

**PANEL:**  
**WHAT KEEPS IN-HOUSE**  
**COUNSEL UP AT NIGHT**

**Moderator: Jessie Zeigler**  
**Bass Berry & Sims**

## What Keeps In-House Counsel Up at Night?



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### Panelists

- **Karen Abbott** - Vice President & Associate General Counsel  
IASIS Healthcare (Franklin, TN)
- **Fern Daves** - Senior Counsel – Environment, Safety & Health  
ITT Corporation (White Plains, NY)
- **Sue Dyer** - Senior Litigation Counsel  
HCA (Nashville, TN)
- **Liv Johnson** - Executive Counsel, Office of the Gen. Counsel  
The Coca-Cola Company (Atlanta, GA)
- **Chris Shaheen** - Vice President and Chief Litigation Counsel  
U.S. Bank (Minneapolis, MN)

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### E-Discovery



- Cost control



- Ensuring that pertinent data/documents are identified and collected



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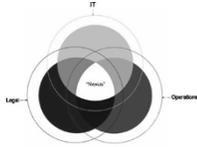
**E-Discovery**



- Keeping up with ever-changing technology (is it really inaccessible?)



- Staying in sync with the Information Technology department



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**THE I.T. DEPARTMENT**

They manage your servers, your telecom equipment and your mission-critical business applications. God help us.

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**E-Discovery**



- Effective preservation notices, and ensuring compliance with them
- What employees say in e-mails
- Spoliation concerns

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**E-Discovery**



- Lower Passaic River example



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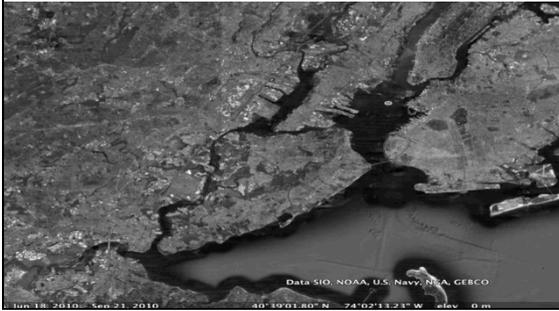
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**E-Discovery**



- Lower Passaic River example



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**Government Actions that Impact the Company**



- Increased audits/inspections (OSHA, HUD, etc.)
  - Violations
  - The costs of corrective actions
  - FAPIIS (Federal Awardee Performance Integrity and Information System)



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**Government Actions that Impact the Company**

- Weakened federal preemption
- Antitrust litigation (the need to stay on top of competition issues)
- Tax litigation (e.g. the imposition of beverage taxes, food taxes)
- FCPA

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**Government Actions that Impact the Company**

- Fostering good communication
  - Trends in market
  - Measures to head-off litigation/mitigate damages




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**Caseload Management in a Tight Economy**

- Managing more cases with fewer in-house lawyers
- Effective and timely communication with outside counsel
- Tracking progress of cases




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**Caseload Management in a Tight Economy**

- Finding pro-active outside counsel, rather than reactive (coming up with preliminary case strategy)
- Developing a level of trust with outside counsel



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**Caseload Management in a Tight Economy**

- Ensuring that outside counsel understand their business
- The “small” case that suddenly is not small
- The potential impact of other pending cases on your case



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**Caseload Management in a Tight Economy**

- The press



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**Social Media/Social Responsibility**

- The impact of Facebook, Twitter, etc.
  - on the Company/the Brand
  - employment actions/union activity
  - litigation generally
- Bloggers' impacts on the above



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**Social Media/Social Responsibility**

- Employees' use of social media and the potential impact on litigation
- The fear of the unknown



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**Education**

Vanderbilt University -  
J.D., 1993  
Syracuse University -  
B.A., B.S., 1990

**Honors & Distinctions**

Listed in: The Best  
Lawyers in America®;  
Mid-South Super  
Lawyers  
2010 Co-chair, ABA's  
Women in Products  
Liability Subcommittee  
2011 Co-chair, ABA's  
Food and Supplements  
Conference  
Order of the Coif  
Phi Beta Kappa

**Publications**

"The Higher Cost of  
Drinking Water," *Envtl.  
Litigator* 9 (Winter 2009)  
"State Restrictions on  
Violent Expression,"  
*Vanderbilt Law Review*  
(Vol. 46, No. 2, 1993)

Jessie is the assistant practice leader for the firm's Products Liability, Environmental and Mass Torts Group, focusing on products liability, environmental and healthcare litigation. Her products liability practice includes pharmaceutical, food, supplements and automotive products defense. Jessie also has substantial experience with environmental litigation, OSHA matters and healthcare liability defense.

**Food and Beverage:** Jessie co-chair's the firm's Food and Beverage Industry Group. She has substantial experience in successfully assisting food clients with recalls and defending food liability claims. She co-chaired the ABA's first Food and Supplements Conference at Coca-Cola in February 2011 and remains active in the leadership of this subcommittee.

**Products Liability and Mass Torts:** Jessie works on class actions and MDLs for various types of product cases and has experience with recalls under the FDA's watch. She is national co-counsel for an automotive manufacturing company in an MDL involving multiple class actions. She serves on the expert team in a pharmaceutical company's litigation. She served on the national expert team for diet drug litigation and retained and worked with experts for trials nationwide. She also was retained to conduct quality assurance audits of trial team preparations nationwide for MDL cases set for trial. She speaks at national conferences on products liability issues and serves among the leadership of a national food/supplements products liability committee. She is currently defending two pharmaceutical clients against false patent marking claims.

**Environmental and Mass Torts:** Jessie has vast experience in environmental litigation, including water rights, mass torts and contamination cases. She recently was granted summary judgement for a large manufacturer against claims that its products contained asbestos that harmed the plaintiff in a suit involving more than 30 defendants. She assists clients with employee injury/death investigations and OSHA investigations/citations. She also served as lead counsel in a water storage fee case against the U.S. Army Corps of Engineers, a case of first impression nationwide. She successfully obtained summary judgment on the key issue in the case. She defended a communications company in contamination litigation that involved third party complaints against nearly a dozen defendants. She also handles other mass tort actions, including toxic torts. Her experience encompasses actions involving the U.S. EPA, TDEC, OSHA, citizen suits and private rights of action.

**Healthcare:** Jessie serves as litigation counsel in professional liability actions involving catastrophic personal injury and wrongful death claims for a major academic medical center and one of the largest single-specialty medical groups in the southeastern United States.

