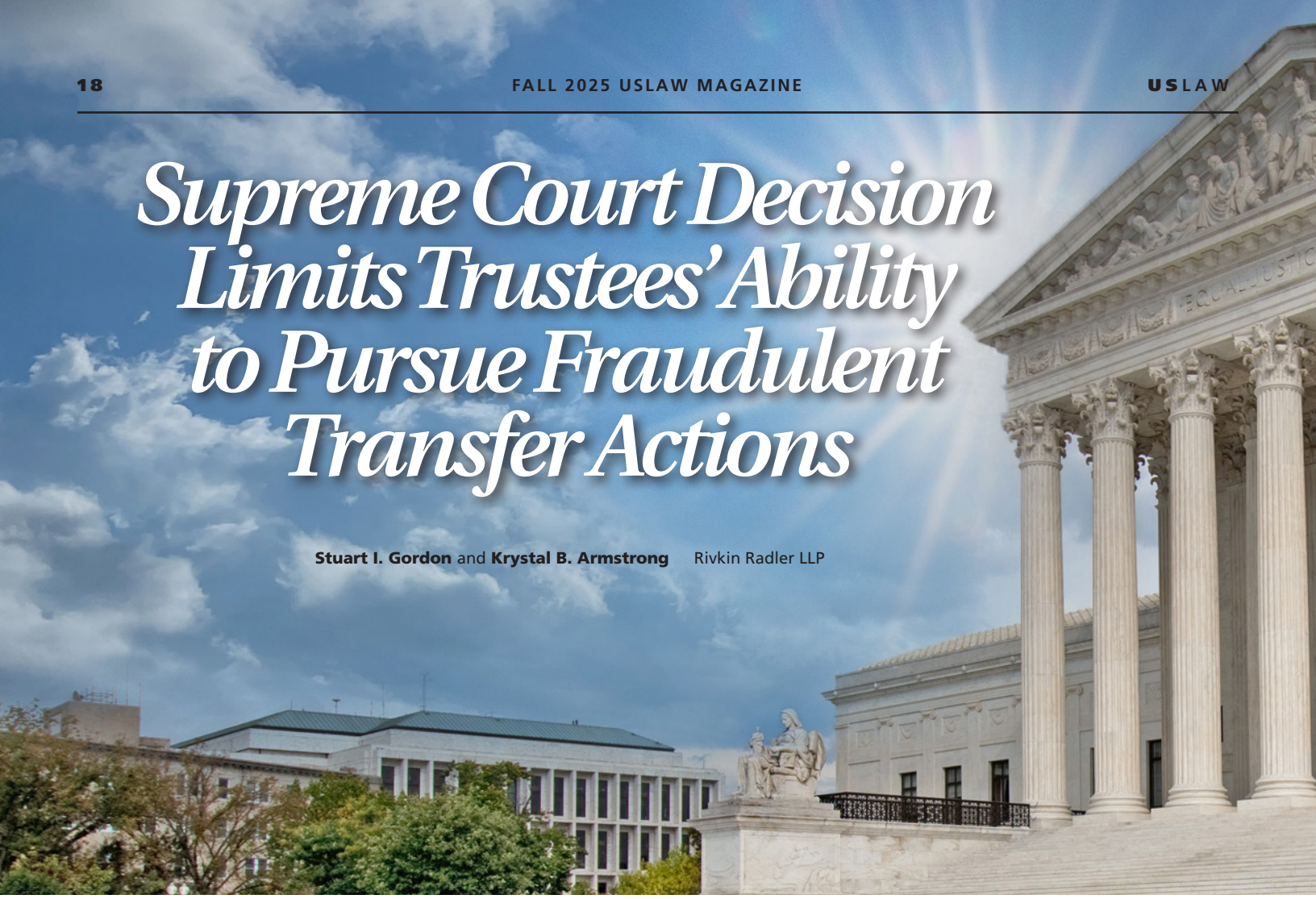
Supreme Court Decision Limits Trustees' Ability to Pursue Fraudulent Transfer Actions



Stuart I. Gordon and **Krystal B. Armstrong** Rivkin Radler LLP

The Supreme Court recently issued an opinion, resolving a circuit split, narrowing the sovereign immunity exception by limiting a trustee's ability to pursue avoidance actions against the government when such action invokes the rights of a creditor holding an unsecured claim to set aside a transfer that is "voidable under applicable law." The effect of this decision is to limit the ability of a trustee, to the detriment of creditors, to recover transfers from the government since sovereign immunity applies with respect to state law claims.

Bankruptcy Code Section 544 grants a trustee the power to avoid certain transfers for the benefit of creditors of the bankruptcy estate made before the bankruptcy filing when the debtor was insolvent without receiving reasonably equivalent value. To maximize recovery for creditors, Section 106(a)(1) provides for a waiver of sovereign immunity with respect to several Bankruptcy Code provisions, including Section 544.

At issue was the interplay between Sections 544(b) and 106(a)(1) of the Bankruptcy Code. Under Section 544(b), a trustee may invoke the rights of a creditor to avoid a transfer of an interest of the debtor "that is voidable under applicable law."

The Court considered whether the waiver of sovereign immunity under Section 106(a)(1) applies to actions commenced under Section 544(b) where the trustee is commencing the action in the name of a creditor, as opposed to asserting a cause of action granted under the Bankruptcy Code to which the waiver of sovereign immunity would apply under Section 106 (a)(1).

Since the federal government is immune from liability if a creditor commenced the avoidance action directly, the question presented was whether sovereign immunity was waived when the trustee brings the same action on behalf of the bankruptcy estate. The Court ruled that the result should be the same since the waiver of sovereign immunity under Section 106(a)(1) did not create an independent cause of action against the federal government but is merely jurisdictional.

In *United States v. Miller*, the trustee in a Chapter 7 bankruptcy proceeding commenced an adversary proceeding against the federal government pursuant to Section 544(b), under the Utah fraudulent conveyance statute, to recover personal tax debts paid by a corporation on behalf of its principals before the bankruptcy filing. The Court's analysis turned on whether the trustee satisfied the actual "creditor" requirement of Section 544(b)(1) for which sovereign immunity would apply and therefore preclude such an action since the creditor could not bring the same action under the Utah statute based on sovereign immunity.

In the 8-1 ruling, Justice Jackson delivered the opinion of the Court with Justice Gorsuch authoring the sole dissenting opinion. The Court noted that to prevail under Section 544(b), the trustee must identify an "actual creditor" who could have voided the transaction outside of the bankruptcy proceeding. Notwithstanding Section 106(a), since any actual creditor would have been barred based on sovereign immunity, the trustee could not be in a better position than the creditor would be to recover the transfer. The Court also noted that Section 106 (a)(5) expressly provides that nothing in the section shall create any substantive claim for relief or cause of action not otherwise existing under the Bankruptcy Code, Federal Rules of Civil Procedure or non-bankruptcy law and that since the statute is jurisdictional it does not grant any substantive rights against the government. The reasoning of the majority was that Section 106(a) operates as a jurisdic-

tional provision but did not grant a substantive claim or right to a bankruptcy estate, even if that denies a trustee the right to pursue avoidance actions where the recovery would enhance the distribution to creditors of the bankruptcy estate.

The Court acknowledged that Section 106(a)'s language unmistakably waives sovereign immunity for federal causes of action created by Section 544(b) but does not waive sovereign immunity for state law claims nested within Section 544(b)'s "applicable law" clause.

The Court held that the trustee could not recover the transfer, even though the fraudulent transfer was undisputed, since the government's sovereign immunity defense insulates it under state law and the Bankruptcy Code does not grant the trustee any greater rights than a creditor to bring the action under state law. The Court ruled that if the federal government is immune under state law, then it should enjoy the same sovereign immunity even if the action is commenced by a trustee under the Bankruptcy Code.

Justice Gorsuch delineated the majority opinion by highlighting the divergence between state and federal bankruptcy proceedings, since it deprives the bankruptcy estate of the cause of action granted under Section 544 against the recipient of the fraudulent transfer. The dissent contends that even if the federal government can defeat a claim brought by a private creditor in state court pursuant to sovereign immunity, the same claim brought by a trustee in federal court should not be barred by the sovereign immunity defense since, by enacting Section 106(a), Congress chose to waive the affirmative defense of sovereign immunity to an otherwise valid claim. While the federal government can defeat the claim pursued by a creditor in state court based on sovereign immunity, the dissent argued that the federal government should not defeat the same claim brought by a trustee in the Bankruptcy Court by virtue of Section 106(a)(1). Needless to say, since Judge Gorsuch was the sole dissent, the trustee did not prevail.

This marks a stark distinction between state law claims nested within a Section 544(b) claim and the Section 544(b) claim itself. Hence, as for the latter, Section 106(a) bars the federal government from asserting a sovereign immunity defense. As to the former, a claim asserted by a trustee in the name of a creditor pursuing the same relief in state court can be defeated by a sovereign immunity defense.

The *Miller* decision clarifies that the Bankruptcy Code's waiver of sovereign immunity with respect to Section 544(b) does not apply to state law causes of action where the trustee steps into the shoes of the creditor, even if the sovereign immunity defense diminishes potential creditor recoveries.

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Latest Law & Practice of China's State Immunity Doctrine

George Wang Duan & Duan

INTRODUCTION

State immunity is a fundamental principle in international law that has significant implications for the resolution of disputes involving foreign states. Traditionally, China adhered to the doctrine of absolute immunity, granting foreign states and their property complete immunity from the jurisdiction of Chinese courts. However, with the increasing complexity of international economic and diplomatic relations, China has gradually shifted towards restrictive immunity. This more nuanced approach is reflected in the enactment of the Foreign State Immunity Law (FSIL) in 2024 and the issuance of the “Notice on Procedural Matters for Civil Cases Involving Foreign State Immunity” by the Supreme People's Court (SPC) in March 2025. This article will explore the key provisions of the newly released SPC Notice, its significance in the context of China's evolving state immunity doctrine and examine the doctrine in application through two cases handled by Duan & Duan law firm.[1]

THE SPC NOTICE ON PROCEDURAL MATTERS

SPC Notices play a critical role in judicial practice in China, linking closely to laws by providing detailed guidance on the implementation of specific laws. SPC Notices often provide interpretation of generic laws and elaborate to help courts apply the laws in a consistent manner. The SPC Notice, issued in 2025, is the latest official document providing detailed procedural guidance for handling civil cases involving foreign state immunity.

1. Case Acceptance and Initial Review:

The Notice mandates that when a foreign state is named as a defendant or third party in a civil lawsuit, the complaint must explicitly cite the specific provisions of the FSIL and explain which exceptions to immunity apply. If the plaintiff fails to provide the necessary legal basis after clarification, the case will not be accepted.

2. Centralized Jurisdiction:

To ensure consistency and expertise in handling these complex cases, the Notice centralizes jurisdiction in specific intermediate people's courts as well as specialized courts. This approach aims to ensure certainty in jurisdiction.[2]

3. Service of Process:

The Notice outlines the procedures for serving legal documents on foreign states. It emphasizes the importance of adhering to ways as stipulated in mutual or international agreements or any other way accepted by the foreign country, and using diplomatic channels through the Ministry of Foreign Affairs as a secondary option.[3]

4. Review of Jurisdictional Immunity Claims:

The Notice requires courts to conduct an ex officio review of the foreign state's immunity claims, even if the foreign state does not raise the issue. This hybrid model combines elements of civil law inquisitorial traditions with common law judicial autonomy. The Notice also clarifies that a foreign state's participation in jurisdictional challenge proceedings does not constitute consent to jurisdiction.[4]

5. Coordination with the Ministry of Foreign Affairs:

Where a court requires the Ministry of Foreign Affairs to issue evidentiary certifications concerning facts, the court shall submit a request through hierarchical reporting to the Supreme People's Court for coordination with the Ministry.

CASE STUDY #1: APPLYING THE IMMUNITY DOCTRINE IN ACTIONS EXECUTED BY INTERNATIONAL ORGANIZATIONS

Issue: Whether actions by agencies of international organizations are protected under immunity.

