SUMMER 2025

US LAW

DEAR CHATGPT: WHY DID AI GET ME SUED?

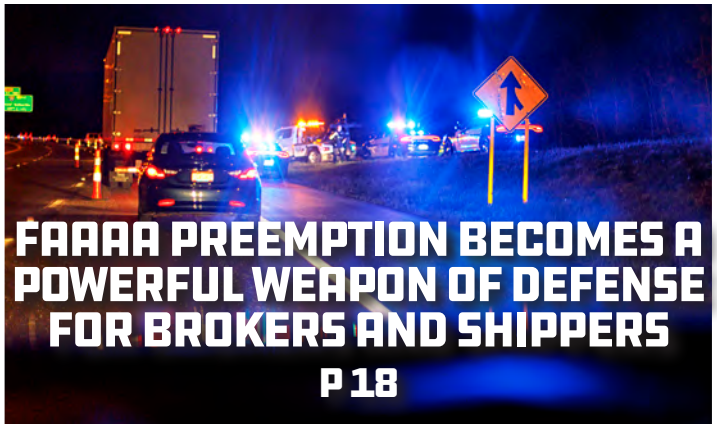
P 8

THE EUROPEAN UNION'S AI ACT MAKES ITS MARK AND U.S. BUSINESSES ARE WITHIN ITS REACH

P 2

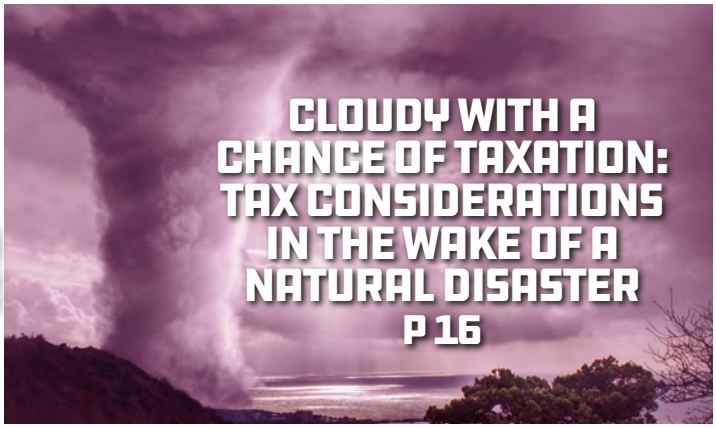
PROTECTING YOUR BOTTOM LINE: ADJUSTING SUPPLY CHAIN CONTRACTS TO MITIGATE TARIFF IMPACTS

P 14



FAAAA PREEMPTION BECOMES A POWERFUL WEAPON OF DEFENSE FOR BROKERS AND SHIPPERS

P 18



CLOUDY WITH A CHANCE OF TAXATION: TAX CONSIDERATIONS IN THE WAKE OF A NATURAL DISASTER

P 16

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table of CONTENTS

SUMMER 2025

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FEATURES:

DEPARTMENTS:

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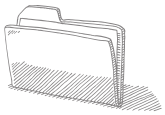

from the CHAIR'S DESK

As we reach the halfway point of 2025, I reflect on the successes and progress we've made together and look forward to the opportunities ahead. We've connected with longtime friends and clients, welcomed new legal decision-makers to the USLAW community, helped members expand their practices, delivered informative and engaging programming, and launched USLAW Live, USLAW's official podcast, to name just a few highlights. We will build on this momentum to propel us forward in the months ahead.

We've been focused on our full-court press approach to 2025 that inspires our members to work collaboratively (as a team), to share referrals throughout the NETWORK (make good passes) that ensure their clients receive trusted referrals, and to remain nimble (be ready to pivot) for the changing business and global landscape all of us face. Through our collegial NETWORK, USLAW members are well-positioned to assist you wherever your legal needs may arise. From tariff talks to employment law matters to transportation, manufacturing and business restructuring, USLAW members have the experience to help you navigate the ever-changing legal landscape around your business.

As you flip through the pages of *USLAW Magazine*, our members and exclusive corporate partners address numerous hot topics, including FAAAA, artificial intelligence, jury insights, tariff impacts, tax implications and more. We also share member successes in and out of the courtroom.

Whether this is your first USLAW connection or you've been with us for a while, thank you for your continued support of USLAW NETWORK and our members. Please reach out to us if we can assist you with anything.

All the best,

Kenneth B. Wingate
Chair, USLAW NETWORK
Sweeny, Wingate & Barrow, P.A. | Columbia, SC

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THE EUROPEAN UNION'S AI ACT MAKES ITS MARK AND U.S. BUSINESSES ARE WITHIN ITS REACH

Caroline Mazurek Cozzi and **Joe Carlasare** Amundsen Davis, LLC

The European Union's Artificial Intelligence Act (AI Act) is more than a theoretical concept or distant regulation. It is the world's first comprehensive regulatory framework designed to shape AI governance and oversight. It provides rules related to the ethical use of AI and enhances consumer protection. Much like the effect of the General Data Protection Regulation (GDPR) on U.S. businesses related to data privacy, the AI Act forces companies to reassess how they build, deploy, and monitor artificial intelligence.

The Act supports innovation and market access and applies to almost every organization developing, deploying, or using AI systems. This includes American-based companies that develop or distribute AI products in the European Union (EU) market or those whose services produce outputs that affect EU residents. While the GDPR primarily impacted data flows, the AI Act targets systems. The Act's provisions create direct compliance obligations and legal risks that have an extraterritorial reach, regardless of industry or physical location.

TIMING AND APPLICABILITY OF THE ACT

The Act went into force on August 1, 2024, and the first two provisions took effect on February 2, 2025. In particular, Chapter I includes general provisions that outline the scope of the Act and provide key definitions. Article 4 within the chapter imposes AI literacy obligations to ensure companies have the skills, knowledge, and understanding to make informed decisions regarding AI deployment and gain awareness about potential harm. To meet the

AI literacy requirements, companies are tasked with promptly organizing training and education for their staff and all persons dealing with the operation and use of AI within their company.

Chapter II of the Act lists AI practices that are prohibited as of February 2, 2025. Examples of prohibited practices include the use of subliminal techniques, systems that exploit vulnerable groups, biometric categorization, social scoring, individual predictive policing, facial recognition systems using untargeted scraping, emotion recognition systems in workplaces and educational institutions, and "real-time" remote biometric identification systems in publicly accessible spaces for the purposes of law enforcement.

Additional provisions of the Act will continue to take effect on a rolling basis until all are in full force within a few years. Few exceptions apply and generally encompass the use of AI systems by the military, public authorities, or for research. The next compliance requirement of the Act takes effect on August 2, 2025, and creates transparency obligations, such as maintaining technical model and dataset documentation.

WHY SHOULD U.S. BUSINESSES CARE?

While the Act seems remote due to its international moniker, it can still affect U.S. businesses, even those that are not physically located within the European Union. The Act's applicability to U.S. businesses, however, depends on the company's role in the AI value chain. The Act defines key players within the chain, consisting of providers, developers, product manufacturers, importers, distributors, and authorized representatives.

For example, a U.S. company using an AI tool to recruit for a job in the EU falls within the scope of the Act because the AI tool's output is used in the European Union. The company is classified as a deployer and subject to the applicable provisions of the Act. Similarly, a U.S. auto manufacturer that embeds an AI system to support self-driving functionalities and distributes the vehicle under its own name or trademark in the EU falls within the scope of the Act. The auto manufacturer is classified as a product manufacturer because it has created and distributed a product containing an AI system in the European Union's market.

The scope of the Act's application further depends on the level of potential harm associated with the product or service. The Act previously identified four categories of potential harms ranging from the most extreme—systems that posed unacceptable risks—to those that posed minimal risks. The main focus is now on unacceptable-risk AI systems, which are completely banned, and high-risk AI systems that negatively affect safety or fundamental rights.

If the auto manufacturer's AI system in the previous example is classified as high-risk due to the system's effect on the safety component of the vehicle, the auto manufacturer assumes the role of an AI provider and is subject to heightened compliance obligations. Those include keeping technical documentation, ensuring the system undergoes the conformity assessment procedure, and complying with all EU regulations.

CORE ISSUES TO CONSIDER

U.S. companies face several issues under the Act, including regulatory exposure, operational risks, and reputational concerns. It is clear that a company can be held responsible for its own violations of the Act. Less clear, but also likely, is the concept that a company can be held responsible for violations caused by third-party AI vendors whose products or services touch the European Union. This complicates procurement, contracting, and vendor management.

When working with a third-party AI vendor, U.S. companies should take proactive steps by assessing the level of risk of the AI system and the compliance posture of the vendor. Inspecting technical documentation, requiring timely notification of regulatory inquiries or incidents, and overseeing audits can prevent major problems.

Another issue to consider is the misclassification of the AI system or the company's role. Although defined by the Act, the risk categories are often broader than assumed and require specific disclosures. Whether intentional or due to ignorance, misclassification can subject a company to enforcement actions, product bans, or customer lawsuits. Conducting a thorough analysis of all AI systems using cross-functional teams will ensure alignment.

COMPLIANCE OBLIGATIONS UNDER THE ACT

Compliance obligations under the Act depend on the risk level and the type of system. Providers and deployers of high-risk AI systems face the strictest requirements. These include documenting and disclosing significant incidents, implementing mitigation measures, and ensuring human oversight. Notably, compliance obligations are not limited to any particular industry. Software vendors, tech platforms, SaaS providers, and financial institutions can all be subjected to the Act's provisions.

In fact, many health care organizations are affected by the strictest requirements due to the sensitive and confidential nature of the information that they maintain and exchange. For example, patient identification systems that use biometric data to identify patients and their medical records are classified as high-risk under the Act. They are either banned or significantly restricted. Such systems require ongoing evaluation, auditing, and reporting to ensure full compliance.

Now is the time for U.S. businesses to adhere to compliance requirements. The first step is conducting a comprehensive inventory and identifying which AI models, tools, or features are deployed in or have outputs that affect the EU market. The next step is to classify each system by risk level and adhere to the corresponding obligations. This requires a living governance framework that evolves with changes to the AI system and adheres to regulatory guidance. Finally, establishing cross-functional AI compliance teams is crucial for monitoring systems before, during, and after deployment.

In the age of artificial intelligence, proactive steps are advised. This is particularly true because non-compliance with the provisions of the AI Act can trigger penalties of up to €35 million or 7 percent of global revenue, whichever is higher. These numbers are not hypothetical but rather mirror penalty provisions in other EU regulations concerning privacy and data protection. As the world trends towards automation and efficiency, the AI Act is no longer a European issue—it is a global compliance event.

Caroline Mazurek Cozzi is an associate attorney at Amundsen Davis. She is dedicated to servicing clients in a wide range of industries, including transportation and logistics, retail, and health care, while exploring the effect of artificial intelligence on legal issues.

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THERE'S COVERAGE FOR THAT?!

The 'Ins and Outs' of Personal and Advertising Injury Coverage

Michael C. Cannata and **Frank Misiti** Rivkin Radler LLP

Most practitioners know that a general liability insurance policy provides coverage for bodily injury and property damage claims within the Coverage A part of the policy. But what is often overlooked is the nuanced coverage provided by the Coverage B part of the policy typically styled "personal and advertising" injury.

But what is "personal and advertising" injury? Let's start with what it's not. Whereas Coverage A typically provides coverage for bodily injury or property damage caused by an occurrence – leaving up for debate what qualifies as an occurrence – Coverage B only extends coverage to certain clearly identifiable enumerated offenses which include:

- False arrest, detention or imprisonment;
- Malicious prosecution;
- The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies, committed by or on behalf of its owner, landlord or lessor;
- Oral or written publication, in any manner, of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;
- Oral or written publication, in any manner, of material that violates a person's right of privacy;
- The use of another's advertising idea in your "advertisement"; and
- Infringing upon another's copyright, trade dress or slogan in your "advertisement."

Like Coverage A, Coverage B generally includes an insurer's duty to defend claims that allege any of the above-referenced offenses. This defense obligation is critical as the types of claims that fall within the purview of Coverage B are typically expensive cases to defend.

While certain of the enumerated offenses and the claims through which such offenses are alleged are self-evident (*e.g.*, false arrest, malicious prosecution, wrongful eviction, etc.), certain of the other enu-

merated offenses warrant discussion.

For example, Coverage B generally provides coverage for disparagement under the offense for "[o]ral or written publication, in any manner, of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services." Claims for disparagement typically fall under one of two categories: direct disparagement or implied disparagement. Direct disparagement involves situations in which an insured makes a specific statement that disparages a competitor or a competitor's goods, products, or services. For example, a claim for direct disparagement may be alleged where an insured wrongfully asserts to a customer that one of its competitor's products violates a patent.[1] Claims alleging direct disparagement are generally less controversial, and most jurisdictions typically endorse coverage for such claims, absent any applicable exclusion.

Claims alleging implied disparagement, however, typically present a closer coverage question as some jurisdictions endorse coverage for such claims and others do not. For example, one district court found coverage under an implied disparagement theory where the insured was alleged to have made false statements about its allegedly inferior products and then compared its products to the plaintiff's products, thereby disparaging the plaintiff's products by implication. In doing so, the court reasoned that statements comparing a competitor's product to an allegedly inferior one are no different than, and no less disparaging than, stating that one's own product is superior to the competitor's product.[2] Likewise, another district court found coverage where the insured's advertisements led consumers to believe that the insured's inferior products were of the same high quality as the competitor's products, reasoning that such comparison disparaged the competitor's products.[3]

Another enumerated offense that warrants discussion are claims that allege the "[i]nfringing upon another's copyright, trade dress or slogan in your 'advertisement.'" In that connection, general liability policies have defined the word "advertisement," in relevant part, as "a notice that is broadcast or published to the general public or specific market segments about your goods, products or services for the purpose of attracting customers or supporters." While the question of whether a claim alleges copyright or trade dress infringement is typically easily answered, the question of whether such infringement occurred in the insured's "advertisement" can be more challenging. For example, in *United States Fid. & Guar. Co. v. Fendi Adele S.R.L.*, the Second Circuit held that there was no coverage under this enumerated offense as:

> [the insured] did not engage in any advertising of the counterfeit goods, and in its complaints in the underlying actions, [the underlying plaintiff] did not allege that it suffered injury because of any advertising activities on the part of [the insured]. Rather, [the underlying plaintiff] complained that it suffered injury because defendants sold counterfeit goods, and damages were awarded in both of the underlying actions based not on [the insured's] advertising activities but on its sales of counterfeit products.[4]

In contrast, the United States District Court for the Southern District of New York concluded that the insured's use of copyrighted images in connection with the sale of certain toys fell within this enumerated offense based on plaintiff's allegation that millions of products were sold, resulting in a reasonable inference that the copyright infringement occurred in the insured's advertisement.[5] The court also supported this inference by pointing to, among other things, allegedly infringing marketing materials utilized by the insured.

