

Emerging Trends in Asbestos Litigation

March 9-11, 2009 | The Four Seasons Los Angeles at Beverly Hills



CONFERENCE CHAIRS:

John Cooney, Esq., Cooney & Conway, Chicago

Timothy Krippner, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago

Perry Weitz, Esq., Weitz & Luxenberg P.C., New York

Monday, March 9, 2009

- 8:00 Registration & Continental Breakfast
- 8:45 Welcome & Introductory Remarks
John Cooney, Esq., Cooney & Conway, Chicago
Timothy Krippner, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago
Perry Weitz, Esq., Weitz & Luxenberg P.C., New York
- 9:00 The Current Asbestos Litigation Landscape
Robert Riley, Esq., Schiff Hardin LLP, Chicago
Perry Weitz, Esq., Weitz & Luxenberg P.C., New York
- 10:00 Verdicts and Values: A Retrospective Look at 2008
• In what jurisdictions are trials proceeding to verdict?
• What are the results and values of verdicts?
• Are there noticeable trends, and if so, what do the trends reveal?
J. Yasmin Mancini, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago
Additional speaker to be announced
- 10:45 Morning Break
- 11:00 Verdicts, Settlements and the Future of Values: Where Are We Heading? A Roundtable Discussion
• How are true values determined
• The shifting demographic and expanding law firms.
• Are the trends ominous?
• Will the short term see more or less trials?
Jeffrey Simon, Esq., Simon Eddins & Greenstone, LLP, Dallas
Robert Thackston, Esq., Hawkins, Parnell & Thackston, Dallas
Charles Bates, PhD, Bates White, LLC, Washington, DC
Robert Komitor, Esq., Levy Phillips & Konigsberg, LLP, New York
Perry Weitz, Esq., Weitz & Luxenberg P.C., New York
Lawrence Cetrulo, Esq., Cetrulo & Capone, LLP, Boston
- 12:00 Luncheon and Keynote Address
Sponsored by Weitz & Luxenberg P.C.
Erin Brockovich, Los Angeles
- 1:30 Latest Developments in the Treatment of Mesothelioma
• Update on recent treatment advances
• An objective view from the front line of the current state of treatment options, advancements in medicine, and the hope for the future
Hedy Lee Kindler, MD, Associate Professor of Medicine & Director, Mesothelioma Program, Section of Hematology/Oncology, University of Chicago, Chicago
- 2:30 The Continued Evolution of the Heavy Machinery Case
• A retrospective look at the Realities and State of the art in supplying machinery to the Navy
• Liability for the roles of manufacturers, employers and outside contractors
• The New Approach to Industrial Hygiene and Exposure in the industrial setting
Aaron DeLuca, Esq., DeLuca & Nemeroff LLP, Spring, TX

Michael Ramirez, Esq., K&L Gates LLP, Dallas, TX
Perry Browder, Esq., SimmonsCooper, East Alton, IL
Erich Gleber, Esq., Segal McCambridge Singer & Mahoney, Ltd., New York

- 3:45 Afternoon Break
- 4:00 Raw Fiber Suppliers: Where Does the Liability Stand?
• The basis for liability
• The viable defendants
• Important scientific considerations
Simona Farrise, Esq., Farrise Law Firm, Santa Barbara, CA
- 5:15 Networking Reception
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Tuesday, March 10, 2009

- 8:30 Continental Breakfast
- 9:00 The Household Exposure Case
• Building materials cases
• Recent verdicts and opinions
• Liability, science and causation
• Quantifying asbestos exposure
Steven Rosenblatt, Esq., Segal McCambridge Singer & Mahoney, Ltd., New York
Shepard Hoffman, Esq., Law Offices of Shepard A. Hoffman, LLC, Dallas
John Canoni, Esq., Kasowitz, Benson Torres and Friedman, LLP, New York
- 10:00 Current Issues in Asbestos Medicine
• How individual dose determination aids objective individual causal analysis
• The mesothelioma debate: New Literature and Evaluation on Amphiboles v. Chrysotile
• Using imaging studies in mesothelioma causation determination
• Understanding the concept of threshold/no threshold and “no increased risk”
• Impact of mesothelioma diagnosis on future filing rates
• Modeling
• Where are the numbers headed?
Michael Graham, M.D., Professor of Pathology, St. Louis University School of Medicine, St. Louis
- 11:00 Morning Break
- 11:15 A National Perspective on Asbestos Rulings and Appellate Decisions
Jonathan Tabasky, Esq., Cooley Manion Jones, LLP, Boston
Jonathan M. Lively, Segal McCambridge Singer & Mahoney, Ltd., Chicago
- 12:30 Networking Luncheon
Sponsored by Navigant Consulting, Inc.