Background: The client, the International Bank for Reconstruction and Development ("IBRD"), is a specialized agency of the United Nations ("UN"). Both the IBRD and the UN are identified as international organizations by the State Council and the SPC. It is worth pointing out, however, that the immunity laws in China address primarily civil cases involving foreign states; the policies for international organizations like the UN and its agencies are rather indirect. However, the approach to international organizations can still be inferred from China's general approach to the immunity doctrine and the various international treaties the Chinese government has concluded or acceded to. In the context of the present case, such relevant treaties are the Agreement between the Government of the People's Republic of China and the International Bank for Reconstruction and Development on the Establishment of a Permanent Representation in China (the "Agreement"), the Convention on the Privileges and Immunities of Specialized Agencies of the United Nations (the "Convention") and the Articles of Agreement of the IBRD (the "Articles").

Under Annex VI of the Convention and Annex VII of the Articles, IBRD gets to enjoy judicial immunity in China, immune from seizure, attachment or execution in the jurisdiction.[5] As a result of the relevant provisions the IBRD has signed and ratified, the IBRD is immune from any legal process as a general rule, unless it expressly waives its immunity.

Implications of the Latest SPC Notice

Though not directly applicable to international organizations, reading in from the Notice, it is reaffirmed that foreign states and their property generally enjoy immunity from the jurisdiction of Chinese courts.

Further, some specific policies include centralized jurisdiction, service of process, and *ex officio* reviews. These policies re-emphasize respect for legal principles, consistency, and expertise in handling civil cases involving foreign actors, which aligns with the broader goals of protecting the privileges and immunities of international organizations under international law.

CASE STUDY #2: APPLYING THE IMMUNITY DOCTRINE IN ACTIONS EXECUTED BY STATE-AUTHORIZED PRIVATE COMPANIES

Issue: Whether the state immunity doctrine applies to companies authorized by the state government to perform its sovereign obligation.

Background

The client, an anonymous ship and corporate registry based in the United States, is authorized by the government of a Middle American state to perform the sovereign obligation of ship inspection and certification. Based on this authorization of power, the client has signed written agreements with major classification societies around the world, which clearly stipulate that the client acts as the representative of the state to fulfill various rights and obligations under the powers of the flag state government.

Under the FSIL, foreign states and their property generally enjoy jurisdictional immunity in Chinese courts, subject to specific exceptions – primarily in the event of commercial activities. As provided for by the law, private companies authorized by foreign governments to perform sovereign obligations may be recognized as extensions of the foreign state for certain purposes – thus applying to the client company acting as the agent of the African state.[6] In addition, the FSIL defines a "foreign state" to include not only foreign sovereign states but also their state organs, components, and organizations or individuals authorized by the state to exercise sovereign authority or conduct authorized activities.[7]

Though, Article 22 of the FSIL must be highlighted, stating that "[w]here the provisions of an international treaty concluded or acceded to by the People's Republic of China are different from those hereof, the provisions of the international treaty shall prevail, except for those on which the People's Republic of China has announced reservations." This means that if an international treaty signed by China specifies that a foreign state must perform certain obligations and does not grant immunity for failing to perform those obligations, the treaty provisions will prevail over the FSIL. Likewise, the Vienna Convention on the Law of Treaties, which China has ratified, articulates the duty of a state to perform its obligations under international treaties it signed.[8]

Implications of the Latest SPC Notice

As explained in the first case study, the key changes in the March SPC Notice that are critical to foreign actors in China are centralized jurisdiction, service of process, and ex officio review. These changes ensure consistency and expertise in jurisdiction, respect for sovereign dignity, and minimization of erroneous judgment. Different from international organizations, the client in the present case falls directly within the scope of applicability of the Notice as a foreign government representative.

CONCLUSION

For Chinese companies looking to enter into commercial contracts or transactions with foreign states or their authorized entities, greater protection is offered through codifying exceptions to immunity and putting closer scrutiny on the applicability of immunity.

The shift towards restrictive immunity demonstrates China's commitment to aligning its legal practices with international standards while safeguarding its sovereignty and the rights of private parties. As illustrated by the two case studies, the practical application of these principles requires careful navigation of the procedural requirements on a case-by-case basis. The experience gained from such cases not only contributes to the development of jurisprudence in this area but also reinforces the importance of a balanced approach to state immunity in the context of China's growing international engagements.

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1 Article 1, "Notice on Procedural Matters for Civil Cases Involving Foreign State Immunity"
2 Article 2, "Notice on Procedural Matters for Civil Cases Involving Foreign State Immunity"
3 Articles 3 and 4, "Notice on Procedural Matters for Civil Cases Involving Foreign State Immunity"
4 Articles 5 and 6, "Notice on Procedural Matters for Civil Cases Involving Foreign State Immunity"
5 Both articles stipulate that actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.
6 Section 3, Article 2, "Foreign State Immunity Law of the People's Republic of China"
7 Article 2, "Foreign State Immunity Law of the People's Republic of China"
8 Article 18, "Vienna Convention on the Law of Treaties"

WHEN AI BACKFIRES

How to Protect Clients from Invisible Legal Risks

Joshua Heiman, CIPP/US Klinedinst PC

In recent years, artificial intelligence has become embedded in core legal, business, and operational functions across industries. From document drafting to website analytics to claims processing, AI tools are increasingly being used by legal teams, vendors, and clients alike. However, with that efficiency comes an evolving class of risk—legal, reputational, and regulatory.

While some failures may appear to stem from the AI tools themselves, the true cost is often borne by the client. Whether through litigation, sanctions, regulatory penalties, or business interruption, attorneys must be prepared to recognize, evaluate, and mitigate the legal fallout of AI failures. This article highlights several high-profile incidents that reveal common risk patterns, followed by key steps counsel can take to better protect their clients and organizations from similar outcomes.

KNOW THE TECHNOLOGY BEFORE YOU RELY ON IT

In *Mata v. Avianca, Inc.*, No. 22-cv-01461 (S.D.N.Y. June 22, 2023), an attorney submitted a legal brief drafted in part using OpenAI's ChatGPT. The brief included citations to six fabricated cases. After the court issued an order to show cause, the attorney admitted the filings had not been verified. The court ultimately issued sanctions against the attorney and his firm.

This case underscores a growing reality: generative AI tools can convincingly produce false or misleading outputs. When attorneys use these tools in drafting or research without human verification, clients may be exposed to judicial sanctions, malpractice claims, and reputational harm.

PRACTICAL TIP: Treat all AI-generated content—especially in litigation—as a draft requiring full legal vetting. Attorneys should be transparent with clients about AI use and maintain a human review record for risk management and ethics compliance (see ABA Formal Opinion 498, "Virtual Practice," 2021).

AI IN CLAIMS PROCESSING AND DENIALS

In a 2023 hearing before the U.S. Senate Committee on Finance, lawmakers scrutinized the use of AI-driven tools by Medicare Advantage insurers to issue automated denials for post-acute care. As reported by The American Journal of Managed Care, insurers used algorithms to deny medically necessary rehabilitation and skilled nursing coverage, often overriding physician recommendations and bypassing human review.

CLIENT IMPACT: Patients were discharged early or denied access to care, providers were exposed to liability for wrongful discharge, and insurers faced increasing litigation risk and federal oversight.

PRACTICAL TIP: Health care counsel should review AI-driven decision systems for compliance with federal insurance regulations and patient rights laws, including the Medicare Act and applicable state health codes.

CROSS-BORDER AI SYSTEMS AND DATA TRANSFERS

In *Data Protection Commissioner v. Facebook Ireland Ltd. and Maximillian Schrems* ("Schrems II"), Case C-311/18 (CJEU July 16, 2020), the Court of Justice of the European Union (CJEU) invalidated the EU-U.S. Privacy Shield framework for international data transfers, citing inadequate protections against U.S. government surveillance.

CLIENT IMPACT: U.S.-based companies processing EU personal data with cloud-based or offshore AI systems risked immediate GDPR violations, regulatory enforcement, and operational disruption.

PRACTICAL TIP: Counsel should conduct transfer impact assessments (TIAs) when cross-border data flows involve automated or AI-enabled decision-making.

TRAINING DATA AND BIOMETRIC PRIVACY

Clearview AI, Inc. scraped more than 3 billion facial images from social media and other public websites without user consent and built a facial recognition tool sold to law enforcement. The company faced multiple lawsuits under the Illinois Biometric Information Privacy Act (BIPA), 740 ILCS 14/1 et seq.

CLIENT IMPACT: Companies using AI vendors with improperly sourced data risk exposure under biometric privacy laws—even when not directly collecting the data themselves.

PRACTICAL TIP: Vendors must certify the lawful sourcing of training data. Clients should obtain written assurances regarding compliance with applicable privacy and biometric statutes.

CONSENT AND COMMUNICATION MONITORING

In *Javier v. Assurance IQ, LLC,* 78 F.4th 1134 (9th Cir. 2023), the Ninth Circuit held that obtaining consent after the start of a website visit was insufficient to satisfy California's Invasion of Privacy Act (CIPA), Cal. Penal Code § 631.

CLIENT IMPACT: Dozens of companies using chat widgets, behavioral tracking tools, or session replays have since been targeted by CIPA-based class action suits.

PRACTICAL TIP: Businesses must ensure they obtain explicit and informed user consent before beginning data collection or communication monitoring.

CONCLUSION: AI RISK IS MANAGEABLE—IF YOU KNOW WHERE IT LIVES

The legal issues surrounding AI are expanding as fast as the tools themselves. While the underlying technologies differ—natural language generation, predictive modeling, facial recognition, or automated decision-making—the risk categories are consistent: hidden bias, unvetted data flows, lack of transparency, and weak consent mechanisms.

Clients rarely know where AI is embedded in their systems or what their vendors are doing under the hood. Legal counsel must take a proactive role in identifying AI use cases, reviewing policies, and implementing contract language that anticipates potential liability.

With the right planning—focused on data mapping, contractual protections, oversight, and disclosure—companies can harness AI's potential while staying clear of its legal landmines.

Because when AI fails, it's not just code that crashes. It's trust. And litigation follows close behind.

This article is for general informational purposes only and is not intended to be legal advice. For advice about your specific situation, please consult a qualified attorney.

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REDEFINING FAIRNESS

Reverse Discrimination Claims and Evolving Employment Law through the Lens of the Supreme Court

The United States Supreme Court recently faced the question of whether members of majority groups (*e.g.*, Caucasian, male, heterosexual) must continue to provide certain additional evidence to establish a Title VII reverse discrimination claim. On June 5, 2025, the Supreme Court issued its unanimous decision in *Ames v. Ohio Dept. of Youth Services* and made clear that the same burden of proof applies to all plaintiffs, regardless of the individual plaintiff's identity or classification.

THE FRAMEWORK FOR TITLE VII CLAIMS

In discrimination cases, a plaintiff must prove discrimination by either direct evidence or circumstantial evidence. Given that direct evidence of discrimination is uncommon, the Supreme Court set forth a framework to analyze disparate treatment based on circumstantial evidence of discrimination in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

Under the three-step framework provided by McDonnell Douglas, a plaintiff must first demonstrate that the employer in question acted with a discriminatory motive. If the plaintiff can do so, the burden shifts and requires the employer "to articulate some legitimate, nondiscriminatory reason for the employee's rejection." The first step of this framework was never intended to be challenging to meet for the aggrieved employee.

However, in "reverse discrimination" cases brought by a member of a majority group, several circuit courts, including the Sixth, Seventh, Eighth, Tenth, and D.C. Circuit Courts, had imposed an additional evidentiary hurdle, requiring a litigant to establish certain "background circumstances." This imposed upon a reverse-discrimination plaintiff the additional burden of demonstrating that the employer is "that unusual employer who discriminates against the majority."

While methods may vary, such background circumstances may be shown by statistical evidence, or, for example, that the plaintiff is the only white employee in an otherwise minority department.

AMES V. OHIO DEPT. OF YOUTH SERVICES AND THE END OF THE BACKGROUND CIRCUMSTANCES TEST

The plaintiff in *Ames v. Ohio Dept. of Youth Services*, Marlean Ames, is a heterosexual woman. She began working for the Ohio Department of Youth Services in 2004 as an executive secretary and was later promoted to program administrator. In 2017, Ames was assigned a new supervisor, who was gay. In 2019, Ames applied for a newly created management position but was passed over in favor of a candidate who was a lesbian woman. A few days after Ames interviewed for the management position, her supervisors removed her from her role as program administrator. She accepted a demotion to the secretarial role she had held when she first joined the Ohio Department of Youth Services — a move that resulted in a significant pay cut. The Ohio Department of Youth Services then hired a gay man to fill the vacant program administrator position.