Notwithstanding the existence of these enumerated offenses, serious consideration must also be given to certain policy exclusions which may take claims squarely outside of coverage. To that end, general liability policies typically contain multiple exclusions specific to Coverage B. For example, such exclusions may bar coverage for claims involving the knowing violation of the rights of another, material published with knowledge of falsity, material published prior to the policy period, the wrongful description of prices, or breach of contract. Given their breadth, two of these exclusions deserve further discussion.

First, general liability policies typically seek to bar coverage for all intellectual property claims except those specifically set forth in the "infringement" enumerated offense. To that end, Coverage B usually contains an exclusion entitled "Infringement of Copyright, Patent, Trademark or Trade Secret" that excludes coverage for personal and advertising injury "arising out of the infringement of copyright, patent, trademark, trade secret or other intellectual property rights. However, this exclusion does not apply to infringement, in your 'advertisement', of copyright, trade dress or slogan." Relying on this exclusion, courts have excluded coverage for intellectual property claims, such as trademark infringement claims, because the exclusion applies to claims that fall within the scope of the Lanham Act.[6]

Second, general liability policies also seek to bar coverage for claims based on statements made by an insured about its own products. In that regard, Coverage B typically contains an exclusion entitled "Quality or Performance of Goods – Failure to Conform to Statements." This exclusion bars coverage for personal and advertising injury "arising out of the failure of goods, products or services to conform with any statement of quality or performance made in [the insured's] 'advertisement.'" Relying on this exclusion, courts have excluded coverage for claims where the only falsity in the insured's advertisement was the failure of the insured's own product to meet its advertised quality and nature.[7]

In closing, Coverage B is an important aspect of the coverage potentially available under general liability insurance policies. Given the "enumerated offense" approach contained in Coverage B, and the many robust policy exclusions contained in that coverage part, careful consideration should be given to any claims that may potentially fall within the purview of Coverage B.

Michael C. Cannata and Frank Misiti are partners in Rivkin Radler's Insurance Coverage and Intellectual Property practices. They litigate complex insurance coverage, intellectual property, and other commercial disputes in federal and state courts throughout the country.

1 *Amerisure Ins. Co. v. Laserage Tech. Corp.*, 2 F. Supp. 2d 296, 304 (W.D.N.Y. 1998).
2 *Jar Labs. LLC v. Great Am. E&S Ins. Co.*, 945 F. Supp. 2d 937, 944 (N.D. Ill. 2013).
3 *State Auto Prop. & Cas. Ins. Co. v. Ward Kraft*, 434 F. Supp. 3d 1003, 1009 (D. Kan. 2020).
4 823 F.3d 146 (2016).
5 *Lexington Ins. Co. v. MGA Entm't Inc.*, 961 F. Supp. 2d 536, 555 (S.D.N.Y. 2013).
6 *Superformance Int'l, Inc. v. Hartford Cas. Ins. Co.*, 332 F.3d 215, 222 (4th Cir. 2003).
7 *Harleysville Mut. Ins. Co. v. Buzz Off Insect Sheild, L.L.C.*, 364 N.C. 1, 22 (2010).

Waiver: Can You Compel Minors to Resolve Disputes in Arbitration?

Nicole K. Cramer of Sweeney & Sheehan and **J. Michael Kunsch**

The popularity of recreational facilities whose primary clientele is children presents a timely question of law: can a parent, acting on behalf of their minor child, sign an agreement requiring submission of disputes to arbitration? The answer largely depends on where you are.

There is no national consensus on the enforceability of arbitration agreements signed by a parent on behalf of their minor child. In fact, most states have not directly addressed this question. This developing area of law creates an opportunity to shape the future of the litigation landscape but leaves practitioners uncertain about best practices in the meantime.

Several states, including New Jersey, Ohio, and Florida, have held that a parent may bind their child to arbitration of tort claims. Primarily, these courts reason that binding arbitration does not waive any substantive rights of a child and merely dictates the forum where those rights are vindicated. In their view, the child's claims are not extinguished merely by litigating them in arbitration versus in front of a judge and jury.

Where these agreements are enforced, courts note that since parents have the authority to initiate a lawsuit on behalf of their child and choose the venue for that suit, it is only logical that they could choose to pursue the claims in arbitration. The arbitration agreements are enforced without limitation since they remain subject to contractual defenses such as fraud, duress, or unconscionability.

Other states that are opposed to the enforcement of arbitration agreements for the tort claims of minors, such as Pennsylvania and Connecticut, rely on constitutional concerns and contract principles. These Courts equate agreements to participate in binding arbitration to waiving a constitutional right to a trial by jury, noting that parents are not allowed to settle a claim on behalf of their child without court oversight and approval. If a parent cannot independently settle a claim on behalf of their child, how then could they be permitted to force those claims to be determined by an arbitrator without court oversight?

Courts further limit the validity of arbitration agreements using contract principles. Minors do not have the capacity to contract independently, and any contract they sign is voidable. Thus, a minor child could not consent to arbitrate their claims on their own. Similarly, without the capacity to contract, a minor does not have the capacity to designate an agent to act on their behalf.

While parents are considered natural guardians of the person of their child, they are not automatically considered guardians of their child's estate. As a tort claim is considered property of the minor, parents do not inherently have the right to manage the claim. It is the public policy of many states to protect the interests of minors, which is why many have enacted statutes that toll the statute of limitations of tort claims of minors until after they reach the age of majority and why court oversight is required when those claims are brought during the child's minority.

Creating additional agency concerns, many tort claims in this context are brought by the parents both in their individual capacity and in their capacity as natural guardians on behalf of their minor child. Courts have relied on agency principles to invalidate arbitration agreements where only one parent signed the agreement on behalf of their child. For example, if parent A signs an arbitration agreement on behalf of their child, this does not bind parent B to the agreement absent some form of agency between parents A and B. Agency would typically have to be established through the words or conduct of parent B, which in most cases does not exist. Invalidating the agreement as to one parent typically leads to full litigation of the claims.

ARGUMENTS IN FAVOR OF ENFORCING ARBITRATION

Some courts enforcing arbitration of the tort claims of minors offer alternative reasoning that could be persuasive where this is an issue of first impression.

Third-Party Beneficiaries

One commonly raised point is that arbitration agreements are enforceable even against non-parties when they are third-party beneficiaries to the agreement. Some Courts have interpreted this to include minor children. Where a parent signs an arbitration agreement to secure their child's admission to a recreational facility and their child then enters and utilizes the recreational facility, that child is a third-party beneficiary to the arbitration agreement. As a third-party beneficiary, the child is a person against whom the arbitration agreement may be enforced. This is a more widely used concept in the enforcement of arbitration agreements generally and may be more palatable to courts who are on the fence about enforcing arbitration for minors.

Notably, the Pennsylvania case finding the arbitration agreement unenforceable as to minors included a footnote that they were specifically not considering whether the same outcome would apply if it were argued the child was a third-party beneficiary to the agreement. This seems to imply it would make a meaningful difference in the court's analysis. See *Santiago v. Philly Trampoline Park, LLC*, 291 A.3d 1213 (Pa. Super. 2023)

Statutory Authority

Some states have statutes that directly impact the enforceability of arbitration agreements for the claims of minors that may not be what you would traditionally consider applicable. For example, when the Texas courts were asked to consider this issue, they looked to their Family Code. The code expressly gives parents the right to make decisions of "substantial legal significance" on behalf of their child and to represent their child in legal actions. This was sufficient to give a parent express authority to sign a binding arbitration agreement on behalf of their child. *See Taylor Morrison of Tex., Inc. v. Ha*, 660 S.W.3d 529 (Tex. 2023).

Some states may have statutory authority relevant to arbitration agreements generally that have not yet been interpreted by courts as they apply to the claims of minors. Arizona, for example, states that arbitration agreements are valid, enforceable and irrevocable unless there are grounds for the revocation of a contract. *See* A.R.S. § 12-1501. Although it does not address minors specifically, this statute could be interpreted to include them.

As discussed, the primary concerns of courts that do not enforce these agreements are constitutionality and legal capacity to contract. Because constitutional rights are waivable, focusing on the authority of a parent to waive their child's rights is one way to refute this argument. If a court or legislature has granted a parent authority to contract on behalf of their child or to manage their legal claims in other contexts, then a parent could also have the right to waive their child's right to a jury trial by submitting their claims to arbitration.

BLIND SPOTS IN EXISTING ANALYSIS

Many courts declining to enforce these types of arbitration agreements based on public policy interests to protect minors' claims do so without acknowledging public policy in favor of arbitration. One issue raised is the lack of court oversight in the arbitration process. While perhaps a valid concern, courts relying on this argument omit discussion of potential court oversight by requiring court approval of an arbitration award to determine whether the outcome is in the best interests of the child whose claims are at issue.

Some courts claim that a parent waives their child's right to a jury trial by submitting their claims to binding arbitration. This raises two potential counterpoints. First, these courts do not appear to hold that a parent cannot consent to their child's tort claims being addressed in arbitration proceedings absent a pre-injury arbitration agreement. This would imply that a parent has the right to waive their child's right to a jury trial by submitting their claims to binding arbitration after an injury has occurred. Logically, they should have the same rights pre-injury. Second, these courts do not address whether this same restriction would apply to non-binding arbitration agreements. This weighs heavily against the constitutional argument as no rights are waived by participating in a non-binding arbitration proceeding prior to filing a suit.

Given the split in the treatment of this issue in the few states that have addressed it directly, the future of pre-injury arbitration agreements for minors is uncertain in most of the country. This is an issue to monitor as it develops.

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DEAR CHATGPT: WHY DID AI GET ME SUED?

John C. Krawczyk Fee, Smith & Sharp, LLP.

I have recently had multiple conversations with clients, which have ended with them reiterating to me, in some form or another, that if I am not utilizing generative artificial intelligence ("AI") in my daily work, I am falling behind the curve.

To the uninitiated, generative AI is a type of artificial intelligence that creates new content, such as written prompts, altered images, unique music and deep-fake videos, based on user prompts or inputs. The use of this AI has grown exponentially due to programs becoming more commercially available and in free online formats.

Internally, my law firm and many others have had discussions regarding the current reality of AI use by both our corporate clients as well as by our younger attorneys. In these conversations, three things have become abundantly clear:

1. AI is here to stay - both our clients and our supervised employees are using it regularly and that use is only increasing;

2. Legal liability for reliance on AI is unclear, but developing rapidly; and

3. We need to develop policies that outline the scope of use, required safeguards and consequences for improper use in order to protect our corporate clients.

The general proactive response to protecting companies against the prevalence of AI use has been surprisingly passive in the aggregate. Even the courts, who are traditionally slow to respond to advancing technology, have taken a more proactive role in setting parameters for the use of AI by their practicing attorneys. For example, many federal courts and district courts in Texas have included mandatory disclosure and verification requirements for their practicing attorneys, including in-brief identification of use or non-use of generative AI in the Northern District of Texas.[1]

However, it is not just attorneys who will likely be affected by the changes in AI use. Our corporate clients must also be careful about the extent to which they use AI, how they monitor AI use by employees and third-party vendors, and what their internal policies dictate regarding the parameters of AI use.

EXPOSURE TO CLIENT FIRMS

While being held accountable for the work product of AI is relatively new territory, we have already seen a couple of instances where courts have been forced to address issues of liability pertaining to the use of AI.

For example, in a matter brought by the New York District of the EEOC in 2023, *EEOC v. iTutorGroup*, iTutorGroup and two other related companies were ordered to pay $365,000 to aggrieved applicants based on allegations of age discrimination practices perpetrated by generative AI. iTutorGroup is a Chinese company that provides online tutoring services and hires tutors in the United States to remotely tutor iTutorGroup's customer base. The evidence presented to the Agency was that iTutorGroup

had an algorithm in its application software that made applicant screening decisions based on certain pre-determined criteria. The EEOC alleged that iTutorGroup had an algorithm programmed to automatically reject female applicants aged 55 or older and male applicants aged 60 or older. The AI allegedly rejected approximately 200 applicants during a set period pursuant to this algorithm. The EEOC determined that this algorithm violated Title VII of the Civil Rights Act. Settlement was reached between the EEOC and iTutorGroup, and the company was forced to submit to further screening by the EEOC in addition to the monetary payouts.

In another 2024 class action matter, filed in California's Northern District, *Mobley v. Workday*, a human capital management platform, was sued for discriminatory hiring practices due to an AI screening program that allegedly discriminated against applicants on the basis of race, age and disability. The court, in analyzing the narrow issue of whether Workday, a third-party vendor that provided screening services to business clients, could be found liable for the hiring practices of its business clients merely on the basis of the conduct of its algorithmic programming, determined that Workday was an "agent" of its business clients under Title VII and allowed Plaintiff's claims to proceed to discovery. This ruling has significant implications for both AI vendors and employers using AI employment screening services, potentially expanding the scope of liability under federal anti-discrimination laws.

While the above-highlighted cases took place in two of the more liberal jurisdictions in the United States, the overall conclusion to be drawn from these rulings is that it is highly likely that courts will continue to determine whether entities that use AI will ultimately be held liable for injury to the public. More importantly, to assume that these initial cases are not indicative of a larger future trend in litigation for plaintiff lawyers is a serious risk to your entity and its exposure and liabilities.

WHAT TO DO NOW?

The ubiquitous nature of AI by our clients and colleagues has made it essential to have up-to-date written policies outlining the proper use of AI, how said AI will be monitored and a description of explicit sanctions for the improper use of AI. Our corporate clients can no longer sit back and look at the improper use of AI as a solitary act with no blame-worthy party and must further understand that courts will soon begin to hold corporate clients accountable for the actions of their employees or vendors (rogue or otherwise) in this regard. While decisions on litigation regarding vicarious liability due to the use of AI are still new and largely unclear, it is essential that corporate clients and lawyers get ahead of the inevitable future and begin preparing safeguards for their employees' and directors' behavior. The first step is to set up a commission or group within your company to decide what the proper use of AI is in the context of your business model. The next step is to memorialize that policy in your manuals and handbooks.

WHAT TO INCLUDE?

Your company policies regarding the use of generative AI should generally cover three important categories: (1) Scope; (2) Accepted Programs/Apps; and (3) Clear Sanction Policy.

(1) Scope

A good scope section regarding the use of generative AI sets out to define what the company personally believes is an appropriate use of AI in light of their business models, goals for the organization and explicitly outlines the limits on same. This sets out to define for employees the important distinctions or limitations on the expected use of AI, such as do you want your employees to create emails to customers with chat-generated programming or are you concerned that this practice could reflect poorly on the level of attention to detail your customers will associate with your company. Conversely, do you have any areas of work that you believe will be more efficient with the use of AI that you want to encourage further use by your employees, such as "Thank You" letters or accounting matters? Setting these matters aside clearly in your policy signals to your employees what is expected of them and what to watch out for and ultimately reduces the likelihood of overreach or confusion.

(2) Accepted Programs/Apps

When selecting an application, program or a vendor who provides services that implement AI, it is important to note that not all AI is created equal. Having a restrictive policy as to what applications or programs are acceptable to use for AI practices, identified by program or company name specifically, is important. More restrictive is better, as most executives will admit that they would rather prohibit the use of a program that they are unfamiliar with but ultimately turns out to be reliable than fail to prohibit the use of a program that it is later discovered has a history of inaccuracies that could lead to legal exposure. Before specifying these limitations, meet with your IT personnel and discuss what programs make sense to place on an exhaustive list for your business model.

