



Asbestos Litigation Conference: Cutting-Edge Issues in Asbestos Litigation

February 25th-26th, 2010
Beverly Wilshire Hotel
Beverly Hills, CA

CO-CHAIRS

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

Jeffrey B. Simon, Esq.,
Simon, Eddins & Greenstone, LLP, Dallas, TX

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Wednesday, February 24, 2010

Pre-conference Networking Golf Outing (Space Limited)

12:30 at Trump National

Cocktail Evening

Sponsored by Segal McCambridge Singer & Mahoney, Ltd. at Beverly Wilshire Hotel

Thursday, February 25, 2010

8:00 AM - Continental Breakfast and Registration**8:30 AM - Opening Remarks**

Timothy L. Krippner, Esq., Segal McCambridge Singer & Mahoney, LTD., Chicago, IL
Jeffrey B. Simon, Esq., Simon, Eddins & Greenstone, LLP, Dallas, TX

8:45 AM - Asbestos Litigation in 2010 & Beyond - Current and Emerging Trends

- Looking into the crystal ball: future trends expected to shape the resolution of asbestos claims for plaintiffs, defendants and insurers
- Forecasting the claims matrix – an analysis of what type and how many claims will come over the next 3-5 years
- Time capsule: what will asbestos litigation look like in 2015? 2020?
- New and emerging theories, defendants and jurisdictions

Moderator: Al Parnell, Esq., Hawkins & Parnell LLP, Atlanta, GA

Perry Browder, Esq., Simmons Browder Gianaris Angelides & Barnerd LLC, East Alton, IL
Ann McGinness Kearse, Esq., Motley Rice LLC, Mt. Pleasant, SC
Charles H. Mullin, Ph.D., Bates White, LLC, Washington, DC
Thomas W. Tardy, III, Esq., Forman Perry Watkins Krutz & Tardy LLP, Jackson, MS

9:45 AM - The Status and Future Plan for MDL-875

Eduardo C. Robreno, USDJ, Presiding Judicial Officer of MDL-875, Philadelphia, PA

10:30 AM - Lien on Me: The Impact of Medicare Reporting Rules on Asbestos Litigation

- An overview of Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007
- Compliance associated with Medicare secondary payer statutes
- Deadlines, implementation and enforcement
- Impact on mass torts, traditional asbestos litigation and bankruptcy trusts

Malini Ireland, Director, Navigant Consulting, Inc., Lawrenceville, NJ
Robert T. Lewis, Esq., Crowe Paradis Services Corporation, Mt. Laurel, NJ
Dr. Denise N. Martin, Senior Vice President, NERA Economic Consulting, New York, NY

11:15 AM - Break**11:30 AM - Litigation Tourism - Where are the New & Emerging Venues?**

- Tracking the historical movement of asbestos claims – the legal, political and geographical attributes of an emerging jurisdiction
- Madison County and other busy asbestos dockets – what lessons have been learned by plaintiffs, defendants and insurers?
- Update on the latest filings for California, Delaware, Pennsylvania, New York, Florida, New Jersey, Wisconsin and other emerging asbestos dockets
- Texas – is litigation in the lone star state coming back?
- Migration – what new venues will produce asbestos claims in the future?

Moderator: Jeffrey B. Simon, Esq., Simon, Eddins & Greenstone, LLP, Dallas, TX

California:

Ron Eddins, Esq., Simons, Eddins, and Greenstone, LLP, Long Beach, CA
Bill Hake, Esq., Cooley Manion Jones Hake Kurowski LLP, San Francisco, CA

Illinois:

Randy Gori, Esq., Gori Julian & Associates, PC, Edwardsville, IL
Jeffrey S. Hebrank, Esq., HeplerBroom LLC, Edwardsville, IL

Delaware:

David W. deBruin, Esq., Bifferato LLC, Wilmington, DE
Jason Cincilla, Esq., Cooley Manion Jones LLP, Wilmington, DE

Pennsylvania:

M. Douglas Eisler, Esq., Wilson Elser Moskowitz Edelman & Dicker LLP, Philadelphia, PA
Ben Shein, Esq., Shein Law Center, Philadelphia, PA

New York:

Joe Belluck, Esq., Belluck and Fox, LLP, New York, NY
Christian H. Gannon, Esq., Segal McCambridge Singer & Mahoney, Ltd., New York, NY

New Jersey:

Marc S. Gaffrey, Esq., Hoagland, Longo, Moran, Dunst & Doukas, LLP, New Brunswick, NJ
Moshe Maimon, Esq., Levy Phillips & Konigsberg, LLP, Lawrenceville, NJ

Federal:

John C. Canoni, Esq., Kasowitz, Benson, Torres & Friedman LLP, New York, NY
Charles S. Siegel, Esq., Waters & Kraus, LLP, Dallas, TX

12:30 PM - Heavy Equipment Cases – Who’s Currently Doing the Heavy Lifting?