Ames proceeded to file a lawsuit under Title VII, alleging discrimination based on her sexual orientation. Both the district court and the Sixth Circuit determined that Ames failed to establish the background circumstances demonstrating that the Ohio Department of Youth Services was the type of employer that discriminated against majority groups, in this case, heterosexual individuals.

Ultimately, the Supreme Court unanimously held that the "background circumstances" requirement was not consistent with the text of Title VII, as it imposed a heightened evidentiary burden that is incongruent with Title VII. Specifically, the

Supreme Court noted that the text of Title VII has never drawn a distinction between majority and minority groups, and that it prohibits all forms of discrimination, regardless of whether one belongs to a majority or minority group. The Supreme Court emphasized that Title VII is focused on individual rights; its protections were never meant to be based on one's membership in a specific group.

EEOC SUPPORTS THE *AMES* DECISION

The Supreme Court's unanimous decision in *Ames* aligns with the recent statements by the Department of Justice and the Equal Employment Opportunity Commission regarding diversity, equity, and inclusion programs and the potential discriminatory impact of such programs.[1] This statement included a joint one-page assistance document outlining employees' options if they believe they have been subjected to DEI-related discrimination.[2] The EEOC also released additional guidance, which specifically stated that Title VII's protections apply equally to all individuals.[3] This is particularly important as the EEOC is considerably powerful when it comes to enforcement of federal employment law. Following the release of the *Ames* decision, EEOC Acting Chair Andrea R. Lucas publicly praised the ruling, reaffirming the agency's longstanding commitment to a "colorblind, group-neutral" approach in handling discrimination claims.[4] This endorsement signals that the EEOC intends to fully enforce *Ames* and apply its holding to its investigations and its litigation of claims on behalf of aggrieved individuals.

MITIGATING RISK: HOW EMPLOYERS CAN PROTECT THEMSELVES AFTER *AMES*

This ruling, along with the EEOC's response, will likely impact employers in multiple ways. First, it has the potential to significantly increase litigation from plaintiffs who previously believed they would not have a claim as a member of a majority group. To mitigate potential litigation, it is crucial that employers make employment decisions based on neutral, job-related criteria. Employers should ensure that this criteria is clear, objective, and applied consistently in a neutral fashion to all employment-related decisions. Implementing standardized scoring rubrics and neutral decision-making guidelines for hiring, promotions, and terminations could help reduce the appearance of any potential biases. Additionally, employers should maintain thorough documentation of employment decisions to provide a comprehensive record in the event of litigation.

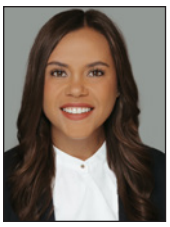
Second, there will likely now be even more scrutiny of employers' diversity, equity, and inclusion programs. This is true especially since Justice Thomas specifically noted in his concurring opinion that these types of programs have led to "overt discrimination against those perceived to be in the majority" in the past. Employers should carefully scrutinize such programs, especially as they relate to hiring or promotions. Employers should strive to ensure such programs focus on creating equitable opportunities for all employees without regard to characteristics such as race, gender, ethnicity, and sexual orientation, whether the person is in the minority or not. An effective approach to ensure these programs are permissible may be to document the impartial reasons for decisions.

To minimize an employer's exposure to potential legal liability, employers and their counsel should also take a critical look at all anti-discrimination policies to ensure such policies protect all employees, regardless of their majority or minority group status. Employers should also consider updating and providing training for all supervisors or other personnel involved in hiring, promotions, terminations, and other employment decisions. Training should communicate that every employee must be treated fairly and impartially, regardless of background or group status. Employers should consult the guidance provided by the EEOC to serve as a guidepost for developing such policies and training.

All discrimination claims, regardless of one's majority or minority group status, must be taken seriously. Employers that take proactive steps to ensure that relevant policies are neutral, proper training is completed, and diversity, equity, and inclusion efforts are truly inclusive of everyone will be better positioned to defend themselves against potential discrimination lawsuits.

FINAL THOUGHTS

The Supreme Court's unanimous decision in *Ames v. Ohio Dept. of Youth Services* marks a significant shift in the legal landscape of employment discrimination law. By eliminating the heightened burden for majority group plaintiffs, the Supreme Court has reaffirmed that Title VII's protections apply equally to all individuals, regardless of minority or majority group status. *Ames*, along with guidance issued by the EEOC and the DOJ, underscores the importance of a neutral approach to employment decisions, free from decisions based on race, gender, or other protected characteristics. For employers, the message is clear: all employment practices—whether related to hiring, promotion, or workplace programs—must be grounded in fairness. As litigation trends evolve in light of Ames, taking proactive steps to align policies and practices with the neutral standard outlined in the decision is not just advisable—it is essential.



Jessica L. Dark is a partner at Pierce Couch in Oklahoma City, representing employers in labor and employment matters. She also routinely defends government entities against employment claims and suits under 42 U.S.C. § 1983. She is licensed in Oklahoma's state and federal courts, the Tenth Circuit, and the U.S. Supreme Court.

John Kim is a partner at Pierce Couch in Oklahoma City. His practice focuses on a variety of matters, including defending employers in employment litigation, including discrimination, harassment, and retaliation claims. He is licensed in Oklahoma's state and federal courts, as well as the Tenth Circuit.

Jessica James Curtis is an associate at Pierce Couch in Oklahoma City, where she represents employers in a broad range of employment-related matters. She also defends government entities against constitutional and civil rights claims brought under 42 U.S.C. § 1983.

1 U.S. Dep't of Justice, *EEOC and Justice Department Warn Against Unlawful DEIRelated Discrimination,* Office of Pub. Affairs (Mar. 19, 2025), https://www.justice.gov/opa/pr/eeoc-and-justice-department-warn-against-unlawful-dei-related-discrimination.

2 U.S. Equal Emp. Opportunity Comm'n, *What to Do If You Experience Discrimination Related to DEI at Work,* EEOC (Mar. 19, 2025), https://www.eeoc.gov/what-do-if-you-experience-discrimination-related-dei-work.

3 U.S. Equal Emp. Opportunity Comm'n, *What You Should Know About DEIRelated Discrimination at Work,* EEOC (Mar. 19, 2025), https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work.

4 U.S. Equal Emp. Opportunity Comm'n, *Statement from EEOC Acting Chair Andrea R. Lucas Celebrating the Supreme Court's Unanimous Ruling in Ames,* EEOC (June 6, 2025), https://www.eeoc.gov/wysk/statement-eeoc-acting-chair-andrea-lucas-celebrating-supreme-courts-unanimous-ruling-ames.

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*There's been a name change for USLAW's official jury consulting partner – now **Verdict Insight Partners** – but the primary contacts and experts supporting USLAW members and their clients' jury consulting needs remain the same. After two years of collaboration with Immersion Legal Graphics, Christina Marinakis, Jessica Kansky and Juliana Manrique launched their own independent firm called Verdict Insight Partners. The team was named an official USLAW corporate partner in 2025. To learn more, visit verdictinsight.com.*

Rachael Conte of Sweeney & Sheehan (pictured 4th from left) participated in MUDGIRL (Mud Run Dedicated to Women) held in the Poconos with other industry professionals. The event celebrates women's wellness and promotes a spirit of solidarity while caring for the environment.

Sweeney & Sheehan tees it up for Kids' Chance Pennsylvania

Frank Gattuso of Sweeney & Sheehan (pictured, 4th from left) participated in the Triple R (Risk v. Retail/Restaurant) Invitational Golf Outing benefitting Kids' Chance Pennsylvania, which provides support to children in need of college or vocational education due to a parent's work-related injury or death. Sweeney & Sheehan was proud to be a sponsor of the event. Accolades to Lloyd Brown of Wawa, who organized the event,

Frank Gattuso & Lee Newman of Sweeney & Sheehan (pictured 5th and 6th from left) participated in Resources for Human Development's (RHD) 55th Anniversary. RHD is a national nonprofit organization dedicated to providing human services, supporting 115 programs across the country. It serves tens of thousands of individuals through compassionate and effective initiatives. Sweeney & Sheehan was proud to be a gold sponsor of the event.

*Team Baird Holm joined the **44th Annual Omaha Corporate Cup**. Baird Holm is a Route Partner and is honored to support the American Lung Association's mission.*

*Baird Holm was also honored at the **Mustaches for Kids Omaha Awards** ceremony for having the highest per participant fundraising total.*

Baird Holm Creditors' Right Team received the Refinancing of the Year Award at the 2025 Distressed Investing Summit

BAIRD HOLM
ATTORNEYS AT LAW

The joint USLAW NETWORK/S-E-A Live Better initiative is in full swing across the 2025 schedule of events. Attendees enjoyed numerous Live Better initiatives, including a 1.5-mile guided hike through the gorgeous hillside vineyards in Napa, a brisk morning walk around historic Quebec City, and guided bootcamp-style workouts focused on building strength, improving balance, and increasing flexibility through a series of dynamic movements and deep stretches. Live Better focuses on the mind, heart and health and promotes a culture of health and well-being.

LiveBetter MIND. HEART. HEALTH.

Faces and stories of our pro bono heros...

USLAW NETWORK members continue to rise to the occasion by volunteering their time and experience to worthwhile causes.

Hanson Bridgett excels in pro bono efforts

On June 12, Hanson Bridgett was recognized by OneJustice as a Co-Champion of Justice, along with the firm's pro bono partner, Lawyers' Committee for Civil Rights of the SF Bay Area.

Attorney Zahra Bocek won an appellate oral argument reversing the denial of a restraining order for a pro bono client survivor of severe domestic abuse.

Attorney Brian Hoops got a favorable settlement and confirmed payment for a low-income, elderly couple with a severely disabled son. A contractor they hired to make their home more accessible for their son failed to complete the work for which he was paid, then attempted twice to file for bankruptcy to avoid paying the judgment Hoops had obtained for the clients. Hoops successfully got both bankruptcy actions dismissed, invalidated an unpaid supplier's lien on the client's house, and got the contractor to pay 80% of the judgment amount in a settlement.

Hanson Bridgett summer associates completed a first-of-its-kind pro bono summer project, advising local nonprofits on compliance issues related to their diversity efforts and race-conscious programming. The summer associates attended a kick-off meeting and training, received client materials, had initial meetings with clients, and prepared detailed memos and presentations to the clients. The firm hoped the summer associates would have the opportunity to make final presentations to the clients, but time ran out. This program was developed in partnership with Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

HansonBridgett

2025 Illinois Defense Council Volunteer of the Year

The Illinois Defense Council (IDC) has named Edna McLain of Amundsen Davis (pictured, left) the 2025 Illinois Defense Council Volunteer of the Year. The Illinois Defense Council is dedicated to furthering the interests and integrity of the defense bar in Illinois. Their annual "Volunteer of the Year" award honors a volunteer who has made exceptional contributions to the IDC and its publications. Edna, who volunteers as editor in chief for the organization's quarterly publication, IDC Quarterly, received the award at the Illinois Defense Council's Annual Meeting on Friday, June 20.

AMUNDSEN DAVIS

Faces from around the USLAW circuit...

Throughout the year, USLAW members and clients lead facilitated discussions at USLAW events from coast to coast. Here are some of the recent leading voices.

