

Defense Asbestos Litigation Seminar

DALS|2016



June 8–10 | Paris Las Vegas | Las Vegas, NV

Annual Asbestos Defense Bar Seminar; meet with clients and colleagues

Presentations by leading experts on medicine, industrial hygiene, toxicology and other disciplines

Roundtable presentations by key insurance and in-house corporate representatives as well as national coordinating counsel

Mock trial presentations by leading defense and plaintiff counsel

Networking opportunities with insurance, in-house corporate and national coordinating counsel representatives

Discussions and training regarding depositions and other pre-trial discovery

Significant presentations and materials offered to defense counsel only

Seminar Organizers



Albert H. Parnell
Hawkins Parnell Thackston &
Young LLP, Atlanta, GA



Tom Radcliffe
DeHay & Elliston LLP,
Baltimore, MD



David A. Speziali
Speziali, Greenwald & Hawkins,
Williamstown, NJ

What You Will Learn

- ▶ Preparing the defense bar for the next wave of litigation including talc, lung cancer and more
- ▶ Focusing on best practices for depositions and discovery
- ▶ Updates regarding fraud claims and bankruptcy trusts
- ▶ Discussions among clients regarding expectations and new approaches
- ▶ Where is litigation headed and how to get prepared

PROGRAM SCHEDULE

WEDNESDAY, JUNE 8, 2016

Cardno ChemRisk

Complementary Asbestos Science Seminar
9:00 a.m.–12:30 p.m.

- 9:00 a.m. **Welcome**
- 9:05 a.m. **Asbestos State of the Art Related to Insulation Contractors, Distributors and Premises Owners**
Anders Abelmann, PhD, Cardno ChemRisk, Chicago, IL
- 9:25 a.m. **Top Recent Asbestos Literature—What Should You be Aware of and Why?**
Brooke Simmons, MPH, CIH, Cardno ChemRisk, San Francisco, CA
- 9:45 a.m. **Talc and Asbestos—Plaintiff and Defense Positions**
Amanda Burns, MSPH, Cardno ChemRisk, Brooklyn, NY
- 10:05 a.m. **Talc, Serpentine and Amphiboles: Geology and Analytical Tools**
Matt Sanchez, RJ Lee Group, Monroeville, PA
- 10:25 a.m. **Legal Aspects of Talc Litigation**
Tracy Cowan, Hawkins, Parnell, Thackston & Young, LLP, St. Louis, MO
- 10:40 a.m. **Break**
SPONSOR **TBA**
- 11:00 a.m. **Bio-persistence of Asbestos Fibers: Why It Legally Matters**
Allen Lockerman, Esq., Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
- 11:15 a.m. **An Updated No Observed Adverse Effect Level (NOAEL) Analysis for Chrysotile and the Amphiboles**
Jennifer Pierce, MS, PhD, Cardno ChemRisk, Chicago, IL

- 11:35 a.m. **Urban vs. Rural Mesothelioma Rate Analysis—Implications for Low Dose Causation Arguments**
Shannon Gaffney, PhD, MHS, CIH, Cardno ChemRisk, San Francisco, CA
- 11:55 a.m. **How fast do asbestos fibers really settle out of the air and what is the effect of air flow rates in homes?**
Jennifer Sahmel, MPH, CIH, CSP, Cardno ChemRisk, Boulder, CO
- 12:15 p.m. **Q&A**

Afternoon Sessions

Open to plaintiff and defense lawyers and clients

- 1:30 p.m. **Introduction**
Albert H. Parnell, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD
David A. Speziali, Speziali, Greenwald & Hawkins, Williamstown, NJ
- 1:35 p.m. **Lung Cancer Medical Update**
Dr. David Weill, Stanford University Medical Center, Stanford, CA
- 2:00 p.m. **Epidemiology and Cases for Low Toxicity of Chrysotile**
Dana Hollins, MPH, CIH, Cardno ChemRisk, San Francisco, CA
- 2:30 p.m. **Industrial Hygiene of Take Home Exposure and Bystander Exposures**
William Cyrs, MS, CIH, Cardno ChemRisk, San Francisco, CA
- 2:50 p.m. **Point and Counterpoint: Perspectives on Product Analysis**
Dr. William E. Longo, PhD, Materials Analytical Services, LLC, Suwanee, GA
Jennifer Pierce, PhD, MS, Cardno ChemRisk, Chicago, Illinois

- 3:20 p.m. **Break**
SPONSORED BY **Hawkins, Parnell, Thackston & Young, LLP AND DeHay & Elliston LLP**
- 3:40 p.m. **Low Dose Toxicology**
Dr. Bryan Hardin, Veritox, Inc., Hilton Head, SC
- 4:10 p.m. **The Science of Automotive Exposures**
Dr. Amy Madl, PhD, DABT, Cardno ChemRisk, Aliso Viejo, CA
- 4:40 p.m. **State of the Art: Changes in the Litigation**
Principal Article
Albert H. Parnell, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
Developing the Record at Deposition
David A. Speziali, Speziali, Greenwald & Hawkins, Williamstown, NJ
- 5:25 p.m. **Mesothelioma Diagnosis and Causation**
Dr. Michael Graham, MD, St. Louis University School of Medicine, St. Louis, MO
- 6:15 p.m. **Networking Reception**
SPONSORED BY **Cardno ChemRisk**

THURSDAY, JUNE 9, 2016

Open to Defense Lawyers Only

- 8:15 a.m. **Introduction**
Welcome and DALs Website Documents Updates
- 8:20 a.m. **Latest Mesothelioma, Asbestosis and Lung Cancer filings by State and Plaintiff's Counsel, and impact on Bankruptcy Trusts**
Brad Drew, Navigant PACE, Hamilton, NJ