(3) Clear Sanction Policy

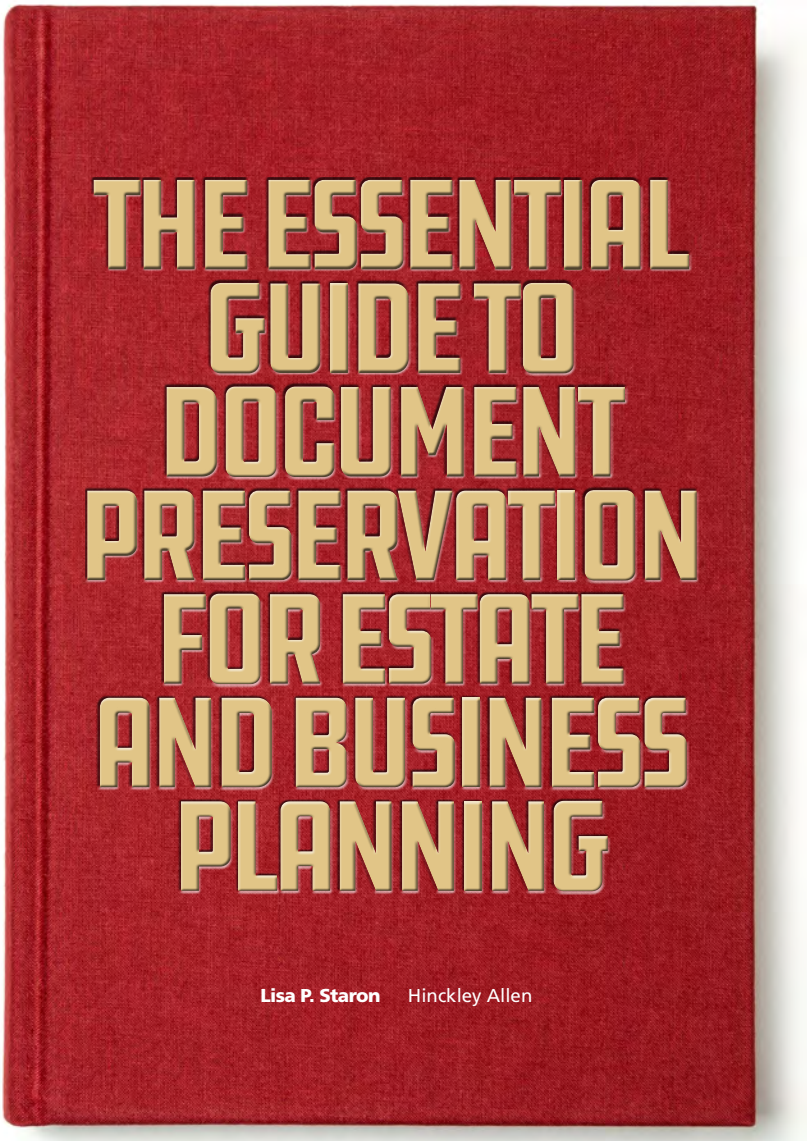
Lastly, while defining use is important, it is just as important to outline consequences for an employee's deviation from the stated policy. As the litigation landscape for holding employers responsible for the use of AI expands, it will be incumbent on our corporate clients to ensure that they are not deemed to have a permissive policy that does not actually prevent improper AI use. The pitfalls of the use of AI are becoming more foreseeable by the day. With that, it is anticipated that courts will hold defendants accountable for not properly monitoring the use of AI by its employees and vendors. Make sure you have language in place that details clearly to your personnel that the impermissible use of AI is not tolerated and has employment-related consequences.

CONCLUSION

As an overall directive, get ahead of the curve. Generative AI is becoming a greater part of the business landscape and your responsibilities regarding its use will increase with little warning, beyond the expected increase in litigation for AI use in the future. Make sure you reach out to your in-house or outside counsel to determine how to include appropriate language in your handbook or policy manual that reflects an understanding of the changing practices and responsibilities of AI use and places your business in firm standing to avoid being unprepared for the coming wave of changes.

John C. Krawczyk is a Dallas attorney and senior counsel with Fee, Smith & Sharp, LLP. He focuses his practice on labor and employment law and matters involving catastrophic loss, construction litigation and insurance defense.

[1] Local Rule 7.2(f)(1) – (3).



Over the course of a lifetime, each of us will accumulate a small mountain of documents, paperwork that is often carelessly tossed in a drawer and then, perhaps, eventually discarded. Though much of this paperwork is insignificant, there is plenty that needs to be saved and accounted for, especially when you are organizing your estate and home to best prepare for the future.

Document preservation and organization can go a long way in helping you organize your finances, create a record for tax purposes, and create an estate plan that is easy for your executor to carry out and clearly incorporate your wishes. For business owners, these document processes help streamline ongoing business administration and financial and tax reporting and can also facilitate succession planning or the due diligence involved in a sale.

Here, we outline what types of documents you should keep, why you should save them, for how long to save them, and how to safely dispose of paperwork that you no longer need. You can download a checklist of documents you should retain here: *hinckleyallen.com/DocumentPreservationChecklist*

TYPES OF DOCUMENTS

Personal Records

The personal records that need to be kept can vary depending on the individual, but there are several key documents that should be retained. When it comes to identification documents for yourself and for your family members, these can include birth certificates, death certificates, marriage certificates, and divorce decrees. Asset ownership documents would include deeds to real property, titles, stock certificates, or other certificates of ownership.

Tax Returns

The IRS provides some guidance on how long to retain tax and tax-related documents. Generally, you must keep your records that support an item of income, deduction, or credit shown on your tax return until the period of limitations for that tax return runs out. The period of limitations is the period of time in which you can amend your tax return to claim a credit or refund, or the IRS can assess additional tax. The information below reflects the periods of limitations that apply to income tax returns. Unless otherwise stated, the years refer to the period after the return was filed. Returns filed before the due date are treated as filed on the due date.

Note: Keep copies of your filed tax returns. They help in preparing future tax returns and making computations if you file an amended return.

The Period of Limitations that Apply to Income Tax Returns

1. Keep records for 3 years if situations (4), (5), and (6) below do not apply to you.
2. Keep records for 3 years from the date you filed your original return or 2 years from the date you paid the tax, whichever is later, if you file a claim for credit or refund after you file your return.
3. Keep records for 7 years if you file a claim for a loss from worthless securities or bad debt deduction.
4. Keep records for 6 years if you fail to report income that you should have reported and it constitutes more than 25% of the gross income shown on your return.
5. Keep records indefinitely if you do not file a return.
6. Keep records indefinitely if you file a fraudulent return.
7. Keep employment tax records for at least 4 years after the date that the tax becomes due or is paid, whichever is later.

Generally, keep records relating to property until the period of limitations expires for the year in which you dispose of the property. You must keep these records to figure out any depreciation, amortization, or depletion deduction and to figure out the gain or loss when you sell or otherwise dispose of the property.

If you received property in a nontaxable exchange, your income tax basis in that property is the same as the basis of the property you gave up, increased by any money you paid. You must keep the records on the old property, as well as on the new property, until the period of limitations expires for the year in which you dispose of the new property.

When your records are no longer needed for tax purposes, do not discard them until you check to see if you have to keep them longer for other purposes. For example, your insurance company or creditors may require you to keep them longer than the IRS does.

For estate planning purposes, you should also keep copies of any gift tax returns that are filed, as well as copies of any estate tax returns that are filed for a spouse. These returns should be kept indefinitely during your lifetime, as they may be necessary or useful for your estate fiduciaries.

Business Records

If you are a business owner, companies have a longer list of records to maintain, especially when they have employees. Records to retain include, but are not limited to, formation documents, governing agreements, ownership records, intellectual property records, financial records, personnel records, dispute or complaint records, and injury or illness logs.

Organizations also need to keep detailed records of any assets bought, sold, or transferred. All of these documents must be retained throughout the life of a company, as they will be necessary for tax purposes as well as in the event of a sale or dissolution.

CONSIDERATIONS *FOR* DOCUMENT MANAGEMENT

Hard Copy Originals are the Gold Standard

When it comes to proving ownership, identity, or intentions, the best evidence rule holds that an original document is the superior form of evidence. Thus, any duplicates or copies may not be admissible if an original document exists and can be obtained. Regarding wills, it is especially important that there be only one original. If there are differences between copies of a will, even minor ones, it could give rise to litigation after death to determine which is valid. Additionally, original insurance policies, titles, deeds, powers of attorney, and trust agreements should be securely kept.

What About Digital Documents?

Digital documents have their place in our world and often make life easier, but their permissibility varies widely. For example, the IRS sometimes still requires wet signatures (ink on paper) on a document, whereas in other returns, you can sign and file electronically. Also, in Connecticut, many courts utilize electronic filing of pleadings and documents, thereby eliminating the need to submit originals of the same. The best practice would be to maintain the original copies of things you digitally submit so that you could provide a hard copy and meet the best evidence rule if required.

How to Decide What to Save

There are a few definitive rules you can follow when it comes to determining what documents to save. In the event that you have a document that is government-issued, there is generally only one, and you should do your best to keep it safe either on your person, like a driver's license, or in a safe spot in your home for things like Social Security cards and passports.

When it comes to items like birth, death, or marriage certificates, it is often helpful to have multiple copies as these are documents that you may be required to produce in a number of circumstances. Having additional copies is even more important when it comes to death certificates, as multiple institutions (such as the probate court, financial institutions, and life insurance companies) will require an original copy to deter fraud and counterfeit claims. It is generally recommended that you obtain 10 to 20 copies upfront, as you may need to use most or all of them.

WHAT TO DO IF YOU NEED A NEW ORIGINAL DOCUMENT

When a new or duplicate copy of an original record is needed, you can generally obtain it at various official offices. The office of vital records where the event occurred will have live birth certificates, death certificates, and marriage certificates. The Social Security Administration and the U.S. Department of State are points of contact for social security cards and passports, while driver's licenses and vehicle titles may be found at the Department of Motor Vehicles. Financial institutions will have bank statements and other financial records.

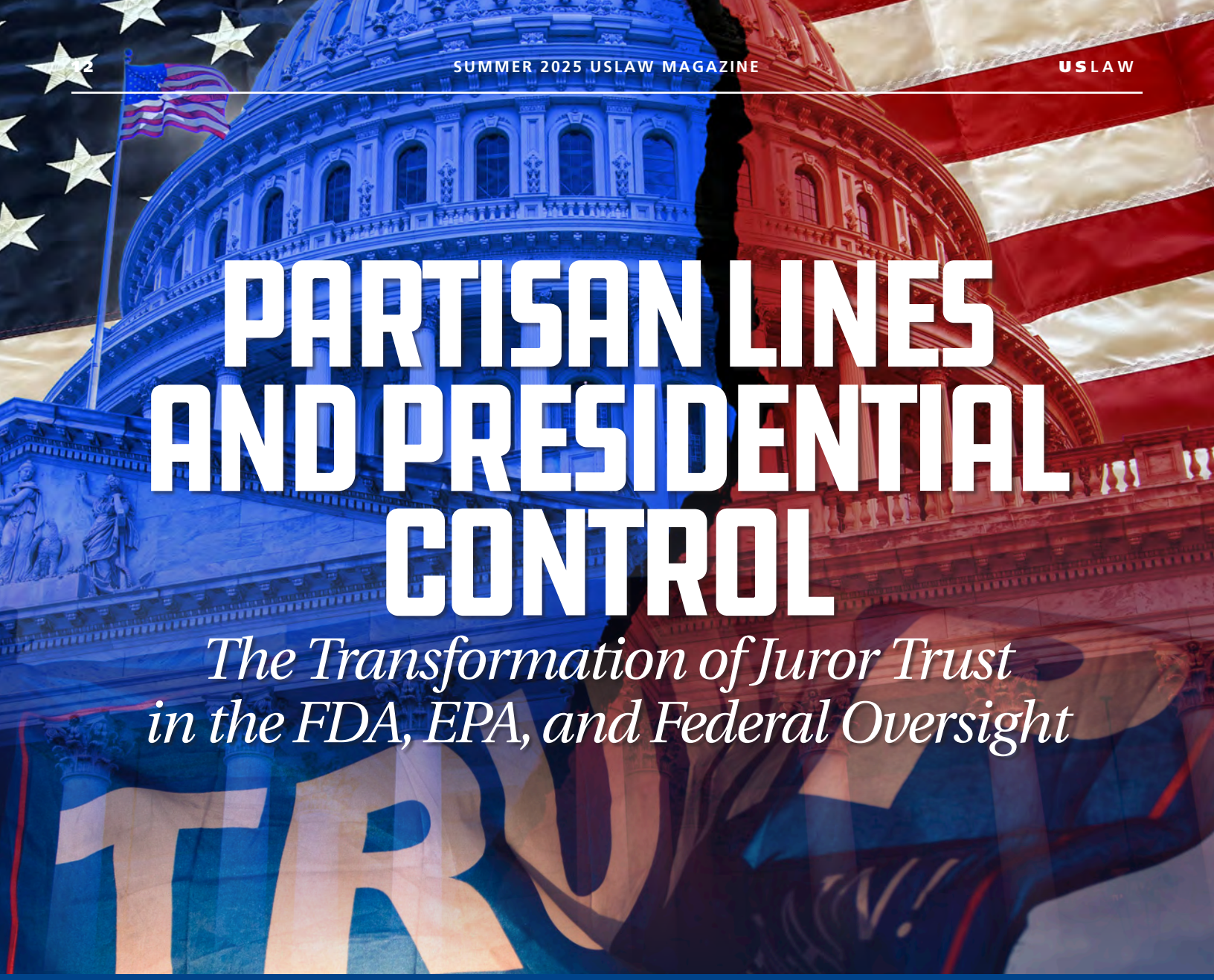
Business records like articles of incorporation, LLC formation documents, or business licenses can be found in the Secretary of State's office, where the business is registered. The IRS will have copies of tax returns and employer identification numbers. County clerks maintain copies of real estate documents, such as deeds and titles. Courts will have records of decrees, judgments, adoption records, liens, and other filings, and company human resource departments will have personnel records and employment agreements.

Many of these records can be requested online through official government websites, and attorneys can also assist in obtaining necessary documents. Make sure to have proper identification in order to obtain these records, and be aware of any fee that might apply to have a duplicate issued.

CONCLUSION

Err on the side of caution when it comes to document retention. If you are unsure whether you need to maintain a physical copy, seek guidance from your attorney, accountant, or other professional service provider. Be aware that state and federal laws differ when it comes to how long individuals and businesses need to maintain records. Where there is a discrepancy between the two, use the longer period.

Lisa P. Staron is a partner in Hinckley Allen's Trusts & Estates group. Lisa's practice includes estate, tax, and business succession planning, as well as estate and trust administration. She also has significant experience representing fiduciaries and beneficiaries in complex trust and estates litigation, including will contests, trustee surcharge and removal litigation, contested accountings, contested conservatorships and guardian proceedings, and trust and will construction actions.