Lisa J. Black, Black Marjieh & Sanford LLP (Elmsford, NY); Nichole Koford Wicker Smith (Central Florida); Christina L. Gulas, Bovis Kyle Burch & Medlin LLC (Atlanta, GA)

Keely E. Duke, Duke Evett, PLLC (Boise, ID); Jennifer Mauer Lee, Fee, Smith & Sharp (Dallas, TX); Jessica L. Dark, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK)

Kimberly A. Stevens, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Robert E. Paradela, Wicker Smith (South Florida)

Dr. Jessica Kansky, Verdict Insight Partners; Keely E. Duke, Duke Evett PLLC (Boise, ID); Jack E. McGehee, McGehee, Chang, Feiler (Houston, TX); Shyrell A. Reed, Moran Reeves & Conn PC (Richmond, VA)

Anne M. Murray, Rivkin Radler LLP (Uniondale, NY); Kelly A. Kincaid, Adler Pollock & Sheehan, P.C. (Providence, RI); Taylor D. Brewer, Moran Reeves Conn PC (Richmond, VA)

Sarah Thomas Pagels, Laffey, Leitner & Goode LLC (Milwaukee, WI); Molly E. Mitchell, Duke Evett, PLLC (Boise, ID); Alison H. Sausaman, Carr Allison (Jacksonville, FL)

Leslie D. Parker, Adler Pollock & Sheehan, P.C. (Providence, RI); Christina Mott Hesse, Duke Evett PLLC (Boise, ID); Kevin McCarthy, Larson King, LLP (St. Paul, MN)

Heidi L. Mandt, Williams Kastner (Portland, OR); Nichole Koford, Wicker Smith (Tampa, FL); Moses Suarez, Amundsen Davis LLC (Chicago, IL)

Stephanie L. Hersperger, Pion, Nerone, Girman & Smith (Pittsburgh, PA); Abigail Abide Stephens, Martin, Tate, Morrow & Marston (Memphis, TN); Meghan M. Goodwin, Thorndal, Armstrong, Delk, Balkenbush & Eisinger (Las Vegas, NV)

Nancy Mellard, Executive Vice President & General Counsel, CBIZ (Kansas City, MO); Alexa T. Millinger, Hinckley Allen (Hartford, CT); Maggie A. Ziemianek, Hanson Bridgett LLP (San Francisco, CA)

Scott Barabash, Aspen Specialty Insurance (New York, NY); Nicholas A. Gumpel, GB Specialty – a division of Gallagher Bassett (New York, NY); David S. Wilck, Rivkin Radler LLP (Uniondale, NY)

Chris Fagan, Attorney Protective (Missoula, MT); Amanda Pennington Ketchum, Dysart Taylor (Kansas City, MO); Martha Amrine, Golden Bear Insurance Company (Missoula, MT)
Dr. Jessica Kansky, Verdict Insight Partners

Erica R. Day, Williams, Porter, Day & Neville PC (Casper, WY); Krista Cammack, Wicker Smith (Orlando, FL); Lynn L. Audie, Wicker Smith (Miami, FL)

Jeffrey C. Hendrickson, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Jack Nevins, S-E-A, Limited (Kansas City, MO)

Chris M. Milas, Klinedinst, PC (San Diego, CA); Kim M. Jackson, Bovis Kyle Burch & Medlin LLC (Atlanta, GA); Oscar J. Cabanas, Wicker Smith (Miami, FL)

John C. Krawczyk, Fee, Smith & Sharp L.L.P. (Dallas, TX); Keely E. Duke, Duke Evett PLLC (Boise, ID)

Aaron J. Hayes, Sweeny Wingate & Barrow, P.A. (Columbia, SC); Matt McDevitt, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Thomas L. Oliver, II, Carr Allison (Birmingham, AL)

Shyrell A. Reed, Moran Reeves & Conn PC (Richmond, VA); Heidi L. Mandt, Williams Kastner (Portland, OR); Moses Suarez, Amundsen Davis LLC (Chicago, IL); Leslie D. Parker, Adler Pollock & Sheehan, P.C. (Providence, RI); Christina Mott Hesse, Duke Evett PLLC (Boise, ID); Keely E. Duke, Duke Evett LLC (Boise, ID); Nichole Koford, Wicker Smith (Tampa, FL); Kevin McCarthy, Larson King, LLP (St. Paul, MN); Kimberly A. Stevens, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Jeffrey C. Hendrickson, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Robert E. Paradela, Wicker Smith (South Florida)

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(Pictured L-to-R) Hailey Hopper (Pierce Couch | Oklahoma), Jennifer Lee (Fee, Smith & Sharp | Dallas, TX), keynote speaker Erin Hatzikostas, Tamara Goorevitz (Franklin & Prokopik, P.C. | Maryland), Margot Wilensky (Connell Foley LLP | New Jersey) and Mandy Ketchum (Dysart Taylor | Kansas City, MO) visit during the 2025 USLAW NETWORK Women's Connection in Quebec City.

2025 USLAW NETWORK WOMEN'S CONNECTION

Living Classrooms Foundation

In June, Franklin & Prokopik's Baltimore staff members visited Living Classrooms Foundation, a non-profit striving to strengthen communities through hands-on education, workforce development, and community safety. Volunteers assisted in shore clean-up efforts, coincidentally collecting 26 lbs. of trash right before the firm's 26th anniversary.

Williams Kastner joins the Fight Against Hunger

The Seattle office of Williams Kastner jumped into Food Lifeline's Food Frenzy, raising over $11,000 through two weeks of fun and giving. Highlights included a food and pet food drive, staff art auction, Mario Kart tournament, ice cream cart, bake sale, and a volunteer day where 13 staffers sorted and repacked 6,265 pounds of food in just two hours.

WILLIAMS KASTNER

Hanson Bridgett Food Bank Volunteers Pack it Up!

On July 9, Hanson Bridgett summer associates Taylor Hitchan, Melitza Ortega, Greg Siggins, and Bardia Zadeh joined Briana Jeffery, Isabella DeLeon, Cara Compesi, Tracy Tinclair, Dawn Gray, and Samir Abdelnour at a volunteer event at the SF Food Bank to pack large bags of fresh food to deliver to community residents. During the shift, the team packed more than 400 bags, totaling more than 10,000 pounds of food!

HansonBridgett

Rivkin Radler's Santos honored at Hudson Valley Hispanic Bar Association annual gala

Rivkin Radler Associate Eric Santos (pictured, left) was honored during the Hudson Valley Hispanic Bar Association's (HVHBA) annual Gala event, sponsored in part by Rivkin Radler. Santos received the HVHBA's Founders' Award for his efforts in founding the association and serving as its inaugural president during its formative years. He also received a Certificate of Recognition from Governor Kathy Hochul in recognition of his efforts.

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RIVKIN RADLER LLP
ATTORNEYS AT LAW

Rivkin sponsors NCBA Walk-a-Thon & SunriseWALKS

Rivkin Radler sponsored the Nassau County Bar Association Lawyer Assistance Program (LAP) LAPS for LAP Walk-A-Thon fundraiser at Cedar Creek Park in Seaford, New York. They also supported Rivkin Radler-sponsored SunriseWALKS, part of a National Walk-A-Thon campaign committed to raising awareness and critical funds for Sunrise Association Day Camps and Services—a summer day camp for children with cancer and their siblings.

On the Road with USLAW

Once the formal sessions end, USLAW event attendees enjoy fun times and network together in various host cities, including a culinary tour of Quebec City, wine tasting on the enchanting Île d'Orléans, views of Montmorency Falls - a breathtaking natural wonder, a captivating electric bike tour through the scenic heart of Napa Valley, unique afternoon at the legendary Bluebird Café, an iconic Nashville venue, and so much more.

INTRODUCING THE 2025 USLAW NETWORK FOUNDATION LAW SCHOOL SCHOLARSHIP RECIPIENTS

The USLAW NETWORK Foundation is proud to celebrate the 12 extraordinary law school student recipients of the 2025 USLAW NETWORK Foundation's scholarship program, whose brilliance, resilience and service embody the future of the legal profession. Selected from more than 180 applications from across the country, the USLAW NETWORK Foundation Scholarship Class of 2025 represents a wide range of backgrounds, experiences and ambitions.

Each recipient has already made a meaningful impact – whether by advocating for survivors, expanding access to public health and education, or mentoring the next generation of diverse leaders. Their stories are as inspiring as they are powerful, and together they reflect the Foundation's mission to break down barriers, amplify underrepresented voices and ensure that the law truly serves all communities. Get to know these remarkable law students.

MACKENZIE BLACKWELL

University of Maine School of Law
(Expected Graduation - May 2026)
Hometown: Royal Oak, MI

- B.A., magna cum laude, Franklin & Marshall College, in Government and American Studies.
- Prestigious recipient of a Fulbright Fellowship to teach English in Latvia.
- Serves as Chair of the Women's Law Association and is a Student Affairs fellow and Co-Chair of the Youth Justice Society at Maine Law.
- AccessLex Champion, representing AccessLex and Helix Bar Review.

"Education must be treated as a necessity, not a privilege. This is why I am in law school. I want to fight for equal access to equal education in the courts. I want to make education a fundamental, non-contestable right. It may be through a lawsuit or a Constitutional Amendment, I do not know yet. But what I do know is that education, or lack thereof, gets the rich richer and the poor poorer. It has kept entire communities from rural Montana to urban Detroit locked into oppression. The key to freedom? Education as a fundamental, constitutional right."

ADETOKUNBO "DAYO" ADEOYE

Columbia Law School
(Expected Graduation - May 2027)
Hometown: Chicago, IL & Marysville, OH

- M.A., Union Theological Seminary, in Religion & The Black Experience.
- B.A., with honors, University of Chicago, in Law, Letters and Society and Religious Studies, minor in Human Rights.
- Excelled as Best Oral Advocate at the Frederick Douglass Moot Court Competition.
- Staff Editor for the Journal of Race and Law and A Jailhouse Lawyers' Manual.
- Led advocacy efforts in the Parole Advocacy Project and Racial Literacy for Racial Justice Project.
- Co-president of the Christian Legal Society.

"My journey toward becoming a lawyer began at age 14 when I participated in my first mock trial competition. As someone who grew up extremely shy, I found that the courtroom was where I felt most at home in my body. "May I please the court" became a personal call to action. It is a promise that my voice would find its place in a system that wasn't designed for people like me."

MYLA CROFT

Southern Illinois University Simmons Law School
(Expected Graduation - May 2026)
Hometown: St. Louis, MO

- B.A., summa cum laude, Southern Illinois University Carbondale, IL, in Political Science, minor in Global Studies.
- Serves as director of advocacy & external affairs for the Midwest Black Law Students Association.
- Served as vice president of the SIU Black Law Students Association and vice president and philanthropist Chair of the National Association of Colored Women's Clubs, Women of Action Chapter.
- Served on the Honor Code Revision Committee, collaborating with faculty and other students to ensure that ethical standards within the law school reflect the values of equity and inclusion.

"When I was 8 years old, my mother encouraged me to watch a movie called The Great Debaters. It was about a group of African American college students who participated in debate competitions during a time of segregation. Their passion for civil rights and debate deeply inspired me. From that day forward, I knew that I wanted to become an attorney. With time, my life's journey began to move in the direction of law, advocacy and community service."

AMARI BRUNO FIGUEROA

Boston University School of Law
Expected Graduation – May 2027)
Hometown: Philadelphia, PA

- B.A., summa cum laude, Eastern University, in Sociology.
- Eastern University Multicultural Advisory Committee and Hope Ambassador.
- Boston University Law Client Counseling Competition Winner.
- Bilingual Pro Bono Coordinator for Volunteer Lawyers Project.
- Developed, expanded, and updated databases connecting gender-based violence survivors to legal resources as an intern at FreeForm in Los Angeles.
- Unpaid internship with Prisoners' Legal Services of Massachusetts, an organization committed to advocacy through litigation, legislative efforts, and legal education.

"Losing the adults in my life to incarceration meant that I spent much of my adolescence on my own. I owe all of my success, but more importantly, all of my understanding of solidarity, to adults (neighbors, teachers, friends of friends) who did not owe me anything, but chose to show up anyway. Even when respected adults told me I could not afford law school, I never gave up. Now that I am in law school, I am committing to using every opportunity I am given to uplift the community I came from."

EVANGELINA "EVA" LOPEZ

University of Michigan Law School
(Expected Graduation May 2026)
Hometown: Chandler, AZ

- B.S., University of Arizona, in Global Studies.
- B.A., University of Arizona, in Psychology.
- Native language is Mixteco, fluent in Spanish and English.
- Served as a Department of Justice Accredited Representative for the Florence Immigrant and Refugee Rights Project.
- Served as co-president of the Latinx Law Students Association, DEI co-chair of the Law School Student Senate, and pro bono chair of the Michigan Immigration and Labor Law Association.

"The sun hadn't yet risen when my mother and I arrived at the jalapeno fields on a hot summer day. I was 11 years old, and we were each handed a five-gallon bucket and told to begin picking. There was no safety training, no gloves, and no mention of our rights as workers. That day, I earned six tokens – just nine dollars – for hours of labor under the blazing Arizona sun. But I also took away something more lasting: a deep understanding of what it means to be excluded, and a conviction that meaningful change must come from those who have lived that exclusion firsthand. I grew up in a family of Indigenous Mexican farmworkers, where that experience continues to guide how I use my time, both in law school and beyond, to support communities that have historically been left behind."