- Update on evolving case law: Taylor, Merrill, O’Neill and other precedent cases
- Duty to warn
- External to the liability? Chain of distribution and defense doctrine
- Apportioning liability – who is currently being held accountable?
- Cases being reviewed and appellate rulings that could shape the litigation

Ron Eddins, Esq., Simons, Eddins, and Greenstone, LLP, Long Beach, CA
Additional Speakers to be added.

1:00 PM - Networking Lunch Sponsored by RecordTrak

2:15 PM - Managing Relationships in 2010 Asbestos Litigation

- How do insurance companies choose local and national counsel?
- Billing and allocating costs
- Best practices for working with counter-parties to achieve desired results
- Managing relationships between policy holder, local counsel, national counsel, and insurance company
- Busy docket management – how are judges working with plaintiff and defense attorneys to ensure fair due process and equitable resolution of claims
- Impact of court budget constraints on the future of asbestos trials (L.A. Superior Court Asbestos Litigation Settlement Project)

Moderators:

William F. Mahoney, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago, IL
Jeffrey B. Simon, Esq., Simon, Eddins & Greenstone, LLP, Dallas, TX

Judge Elihu Berle, Supervising Judge of the Civil Division of the Los Angeles Superior Court, Los Angeles, CA

Lynn A. Moretti, Esq., Assistant Vice President & Sr. Corporate Counsel Complex and Emerging Risk Claims Department, Liberty Mutual Group, Boston, MA

Malcolm Myers, Vice President, Asbestos Issues Resolute Management, Inc., Philadelphia, PA

Robert Sampson, Vice President of Claims, RiverStone Claims Management LLC, Manchester, NH

Linda Tatka, Claims Director, Fireman's Fund /Allianz Insurance Company, San Francisco, CA

3:15 PM - Cash for Clunkers: The Continued Impact of the Chrysler and General Motors Bankruptcy Cases

- Obama and the administration's auto task force
- Putting the pedal to the metal - an overview of the Chrysler and GM 363 sales
- Objections by tort claimants to the sales and treatment of claims
- 2nd Circuit ruling and U.S. Supreme Court review
- Impact for friction co-defendants – whose liability will rise?
- State successor liability: understanding how future asbestos claims will be treated against "New Chrysler" and "New GM"

Sander L. Esserman, Esq., Stutzman, Bromberg, Esserman & Plifka, PC, Dallas, TX

3:45 PM - Inside the Deliberation Room: Influencing Juries in 2010

- Jury selection – what to look for in identifying and qualifying "your" jury
- Juries and jurisdictions – knowing what biases could influence your case
- Knowing when to settle and when to let the jury decide the case
- Technology in the courtroom: what is currently working?
- Opening and closing statements that impact jury decisions
- Prepping your expert to influence the jury – disqualifying the opposing expert
- Best practices for "reading" a jury and crafting a successful case

Edward P. Abbot, Esq., Smith Abbot, LLP, New York, NY

Curtis R. Bailey, Esq., Kurowski, Bailey, & Schultz, LLC, Swansea IL

Bob Komitor, Esq., Levy Phillips & Konigsberg, LLP, New York, NY

4:15 PM - Asbestos Bankruptcy Trusts Online: Panel Discussion on the Role of Trusts in the Asbestos Compensation System

- What is currently known about the trusts? How many trusts are currently operational?
- Current trust assets online - Halliburton/DII Industries, U.S. Gypsum, Armstrong, Owens Corning/Fibreboard, Babcock & Wilcox and others
- What new trusts will be established in 2010-2011?
- Financial and claim information of the trusts – is there enough disclosure?
- Manville Trust data and other new potential sources to determine trust payouts
- Obtaining trust information through discovery
- Protecting trust claim information: confidentiality, attorney-client privilege and other defenses
- Managing the "double-docket" – judicial understanding of the interplay between bankruptcy trusts and traditional asbestos litigation
- State tort reform and changes in joint and several liability – apportioning bankrupt shares