PARTISAN LINES AND PRESIDENTIAL CONTROL

The Transformation of Juror Trust in the FDA, EPA, and Federal Oversight

Juliana Manrique, M.A. and **Jessica Kansky, Ph.D.** Immersion Legal Jury

Trust in federal regulatory agencies has undergone a profound transformation in the wake of Trump-era policies, marked by heightened skepticism and deepening polarization across the American public. During his administration, President Trump has issued sweeping executive orders designed to bring independent agencies, which have historically been insulated from direct presidential control, under tighter White House supervision. For example, a February 2025 order mandates that regulatory agencies align their policies with presidential priorities, submit new regulations for White House review, and establish liaison offices within the executive branch. Such moves have sparked widespread debate about the erosion of agency independence and the potential for regulatory instability, as agencies once tasked with nonpartisan oversight now face increased political influence. Public trust, already on the decline due to perceptions of inefficiency and partisanship, has been further shaken by promises of radical workforce reductions and mass rescission of regulations as championed by Trump's allies and high-profile appointees.

Shifting public perceptions of federal regulatory agencies have the potential to seep into deliberation rooms and influence how jurors evaluate cases involving agency approval or oversight. When trust in federal institutions like the FDA, EPA, or OSHA declines, jurors may be more skeptical of evidence or arguments that rely on agency findings, approvals, or assurances of safety and effectiveness. Conversely, higher trust can lend credibility to such defenses. With these hypotheses in mind, Immersion Legal's jury consultants set out to poll jury-eligible participants from a variety of jurisdictions across the country to better understand their attitudes toward federal regulatory agencies in the wake of recent Trump-era policies.[1] Unsurprisingly, jurors' political affiliation shaped the lens through which jury-eligible participants viewed the shifting landscape.

The FDA, a cornerstone of the nation's public health infrastructure, has been especially impacted. When asked about their view of the FDA during the second Trump administration, 39.6% of respondents said their opinion had become more negative, compared to just 6.6% who reported a more positive outlook. This aligns with broader polling data indicating declining trust in key health agencies, with the share of Americans trusting the FDA to make the right health recommendations falling from 65% to 53% in the past 18 months.[2]

Political affiliation was significantly

associated with changing perceptions of the FDA. Specifically, 20.6% of polled Republicans noted their view of FDA had become more positive, compared to just 1.4% of Democrats. Conversely, 53.1% of Democrats noted that their view of the FDA had become more negative compared to 19.1% of Republicans. Approximately 45.5% of Democrats reported their view of the FDA had not changed compared to 60.3% of Republicans who indicated the same. Taken together, the results suggest that views on the FDA have changed, with this being especially true among Democrats.

Skepticism over the FDA's independence and scientific rigor is also pronounced along party lines. When asked how much they trust the FDA to make decisions based on science rather than politics under the Trump administration, 60.6% of Democrats expressed low to no trust, compared to 38.2% of Republicans reporting the same. In contrast, 17.7% of Republicans compared to 11.7% of Democrats reported high or complete trust. Moderate trust was reported by 44.1% of Republicans and 27.6% of Democrats, highlighting a notable gap in the middle ground.

This polarization extends to confidence in the FDA's current leadership. While conservative respondents were somewhat divided over the extent to which the FDA's decisions are influenced by politics, they nonetheless expressed substantial confidence in the agency's leadership under the second Trump administration. Specifically, almost three-quarters of the Republicans surveyed felt very or somewhat confident (25% and 45.6%, respectively) in the FDA's leadership. This underscores a prevailing sense of institutional trust among conservative respondents. By contrast, 61.4% of Democrats reported feeling not confident about the FDA's leadership, reflecting deep skepticism and concern about the agency's direction.

Concerns have been further heightened by recent workforce reductions at the FDA, which some view as an impediment to the agency's ability to fulfill its core mission. On April 1, 2025, The Department of Health and Human Services (HHS) terminated 3,500 employees at the FDA. While HSS officials assert that the reduction in force would not impact medical product and food reviewers or inspectors, Democrats were significantly more concerned than their Republican counterparts that the layoffs will affect the FDA's ability to ensure the safety and effectiveness of food, drugs, and medical devices. A striking 71% of Democrats reported being somewhat to very concerned about these layoffs. As confidence in federal agencies continues to erode, especially among Democrats, the FDA's ability to protect public health and maintain its credibility faces unprecedented challenges.

Views of the EPA have polarized sharply along party lines during the second Trump administration as well. Among Republicans, 22.1% reported their view of the EPA has become more positive, compared to just 2.1% of Democrats. Conversely, nearly half of the Democrats polled (48.3%) reported a more negative view of the agency, while only 14.7% of Republicans shared the same sentiment. Approximately a fifth of polled Republicans (20.2%), compared to a third of Democrats (33.8%) reported no change in their perspective. These differences reflect the broader impact of Trump-era environmental policies (e.g., emphasized deregulation, reduced enforcement actions, and shifts in agency priorities), all of which were generally welcomed by conservatives and met with deep skepticism from liberals.

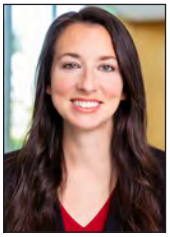
This partisan divide is also evident in the level of trust placed in the EPA to protect environmental health. While 64.8% of Democrats reported low or no trust at all in the EPA's abilities under the Trump administration, only 14.7% of Republicans expressed similar skepticism. On the other hand, most Republicans (64.7%) indicated moderate trust and 20.6% reported high or complete trust, compared to just 7.6% of Democrats. The starkly contrasting levels of trust highlight how political affiliation significantly shapes public confidence in the EPA's effectiveness during the Trump administration, potentially reinforcing confidence among conservatives while deepening doubts among liberals.

Confidence in the EPA's leadership further illustrates this divide. Only 13.1% of Democrats reported they are somewhat to very confident in the agency's leadership, compared to 64.7% of Republicans. In contrast, 64.8% of Democrats reported no confidence, while just 11.8% of Republicans share that view. Significant portions of both groups remain unsure, reflecting that many jury-eligible participants maintain ongoing uncertainty about the agency's direction and priorities.

In May 2025, the Trump administration announced plans for a significant reorganization of the EPA, signaling a reduction in staff to Reagan-era levels. For comparison, the agency was comprised of 11,000 to 14,000 employees in the 1980s and 15,000 in 2024. The proposed layoffs would particularly affect the agency's scientific research arm. As anticipated, concerns about workforce reductions at the EPA and their potential impact on the agency's effectiveness emerged as highly partisan amongst the jury-eligible participants surveyed. Two-thirds of Democrats (66.9%) were somewhat to very concerned about layoffs, and 69.7% believed these reductions will harm the EPA's ability to protect environmental health. By contrast, only 14.7% of Republicans expressed concern, and a majority - 48.5% - did not believe layoffs will have a negative impact. These divergent views underscore the extent to which political affiliation is shaping perceptions of federal regulatory agencies and their capacity to fulfill their missions in a polarized era.

The Trump administration's approach to federal regulatory agencies - marked by workforce reductions, leadership changes, and policy shifts - has triggered a crisis of confidence among the liberal American public. As agencies like the FDA and EPA struggle to maintain their core functions amid diminished resources and heightened political scrutiny, the stakes for public health, scientific integrity, and regulatory independence have rarely been higher. As a result, arguments that once relied on the authority of agencies like the FDA or EPA now face greater scrutiny, with some jurors even viewing agency endorsements as compromised at best, or meaningless at worst. Ultimately, this erosion of trust is making it harder for litigants to persuade juries with agency-backed evidence, fundamentally altering the dynamics of trials involving regulatory oversight.

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



Director of Jury Research, 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.

[1] Two hundred thirteen mock jurors were polled from Kaufman County (TX), Schenectady County (NY), Fresno County (CA), Los Angeles County (CA), Cook County (IL), San Francisco County (CA), and the District of Delaware.

[2] https://www.kff.org/health-information-and-trust/poll-finding/kff-tracking-poll-on-health-information-and-trust-january-2025/

Protecting Your Bottom Line

ADJUSTING SUPPLY CHAIN CONTRACTS TO MITIGATE TARIFF IMPACTS

Darlene Chiang Hanson Bridgett LLP

Recent shifts in international tariff policies have created significant uncertainty for U.S. importers. As trade tensions fluctuate and new regulations merge, businesses face potentially substantial cost increases that can erode profit margins overnight. For U.S. buyers, revisiting your supply contracts now can help safeguard your business from unexpected costs and disruptions. This article outlines practical contract adjustments to consider in today's dynamic and uncertain trade environment.

PRICE ADJUSTMENT CLAUSES

When tariffs increase suddenly, someone must bear the additional cost. Without specific contractual language addressing this issue, suppliers often attempt to pass on the entire burden to buyers through price increases.

Consider adding:

- Tariff-specific price adjustment provisions.
- Formulas that automatically adjust pricing when tariffs change (e.g., *"Adjusted Price = Base Price x [1 + (Current Applicable Tariff Rate – Baseline Tariff Rate)]*").
- Caps on how much price can increase due to tariff change (e.g., "*In the event of new or increased tariffs exceeding 5% of the Product Value, Seller may adjust prices proportionally to reflect these costs, provided that total price increases shall not exceed 15% within any 12-month period…*").
- Limits on adjustment frequency.

It is essential to review the pricing formulas regularly and to ensure they remain fair and relevant as market conditions evolve. We suggest that contracting parties include a mutual review clause (e.g., "*If tariffs affecting the Products increase or decrease by more than 10% during any 6-month period, the parties shall meet within 5 business days to negotiate in good faith an equitable adjustment to pricing.*")

FLEXIBLE PAYMENT TERMS

Cash flow management becomes critical when tariff costs rise unexpectedly. Adjusting payment terms can provide breathing room while your business adapts to new market conditions.

Options to explore:

- Extended payment windows when tariffs increase (e.g., net 60 instead of net 30).
- Tariff-triggered payment deferrals (e.g., "*If a new tariff is imposed exceeding 10% on products covered by this agreement, buyer may defer 50% of the payment for 45 days without penalty.*").
- Percentage-based triggers (e.g., "*If tariffs rise by more than 10%…*").
- ACH Debit payments with U.S. Customs, which can provide up to 10 extra days to pay duties, taxes, and fees on certain types of merchandise, including quota goods. More information can be found at: *https://www.cbp.gov/trade/basic-import-export/automated-clearinghouse-ach*.

When tariffs suddenly increase, cash flow challenges arise for importers who must pay both the product costs and higher tariffs. Extended payment terms give buyers more time to manage these increased costs while maintaining their supply chain and adjusting pricing strategies.

STRATEGIC INCOTERM

Incoterms (International Commercial Terms) define who handles shipping, insurance, customs, and tariffs in international transactions. It is important to know that these standardized terms can shift risk and responsibility between the parties.

- **Current EXW (Ex Works)?** Consider negotiating toward DDP (Delivery Duty Paid), which shifts tariff responsibility to the seller.
- **Can't secure DDP?** Look at balanced alternatives like DAP (Delivered at Place), CPT (Carriage Paid To), or CFR (Cost and Freight).
- Work with customs brokers to model different scenarios and optimize entry points.

For example, under EXW terms, the U.S. buyer bears all responsibilities from the moment goods leave the seller's facility, including all import duties and tariffs. In contrast, DDP requires the seller to deliver goods to the specified designation with all duties and tariffs paid – a significant difference that determines who absorbs unexpected tariff increases. For a balanced approach, parties can agree on DAP, which requires the seller to pay all costs and suffer

any potential losses of moving goods sold to a specific location. Under DAP agreements, the seller takes on all the risks and costs associated with delivering goods to an agreed-upon location, including packaging, documentation, export approval, loading charges, and ultimate delivery. Once the shipment arrives at the specified destination, the buyer assumes all the risk and responsibility for unloading the goods and clearing them for import.

ENHANCED FORCE MAJEURE PROVISIONS

Force majeure clauses are designed to protect parties when unforeseeable circumstances make it impossible or impractical to fulfill contract obligations. Standard force majeure clauses typically cover events like natural disasters, wars, and other "acts of God" but often don't adequately address tariff changes. Courts typically tend to view tariff changes as foreseeable business risks rather than extraordinary events. This means that without specific language, a company might not be able to invoke traditional force majeure protection without specific language. Consider strengthening yours by:

- Explicitly listing "significant tariff increases" as qualifying events.
- Define what constitutes "significant" (e.g., "*tariff increases exceeding 50% of pre-existing rates*").
- Including graduated response options based on the severity of the tariff increase percentage, beyond simple termination.
- Documenting financial impacts and mitigation efforts (e.g., sourcing from alternative suppliers, redesigning products).

SAMPLE STAGED RESPONSE FRAMEWORK BASED ON TARIFF SEVERITY

Tier 1: Moderate Tariff Increase (10-25% increase)
Response Mechanisms:

- Supplier and buyer share the tariff impact equally (50/50 split).
- Payment terms extended by 15 additional days.
- No minimum order quantity requirements for 90 days.

Tier 2: Substantial Tariff Increase (26% - 50% increase)
Response Mechanism:

- Buyer pays 25% of increased tariff costs, supplier absorbs 75%.
- Temporary 5% price discount on affected products.
- Payment terms extended by 30 additional days.
- Option to substitute comparable products from non-tariffed origins.

Tier 3: Severe Tariff Increase (51% -75% increase)
Response Mechanism

- Contract performance is partially suspended for affected products.
- Required purchase volumes reduced by 40%.
- Mandatory 30-day renegotiation period with executive-level participation.
- Expedited approval process for substitute products from alternative origins.
- Buyer has the right to dual source affected products without exclusivity penalties.

Tier 4: Critical Tariff Increase (76% increase)
Response Mechanisms:

- Right to terminate affected product lines with 30 days' notice.
- Mandatory exploration of manufacturing relocation options.
- Requirement to maintain non-affected product lines for at least 180 days.
- Cooperation on any applicable tariff exclusion requests.

This graduated response framework transforms force majeure from a blunt termination instrument into a flexible mechanism for navigating trade disruptions while maintaining essential supplier partnerships.

TARIFF-SPECIFIC DISPUTE RESOLUTION FRAMEWORK

Create a structured process for addressing tariff disputes before they escalate. This prevents prolonged disagreements that can damage business relationships and compound financial impacts. Here is a sample of a three-level escalation framework:

1. Operational level (5 days): Contract managers meet to exchange documentation and propose initial solutions. These individuals have the authority to make practical adjustments up to defined thresholds (e.g., 5-10% of contract value).
2. Department heads (7 days): Mid-level managers with broader authority review and develop equitable solutions. These executives can typically approve more substantial price adjustments (e.g., 10-20% of contract value).
3. Executive leadership (7 days): Senior executives attempt final resolution before external processes. These decision-makers have the authority to approve significant pricing adjustments (e.g., exceeding 20% of contract value).

If the internal resolution fails, proceed to mediation before considering more costly and timing-consuming arbitration or litigation.