TIFFANY OKEANI

Georgetown University Law Center (Expected Graduation - May 2026)
Hometown: Rancho Cucamonga, CA

- Master of Public Health, Johns Hopkins Bloomberg School of Public Health.
- B.A., with Highest Honors, University of California, Berkeley, in Legal Studies and minors in African American Studies and Global Public Health.
- Executive diversity & outreach editor of the Georgetown Journal of Legal Ethics.
- Programming director of the Women of Color Collective.
- Advocate for policies that eliminate gender and racial disparities across public systems, including in schools, courtrooms and hospitals.

"As I reflect on my life and professional journey, I am lucky that I have come across women of color who have continuously supported and mentored me to reach my potential and become successful in my field. Seeing their success and looking up to them inspires me to give back, advocate for, and show up for the next generation in leadership and in the larger community, within and outside of law."

OBRIAN ROSARIO

Howard University School of Law
(Expected Graduation - May 2026)
Hometown: Queens, NY

- B.A., Howard University, in Political Science, minor in Spanish.
- Committed to fostering conscientização, a concept developed by Paulo Freire that emphasizes recognizing and challenging social, political, and economic oppression.
- Former president of Changó!, Howard University's Afro-Latine society, including the first Spanish-language and Latin America-focused podcast at any HBCU.
- President of La Alianza, the Latinx Law Students' Association.
- Co-founded the globally award-winning Peer Defense Project.
- Spearheaded legal action for equitable sports access for Black and Brown athletes in NYC.

"Diversity is more than just identity – it is a wealth of perspectives, experiences, and skills that individuals bring to the table. As an Afro-Latino, first-generation college graduate, and law student, my journey has been shaped by the systemic inequities I have both witnessed and endured. Raised in a low-income household in Queens, New York – within the most segregated school system in the country – I experienced the consequences of racial capitalism, including homelessness, food insecurity and economic instability."

RUSSELL SMITH

University of Oklahoma College of Law
(Expected Graduation - May 2026)
Hometown: Apache, OK

- B.A., University of Oklahoma, in Geographic Information Science; minor in Geography.
- Advocate for policies that protect the rights of Indigenous peoples and other underrepresented groups.
- Benjamin A. Gilman International Scholar recipient.
- Researched and contributed scholarly work in the fields of Native American law, culture, and history, integrating legal frameworks with practical experiences.

"As a first-generation college graduate and Kiowa tribal member, I understand the importance of fostering environments where diverse voices are valued. At the University of Oklahoma, I've worked to promote diversity through the Native American Law Students Association (NALSA), where I helped organize events to advocate for Indigenous representation in the legal field. This experience has strengthened my commitment to ensuring marginalized and underrepresented communities are heard in the justice system."

MICAH SEMROW

Seattle University School of Law
(Expected Graduation - December 2026)
Hometown: Madison, WI

- B.A., The Evergreen State College, in Psychology.
- Served as co-executive director of Partners in Prevention Education (PiPE), including founding the county's first non-profit encampment outreach program, which became invaluable during the pandemic to ensure unhoused people had access to food and supplies.
- Serves as the sexual assault services section manager for the state of Washington's Office of Crime Victims Advocacy.

"My interest in and dedication to diversity and inclusion in my community comes not only from my own experiences and identity, but from the experiences I have had supporting others and creating systems change. I have the knowledge, opportunity, and ability to help in a way that many of the people I worked with do not and will not."

TAYLOR STAMPS

University of Illinois Chicago School of Law
(Expected Graduation - May 2026)
Hometown: Chicago, IL

- B.A., magna cum laude, Northern Illinois University in English.
- Taught as a high school English teacher for three years.
- American Bar Association, 2025-2026 Law Student Division Chair.
- Key contributor to a contract abstraction project for multi-jurisdictional contracts for a global mobility company.
- Lead volunteer for RAISE Program – college students interested in attending law school.

"I speak on various panels at the Upward Bound program, a high school college-prep program for low-income students, to make sure the students there see that people like us can make it in this industry. When I was in high school, I didn't have anyone to offer me guidance, and there were many things that I had to figure out on my own. It's important to me to do what I can to make sure that others don't have to go through the same experiences and that they can have a role model who looks like them. Black people only make up 5% of the legal field, and I do what I can to change that statistic, considering the system affects us the most."

EMMA TOLLIVER

University of Washington School of Law
(Expected Graduation - June 2027)
Hometown: Lathrop, CA

- B.A., summa cum laude/Phi Beta Kappa, University of California, Davis, in Political Science-Public Service and English.
- Appointed to the Washington State Supreme Court's Minority and Justice Commission (MJC) as a University of Washington Law Student Liaison.
- Worked with refugee youth in Rwanda, Myanmar, Afghanistan and Palestine to help them reconnect with educational institutions and pursue higher education.
- Facilitated and supervised 100+ hours of pro bono legal service by law students completing asylum applications (I-589 forms).

"Through my work with refugee youth and scholars, I came to two important realizations: first, I wanted to do work that empowered others to take control of their lives. The people I worked with knew what their needs were. My role was to support them, make the resources they needed accessible to them, and help them achieve their goals. Second, I saw that the experiences I had and the experiences of others were distinct, but there were common threads running through them that put us in community with each other. Those common threads lead me to where I am today: attending law school. My legal education has put me in a position to serve others by sharing the power of the law—which can often feel unattainable or far away—in community with others. I seek to ensure that it is accessible to aid those experiencing difficult, traumatic situations, to limit the vulnerabilities that make individuals susceptible to violence, and to put power and knowledge in the hands of communities affected."

LAYLA YOUSEF

University of California, Berkeley School of Law
(Expected Graduation - May 2027)
Hometown: Albany, NY

- B.A., Johns Hopkins University, in International Studies and Political Science; minor in Islamic Studies.
- Fluent in Arabic & French; Intermediate in Russian.
- Supported Syrian refugees – helped with housing, employment, schooling, connections to local mosques; as well as created and taught a class, "Delve Into the Syrian Refugee Crisis" for high school students in Baltimore.
- Assistant to the Chair of the UNCRPD (United Nations Committee on the Rights of Persons with Disabilities) Working Group on Communications and Inquiries.

"As the former co-representative of my first-year law class – and now vice president for all three classes – I have drawn on my personal experiences of isolation due to my identity to advocate for my peers. My Egyptian-American upbringing – my culture, language, and religion – has shaped who I am and continues to guide me as I navigate diverse spaces. I believe it is not just important to bring these perspectives into the spaces where I work, study, and socialize – it is imperative."

firms ON THE MOVE

Michael A. D'Ippolito III of *Adler Pollock & Sheehan* in Rhode Island is now president-elect of the American Mock Trial Association. His term runs July 13, 2025, through May 14, 2026. His involvement with AMTA began seventeen years ago as an undergraduate competitor. In his senior year, Michael and his team won the AMTA National Championship for Duke University.

Stephen Lapatin of *Adler Pollock & Sheehan* has recently been appointed to the Board of Directors of Meals on Wheels of Rhode Island for a three-year term.

Baird Holm partner *Allison D. Balus* has been elected as a Fellow in The College of Labor and Employment Lawyers.

Dysart Taylor shareholder/director *Amanda Pennington Ketchum* was recently elected as the president of the Lawyers Encouraging Academic Performance (LEAP) board of directors. LEAP operates for the benefit of Operation Breakthrough, an organization that strives to help children living in poverty reach their fullest potential by providing safe, loving and educational environments. The center also supports and empowers children's families through advocacy, referral services and emergency aid. Through LEAP, Kansas City lawyers involved in the organization have raised over $1.8 million for the children at Operation Breakthrough.

Franklin & Prokopik (F&P) has been named one of *The Daily Record* Maryland's 2025 Empowering Women award winners. The Empowering Women Awards honor companies and organizations that demonstrate a strong commitment to supporting and advancing women in Maryland. Honorees are recognized for hiring and promoting women, elevating them to leadership positions, advocating for women both internally and externally, and cultivating the next generation of women professionals.

Hanson Bridgett Partner *Sean Herman* has been appointed to the California Lawyers Association's Environmental Law Executive Committee.

David Casarrubias-González of *Hanson Bridgett* was re-elected to the Hispanic National Bar Association's Board of Governors as a Northern California representative.

Noble F. Allen of *Hinckley Allen* in Connecticut has authored his latest 4th edition of the *Connecticut Landlord and Tenant Law with Forms treatise*. It covers the legal relationship between tenants and landlords in commercial and residential settings. It highlights recent changes to the Connecticut real estate landscape in light of COVID-19 force majeure claims and provides expanded coverage and case updates on various legal principles and concepts that govern landlord-tenant litigation in civil and eviction proceedings in Connecticut courts.

firms ON THE MOVE

Poyner Spruill's *Eddie Speas*, a distinguished litigator and public servant, was named the John B. McMillan Distinguished Service Award recipient by the North Carolina State Bar. This award is the highest recognition given by the Bar for extraordinary service to the legal profession and the public.

Jeb H. Joyce of *Quattlebaum, Grooms & Tull* in Arkansas was recently elected to a three-year term on the Board of Directors of the Arkansas Bar Foundation.

Rivkin Radler Partner *Christina M. Bezas* was named an Associate Fellow of the Litigation Counsel of America (LCA), an invitation-only trial lawyer honorary society established to reflect the new face of the American bar.

The Nassau County Bar Association (NCBA) reappointed *Rivkin Radler* Partner *Michael Antongiovanni* to serve on the New York State Bar Association's (NYSBA) House of Delegates—where he will serve as a Trustee of the Association for a one-year term.

Rivkin Radler Partner *Laura Gindele* was appointed a member of Law360's 2025 Insurance Authority Property editorial board. Members of Law 360's editorial boards provide feedback on the publication's coverage and offer expert insight, shaping future coverage.

Rivkin Radler Partner *Michael Schnepper* was officially sworn in for another three-year term as a board member of the North Shore Child and Family Guidance Center.

Rivkin Radler Associate *Liz Sy* was elected to serve as first vice president of the board of Hope For Youth for a three-year term. Hope For Youth is a non-profit organization that provides residential, preventative and outpatient services to children in need.

Rivkin Radler Associate *Edwin Maldonado* was elected to the Long Island Hispanic Bar Association (LIHBA) Board of Directors and will be installed to the position at its Gala on September 18.

Frank Gattuso of *Sweeney & Sheehan* was accepted into the Federation of Defense & Corporate Counsel (FDCC). The FDCC is comprised of premier defense and corporate counsel as well as industry executives dedicated to leading the profession by advancing the principles of integrity, professionalism, fair civil justice, and fellowship.

Sheryl Willert of *Williams Kastner* in Seattle received the DRI Louis B. Potter Lifetime Professional Service Award. This prestigious honor recognizes individuals who embody the highest standards of professional service and professionalism throughout their careers.

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Adler Pollock & Sheehan P.C. (Providence, RI)

Todd White and Lucas Spremulli obtain jury verdict on behalf of client in defamation case

Todd White and Lucas Spremulli of Adler Pollock & Sheehan have obtained a defense verdict in a jury trial of a defamation case against the former principal of Bishop Hendricken High School and obtained a $500,000 verdict on the former principal's behalf in his false light counterclaims. Similar verdicts were rendered on behalf of the other co-defendants, the former President and the former assistant principal, as well as the school and the Providence Diocese. The jury ordered the former teacher, who defamed and violated the privacy of three school administrators, to pay a total of more than $1 million in damages to the defendants.

Franklin & Prokopik, P.C. (Baltimore, MD)

F&P receives favorable ruling in COVID-19 Title VII ruling

In June 2025, Franklin & Prokopik, P.C. attorneys Ralph Arnsdorf, Scott Phillips, and Patrick Wachter obtained a favorable ruling in a case involving religious discrimination claims under Title VII related to COVID-19 vaccination requirements. Plaintiff Cara Dodson alleged religious discrimination after her employment was terminated for refusing the COVID-19 vaccination. Defendant Lutheran Village at Millers Grant Inc. had denied her request for religious accommodation based on safety concerns for vulnerable residents.