Moderator: Kirk Hartley, Esq., Childress, Duffy, Goldblatt, Ltd., Chicago, IL

Richard Ames, Esq., Carroll, Burdick & McDonough LLP, San Francisco, CA

Charles E. Bates, PhD, Bates White, Washington, DC

Garland S. Cassada, Esq., Robinson, Bradshaw & Hinson, P.A., Charlotte, NC

Judge Mark Davidson, 11th Civil District Court of Texas, Harris County, TX

Lloyd Dixon, PhD, RAND Corporation, Santa Monica, CA

Judge Harry Hanna, Cuyahoga County, Ohio Common Pleas Court, Cleveland, OH

Judge James J. McBride, Presiding Judge, San Francisco Superior Court,

San Francisco, CA

Robert W. Philips, Esq., Simmons Browder Gianaris Angelides & Barnerd LLC,
East Alton, IL

5:30 PM - Cocktail reception (sponsored by Stratos Legal)

Friday, February 26, 2010

7:45 AM - Women in Business Breakfast

Kay Andrews, Esq., Brown McCarroll, LLP, Austin, TX
Ann McGinness Kearse, Esq., Motley Rice LLC, Mt. Pleasant, SC
J. Yasmin Mancini, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago, IL

8:30 AM - Breakfast and Registration**9:00 AM - The New Era of Asbestos Litigation – An In-House Perspective**

Moderator: William F. Mahoney, Esq., Segal McCambridge Singer & Mahoney, Ltd., Chicago, IL

Troy Chute, Manager, Discontinued Operations Claims, Pepsi Americas, Chicago, IL
Silvio DeCarli, Manager, Associate General Counsel and Chief Litigation Counsel, Dupont, Wilmington, DE
Michael Glackin, Dow Chemical Co., Midland, MI
Paul Grant, President, Garrison Litigation Management Group, Ltd., Rochester, NY
Edward Lowenberg, Sr. Counsel Litigation Coordinator, ExxonMobil, Houston, TX
Paul Slater, General Electric Company, Fairfield, CT

10:15 AM - Break**10:30 AM - The Experts Speak – Emerging Medical and Scientific Issues in Asbestos Litigation**

- Latest advancements in mesothelioma and other cancer cases
 - Are there valid methodologies for:
 - Dose reconstruction
 - Risk estimates per different asbestos fiber types
 - Risk estimates based upon length of asbestos fibers
 - Extrapulmonary asbestos burden v lung parenchyma burden
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R. Scott Masterson, Esq., Lewis Brisbois Bisgaard & Smith LLP, Atlanta, GA
Thomas A. Sporn, MD, Associate Professor of Pathology Thoracic Pathology Section/
Surgical Pathology, Duke University Medical Center, Durham, NC

11:15 AM - Top 5 Insurance Issues in Asbestos Litigation

- Choice of law – what rules govern your claims and policies
 - Update on current coverage litigation cases that are impacting the litigation
 - Insurance-play bankruptcies for non-operations insurance policies
 - Get up, stand up! Do insurers have standing to object to the confirmation of a 524(g) plan?
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Mark Plevin, Esq., Crowell & Moring LLP, Washington, DC
Dave Christian, Esq., Seyfarth Shaw, LLP, Chicago, IL

12:00 PM - Lunch

1:00 PM - **International Asbestos Litigation – A Look at Litigation Across the Pond**

- UK Asbestos Claiming
- Data on Global Use of Asbestos and Efforts to Ban Continued Use
- Overviews of Claiming and Victim Activism in the EU, Asia, South America
- Australia - Tort System Claiming and the James Hardie Foundation
- Cross-Border Asbestos Trust Claiming
- Implications of Immigration for Underlying Claims in the US

Kirk Hartley, Esq., Childress, Duffy, Goldblatt, Ltd., Chicago, IL
David Miller, Esq., Colin Biggers & Paisley, Sydney, Australia
Marc Weingarten, Esq., Locks Law Firms, Philadelphia, PA

2:00 PM - **Judicial Roundtable: Ethics and Responsibility in 2010 Asbestos Litigation**

- Learning from the past – what new legal methods should attorneys be incorporating into their practice?
- Litigation administration – is there a way for both sides to work together and keep costs down?
- Are many of the current objections trite? Isn't there a greater responsibility for divergent parties to find compromise?
- Recurring evidentiary issues in asbestos cases

Moderator: Laurence H. Brown, Esq., Brookman Rosenberg Brown & Sandler, Philadelphia, PA

Judge Elihu Berle, Supervising Judge of the Civil Division of the Los Angeles Superior Court, Los Angeles, CA

Judge Mark Davidson, 11th Civil District Court of Texas, Harris County, TX

Judge James J. McBride, Presiding Judge, San Francisco Superior Court, San Francisco, CA

Judge Daniel Stack, Madison County Circuit Court, Edwardsville, IL

3:00 PM - **Adjourn**