CLEAR TERMINATION RIGHTS

While preserving business relationships is ideal, sometimes termination becomes necessary when tariff increases make continued performance commercially unreasonable:

- Define specific tariff-related termination triggers with precise thresholds.
- Document all efforts to negotiate solutions before exercising termination rights.
- Follow contractual notice requirements carefully.
- Include transition provisions that ensure orderly wind-down of affected business.

Termination should be viewed as a last resort. Often, a negotiated solution with an existing supplier, even if it involves some shared financial burden, can provide more advantages than starting from scratch with a new vendor.

TAKING ACTION

In today's volatile trade environment, proactive contract management is essential for maintaining profitability. By incorporating these targeted provisions into your supply agreements, you can create a more flexible framework that equitably distributes unexpected tariff burdens while protecting your bottom line. The companies that thrive amid uncertainty will be those that combine careful contractual safeguards with open communication. This balanced approach allows both parties to share unexpected burdens while exercising contractual rights only when necessary to protect core business interests.

By implementing these strategies, U.S. buyers can successfully navigate the complexities of international trade and maintain both competitiveness and resilience in the face of rapidly changing tariff landscapes.

Darlene Chiang, a corporate attorney at Hanson Bridgett, LLP, delivers practical legal solutions across company lifecycles from formation to successful exits. With exceptional cross-border expertise and fluency in Chinese, she expertly guides international companies establishing U.S. operations. Her diverse background spans high-growth startups, mature private companies, and in-house roles at global tech firms in Asia, complemented by experience at premier international law firms.

CLOUDY WITH A CHANCE OF TAXATION: *Tax Considerations in the Wake of a Natural Disaster*

Cecilia Barreca Poyner Spruill LLP

Whether it be tornadoes, hurricanes, wildfires, or floods, the number of natural disasters that Americans experience continues to increase each year. Disaster victims must not only grapple with the loss of life and property but also prepare for another looming threat to morale . . . Tax Day. Taxes may be the last thing on your mind after a disaster, but there are some important concepts to consider as you file your taxes.

This article assumes that the taxpayer is affected by a "federally declared disaster," which is any disaster declared by the president of the United States to warrant federal assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Taxpayers affected by such disasters are afforded greater tax relief opportunities than those suffering a "casualty loss" from a non-declared disaster event. To determine if you are a victim of a "federally declared disaster," visit www.fema.gov/disaster.

CLAIM A DEDUCTION FOR CASUALTY LOSSES, IF ELIGIBLE.

Section 165 of the Internal Revenue Code allows a deduction for the loss of property which was not reimbursed by insurance or otherwise.

Personal Losses

When personal-use property is destroyed, the amount of a casualty loss is the lesser of:

1. The difference in the fair market value of the property immediately before and after the casualty event, or
2. The taxpayer's basis, which is the cost paid for the property, adjusted for any changes in value, such as improvements or depreciation.

The lesser amount of one or two above must then be reduced by any remaining property value – if your property is not completely destroyed – and any reimbursement (i.e., insurance) you expect to receive. As long as you are claiming losses as a result of a federally declared disaster, there are no additional limitations on the amount of loss allowed to be deducted.

For example, assume you purchased a home for $325,000 in 2020. In 2024, your home was worth $400,000 based on a qualified appraisal. In 2025, your house is completely destroyed by a hurricane, making your house worth $0, but your insurance will reimburse you $100,000 for your loss.

Following the above formula, your casualty loss would be the lesser of:

1. $400,000: the fair market value of your house before the hurricane minus the fair market value of your house after the hurricane, or
2. $325,000: your basis in the home.

Your casualty loss would be $325,000, reduced by the $100,000 reimbursement you expect to receive from your insurance. Thus, your casualty loss deduction on your individual income tax return would be $225,000.

Business Losses

When property used for business purposes is partially destroyed, the business must follow the above personal losses calculation. Alternatively, when property used for business is completely destroyed, the casualty loss is your basis in the property minus any reimbursements received or expected. However, if the basis is greater than fair market value, your casualty loss is the basis.

The above example can be modified to demonstrate how a business casualty loss deduction would be computed. Imagine the same facts, except your "house" is now your storefront. If your storefront was completely destroyed by the hurricane, your casualty loss is $325,000 (basis) minus the $100,000 insurance reimbursement. Thus, your casualty loss deduction is $225,000.

Alternatively, if your storefront had a fair market value of $250,000 in 2024, then your basis would be *greater* than the fair market value and you would be entitled to a casualty loss deduction of your basis, or $325,000.

To aid in your loss calculations for either personal use or business property, the IRS has released Publications 584 and 584-B which contain workbooks for itemizing losses.

Timing of the Loss

Normally, the casualty loss deduction is allowed only for the year in which the loss is sustained. However, some taxpayers may choose to make an election on IRS Form 4684 to attribute the loss to the previous year's tax return—rather than the year in which the disaster occurred. By deducting your losses in the previous year, you may be able to create or increase a tax refund. The IRS tracks and prioritizes processing amended returns received from disaster areas, giving you quicker access to cash to rebuild post-disaster.

RECONSTRUCT YOUR RECORDS AS SOON AS POSSIBLE.

Even if you do not live in an area routinely affected by natural disasters, it is good practice to maintain adequate backups of your personal and business records. Accurate records of your losses are not only essential for claiming tax deductions for casualty losses, but also for receiving insurance reimbursements and qualifying for government-provided disaster assistance. However, there are methods available to reconstruct your records post-disaster.

If your property is destroyed, you can use external records to establish the value of your property. For example, these records could include your county's tax assessment of the property, your insurance policy's valuation of the property, and appraisals done by the title company or bank that handled the sale of the property. Additionally, you can take photos after the disaster and compare to "before" photos to establish the extent of the damage.

It can be more difficult to reconstruct records for personal property that is destroyed. The value of lost or destroyed items can be demonstrated through:

1. Receipts or credit card statements from the purchase;
2. Photos showing the extent of the damage as compared to the item's original condition; or
3. Website listings showing the value of the item.

Additionally, where the above evidence is limited or unavailable, the IRS recommends a "sketch" method to reconstruct records of lost personal property. The "sketch" method involves drawing a floor plan of your affected property and including a list or drawing of your lost items.

If you use the IRS-provided workbooks in Publications 584 and 584-B, it is good practice to have a record, whether original or reconstructed, for each item on your list of losses.

DETERMINE THE TAX TREATMENT OF YOUR RECOVERY OR RESTORATION PAYMENT.

If you receive a disaster assistance payment from your employer, a state or federal government, or a charitable organization, this payment is likely *tax-free*. Generally, a taxpayer may exclude from income any amount received as a "qualified disaster relief payment." As defined in the Internal Revenue Code Section 139, a qualified disaster relief payment includes payments to an individual:

1. To reimburse or pay necessary personal, family, living, or funeral expenses;
2. To reimburse or pay reasonable and necessary expenses incurred for the repair of a personal residence; or
3. Any amount paid by a federal, state, or local government, or their respective agencies to promote the general welfare, where the individual is affected by a qualified disaster.

You may also receive tax-free treatment on "qualified disaster mitigation payments." These payments are made by the federal government and are to be used by individuals to mitigate the impact of future natural disasters, such as by building floodwalls or adding fire suppression systems to homes and businesses.

Moreover, insurance reimbursement payments covering a disaster loss are normally not taxable.

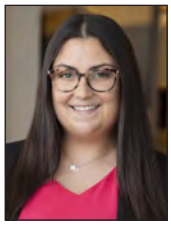
SEE IF YOU QUALIFY FOR AN EXTENDED FILING DEADLINE.

The thought of filing—and paying—taxes after surviving a natural disaster can be overwhelming. Normally, a taxpayer must file for an extension by the standard April 15 due date, giving the taxpayer until October 15 to file. However, this extension is only for filing and does not give the taxpayer additional time to pay any taxes owed.

Fortunately, the IRS usually provides filing *and* payment relief for taxpayers who reside or operate a business in a disaster area. For example, those affected by the January 2025 California wildfires were granted an automatic extension to file and pay taxes until October 15, 2025 – a six-month extension from Tax Day. The extended deadline applies to both individuals and businesses. The relief for individuals in disaster areas is automatic and does not have to be requested by the taxpayer. However, the deadlines vary by disaster zone. While the IRS immediately granted a six-month extension to those affected in California, those in the Southeastern United States affected by Hurricane Helene initially received only a two-week extension for filing and payment, before the IRS later extended the deadline to September.

If you are an affected individual or business in a disaster area, you should continue to monitor the IRS website for notices regarding your filing and payment due dates. Moreover, monitor your state's tax agency website to ensure that you comply with your state's filing and payment deadlines. While most state deadlines parallel the federal extensions, your state may provide a longer extension or additional relief, such as waiving penalties for delinquent payments.

While this article provides a high-level overview of some tax considerations in the wake of a natural disaster, the IRS website provides detailed, up-to-date publications that help victims determine when and how to file their post-disaster returns. Although you cannot prevent a natural disaster from running its course, you can prevent yourself from suffering a Tax Day disaster through education and preparation.



Cecilia Barreca focuses her practice on business transactional law. She works with clients on a variety of matters, including tax issues, mergers and acquisitions, and general corporate matters. She is an associate attorney at Poyner Spruill LLP with a passion for all things tax!

ON THE RISE

FAAAA Preemption becomes a powerful weapon of defense for brokers and shippers

Chris Cotter and **Jalen Sehlhorst** Roetzel & Andress

THE SCENARIO

The typical scenario is this: A catastrophic truck accident results in a fatality or serious bodily injury to one or more persons. The truck driver who caused the accident was working for a motor carrier who has an insurance policy with a $1,000,000 limit. The plaintiffs' attorneys know that they have a case on their hands with a value well above $1,000,000. In this world of "nuclear verdicts," in some cases the attorney could obtain a verdict from a jury many multiples of $1,000,000.

It is at this point the plaintiffs' attorneys do what plaintiffs' attorneys have done since time immemorial – they look for more "pockets" to contribute to the loss. In this context, claims are asserted against the freight broker who arranged the transportation with the motor carrier. Claims may also be asserted against the shipper who retained the transportation broker for the load.

There are typically two main theories for the claims asserted against the freight broker and shipper. The first is that the broker was negligent in its selection of the motor carrier, i.e. that it failed to use ordinary care when it arranged the transportation of the load with motor carrier under whose authority the transportation was being conducted at the time of the catastrophic accident (and likewise that the shipper was negligent in its selection of the transportation broker).

The second theory is that the freight broker (and shipper) was, in reality, the *employer* of the truck driver who caused the accident and is therefore vicariously liable for the truck driver's negligence. This second theory may seem a bit specious at first blush, but it can be the more insidious claim because, if successful, the freight broker or shipper would be 100% responsible for the plaintiff's damages (or, more accurately, to the same extent as the truck driver's percentage of fault).

It is in defense of these claims that FAAAA preemption can serve as a powerful defense.

FAAAA PREEMPTION

The Motor Carrier Act of 1980 significantly deregulated the trucking industry in the United States. It removed many federal entry controls and allowed for more flexible rate setting, leading to increased competition and a more dynamic market. Yet, after years of continued tariff and price regulation of motor carriers, in 1994, Congress enacted the Federal Aviation Administration Authorization Act (FAAAA) upon finding that state governance of intrastate transportation of property had become "unreasonably burden[some]' to 'free trade, interstate commerce, and American consumers."

Mirroring the language of the Airline Deregulation Act ("ADA") enacted years

earlier, the FAAAA prohibits states from "enact[ing] or enforce[ing] a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier, … broker, or freight forwarder with respect to the transportation of property." 49 U.S.C. § 14501(c)(1). The Act's express preemption clause is designed to prevent a patchwork of state laws from interfering with the free flow of goods in interstate commerce.

The Act also contains a "safety exception" that identifies very specific circumstances in which the Act cannot restrict the "safety regulatory authority of a State with respect to motor vehicles." 49 U.S.C. §14501(c)(2)(A).

APPLICATION TO TORT CLAIMS AGAINST FREIGHT BROKERS AND SHIPPERS

When negligent selection and vicarious liability claims are asserted against the freight broker and shipper in a lawsuit arising out of a catastrophic truck accident, the claims asserted are *state law claims*. This is the key to the FAAAA preemption defense. In asserting these claims, the plaintiffs are attempting to enforce state law on these companies relating to the service of a motor carrier. For instance, the freight broker is in the business of arranging transportation with motor carriers. Common law tort claims seek to enforce a duty of care concerning how a company *arranged for* a motor carrier to transport cargo. This is precisely why the FAAAA preempts claims against freight brokers and shippers in lawsuits arising out of catastrophic truck accident.

The defense of FAAAA preemption can usually be asserted in a motion to dismiss or other filing based on the pleadings. It may depend on the specific factual allegations presented in the Complaint, and plaintiffs' attorneys can sometimes be creative in how they plead the facts with respect to the freight broker and shipper that make it difficult to achieve dismissal in an initial motion. Yet even with creative pleading, it is possible to succeed with an early dismissal based on FAAAA preemption.

If the Court is not willing to dismiss the claims upon an initial motion, FAAAA preemption can and should be a primary argument of a motion for summary judgment at the conclusion of the discovery period of the lawsuit.

THE LEGAL LANDSCAPE

There is a growing body of case law in which the FAAAA preempts state law tort claims against freight brokers and shippers. Court decisions addressing this defense, at the trial court and appellate court level, seem to be issued about once a week, and sometimes more frequently. While some of the decisions are favorable to the plaintiff, it appears that the majority of decisions in the past couple of years have been favorable to the defense.

The first federal Circuit Court to address the issue was the Ninth Circuit in *Miller v. C.H. Robinson*, 976 F.3d 1016 (9th Cir. 2020). There, the court determined that the plaintiff's tort claim against the freight broker set out to reshape the level of service a broker must provide in selecting a motor carrier to transport property. Because the claim directly impacted the amount that a broker would charge for services, the claim fell squarely within the scope of the FAAAA. However, the Ninth Circuit also determined that the claim fell within the safety exception.

Three years after *Miller*, in 2023, two more Circuit Courts weighed in on the issue. In *Aspen Am. Ins. Co. v. Landstar Ranger, Inc.*, the Eleventh Circuit determined that tort claims against the freight broker fall within FAAAA preemption because "the broker has but a single job – to select a reputable carrier for the transportation of the shipment. *That's all.*" 65 F.4th 1261 (11th Cir. 2023). And this is precisely the brokerage service that [plaintiff's] negligence claims challenge—[broker's] allegedly inadequate selection of a motor carrier to transport [shipper's] shipment.").

In *Ying Ye v. GlobalTranz Enterprises, Inc.*, the Seventh Circuit affirmed the dismissal of the plaintiff's negligent selection claim against a freight broker because the claim "strikes at the core of [the] broker services by challenging the adequacy of care the company took—or failed to take—in hiring [motor carrier] Global Sunrise to provide shipping services." 74 F.4th 453, 2023 WL 4567097 (7th Cir. Sept. 19, 2023). The *Aspen* and *Ye* Courts also rejected application of the safety exception, explaining that a common law negligence claim enforced against a broker is not a law that is "with respect to motor vehicles."