Ms. Dodson is a licensed occupational therapist who worked at Lutheran Village from March 2019 to February 2022, often in close contact with clients. Lutheran Village's vaccination policy required annual vaccinations unless exempted for medical or religious reasons. Ms. Dodson initially received a religious exemption for the COVID-19 vaccine in January 2021 due to its emergency use status. In September 2021, she requested another exemption, citing concerns about the vaccine's use of aborted fetal tissue. Lutheran Village denied her request in December 2021, citing increased risks to residents and staff.

The court set multiple deadlines for discovery and motions, with Ms. Dodson's counsel entering the case in August 2023, and Lutheran Village filed a renewed motion for summary judgment after the close of discovery.

Title VII requires employers to accommodate religious practices unless it causes undue hardship. Lutheran Village argued that accommodating Ms. Dodson would increase the risk of COVID-19 spread among vulnerable populations. The court found that granting the accommodation would impose undue hardship due to health risks.

The court granted Lutheran Village's motion for summary judgment, concluding that Ms. Dodson's requested accommodation posed a threat to health and safety. Ms. Dodson's motion to produce additional evidence was denied due to lack of diligence in pursuing discovery.

Hinckley Allen (Hartford, CT)

Hinckley Allen secures $34.5 million SOX whistleblower recovery

Connecticut-based USLAW member Hinckley Allen secured a historic $34.5 million recovery for Carlos Domenech Zornoza, marking the largest documented Sarbanes-Oxley whistleblower retaliation award since the statute's 2005 enactment.

Domenech, the former president and CEO of Terraform Global, Inc. and Terraform Power, Inc., and EVP of SunEdison, raised concerns in late 2015 that SunEdison's CEO and CFO were misrepresenting SunEdison's liquidity to the public, asserting that SunEdison had robust and ample liquidity, when SunEdison was in a liquidity crisis. After raising those red flags to the board, Domenech was abruptly terminated without notice, justification, or cause. SunEdison filed for bankruptcy six months later.

What followed was a nine-year legal battle over Mr. Domenech's unlawful termination. Domenech initially filed a SOX retaliation complaint with OSHA, then pressed the claim in federal court after withdrawing from administrative proceedings. Finally, after a two-week bench trial on liability in July–August 2024, the court ruled in Domenech's favor on SOX liability. On the eve of the damages phase, the parties reached the $34.5 million settlement, and the Defendants issued a press release disclosing the Court's liability finding and the amount of the settlement.

This was a landmark employment retaliation case. According to lead attorney Jim Tuxbury, the case illustrates that although the process can be lengthy and difficult, the courts can deliver justice—even against well-resourced defendants. "Carlos carved a path," Tuxbury remarked. "Hopefully, the next whistleblower won't have to spend nine years to prove they were right." Enacted in 2002 in response to the Enron and WorldCom scandals, the Sarbanes-Oxley Act was designed to enhance corporate accountability and safeguard whistleblowers. Still, no case prior has re-

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sulted in a recovery of this magnitude, highlighting both the rarity and the significance of Domenech's outcome.

Klinedinst PC (San Diego, CA)

Shaughnessy and Garbacz secured published appellate decision

Klinedinst ATTORNEYS

Klinedinst PC attorneys Robert Shaughnessy and Gregory Garbacz secured an excellent result and a published appellate decision when defending an attorney and her law office after they were sued by the opposing party in an unlawful detainer action that the attorney was prosecuting for her own client, a mobile-home park. Because the attorney-defendant was sued by a nonclient who alleged causes of action against her based on her representation of another party, California's anti-SLAPP statute at Code of Civil Procedure section 425.16 applied to bar the nonclient's meritless claims. (SLAPP is an acronym for Strategic Lawsuit Against Public Participation.) Klinedinst attorneys filed a special motion to strike the complaint under California's anti-SLAPP law in the Los Angeles Superior Court. After the trial court erroneously denied the motion in a ruling that failed to consider controlling authority, including Thayer v. Kabatek Brown Kellner LLP (2012) 207 Cal.App.4th 141, 158, Klinedinst attorney, Robert M. Shaughnessy, appealed the decision. Under California's anti-SLAPP law, a moving defendant must show that the claims leveled by the plaintiff arise from protected speech or petitioning activity (Referred to as "prong one" of the anti-SLAPP law). If the moving defendant makes the showing, the plaintiff must present evidence showing the claims have at least minimal merit. (Referred to as "prong two.") The trial court denied the motion despite the fact that the moving papers established that the claims against the attorney-defendant arose from protected petitioning activity on behalf of her client, and the opposition failed to present any evidence showing that the plaintiff's claims had even minimal merit.

In a published decision, filed on August 8, 2025, the Second District reversed the trial court with directions to enter an order granting the special motion to strike, and to determine the fees and costs that plaintiffs must pay to the attorney defendant based on the fee provision in California's anti-SLAPP law. The Second District summed up the issues of the case concisely: "If you are a party in litigation, your tactic of suing opposing counsel is apt to trigger swift retaliation: an anti-SLAPP motion. If opposing counsel are helping their clients petition for legal relief, your motion may fall within anti-SLAPP's prong one, as an attack on petitioning activity. If so, then prong two will require you to produce evidence our claims have minimal merit. If you cannot show minimal merit, you may have to pay your opponent for the trouble you have caused. This case fits this pattern." (Opinion, p. 1-2 (emphasis in original).) The published decision will provide needed guidance to trial courts, and to lawyers defending lawyers who are sued for assisting their own clients with petitioning activity in California courts.

MehaffyWeber (Houston, TX)

Cox secures multiple defense verdicts

MEHAFFYWEBER

MehaffyWeber Shareholder Maryalyce Cox recently secured a complete defense verdict in a week-long personal injury trial in Harris County. The case involved a furniture company whose delivery men were accused of dropping a sofa on the Plaintiff. The Plaintiff's attorney requested damages totaling $6.75 million. Following Cox's arguments, the jury deliberated for just two hours and found the Plaintiff 100% at fault for the incident.

Cox also obtained a complete defense verdict in the Northern District of Texas in a premises liability case in May 2025. The lawsuit arose from a trip and fall in a restaurant parking lot and Plaintiff alleged ADA violations, premises liability claims, spoliation, and gross negligence. After a four-day trial, the jury found the firm's client was not negligent.

Finally, in March 2025, Cox obtained a complete defense verdict in the Southern District of Texas in a premises liability case. The Plaintiff fell inside a retail establishment and alleged the store was negligent in allowing a hazardous condition to remain on the floor for an extended time. The jury found the firm's client was not negligent.

Rivkin Radler LLP (Uniondale, NY)

Strober and Sharma save millions for health services client; Troisi, Gindele, and Korman secure summary judgment for insurance client

RIVKIN RADLER ATTORNEYS AT LAW

Rivkin Radler Partner Eric Strober, with significant support from Counsel Sahil Sharma, dedicated most of July to trying a case on Staten Island. Although the defense ruling was not in their favor, taking the case to verdict ultimately saved the client millions. In a tough case with a settlement demand that began at $15 million and never went below $5 million, Rivkin's client, ProHealth Care/United Healthcare will pay $2 million to a plaintiff who claimed multiple serious, life-changing injuries at an urgent care center on Staten Island in 2020.

In a dramatic turn of events, just as the jury announced they had reached a verdict, the attorneys struck an agreement, requir-

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ing the client to pay only their percentage of fault, as determined by the jury based on an agreed value of the case. The final amount came to $2 million—millions less than any prior settlement offer.

In a separate matter, *Rivkin Radler* Partners *Michael Troisi*, *Laura Gindele*, and *Cheryl Korman* secured an affirmance of summary judgment in favor of the firm's client, Sentinel Insurance Company, in a property coverage matter in the Southern District of New York. The Second Circuit Court of Appeals affirmed the opinion and order of the Honorable Nelson Román, which granted summary judgment based on policy exclusions relating to negligent design and construction, among others. The decision is noteworthy as the Second Circuit affirmed Judge Román's analysis of Federal Rule of Evidence 702 relating to the admissibility of expert testimony. The District Court found that plaintiff's expert did not meet the standards articulated by the U.S. Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, stating that plaintiff's expert's opinion was inadmissible because his conclusions were based on "nothing more than subjective belief or unsupported speculation."

Wicker Smith (West Palm Beach, FL)

West Palm Beach Partners Jaclyn Rozental and Adam Rhys, and Associate Charles Roussin, recently obtained a defense verdict in a medical malpractice trial in St. Lucie County, Florida

WICKER SMITH

They represented the hospital, three trauma surgeons, three trauma surgery physician assistants, one neurosurgery physician assistant, and one neurosurgeon in this case involving an alleged failure to diagnose a brain bleed in a 29-year-old man who came to the hospital as a trauma alert following a significant motor vehicle accident.

According to the medical records, the patient underwent a brain CT in the ED at the time of admission, which was normal. He had normal neurological checks every four hours for the first several days he was hospitalized and was improving and expected to be discharged. In the early morning hours of his fifth day of admission, he experienced a rapid deterioration and was diagnosed with an acute subdural hematoma. The injuries included right-sided hemiplegia, as well as vision and speech issues. There was an undisputed $6.5 million life care plan with 24/7 attendant care, and a lost wages claim of $1.5 million.

Prior to trial, a motion for partial summary judgment was granted as to the neurosurgeon, neurosurgery physician assistant, and one of the trauma surgery physician assistants due to a lack of standard of care expert opinions against them. During trial, one of the trauma surgery physicians was dropped, also due to a lack of standard of care expert opinions against him. The judge also granted Plaintiff's request for an instruction to the jury that the hospital deviated from the standard of care regarding its policies. Additionally, the judge granted a motion to strike the testimony of the defense trauma surgery expert as it related to the two remaining physician assistants.

After a three-week trial, Plaintiff's counsel asked the jury for $56 million at closing. The jury returned a complete defense verdict. After the verdict was rendered, Plaintiffs moved for a mistrial, which was denied.

Wicker Smith (Orlando, FL)

Krista Cammack, Ray Watts, and Michael D'Lugo recently prevailed in a professional liability case in Orange County, Florida

WICKER SMITH

This was a dispute over an attorney's fee in which the firm's client was a lawyer who represented the Plaintiff in an underlying employment dispute. Plaintiff asserted that the firm's client breached their contractual obligations, breached their fiduciary duty, and committed legal malpractice in the course of their representation of the Plaintiff. Wicker Smith's client denied these allegations and asserted that the Plaintiff was appropriately charged pursuant to a valid contingency agreement. Plaintiff demanded $485,000 in compensation prior to trial.

Ms. Cammack and Mr. Watts tried the case in Orlando in early February. After several days of testimony, the jury found for the defense on one claim, and for the Plaintiff on two claims, and ultimately awarded $101,200. However, due to the application of a setoff provided by a pre-trial settlement with a co-defendant, this award prompted the defense to file a post-trial Motion for an Entry of Judgment Notwithstanding the Verdict.

Mr. D'Lugo wrote the motion, and Ms. Cammack argued it. The Court granted the motion on July 9, 2025, resulting in a judgment in Wicker Smith's client's favor and negating the jury award. This ruling also triggers a Proposal for Settlement filed by the defense prior to trial, and the client now intends to seek fees and costs from the Plaintiff.

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Williams Kastner (Seattle, WA)

WILLIAMS KASTNER & WICKER SMITH

USLAW collaboration powers commercial litigation win

Williams Kastner secured a resounding jury verdict in a high-stakes commercial litigation matter for longtime client Milliman USA in the U.S. District Court for the Middle District of Florida—sparing millions and setting a powerful precedent nationwide. The trial team—*Jeff Wells*, *Chris Luhrs*, Tristan Pirak, and Nick Sacco—partnered with USLAW Central Florida member firm *Wicker Smith*, with *Jordan Cohen* providing key support leading up to the trial. The team also worked with *Verdict Insight Partners*, USLAW's official jury consultant partner, to sharpen strategy and presentation. A defining win for Williams Kastner—and a powerful testament to the strength of the USLAW NETWORK.