2:00 **Premises Liability Litigation Update**

- The premises case: where the current liabilities stand and presenting the distinct areas of liability
- employees
- outside contractors/invitees
- secondary exposure for household members
- Developing crucial evidence relating to the claim
- Knowledge and conduct: what is the state of the art?

R. Scott Masterson, Esq., Lewis Brisbois Bisgaard & Smith, LLP, Atlanta
Randy Gori, Esq., Gori Julian and Associates, PC, Edwardsville, IL
Anne Kearse, Esq., Motley Rice, LLC, Mt. Pleasant, SC
James Poole, PhD, CIH, ENVIRON International Corp., Tampa, FL

3:00 **Afternoon Break**

3:15 **Open For Business — The Practical Consequence and Procedures for Submitting Claims to the New Asbestos Trusts**

- What claims are being approved and when?
- Pre-petition liquidated settlements
- What are the most common reasons for claim deficiencies?
- The best way to cure deficiencies — avoid them
- Understanding the ABCs of the trust distribution process
- SOE, IR, ER, POC
- Presenting claim information that will result in approval on the first submission
- The most effective use of trust — online and bulk upload submissions
- How will subpoenas issued by other bankruptcies or tort systems defendants be handled

Steve Baron, Esq., Baron & Budd, P.C., Dallas
Lisa Busch, Esq., Weitz & Luxenberg, P.C., New York
John Baden IV, Esq., Motley Rice, LLC, Mt. Pleasant, SC

4:15 **The Judicial Perspective on Docket Management: A Roundtable Discussion**

- A practical discussion of managing an afflux and volume of claims
- Navigating the delicate balance of claimants and resources
- Avoiding paralysis in docket management

Moderators: Perry Weitz, Esq., Weitz & Luxenberg, New York and Timothy Krippner, Segal McCambridge Segal & Mahoney, Chicago
Hon. Daniel Stack, Madison County Circuit Court, Edwardsville, IL
Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Hon. James McBride, Presiding Judge, San Francisco Superior Court, San Francisco
Hon. Sherry Klein Heitler, NYS Supreme Court, Appellate Term, First Department, New York
Hon. Elihu M. Berle, Civil Supervising Judge, Los Angeles Superior Court, Los Angeles
Hon. Mark Davidson, 11th Civil District Court, Houston

5:15 **Networking Reception**
Sponsored by NERA Economic Consulting

Wednesday, March 11, 2009

8:30 **Continental Breakfast**

9:00 **The Role of Bankruptcy Trusts in Civil Asbestos**

- Exposure evidence
- Timing
- Set offs
- True values

Moderator: John Cooney, Esq., Cooney & Conway, Chicago
Ronald Miller, PhD, Senior Vice President, NERA Economic Consulting, New York
Charles Mullin, PhD, Litigation Resolution Group LLC, Washington, DC

10:15 **Morning Break**

10:30 **International Asbestos Claiming & Globalization**

- Review of developments relevant for companies, insurers, and lawyers regarding global asbestos claiming through civil litigation, asbestos trust claiming and legislation outside the US
- Overview of the significant volume of non-U.S. mesothelioma claims against Manville Trust, and potential international claims against other asbestos trusts
- Analysis of global asbestos legislation developments, including legislative initiatives in Japan, Scotland, England and Wales, and evolving group litigation rules
- Highlights on specific international developments in asbestos use and asbestos claiming

Kirk Hartley, Esq., Butler Rubin Saltarelli & Boyd, Chicago
Francine Rabinovitz, PhD, Hamilton Rabinovitz & Associates, Inc., Carmel, CA
Steven Kazan, Esq., Kazan, McClain, Lyons, Greenwood & Harley, PLC, Oakland, CA

11:30 **Insurance Coverage Issues for Asbestos Non-Products**

- Overview of premises/operations coverage without aggregate limits (aka non-products) for asbestos claims
- Typical facts and policies for premises/operations claims
- Policyholder and Insurer arguments for and against premises/operations coverage
- Current status of the law on premises/operations coverage
- Insurer and industry disclosures regarding premises/operations coverage
- Status of various cases; status of the law; discussion of the substantive/procedural issues

Policyholder Perspective: Scott Godes, Esq., Dickstein Shapiro, LLC, Washington, DC
Insurer Perspective: Robert Berkes, Esq., Berkes Crane Robinson & Seal, Los Angeles
Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York

12:30 **Adjourn**

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