The *Ye* and *Aspen* decisions represent two strong wins for the defense on this issue, and they currently comprise the majority viewpoint on this issue at the Circuit Court level. In January 2025, the Sixth Circuit heard oral arguments on this issue in *Cox v. Total Quality Logistics*, and so a new Circuit Court decision on FAAAA preemption could be issued any day now.

In addition to these Circuit Court decisions, there is a raft of decisions issued by federal District Courts and by state courts at the trial court and appellate court levels. It is not uncommon for Courts deciding this issue to consider and favor decisions issued by other Courts in the same geographic area or from states within the same Circuit Court region.

PRACTICAL TAKEAWAYS

The following are a few practical steps that freight brokers and shippers can take when facing claims arising out of catastrophic truck accidents.

Assert Preemption Early: The FAAAA preemption can and should be raised at the pleading stage. If not successful at the pleading stage, the defense should be included in a motion for summary judgment.

Educate Courts: When a motion based on FAAAA preemption is presented to a Court, that Court may not have any familiarity with the defense. It is therefore important to educate the Court in the brief concerning the background of the legislation, its purpose, and its express language. Litigators should also be prepared to explain how claims "relate to" rates, routes, and services and are thus preempted.

Leverage Precedent: Because the defense wins keep coming, these decisions can and should be presented to the Court to show the strong precedent that exists for FAAAA preemption and the rejection of the safety exception.

Teamwork: The FAAAA preemption success story to date has been in part to defense attorneys and companies working together to share information, strategies, new decisions, and prior motions. The authors of this article have had many experiences of working with other attorneys and companies within USLAW NETWORK to leverage our knowledge and experiences with this defense to create team wins that we can then build on for the next win.

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FRIENDS BEYOND BORDERS

Cross-Border Counsel in Challenging Times

By Connor B. Glynn Parlee McLaws LLP **Daniel Stern** Kelly Santini LLP **Christopher Jackson** Therrien Couture Joli-Coeur LLP

INTRODUCTION: NEIGHBORS FACING HEADWINDS TOGETHER

This year has seen U.S.–Canada trade relations tested by a flurry of policy headwinds. Early this spring, the United States abruptly imposed sweeping tariffs – 25% on most Canadian imports (with a 10% rate on energy products) – sparking a quick retaliation from Ottawa. Disagreements have flared over issues like Canada's new digital services tax and other regulatory divides. To the casual observer, it may seem the "friendliest border" in the world is under strain. Yet beyond the political headlines, the cross-border legal and business communities continue to work hand in hand, reinforcing a simple truth: when it comes to U.S. and Canadian partners, we're still friends, we still love you.

Economic integration between the two countries runs deep. Over 700 Canadian companies operate in just the state of Ohio, and regions like the Great Lakes have built cars together across the U.S.-Canada border for 120 years now. With such intertwined supply chains and markets, businesses depend on cross-border coordination. Fortunately, a robust framework of legal cooperation underpins this integration. From trade pact dispute mechanisms to industry coalitions and law firm networks, the U.S. and Canada have developed extensive channels for resolving frictions. In the following sections, we explore recent examples in the automotive, technology, and energy sectors that showcase how relationship-first collaboration is overcoming today's geopolitical tensions.

AUTOMOTIVE: DRIVING INTEGRATION FORWARD

If any industry illustrates North American togetherness, it's automotive. Cars and parts routinely crisscross the border multiple times before final assembly. This highly integrated ecosystem was put in the crosshairs when new U.S. tariffs on imported vehicles and parts were announced in March 2025. Facing these challenges, legal professionals and industry groups in the auto sector moved quickly to problem-solve jointly. A powerful example came from automotive recyclers: the U.S.-based Automotive Recyclers Association (ARA) teamed up with the Automotive Recyclers of Canada to petition Washington for relief. In a joint letter to President Trump at the end of April, they urged that recycled auto parts be exempted from the new tariffs, given how interdependent the used parts market is across the border. Without an exemption, both countries' recycling industries and consumers would suffer. This collaborative advocacy paid dividends: it brought cross-border attention to an unintended consequence of the policy an opened a dialogue with regulators for a fix. Behind the scenes, cross-border legal teams have also been hard at work helping automakers and suppliers adjust. Thanks to the USMCA trade agreement, many Canadian-built cars and parts still enter the U.S. tariff-free if they meet North American content rules. Lawyers on both sides have been guiding companies through these rules to maximize duty-free shipments and reconfigure supply lines as needed. Canadian trade counsel coordinate closely with U.S. counterparts – for example, advising clients on Canadian surtaxes while U.S. attorneys handle American tariff compliance.

TECHNOLOGY: BRIDGING POLICY GAPS IN THE DIGITAL ECONOMY

The tech sector has seen its share of cross-border tensions, too, particularly around taxation and regulation of big digital companies. Canada's recently enacted Digital Services Tax (DST) – a 3% levy on revenue from online platforms and ads – has been a thorn in U.S.–Canada relations over the past year. U.S. officials view the DST as unfairly targeting American tech giants, and in late 2024 the United States Trade Representative formally challenged the Canadian tax under USMCA's dispute resolution mechanism. In tandem, U.S. law-

makers have rattled sabers with retaliatory measures – the U.S. House even passed a bill authorizing special taxes on countries with DSTs, clearly aiming to pressure Ottawa.

Yet, here too, collaboration and cooler heads in the legal arena are paving a path forward. For one, both countries are engaging through formal USMCA consultations rather than escalating to a trade war. Importantly, this process involves extensive work by legal advisers and diplomats on both sides to find common ground. Canadian officials have already delayed collecting DST payments pending the global OECD tax deal, and ongoing talks could yet defuse the issue. In the meantime, cross-border tech business carries on largely unaffected – a testament to careful legal planning.

Major tech companies operating in both countries are leaning on their advisers to navigate the uncertainty. Contingency plans are in place: companies are modeling the impact of the DST and any U.S. counter-tariffs on their operations. Many are engaging trade counsel and industry associations to advocate for their interests and ensure compliance with any new rules. Throughout, the free flow of data and services across the border – crucial to tech firms – has continued uninterrupted, thanks to harmonized cybersecurity and privacy efforts by regulators. In fact, on issues like data privacy and AI ethics, U.S. and Canadian legal experts have been sharing best practices in forums and working groups, ensuring that policy divergence doesn't lead to practical incompatibility for companies. At the end of the day, innovation knows no borders, and the legal professionals in tech are making sure regulatory friction is kept in check through cooperation, not confrontation.

ENERGY: POWERING A PARTNERSHIP

Energy has long been a cornerstone of the U.S.–Canada alliance and cooperation and it remains so even amid political headwinds. Decades of policy coordination and trade liberalization have made North America an energy powerhouse. Successive agreements cemented free trade in oil, gas, and electricity, allowing production to flourish and keeping prices steady. Today, North America is the world's largest producer of oil and natural gas, and a top exporter of both LNG and crude.

The blanket U.S. tariffs imposed in March initially hit Canadian energy exports with a 10% levy, and Canada's retaliation notably spared energy but signaled that any disruption cuts both ways. Canadian oil has few places to go but south, and many U.S. regions rely on Canadian electricity and fuel. Recognizing this mutual dependency, officials on each side have been careful to keep energy flowing despite political posturing. When Ontario's premier briefly threatened a surcharge on electricity exports to the U.S. as a countermeasure, he quickly stood down after dialogue with U.S. counterparts. Cooler heads agreed to talk it out rather than flip any switches – a pragmatic outcome that lawyers and diplomats quietly helped facilitate.

On a more optimistic front, the clean energy transition is creating new avenues for U.S.-Canadian legal collaboration. Both countries are investing in cross-border infrastructure for renewable power and in joint strategies for critical minerals (essential for EV batteries and clean tech). A recent high-level panel noted that Canada and the U.S. are reshaping partnerships to secure critical mineral supply chains together. This has led to co-investments – for example, the U.S. Department of Defense is working with Canadian firms to develop mines for rare earth elements. Such projects inevitably involve navigating both Canadian regulatory approvals and U.S. funding rules, requiring teams of lawyers from both jurisdictions to coordinate to draft agreements, align compliance with environmental standards, and obtain permits from multiple authorities. In sum, the energy sector shows that even when policy winds shift, the underlying partnership adapts and charges forward.

NETWORKS AND TRUST: THE LEGAL COMMUNITY AS A BRIDGE

One secret ingredient sustaining U.S.–Canada collaboration is the strength of professional networks and relationships. Lawyers often joke that the "real diplomacy" happens in law firm conference rooms and over Zoom calls with cross-border colleagues. Networks like USLAW – a consortium of independent law firms across North America and beyond – play a pivotal role in binding the two legal communities closer. It provides a collegial, collaborative forum where American and Canadian attorneys can leverage each other's local expertise and connections to better serve clients in cross-border matters.

In the last few months, USLAW has even expanded its Canadian ranks – a sign of the growing integration of our legal markets. In May 2025, the network welcomed a new member firm in Alberta, giving USLAW a presence in Western Canada. "Parlee McLaws provides our members and their clients with an experienced team of attorneys in Western Canada and delivers another important resource for clients who have business assets, operations and employees across Canada," said USLAW's Chair Ken Wingate in announcing the addition. Canadian partners likewise expressed enthusiasm to bring their local knowledge and "relationship-focused approach" to the broader network.

Referrals through USLAW and similar networks ensure clients get seamless cross-border service without the friction one might expect in an international matter.

CONCLUSION: RELATIONSHIP-FIRST IN EVERY CLIMATE

In short, the legal community has formed its own bridge across the 49th parallel, one that remains sturdy regardless of which politicians are sparring at any given moment. Lawyers and corporate counsel in both countries know that economies are too intertwined – and their people too historically friendly – to let transient policy fights upend the fundamental alliance. Whether it's auto executives and attorneys crafting joint appeals for tariff relief, tech companies coordinating compliance through legal channels, or energy regulators quietly working out solutions to keep the lights on, the prevailing mindset is to solve it together. As North America navigates the current headwinds, the optimistic narrative is very much alive: we're still neighbors, still trading, and yes, we're still friends.

Connor Glynn is a partner at PARLEE MCLAWS LLP and served as Managing Partner for 6 years. His practice is focussed on insurance defence, including construction losses, engineering, and dental malpractice. He represents multiple national and international insurance companies, including the Lloyds syndicate.

Daniel Stern's practice with Kelly Santini spans a broad spectrum of corporate matters, with a particular focus on mergers and acquisitions. In addition, he provides guidance on banking and finance, corporate governance, and restructuring. Daniel excels at demystifying complex legal procedures, making them accessible and manageable for his clients.

Christopher Jackson is a partner at Therrien Couture Joli-Coeur LLP and acts as outside general counsel for clients in a wide variety of industries. In his practice, he also regularly advises clients in cross-border mergers and acquisitions and competition law (anti-trust) matters.

KICKING ASHES THROUGH TIME

Lessons in Curiosity, Integrity and Passion

Randy Watson, IAAI-CFI, IAAI-CI, CFEI, CVFI, CFII S-E-A, LTD

In any profession, longevity brings perspective. After 48 years in fire investigation, I've learned that expertise is not a fixed destination — it's an evolving pursuit, shaped by science, grounded in ethics, and fueled by purpose.

When I began my career in fire service and investigation nearly five decades ago, much of what was accepted practice lacked a scientific foundation. Over the years, the industry has undergone a profound transformation, moving away from anecdotal assumptions and toward scientifically grounded methodologies. That transition has required all of us to unlearn old habits, embrace evidence-based practices, and recommit ourselves to professional rigor. For me, this evolution has been driven by three core values: the importance of curiosity and integrity, continued industry involvement, and a passion for educating the next generation.

CURIOSITY: THE ENGINE OF INVESTIGATION

From the beginning, I was driven by an insatiable desire to understand the "why." Why did a fire start? What sequence of events led to the loss? What evidence is hidden beneath the ashes? That curiosity compelled me to explore deeply, to question assumptions, and to outwork any obstacle standing between a problem and its solution. In fire investigation — especially within the context of litigation, subrogation, or claims resolution — every detail matters. That mindset of intellectual rigor is foundational to producing reliable, defensible conclusions.

INTEGRITY: THE NON-NEGOTIABLE STANDARD

In forensic investigation, few things are as consequential as integrity. When you raise your right hand and testify as an expert witness, that oath should mean something. The role of an expert is not to advocate, but to inform — to present unbiased, scientifically grounded findings, regardless of who hired you.

Instances where experts compromised their objectivity in an effort to support a client's position were often witnessed. That's not forensic science — that's advocacy masquerading as expertise. Integrity means doing the work thoroughly, documenting your methodology, and following the facts wherever they lead. It means being willing to have those hard conversations when the facts don't align with the hopes of a client. For those who entrust us with these critical investigations — whether legal teams, insurance professionals, or corporate clients — the expectation should be not just competence, but unwavering ethical standards.

PASSION: THE DRIVER OF PROGRESS

You can be a fire investigator without passion. But you cannot be a great one.

That passion found me early — on the scene of one of my first incendiary fires. I remember the sense of anger and injustice that someone would endanger lives so recklessly. Those moments left an indelible mark — and lit a fire in me to not only uncover the truth but also to help prevent such tragedies from repeating.

That passion fueled my desire to contribute to the advancement of fire investigations, and I felt that I could help accomplish that through standards. I had the privilege of serving on, and eventually chairing, the NFPA 921 Technical Committee on Fire Investigations — the body responsible for developing the scientific framework that now defines our profession. Using NFPA 921 in investigations ensures a standardized, scientifically based approach that enhances the accuracy, consistency, and credibility of findings. It provides clear guidance on evidence handling, fire behavior analysis, and investigative techniques, making it easier to communicate results across legal, insurance, and technical audiences. By following

NFPA 921, investigators not only improve the quality of their work but also strengthen its defensibility in court, reduce liability, and support professional development through recognized best practices. Prior to NFPA 921's release in 1992, the industry lacked standardization. Investigations were often based on experience alone, with little grounding in validated science. NFPA 921 changed that — establishing the scientific method as the cornerstone of credible fire origin and cause analysis.

I also served on the NFPA 1033 Committee, helping define the minimum professional qualifications and core competencies required for individuals who investigate fires and explosions. These standards transformed fire investigation into a true profession — one that demands accountability, competence, and continuous education.

EDUCATION: A WAY TO PAY IT FORWARD

With experience comes the responsibility to share it. One of the most fulfilling chapters of my career has been mentoring the next generation of investigators and forensic engineers — both at S-E-A and through my work with professional associations. As director of technical training at S-E-A, I've had the privilege of helping new experts navigate the complexities of investigative work, testimony, and professional growth. Seeing that same spark of curiosity in a young investigator — watching them connect the dots and commit to excellence — is as rewarding as solving the most complex fire scene.

Passion, when authentic, demands action. That's what drew me to leadership roles in the International Association of Arson Investigators (IAAI), where I served as president in 2022, and the National Association of Fire Investigators, where I served on the Board of Directors for 12 years. They offered opportunities to influence industry standards, contribute to training and education, and build strong professional networks. Leadership in these organizations is not about titles — it's about a commitment to advancing the profession, giving back, and inspiring others to pursue excellence.