TRANSACTIONS

Flaherty Sensabaugh Bonasso PLLC (Morgantown, WV)

Flaherty Sensabaugh Bonasso PLLC served as debtors' counsel in fast-moving Chapter 11 Coal Bankruptcy

Flaherty℠ FLAHERTY | SENSABAUGH | BONASSO PLLC

Flaherty represented Ben's Creek Carbon, LLC and affiliates in a high-stakes Chapter 11 bankruptcy that preserved one of Southern West Virginia's key metallurgical coal mining operations. The company's integrated enterprise encompassed deep and surface mining, thousands of acres of reserves, a preparation plant, rail loadout, and a refuse impoundment—backed by full environmental permitting. Its publicly traded UK parent added global visibility and scrutiny.

At the time of the filing, Ben's Creek faced an immediate liquidity crisis, with just enough capital to meet payroll. Flaherty acted immediately to stabilize operations, securing critical Debtor-in-Possession (DIP) financing to protect assets and sustain the business. Over the next seven months, the firm led complex negotiations and litigation with the U.S. Department of Labor, the DIP lender, equipment lenders, investors, employees, vendors, and the company's coal brokerage partner.

Through lean operations and a targeted global marketing effort, Flaherty positioned the company for a Section 363 sale under the Bankruptcy Code. The transaction resulted in the transfer of substantially all assets to a new owner committed to continued mining operations, preserving jobs and protecting environmental interests.

The case was managed by a multidisciplinary team of bankruptcy, energy, and employment attorneys, including Jim Lane, *Chris Brumley*, *Eric Johnson*, *Elizabeth King*, *Jamie Stebbins*, *Evan Aldridge*, *Jeff Wakefield*, and *Kiersan Lockard*.

about USLAW NETWORK

2001. The Start of Something Better.

Mega-firms...big, impersonal bastions of legal tradition, encumbered by bureaucracy and often slow to react. The need for an alternative was obvious. A vision of a network of smaller, regionally based, independent firms with the capability to respond quickly, efficiently and economically to client needs from Atlantic City to Pacific Grove was born. In its infancy, it was little more than a possibility, discussed around a small table and dreamed about by a handful of visionaries. But the idea proved too good to leave on the drawing board. Instead, with the support of some of the country's brightest legal minds, USLAW NETWORK became a reality.

Fast forward to today.

The commitment remains the same as originally envisioned. To provide the highest quality legal representation and seamless cross-jurisdictional service to major corporations, insurance carriers, and to both large and small businesses alike, through a network of professional, innovative law firms dedicated to their client's legal success. Now as a diverse network with more than 6,000 attorneys from nearly 100 independent, full practice firms across the U.S., Canada, Latin America and Asia, and with affiliations with TELFA in Europe, USLAW NETWORK remains a responsive, agile legal alternative to the mega-firms.

Home Field Advantage.

USLAW NETWORK offers what it calls The Home Field Advantage which comes from knowing and understanding the venue in a way that allows a competitive advantage – a truism in both sports and business. Jurisdictional awareness is a key ingredient to successfully operating throughout the United States and abroad. Knowing the local rules, the judge, and the local business and legal environment provides our firms' clients this advantage. The strength and power of an international presence combined with the understanding of a respected local firm makes for a winning line-up.

A Legal Network for Purchasers of Legal Services.

USLAW NETWORK firms go way beyond providing quality legal services to their clients. Unlike other legal networks, USLAW is organized around client expectations, not around the member law firms. Clients receive ongoing educational and programming opportunities – onsite and virtual – and online resources, including webinars, jurisdictional updates and *USLAW Magazine*. To ensure our goals are the same as the clients our member firms serve, our Client Leadership Council and Practice Group Client Advisors are directly involved in the development of our programs and services. This communication pipeline is vital to our success and allows us to better monitor and meet client needs and expectations.

USLAW IN EUROPE.

Just as legal issues seldom follow state borders, they often extend beyond U.S. boundaries as well. In 2007, USLAW established a relationship with the Trans-European Law Firms Alliance (TELFA), a network of more than 20 independent law firms representing more than 1,000 lawyers through Europe to further our service and reach.

How USLAW NETWORK Membership is Determined.

Firms are admitted to the NETWORK by invitation only and only after they are fully vetted through a rigorous review process. Many firms have been reviewed over the years, but only a small percentage were eventually invited to join. The search for quality member firms is a continuous and ongoing effort. Firms admitted must possess broad commercial legal capabilities and have substantial litigation and trial experience. In addition, USLAW NETWORK members must subscribe to a high level of service standards and are continuously evaluated to ensure these standards of quality and expertise are met.

USLAW in Review.

- All vetted firms with demonstrated, robust practices and specialties
- Organized around client expectations
- Efficient use of legal budgets, providing maximum return on legal services investments
- Seamless, cross-jurisdictional service
- Responsive and flexible
- Multitude of educational opportunities and online resources
- Team approach to legal services

The USLAW Success Story.

The reality of our success is simple: we succeed because our member firms' clients succeed. Our member firms provide high-quality legal results through the efficient use of legal budgets. We provide cross-jurisdictional services eliminating the time and expense of securing adequate representation in different regions. We provide trusted and experienced specialists quickly.

When a difficult legal matter emerges – whether it's in a single jurisdiction, nationwide or internationally – USLAW is there.

For more information, please contact Roger M. Yaffe, USLAW CEO, at (800) 231-9110 or roger@uslaw.org

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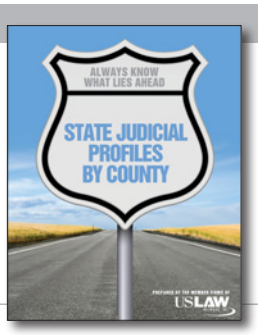

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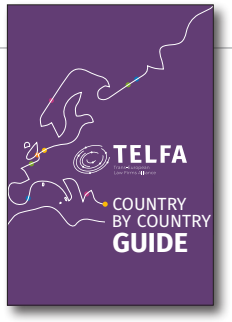
- Provide an overview of the different corporate structures and requirements in the EU.
- Inform about directors' liabilities.
- Supplement company law aspects by always considering issues of tax.

To view and download the TELFA Country-by-Country Guide, visit the Client Toolkit section of uslaw.org.



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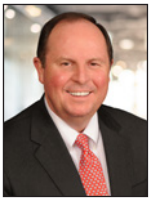

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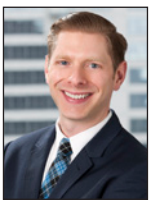

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MEMBER SINCE 2001 Founded in 1952, Wicker Smith O'Hara McCoy & Ford P.A. is a full-service trial firm deeply experienced in handling significant and complex litigation for a broad variety of clients including multinational corporations to individuals. With more than 260 attorneys, Wicker Smith services clients throughout Central and South Florida and beyond. Our Central Florida region serves Melbourne, Orlando, Tampa, and Sarasota. In South Florida, we serve Fort Lauderdale, Key Largo, Miami, Naples, Palmetto Bay, and West Palm Beach. The backbone of our relationship with clients is built upon integrity and stability. We strive to establish long-term relationships with our clients built upon a partnership of communication and trust by listening to our clients, understanding their businesses, and developing legal solutions to best meet their individual needs.

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MEMBER SINCE 2004 With more than 50 attorneys located in downtown Honolulu, Goodsill offers knowledge and experience in all aspects of civil law, including business and securities law, banking, real estate, tax, trusts and estates, public utilities, immigration, international transactions and civil litigation. In addition to representing clients in alternative dispute resolution, a number of our trial lawyers are trained mediators and are retained to resolve disputes. Goodsill's litigation department also handles appeals in both state and federal courts.

Goodsill attorneys provide innovative, solutions-oriented legal and general business counsel to an impressive list of domestic and international clients. We work closely with each client to identify and deploy the right mix of legal and business expertise, talented support staff and technology.

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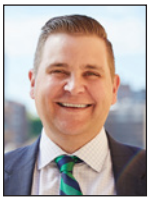

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Our attorneys are active in the community and have held governing positions in local and state bar associations and community organizations. Our AV-rated law firm is proud of its reputation for zealous advocacy, high ethical standards, and outstanding results. We are equally proud of the trust our local and national clients place in us.

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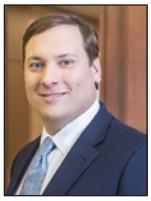

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MEMBER SINCE 2005 Headquartered in Baltimore City, Franklin & Prokopik is a regional law firm comprised of over 70 experienced attorneys. Our mission of providing the highest quality personal service enables us to grow, as we attract and develop other likeminded attorneys to serve our clients. From twenty-four hour emergency services to complex litigation, we listen carefully to our clients and tailor our services to meet their outcome goals. Franklin & Prokopik provides a broad spectrum of legal services and represents corporate and business entities of all sizes, from small "mom and pops" to Fortune 500 companies across a wide range of industries.

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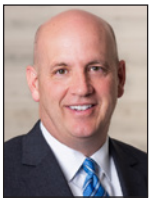

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CCTB has built a reputation for strong client relationships as a result of its lawyers' skills in communication and counseling. If litigation cannot be avoided, our seasoned litigation group is prepared to aggressively defend the interests of our clients in state and federal courts. While Mississippi can be a challenging jurisdiction, the record of CCTB clients speaks well for the quality of our representation.

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Since 1912 our simple philosophy has never changed: at the core of every case is the client. The client's goals become our goals, and our firm works tirelessly to find the most efficient and cost-effective solution to each legal issue.

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MEMBER SINCE 2007 Davis, Hatley, Haffeman & Tighe, P.C., is a business and litigation law firm located in Great Falls, Montana. It has been in continuous existence since 1912. Originally the firm focused on insurance defense work. While the defense of insureds and insurers remains a primary component of DHHT's practice, the firm's work has expanded over the years to include business litigation, representation of national and multi-national corporations in class actions, products liability, employment, environmental, toxic tort and commercial litigation, and the defense of public entities, including the State of Montana and numerous cities and counties, as well as a wide range of transactional work, running the gamut of business formations, farm and ranch sales, commercial leasing, oil and gas, and business consulting. There is also an active estate planning and probate practice. The firm carries on a state-wide trial practice. The lawyers at DHHT are proud of their reputation in the Montana legal community as attorneys who are always willing to go the distance for their clients. Since 2007, DHHT lawyers tried cases to verdict in federal and state courts all over Montana, including Great Falls, Billings, Missoula, Helena, Bozeman, Kalispell, Lewistown, Glasgow, Deer Lodge and Shelby. That reputation assures clients of experienced representation through all phases of litigation and instant creditability with the Montana bench & bar.

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MEMBER SINCE 2007 Thorndal Armstrong has enjoyed a strong Nevada presence since 1971. Founded in Las Vegas, the firm has grown from two lawyers to just under thirty. It expanded its statewide services in 1986 with the opening of the northern Nevada office in Reno. An additional office was opened in Elko in 1996 to further satisfy client demand in the northeastern portion of the state.

With a strong emphasis in civil defense litigation for insureds and self-insureds, including expertise in complex litigation, general business, commercial law, and industrial insurance defense, Thorndal, Armstrong, Delk, Balkenbush & Eisinger is committed to providing thorough, efficient and effective legal services to its clients. Its experienced attorneys, combined with a highly capable professional support staff, allow the firm to represent clients on a competitive, cost-efficient basis.

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MEMBER SINCE 2025 With 75 lawyers and a full team of legal service providers, the firm provides legal counsel and advocacy to businesses, insurers and professionals alike.rnrnTeamwork, authenticity, listening, respect and humility form the foundation of Gerber Ciano Kelly Brady LLP. This foundation has positioned the firm to be a strong and contributing member of the USLAW NETWORK. rnGerber Ciano Kelly Brady LLP, in just seven years, has grown from six founding members to 75 lawyers. Focused on providing unparalleled legal representation to clients across key industries like risk management, insurance coverage, product liability, and civil litigation, the firm continues to grow and evolve to meet its clients' needs in an ever-changing legal landscape.rnGerber Ciano Kelly Brady LLP serves as national coordinating counsel for several insurers and self-insureds. The firm is designed to create solutions for client challenges by understanding client goals and outcomes — utilizing key metrics, AI and unique feedback mechanisms to produce successful results for clients while never losing sight of core values.