Vince Lombardi once said: *"We are going to relentlessly chase perfection, knowing full well we will not catch it, because nothing is perfect. But in the process, we will catch excellence."*

That mindset has guided my work, and I believe it should guide our profession.

LOOKING AHEAD

After 48 years in the field — investigating scenes, testifying in courtrooms, developing national standards, and mentoring future experts — my passion for this profession remains undiminished. I believe in the power of science, the value of integrity, and the impact of investing in others.

In the world of forensic investigation, especially as it intersects with litigation, insurance claims, and corporate risk management, the stakes are high. Lives, livelihoods, and reputations hang in the balance.
So as we look to the future of this profession, my hope is simple: that we continue to uphold the science, nurture the next generation, and never forget that what we do matters — not just today, but for the trust and truth of tomorrow.

Randy Watson just retired from SEA, Ltd. after 32 and a half years. For the last 10 years, he served as the director of technical training and as a senior fire investigator. Prior to joining S-E-A, Randy spent 16 years in the public and private sectors. He is an internationally recognized expert in fire investigation, public speaker and guest lecturer.

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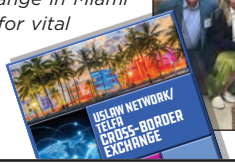
FACES of USLAW

Annual Membership Meeting

Cory Feinberg (GC and corporate secretary of MoneyGram), Anne Loucks Umberger (director and associate GC of Nordstrom, Inc.) and Stephen Winborn (senior VP of National Interstate Insurance Company) shared their insights, experiences and perspectives with USLAW members and corporate partners during the USLAW Annual Member Meeting's Vision for the Future Client Panel moderated by USLAW Chair Ken Wingate of Sweeny, Wingate & Barrow, P.A. (pictured left).

USLAW/TELFA Cross-Border Exchange

Cross-border collaboration. Nearly 30 corporate and M&A attorneys from USLAW NETWORK and the Trans European Law Firms Alliance (TELFA), representing 10 countries globally -came together for the USLAW NETWORK/TELFA Cross-Border Exchange in Miami Beach. These legal experts convened for vital discussions on the changing tariff landscape and how AI is reshaping legal practices and the associated business opportunities.



NETWORK STRONG

Welcome New USLAW NETWORK Members

USLAW NETWORK welcomes ***Gerber Ciano Kelly Brady LLP*** *of Buffalo, New York, as the newest member of USLAW NETWORK for the Western New York (Buffalo) market and multi-service law firm* ***Parlee McLaws LLP*** *as its newest member firm representing Alberta, Canada. Parlee McLaws has two offices in Alberta, one located in the provincial capital of Edmonton and the other in Calgary. To learn more about each of these firms, their experienced teams of attorneys and broad capabilities, visit gerberciano.com and parlee.com.*

GERBER CIANO KELLY BRADY

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Poyner Spruill holds its third annual service week to remember Cheslie Kryst

EPoyner Spruill LLP continued its tradition of service and advocacy with the third annual Service Week, honoring the life and legacy of late colleague, Cheslie Kryst. Kryst served as an attorney and later as the firm's diversity advisor, using her platform to champion social justice and support underserved communities. Her passion for volunteerism and advocacy lives on through the firm's collective efforts each year.

From April 28 to May 2, 2025, the firm's DEI Committee organized time to give back to local organizations and raise awareness for mental health, continuing the legacy Kryst left behind. Throughout the week, Poyner Spruill team members engaged in meaningful service projects to give back to their local communities. On Tuesday, volunteers assisted the Hospitality House of Charlotte with landscaping improvements. The new mulch and spring flowers helped bring joy to patients and caregivers staying at the house while receiving medical care in the area. The Raleigh office went to Haven House Services on Wednesday to clean the Second Round Boxing Gym and organize their Essentials Pantry. In Rocky Mount, Poyner Spruill volunteers partnered with Meals on Wheels on Thursday to deliver meals to seniors in the community. Service Week concluded on Friday with a Raleigh group volunteering at the Inter-Faith Food Shuttle farm, helping to wash and box over 400 pounds of green onions.

p.s. Poyner Spruill LLP
ATTORNEYS AT LAW

*The joint **USLAW/S-E-A Live Better initiative** focuses on mind, heart, and health, promoting a culture of health and well-being. This comes to life at USLAW events through carefully crafted experiences, such as the "explore and recharge" hike through Los Peñasquitos Canyon Preserve or along the pristine beaches of South Florida.*

LiveBetter
MIND. HEART. HEALTH.

***Rivkin has heart:** Cheryl Korman, Kate Heptig, Bernadette Kasnicki and **Tracey McIntyre attended the American Heart Association's Go Red for Women luncheon**. Rivkin Radler in Uniondale, New York, was a proud sponsor of the event.*

*On March 27, Rivkin Radler's **Catalina De La Hoz** (center) served as a panelist for a discussion hosted by the **Dominican Bar Association** (DBA) on women in the law.*

***Rivkin's Milfort and Ogé** organized a book discussion on behalf of Amistad LIBBA. On Thursday, May 8, the **Amistad Long Island Black Bar Association (Amistad LIBBA),** Nassau Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and Zeta Phi Beta Sorority, Inc. – Rho Omega Zeta Chapter co-sponsored a book discussion regarding Professor Gloria J. Browne-Marshall's recently released book entitled, "A Protest History of the United States." It is Dr. Browne-Marshall's seventh published book. Attorneys Jamie Milfort and Andre Ogé organized the event on behalf of Amistad LIBBA.*

RIVKIN RADLER LLP
ATTORNEYS AT LAW

Franklin & Prokopik principal Heather Rice** captained the 'Heather's Heroes' team at Walk MS 2025 in Annapolis, MD. Many current and former F&P staff members joined the team, proudly supporting the **National Multiple Sclerosis Society's Walk for a Cure.

FRANKLIN & PROKOPIK
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

***Carr Allison's** Jacksonville office sponsored **PIN PALS**, a program benefiting **Special Olympics Florida**, through the Jacksonville Bar Association Young Lawyers Section (YLS).*

***Participants above L-R:** Carr Allison attorneys Austin Sherman (2025 PIN PALS event chair and YLS Board of Governors member), Heather Frederick, Ashton Hampton, Miles Igou and Special Olympics Florida athletes Junior and Mallory.*

CARR ALLISON

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's pro bono efforts reconized.

On March 6, Hanson Bridgett LLP's Darlene Chiang and David Casarrubias-Gonzales were recognized by the Bar Association of San Francisco – Justice & Diversity Center as Outstanding Volunteers in Public Service for their pro bono work for BASF-JDC. This is the second consecutive year that Casarrubias-Gonzales has received this recognition.

Centro Legal de la Raza honored Hanson Bridgett as a Champion of Justice and recognized the firm during its 56th Anniversary Gala on April 17.

For the fourth year in a row, Hanson Bridgett has been honored with the Beacon of Justice award by the National Legal Aid & Defender Association (NLADA). This year's award recognizes the firm's pro bono work in strengthening civil rights protections, providing legal representation to families in crisis, community justice initiatives, and empowering vulnerable populations.

HansonBridgett

Nassau County Bar Association recognizes Rivkin Radler as a top pro bono provider

On Wednesday, April 2, Rivkin Radler was recognized by the Nassau County Bar Association as a Top Pro Bono Provider for 2024. Rivkin attorneys recognized for their pro bono work included: Jennifer Abreu, Brian Bank, Katherine Jenkins, Bernadette Kasnicki, Elan Kirshenbaum, Lauren Russo, Jeffrey Rust, Alan Rutkin, Bill Savino, Catherine Savio, Wendy Sheinberg, Liz Sy, Jenson Wang, and Alexa Wolff.

RIVKIN RADLER
ATTORNEYS AT LAW

Pierce Couch attorneys Rusty Hendrickson and Debbie Davis *gave back to the legal community by volunteering their time during the Oklahoma County Bar Association's* ***Ask-A-Lawyer*** *event in conjunction with the annual Law Day celebration.*

PIERCE COUCH HENDRICKSON BAYSINGER & GREEN, LLP

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.

Barbara Barron, MehaffyWeber (Houston, TX); Keely E. Duke, Duke Evett, PLLC (Boise, ID); Karen P. Randall, Connell Foley LLP (Roseland, NJ)

Jessica L. Dark, Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK); Adam C. Grafton, Bovis Kyle Burch & Medlin (Atlanta, GA); Aretta K. Bernard, Roetzel & Andress (Cleveland, OH)

Douglas W. Clarke, Therrien Couture Joli-Coeur L.L.P. (Montreal, QC, Canada); James D. Snyder, Klinedinst PC (San Diego, CA); René Mauricio Alva, EC Rubio (Ciudad Juarez, Chihuahua, Mexico)

Lisa A. Zaccardelli, Hinckley Allen (Hartford, CT); Sheryl J. Willert, Williams Kastner (Seattle, WA); Julie A. Proscia, Amundsen Davis LLC (Chicago, IL)

David R. Elmore, MDD Forensic Accountants (Reston, VA); Batya F. Forsyth, Hanson Bridgett LLP (San Francisco, CA); Molly Arranz, Amundsen Davis LLC (Chicago, IL)

J. Scott Searl, Baird Holm LLP (Omaha, NE); Ami C. Dwyer, S-E-A, Limited (Glen Burnie, MD); Joseph S. Goode, Laffey, Leitner & Goode LLC (Milwaukee, WI)

Krista Cammack, Wicker Smith (Orlando, FL); Peter T. DeMasters, Flaherty Sensabaugh Bonasso PLLC (Morgantown, WV)

Jordan Hettrich, Pion, Nerone, Girman & Smith, PC (Pittsburgh, PA); Zach McGovern S-E-A, Limited (St. Louis, MO); Nicholas Rauch, Larson Ð King LLP (St. Paul, MN)

Trey Sandoval, MehaffyWeber (Houston, TX); Bryan Price, Flaherty Sensabaugh Bonasso PLLC (Charleston, WV)

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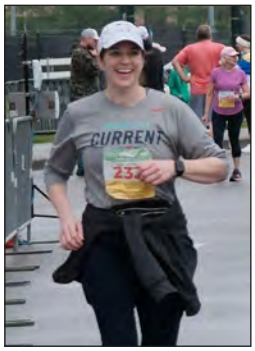

Dysart Taylor supports 37th Annual CCVI Trolley Run in Kansas City

*Dysart Taylor was a proud sponsor of the 37th Annual Children's Center for the Visually Impaired (CCVI) Trolley Run in Kansas City. The Trolley Run is the largest fundraiser for CCVI, and all money raised from the race supports educational or therapeutic services for kids with vision impairment, including those with multiple disabilities. Dysart Taylor attorneys **Amanda Pennington Ketchum** and **Elizabeth Judy** participated in this year's run on the firm's corporate team, and managing director **Michael Judy** serves on the CCVI board of directors.*

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DYSART TAYLOR McMONIGLE BRUMITT & WILCOX, P.C.

Honors & Distinctions from around the NETWORK

***Hanson Bridgett's Jonathan Storper was named to the MO 100 Impact list** for a fifth consecutive year. The MO 100 honors leaders who are leveraging the engine of capitalism to create shared prosperity.*

***Hanson Bridgett's Alfonso Estrada was appointed to the Mexican American Bar Association Board (MABA)**. MABA empowers the Latino community by supporting Latino lawyers, law students, and bench officers through philanthropic, educational, and civic endeavors.*

*The Health Law Section of the American Bar Association awarded **Hanson Bridgett LLP partner Stefan Chacón with its 2025 Champion of Diversity and Inclusion award**. The award is given to members of the Health Law Section who make the extra effort to foster an environment of acceptance and equality and go above and beyond to promote diversity and inclusion within the section and the legal profession.*

HansonBridgett

***Caryn Boisen of Larson King LLP** in St. Paul, Minnesota, received the **2025 Ramsey County Bar Association Distinguished Humanitarian Service Award** in recognition of her outstanding commitment to humanitarian service and dedication to the Ramsey County community. Throughout her career, Boisen has given back to Ramsey County and the broader Minnesota legal community through pro bono work and leadership in various professional organizations.*

LARSON·KING

***Barbara Barron of MehaffyWeber** in Houston, Texas, was elected **president of the board of the Symphony of Southeast Texas**, whose mission is to advance and promote a further appreciation of symphonic music and to present student concerts to further the musical education of the region. Musicians are from Houston, Southeast Texas, and various universities.*

MEHAFFYWEBER

*The **North Carolina State Bar awarded the John B. McMillan Distinguished Service Award to Cecil Harrison**, a distinguished employment attorney and former managing partner of **Poyner Spruill LLP**. This recognition is the highest honor bestowed by the Bar for exemplary service to the legal profession and the public.*

With a career spanning five decades, his practice has encompassed a broad range of employment law matters, including matters arising under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), and the Family and Medical Leave Act (FMLA). Harrison has successfully represented clients in a number of federal and state cases, as well as in matters before the Equal Employment Opportunity Commission (EEOC), the United States and North Carolina Departments of Labor, and the Employment Security Commission. He has also argued numerous appeals at both the state and federal levels.

Over many years, Harrison has also provided pro bono services to several Raleigh nonprofit organizations on an ongoing basis.

p.s. Poyner Spruill LLP ATTORNEYS AT LAW

***Thomas G. Williams, a managing member of Quattlebaum, Grooms & Tull PLLC in Arkansas, was inducted as a Fellow of the American College of Trial Lawyers (ACTL)** at its 2025 Spring Meeting held in Maui, Hawaii. Williams joins his partners Steve Quattlebaum and John Tull as Fellows of this prestigious organization. The ACTL is an invitation-only fellowship comprising exceptional trial lawyers from the United States and Canada who have demonstrated the highest standards of trial advocacy, ethical conduct, integrity, professionalism, and collegiality. Membership can never exceed 1% of the total lawyer population of any state or province.*

QG&T QUATTLEBAUM, GROOMS & TULL PLLC

***Franklin & Prokopik principal and president Bert Randall was featured on The Daily Record's 2025 Employment Law Power Player List**, which features the most influential and respected practitioners in the employment law sector in Maryland.*

FRANKLIN & PROKOPIK A PROFESSIONAL CORPORATION ATTORNEYS AT LAW

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 San Diego Regatta Challenge on San Diego Bay, a culinary tour through La Jolla, an e-bike adventure along San Diego's coastline, hiking Torrey Pines State Natural Reserve, a foodie tour of Ft. Lauderdale, VIP tour of The Star (world headquarters and practice facility of the Dallas Cowboys), and par three golf at The Swing in Frisco, Texas.

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Connell Foley LLP (Roseland, NJ)

Connell Foley secures favorable outcome for Tomco in high-stakes bid protest; $18 million jury award for defamation reduced to $500

Connell Foley LLP achieved a major legal win for Tomco Construction in a bid protest over an $80 million contract for Athletic Fields in Thomas Edison Park, County Project #EDI8017. Middlesex County had awarded Tomco the contract as the lowest responsible bidder with a bid of $77,985,000, slightly under ALT's $78,147,543. In December, ALT challenged the bid, claiming flaws in Tomco's proposal, but a trial court dismissed these claims in March, affirming Tomco's compliance.

On May 9, the Appellate Division upheld this decision, finding ALT's arguments unsubstantiated and supporting the trial court's ruling that Tomco's plan to install certain elements did not require licensed electricians. The court confirmed Middlesex County's decision as lawful and appropriate. Mitch Taraschi and Mark Fleder represented Tomco in this matter.

Separately, on May 12, Superior Court Judge Jeffrey B. Beacham reduced an $18 million jury award for defamation against former Ghanaian MP Kennedy Agyapong to $500. The case involved remarks made about journalist Anas Aremeyaw Anas following his 2018 BBC investigation into football corruption. Connell Foley successfully argued that Anas failed to establish reputational harm, limiting damages to $500 without punitive awards.

Defendant Kennedy Agyapong was represented by Connell Foley's Timothy E. Corriston, Christina Sartorio Ku and Meredith Rubin on the Motion to Mold the Jury Award.

Hanson Bridgett LLP (San Francisco, CA)

Water law team obtains published opinion

Hanson Bridgett's water law team and appellate group obtained a published opinion from the Court of Appeal, Fifth District, reversing a preliminary injunction and requiring courts to balance reasonable uses even at the injunctive relief stage. Nathan Metcalf led the team, which included Gary Watt, Sean Herman and Jillian Ames.

MehaffyWeber (Houston, TX)

MehaffyWeber attorneys obtain defense verdict and motion for summary judgment

Maryalyce Cox of MehaffyWeber in Houston, Texas, obtained a complete defense verdict in a slip-and-fall case on behalf of a national retailer. The plaintiff broke two bones in their leg following the fall. However, the jury ultimately found the client was not negligent. Additionally, associates Trey Hillman and Uzochukwu Okonkwo both successfully prevailed on a motion for summary judgment in a premises liability case involving slip and falls.

Pierce Couch Hendrickson Baysinger & Green, L.L.P. (Oklahoma City, OK)

Jake Pipinich successfully obtains an order dismissal

Attorney Jake Pipinich successfully obtained an Order dismissing shareholder claims against a Delaware County HOA concerning the purchase of a golf course within the geographical boundary of the community. The dismissal was affirmed on appeal, and the decision will be released for publication.

Rivkin Radler LLP (Uniondale, NY)

Rivkin Radler obtains landmark Anti-SLAPP decision dismissing Leon Black's malicious prosecution action; Secures significant summary judgment victory for insurance client

In *Black v. Ganieva, et al.*, Rivkin Radler partner Max Gershenoff, arguing on behalf of the employment law firm Wigdor, secured a landmark decision in the Appellate Division, First Department. The decision dismissed a malicious prosecution suit filed by multi-billionaire Leon Black against Wigdor, which had previously represented Black's accuser in an action alleging sexual assault and defamation.

The Appellate Division also found that Wigdor was entitled to recover the attorneys' fees it incurred in defending against Black's defective malicious prosecution claim.

This decision is the first ever to apply New York's amended anti-SLAPP statute to a malicious prosecution action, and it represents a significant victory not only for Wigdor but for the legal profession. The decision makes clear that lawsuits alleging sexual assault and defamation are subject to the protections of the New York anti-SLAPP statute. It also signifies that plaintiffs who sub-

successful RECENT USLAW LAW FIRM VERDICTS & TRANSACTIONS

sequently contend that such lawsuits constitute malicious prosecution must come forward with substantial evidence in order to avoid dismissal of their malicious prosecution claims.

In addition to Gershenoff, the Rivkin Radler team included Janice DiGennaro, Yonatan Bernstein, and Peter Henninger.

In a separate matter, Alan Eagle (retired) and Frank Valverde secured an important summary judgment victory in a hotly contested declaratory judgment action in the Southern District of New York. The dispute was among multiple insurers and concerned insurance coverage for an underlying Labor Law action where a worker sustained grave injuries (quadriplegia) after falling from a ladder. Rivkin Radler's winning summary judgment motion involved many cutting-edge issues, including with respect to late notice/prejudice, additional insured coverage, priority of coverage, the doctrine of circuity of the action, and estoppel as well as issues concerning contractual indemnity, employer's liability coverage, and real property. Read more at rivkinradler.com.

Wicker Smith (Miami, FL)

WICKER SMITH

Baca and Aravena obtain defense verdict for defendant driver

Jaime Baca and Claudia Aravena obtained a defense verdict on behalf of a defendant driver in an automobile negligence case in Miami-Dade County, Florida. The team was assisted at trial by co-counsel Anita Figueroa.

This case arose from an accident that occurred after the firm's client, who was operating a commercial vehicle, rear-ended the plaintiff, pushing her into another vehicle. The plaintiff was a world-renowned martial artist with no prior records of neck or back injuries or treatment. She claimed wage loss and ongoing pain and underwent an ACDF neck surgery.

The Court initially allowed punitive damages against the firm's client, but Fort Lauderdale Partner Alyssa Reiter assisted in getting that count dismissed via Summary Judgment.

Wicker Smith admitted liability and tried the case on damages, arguing the injury was minor and the plaintiff's symptoms did not correlate with an acute herniation since her MRI imaging showed pre-existing degeneration, consistent with 40 years of martial arts.

After a five-day trial, the plaintiff asked the jury for $3.1 million. The jury found that the accident was not the legal cause of the injury and returned a defense verdict.

Wicker Smith (Orlando, FL)

WICKER SMITH

Wicker Smith obtains summary judgment for theme park client

Wicker Smith's Orlando Partner Patrick Mixson and Associate Isaac Horowitz recently obtained summary judgment on behalf of a popular theme park in the Orlando tourism corridor. The plaintiff alleged that she fell due to a sticky substance on the ground in the queue of an attraction at the theme park and that she suffered a fractured hip as a result. The plaintiff was unable to identify the substance or its source, and she testified in her deposition that she had walked through the exact same area just moments before without incident. Accordingly, the firm moved for summary judgment on the grounds that the theme park could not have had constructive or actual notice of the allegedly dangerous condition prior to the Plaintiff's fall. The Court agreed and granted final summary judgment in the firm's client's favor.

TRANSACTIONS

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Connell Foley LLP (Roseland, NJ)

Connell Foley real estate team secures 30-year tax abatement for 35-story mixed-used development in Jersey City

Connell Foley real estate attorneys Charles Harrington, Thomas Leane and Rebecca Maioriello assisted their client in securing a 30-year tax abatement under the New Jersey Housing and Mortgage Finance Act of 1983, as amended and supplemented N.J.S.A. 55:14K-1, et. seq. for a new thirty-five (35) story mixed-use building containing 360 dwelling units, inclusive of which shall be 90 affordable housing units, and ground floor retail space under the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended and supplemented, N.J.S.A. 55:14K-1 et. seq. On April 23, 2025, the Jersey City Municipal Council adopted legislation approving the 30-year tax abatement and the execution of a Financial Agreement.

Rivkin Radler LLP (Uniondale, NY)

RIVKIN RADLER LLP
ATTORNEYS AT LAW

Rivkin real estate team closes $10.75 million deal

Yaron Kornblum, Marie Landsman, and Ilana Camarda's client, 151 Avenue A Property, sold a property in Alphabet City on Avenue A containing eight residential units and two commercial units for a total purchase price of $10.75 million. The sale included a complicated 1031 Exchange Drop and Swap component.

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 more than 80 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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the complete USLAW SOURCEBOOK

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USLAW is continually seeking to ensure that your legal outcomes are successful and seamless. We hope that these resources can assist you. Please don't hesitate to send us input on your experience with any of the USLAW client resources products or services listed as well as ideas for the future that would benefit you and your colleagues.

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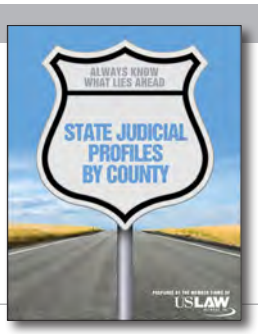

STATE JUDICIAL PROFILES BY COUNTY

Jurisdictional awareness of the court and juries on a county-by-county basis is a key ingredient to successfully navigating legal challenges throughout the United States. Knowing the local rules, the judge, and the local business and legal environment provides a unique competitive advantage. In order to best serve clients, USLAW NETWORK offers a judicial profile that identifies counties as Conservative, Moderate or Liberal and thus provides you an important Home Field Advantage.

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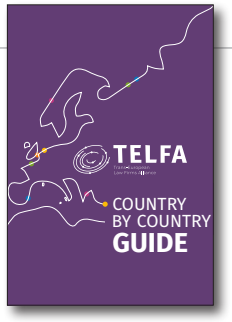
TELFA CORPORATE PRACTICE GROUP COUNTRY-BY-COUNTRY GUIDE

The Trans European Law Firms Alliance (TELFA) Corporate Practice Group Country-by-Country Guide provides legal decision-makers with relevant info for creating corporate structures in jurisdictions across Europe. The corporate structure guide is intended to:

- 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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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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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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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 2016 Through six offices and 235 lawyers, Rivkin Radler consistently delivers focused and effective legal services. We're committed to best practices that go beyond professional and ethical standards. Our work product is clear and delivered on time. As a result, our clients proceed with confidence.

We provide strong representation and build even stronger client relationships. Many clients have been placing their trust in us for more than 30 years. Our unwavering commitment to total client satisfaction is the driving force behind our firm. We are the advisor-of-choice to successful individuals, middle-market companies and large corporations.

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MEMBER SINCE 2024 Teamwork for forward-thinking client solutions. We are a team of seasoned attorneys who act as tireless advocates for our clients. Our decades of combined experience and knowledge inform strategies that drive successful outcomes. With a results-focused, cost-conscious approach, we are dedicated to creating meaningful and long-term client partnerships. At Black Marjieh & Sanford LLP, our guiding principle is to foster an inclusive, rewarding and collaborative work environment that inspires excellence, passion and innovation. It's our people who drive us forward as a firm and on behalf of our clients.

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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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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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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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 2002 Martin Tate was endowed by its founder, Judge John D. Martin, Sr., over 100 years ago, with a solid tradition of service to clients, the profession and the Memphis Community. Because of its long-term commitment to the Memphis community, Martin Tate projects a unique perspective in delivering legal services for Memphis businesses and national clients. The firm combines quality legal services with innovative legal thinking to create practical solutions that provide clients a competitive edge. The firm's areas of significant practice are business and commercial transactions; litigation in state and federal courts; trusts and estates; and commercial real estate. The firm's attorneys counsel clients in M&As, banking, IPOs, partnership matters, PILOT transactions, bankruptcy reorganizations and creditor's rights. Attorneys regularly deal with matters involving contracts, transportation law, insurance, products liability, and employment rights. Attorneys in the real estate section are involved in transactions regarding construction, development, leasing and operation of shopping centers, office buildings, industrial plants, and warehouse distribution centers. The firm is involved in financing techniques for real estate syndications, issuance of tax-exempt bonds, and equity participations.

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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 2005 Strong & Hanni, one of Utah's most respected and experienced law firms, demonstrates exceptional legal ability and superior quality. For more than one hundred years, the firm has provided effective, efficient, and ethical legal representation to individuals, small businesses, and large corporate clients. The firm's attorneys have received awards and commendations from many national and state legal organizations. The firm's practice groups allow attorneys to focus their in-depth knowledge in specific areas of the law. The firm's organization fosters interaction with attorneys across the firm's practice groups insuring that even the most complex legal matter is handled in the most effective and efficient manner. The firm's commitment to up to date technology and case management tools allows matters to be handled with client communication and document security in mind. The firm's trial attorneys have received commendations and recognition from local, state, and national organizations. Our business is protecting your business.

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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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MEMBER SINCE 2019 Relentless. Inspired. Committed. Authentic. Our team of professionals share an almost fanatical commitment to practicing Law as a means of balancing the unbalanced, leveling the unleveled, and bringing big-time results to you, our client.

We want the hardest problems you can throw at us. There is nothing we love more than diving deep into complex litigation and disputes. We will solve your problems, no matter how large or how small. This team thrives under pressure, so pile it on. Our team of battle-tested attorneys brings an unmatched drive and determination to every client. We don't rest on our laurels. We innovate and create new solutions to produce winning results. We bring order and symmetry to chaos and complexity. We love what we do.

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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MEMBER SINCE 2019 BARREIRO is a law firm based in Buenos Aires, Argentina. We advise our clients on all business matters including M&A, Banking & Finance, Employment & Labor, Dispute Resolution, Regulatory and Tax. We also have special teams focused on infrastructure and construction, corporate and foreign investments, technology, energy and natural resources. As a boutique firm, we have a high involvement at partner and senior associate level, which allows us to work efficiently and to provide an outstanding level of service to our clients

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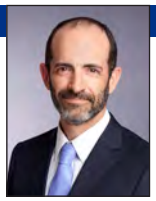

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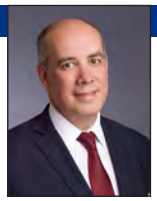

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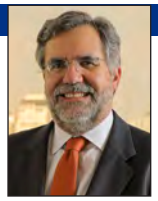

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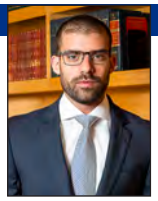

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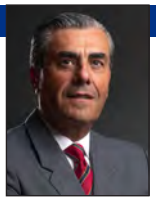

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Arcadia is recognized as the first structured settlement firm with more than 50 years in business. Our consultants have used our skill and knowledge, innovative products and unparalleled caring service to help settle over 500,000 claims involving structured settlements, providing more than $150 billion in future benefits and positively impacting hundreds of thousands of lives by providing security and closure.

Your USLAW structured settlements consultants look forward to working with you!

Immersion Legal Jury
OFFICIAL JURY CONSULTING PARTNER

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Immersion Legal Jury is USLAW's official jury consulting partner. Through carefully crafted mock trials and focus groups, Immersion's team of jury consultants meticulously analyzes juror feedback to arm litigators with data-driven insights and powerfully pithy themes. When cases proceed to trial, they leverage cutting-edge jury selection techniques to optimize success in the courtroom. For more information, visit immersionlegal.com.

2024 USLAW Corporate Partners

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With over 30 years of experience, Marshall Investigative Group is a premier leader in construction, retail, and transportation fraud investigations across the U.S., Canada, and Mexico. We specialize in disability, liability, bodily injury, and workers' compensation cases, utilizing the latest technologies to deliver comprehensive solutions that save our clients millions annually. Our expertise spans surveillance, research, SIU, and internet-based investigations.

Headquartered in Chicago, with regional offices nationwide, our goal is to exceed your expectations. Marshall Investigative Group's surveillance investigators are committed to delivering effective solutions for well-positioned claims.

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Our Research Group offers specialized investigations for all industries, including activity checks, background checks, employment checks, facility canvass searches, pharmacy canvass searches, and skip trace/locate services.

Marshall Investigative Group's Special Investigation Unit (SIU) provides comprehensive support to identify and combat fraudulent insurance claims.

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- SIU Services

MDD Forensic Accountants
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