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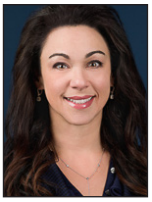

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We are nationally certified as a Woman Business Enterprise (WBE). In addition, we are certified as a Great Place to Work for 2022-2023, with 100% of our team reporting they are proud to tell others they work at Black Marjieh. Black Marjieh & Sanford was also selected as the 2019 winner of the WWBA Family Friendly Employer Award and recognized as one of Fortune's Best 50 Small Workplaces for 2018. We were especially proud to be the only law firm on this list. Seven BM&S attorneys have been recognized by Super Lawyers® for 2023 honors.

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MEMBER SINCE 2004 Poyner Spruill LLP is a large, multidisciplinary North Carolina law firm, providing a comprehensive range of business and litigation legal services. The firm has a reputation for professional excellence and client service throughout the Southeast. Poyner Spruill has approximately 100 attorneys with offices in Charlotte, Raleigh, Rocky Mount, Southern Pines and Wilmington, from which we cover all federal and state courts. Approximately one-half of the firm attorneys practice litigation including a broad range of general commercial litigation, bank litigation and defense work in various types of liability cases. Many of our practice groups send up-to-the-minute legal developments on a myriad of issues pertinent to our clients' business needs. Our periodic mailings are distributed via e-mail and posted to our web site's publications page. We invite you and your clients to take advantage of this complimentary news service by signing up through our web site.

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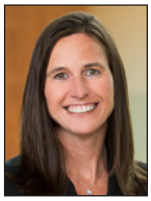

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MEMBER SINCE 2003 Founded in 1876, Roetzel & Andress is a leading full-service law firm headquartered in Ohio. The firm provides comprehensive legal services to publicly traded and privately held companies, financial services participants, professional and governmental organizations, as well as private investors, industry executives and individuals. With over 160 lawyers in 12 offices, including five regional offices in Ohio, Roetzel & Andress collaborates seamlessly across industries and disciplines to provide sophisticated transactional, employment and litigation guidance to clients across the public and private sectors.

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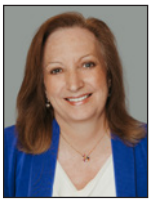

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MEMBER SINCE 2002 Pierce Couch Hendrickson Baysinger & Green, L.L.P. was founded in 1923 and is the largest litigation defense firm in the state of Oklahoma. The Firm has offices in Oklahoma City and Tulsa and is engaged in the representation of clients in all 77 Oklahoma Counties and all three federal district courts. Our attorneys have expertise in the areas listed below and prides itself in developing strategies for the defense of its clients, delivering advice and counsel to deal with claims ranging from the defensible to the catastrophic. Our attorneys have tried hundreds of cases to jury verdict and have mediated and/or arbitrated thousands of disputes. We attribute the success and longevity of our firm to our steadfast philosophy of combining the best in cost-efficient legal services with client-tailored strategies.

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MEMBER SINCE 2002 Williams Kastner has been providing legal and business advice to a broad mix of clients since our Seattle office opened in 1929. With more than 65 lawyers in Washington and Oregon, the firm combines the resources and experience to offer national and regional capabilities with the client service and sensibility a local firm can provide. The firm culture is characterized by hard work, high-performance teamwork, diversity and partnerships with our clients and the local community. Our commitment to our clients is reflected through our quality legal work, personalized approach to servicing our clients and the integrity and pride we devote towards the practice of law.

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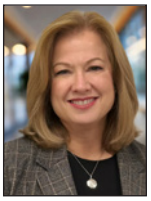

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MEMBER SINCE 2003 Founded in 1971, Sweeney & Sheehan is a litigation firm of experienced and dedicated trial attorneys and other professionals working in partnership with our clients to meet their changing and increasingly sophisticated particular needs. With client satisfaction our primary goal, we are committed to delivering superior legal services and pursuing excellence in all aspects of our practice.

Our success is achieved without compromising the ideals which define the best in our profession: integrity, loyalty and expertise. We constantly enhance our firm to meet the expectations of our clients. Committed to these principles, we have a reputation as skillful and effective litigators in a broad range of practice areas, providing the talent and experience of larger firms while maintaining flexibility to deliver personalized, cost-effective quality service.

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MEMBER SINCE 2011 Pion, Nerone, Girman & Smith, P.C. is a civil litigation firm with offices in Pittsburgh and Harrisburg.

Our practice areas include transportation, railroad, asbestos, premises liability, products liability, family law, estate, Medicare Set-Aside, workers' compensation, and general liability. In addition to trial representation, catastrophic response and business consulting, the firm has an appellate and complex research group. The Partners of the firm have more than 150 years of collective experience.

Most of our lawyers and staff were born and raised in Pennsylvania and we are proud to be part of the distinguished Pittsburgh and Harrisburg legal communities. The emergency response telephone number (412-600-0217) is answered by a lawyer 24/7 and allows us to provide high quality service to our clients. We urge our clients to utilize this number should the need arise.

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MEMBER SINCE 2008 Since 1960, Adler Pollock & Sheehan P.C. has delivered client-focused business law services designed to achieve cost-effective solutions for today's complex challenges. Based in Providence, the firm is a full-service regional law firm featuring a sophisticated corporate practice and a nationally renowned litigation practice. The firm successfully combines the depth and breadth of expertise of a large law firm with the advantages of responsive and direct personal service by partners found in smaller firms.

We are proud of our demonstrated record of achievement, which is sustained by a genuine and deep-rooted commitment to the ideals of the legal profession. The core of the AP&S approach is our focus on the client, which is evident in the personal high-level attention each client receives.

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MEMBER SINCE 2002 Sweeny, Wingate & Barrow, P.A. is a litigation and consulting law firm serving the needs of individuals, businesses and insurance companies throughout South Carolina. We are committed to a philosophy of excellence, integrity, and service.

Cooperation, selflessness, and diligence are essential to providing high-quality service to every client. At Sweeny, Wingate and Barrow, we are committed to providing excellent representation to our clients in helping achieve their legal goals. Our relationships with our clients are honest, open, and fair.

Our practice covers many legal issues in two distinct areas. As a business and tort litigation defense firm, we provide defense representation to corporations and individuals in trucking litigation, construction defect litigation, product liability cases, medical malpractice cases, and insurance coverage matters, including opinion letters and defense of accident claims, professional liability, construction defect, and product liability defense.

The other section of our practice includes the transactions and litigation situations that arise in connection with business planning, estate planning, probate administration, and probate litigation. We handle contract drafting, incorporations, startups, wills, trusts, probate matters, and countless other business needs for our clients.

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The firm has a wide and varied practice, particularly in central South Dakota, but also maintains a statewide litigation practice, regularly appears before State boards and commissions, and serves as legislative counsel for numerous associations and cooperatives.

Firm members have spent considerable time representing insurance companies in defense of casualty suits, products liability claims and similar matters.

The firm handles substantial regulatory law matters, and also does much work relating to banking, contracts, real estate, title work and probate and estate planning.

All members of the firm are active in professional activities and civic and fraternal organizations.

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MEMBER SINCE 2005 Fee, Smith & Sharp, LLP an AV rated firm based in Dallas, Texas, was founded to service the litigation needs of the firm's individual, corporate and insurance clients. The partners' combined experience as lead counsel in well over 200 civil jury trials allows the firm to deliver an aggressive, team-oriented approach on behalf of their valued clients. The partnership is supported by a team of talented, experienced, and professional associate attorneys and legal staff who understand the importance of delivering efficient, quality legal services. The attorneys at Fee, Smith & Sharp, LLP are actively involved in representing clients throughout Texas in a variety of commercial, property and casualty cases at the state, federal and appellate levels.

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MEMBER SINCE 2019 MehaffyWeber was founded in 1946 as a litigation firm. As our clients' needs expanded, we evolved into a broad-based law firm, still with a strong litigation emphasis. We tailor our approaches to best suit the client's individual needs. We are proud to have a long record of winning cases in tough jurisdictions, but we know that not all cases need to be tried. We use legal motions and other means to achieve positive results pre-trial, and when appropriate, we work hand in hand with our clients to secure advantageous settlements. Today, we continue to believe that hard work, ethical and innovative approaches are core values that result in success for the firm and our clients.

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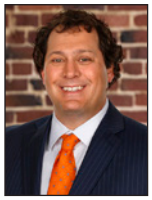

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MEMBER SINCE 2022 Richmond, Virginia-based Moran Reeves & Conn PC specializes in complex litigation, business transactions, and commercial real estate/finance. Its attorneys and legal professionals operate within a technologically advanced, nimble work environment. Client service is foremost at Moran Reeves Conn. Firm leaders also encourage community involvement and are proponents of a collaborative, inclusive culture.

The firm's litigation team handles product liability defense, toxic torts and environmental litigation, construction litigation, premises liability, commercial litigation, and general liability defense. Its award-winning healthcare team works on matters involving medical professional liability, healthcare litigation, and employment disputes. Known as experienced trial attorneys, MRC lawyers also pursue alternative means of dispute resolution when appropriate, including arbitration and mediation.

The firm's robust business transactional practice includes representation of corporate clients and developers in large-scale financing and commercial real estate deals. Team attorneys are experienced in entity formation, creditors' rights, securities offerings, tax-advantaged arrangements such as 1031 exchanges, and other complex transactions.

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MEMBER SINCE 2015 Flaherty Sensabaugh Bonasso PLLC serves local, national and international clients in the areas of litigation and transactional law. Founded in 1991, today more than 50 attorneys provide quality counsel to turn clients' obstacles into opportunities.

At Flaherty, we are deeply committed to partnering with our clients to obtain optimum results. Throughout our history, our prime consideration has been our client's interests, with a key consideration of the costs associated with litigation.

While avoiding litigation may be desired, when necessary, our attorneys stand prepared to bring their considerable experience to the courtroom. We are experienced in trying matters ranging from simple negligence to complex, multi-party matters involving catastrophic damages.

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Lots of firms talk about being responsive; we live it. Our commitment to serving our clients fundamentally shapes how we view and practice law.

We are human beings. While we thrive under incredible challenges and difficult circumstances, we also care deeply about the people we work with and represent. Being authentic also means that we recognize our clients are people too. We understand them, and we know them.

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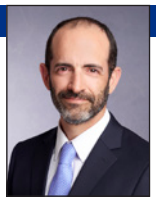

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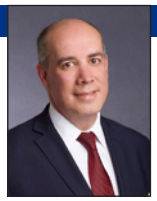

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Since its inception, in 1996, the firm has been involved in several landmark transactions that helped shape the current Brazilian economic environment and has become a leading provider of legal services in several of its areas of practice, especially in corporate transactions, mergers & acquisitions, finance, tax, litigation, arbitration, governmental contracts and administrative law, regulated markets and antitrust.

Clients of the firm benefit from its knowledge and experience in all areas of corporate life and our commitment to excellence. The firm`s work philosophy, combined with the integration among its offices, practice groups and lawyers, put the firm in a privileged position to assist its clients with the highest quality in legal services.

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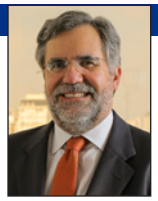

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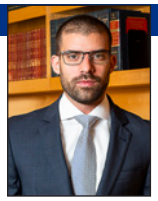

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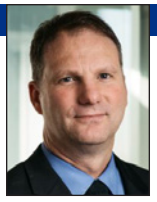

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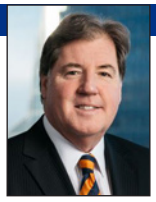

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Our insurance defence team is amongst the largest in the region and is recognized in the Lexpert Legal Directory for Canada as a 'leading litigation firm in eastern Ontario' in the area of commercial insurance. The group regularly acts for leading insurers on insurance defence and subrogation.

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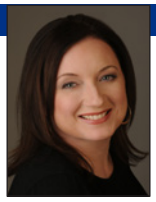

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From our original focus on agri-business, the firm has grown and branched out both in terms of its size and expertise. While we have maintained our industry leadership with respect to our historical roots, we handle a wide range of matters for our clients. Our most significant ingredient for success however continues to be the professionals of our firm who commit themselves every day to serving our clients.

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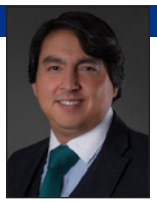

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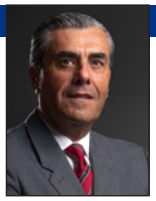

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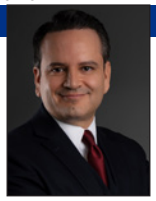

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