8:40 a.m. **How to Shut Down Madison County—or Not: With a Boots on the Ground Update**
 John "Jack" Laffey, Whyte Hirschboeck Dudek S.C., Milwaukee, WI
 Raymond R. Fournie, Armstrong Teasdale, St. Louis, MO

9:10 a.m. **Talc Exposure, Asbestos and Causation**
 Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD

9:35 a.m. **Household Exposure Claims: Current Medicine on Low Dose Chrysotile Exposures in Women and Deposition Approaches**
 Bruce T. Bishop, Willcox & Savage, Norfolk, VA

10:00 a.m. **Break**
 SPONSORED BY **TBA**

10:15 a.m. **National Counsel Roundtable: Expectations of Counsel**
 MODERATOR
 Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD
 PANELISTS
 C. Michael Evert Jr., Evert Weathersby Houff, Atlanta, GA
 Anissa Medigar, Briggs and Morgan, Minneapolis, MN
 H. Lane Young II, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
 Ellen S. Tenenbaum, McDermott, Will & Emery, Washington, DC

10:50 a.m. **Cross Exam and Strategy for: Susan Ratterman**
 Ollie M. Harton, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
Carl Brodtkin
 Ollie M. Harton, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA
Murray Finkelstein
 Ollie M. Harton, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA

David Rosner/Gerald Markowitz
 David A. Speziali, Speziali, Greenwald & Hawkins, Williamstown, NJ

Arthur Frank
 Erik D. Nadolink, Wheeler Trigg O'Donnell, LLP, Denver, CO

Arnold Moore
 Erik D. Nadolink, Wheeler Trigg O'Donnell, LLP, Denver, CO

11:50 a.m. **Lunch on Your Own**

1:05 p.m. **Ethics: Bankruptcy Fraud, Joint Defense and Related Issues**
 Kurt Rasmussen, Rasmussen, Willis, Dickey & Moore, LLC, Kansas City, MO

2:05 p.m. **Insurance Company Roundtable**
 MODERATOR
 Thomas W. Tardy III, Maron, Marvel, Bradley & Anderson, LLC, Jackson, MS
 PANELISTS
 Michael Owen, The RiverStone Group, Manchester, NH
 Frederick Schaefer, Nationwide Indemnity, Wausau, WI
 Linda Tatka, San Francisco Reinsurance/Allianz Resolution Management (ARM), Petaluma, CA
 David Warren, Resolute Management Inc., Chicago, IL

2:40 p.m. **Jurisdictional Update: New York**
 Peter Dinunzio, Clyde and Co., LLP, New York, NY

2:55 p.m. **Jurisdictional Update: California**
 Robert Rich, Gordon & Rees, San Francisco, CA

3:05 p.m. **Break**
 SPONSORED BY **TBA**

3:20 p.m. **In-House Counsel Roundtable**
 MODERATOR
 Robert H. Riley, Riley Safer Holmes & Cancila LLP, Chicago, IL

PANELISTS
 Paul F. Slater, General Electric Company, Fairfield, CT
 Michael L. Johnson, Union Pacific Railroad, Omaha, NE
 John Lebold, Sherwin-Williams Company, Cleveland, OH
 Donald E. Walther, The Heico Companies, LLC, Chicago, IL

4:00 p.m. **Nuts and Bolts**
The Proximate Cause Defense
 Ingrid Campagne, Walsworth, LLP, San Francisco, CA
The Employer as a Cause Defense
 Gary D. Elliston, DeHay & Elliston LLP, Dallas, TX
The Gasket, Friction Defense
 Michael J. Block, Willbraham, Lawler & Buba, Philadelphia, PA

5:00 p.m. **The Every Fiber Counts Theory**
 Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD

5:40 p.m. **Jurisdictional Update: Florida**
 (including issues involving Bankruptcy Exposure, Discovery and Trust Claim Forms)
 Evelyn Fletcher Davis, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA

6:30 p.m. **Networking Reception**
 SPONSORED BY **Navigant PACE AND Wheeler Trigg O'Donnell**

FRIDAY, JUNE 10, 2016

8:20 a.m. **Introduction**

8:30 a.m. **Winning the Case Through Plaintiff's Deposition**
 David A. Speziali, Speziali, Greenwald & Hawkins, Williamstown, NJ

9:00 a.m. **Effective Use of Exhibits from Deposition to Trial**
 Albert H. Parnell, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA

9:35 a.m. **The Basics of Deposing the Navy or Shipbuilding Plaintiff**
Dennis Vega, Segwick, LLP, Newark, NJ

10:05 a.m. **Break**
SPONSORED BY **TBA**

10:25 a.m. **Developing Alternative Exposures**
Thomas W. Tardy III, Maron, Marvel, Bradley & Anderson, LLC, Jackson, MS
Mary Margaret Gay, Maron, Marvel, Bradley & Anderson, LLC, Jackson, MS

Sessions starting at 11:00 a.m.

Open to plaintiff and defense lawyers

11:00 a.m. **Closing the Case: Dealing with Plaintiffs, Multiple Defendants and Competing Exposures**

MODERATOR

Albert H. Parnell, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA

Plaintiff Closing I (30 mins)

Jordan Fox, Belluck & Fox LLP, New York, NY

Plaintiff Closing II (30 mins)

J. Conard Metcalf, Simmons Hanly Conroy, Alton, IL

Automotive Defendant Closing

(30 minutes)

Henry Salas, Cole, Scott & Kissane, P.A., Miami, FL

Equipment Manufacturer Closing

(30 minutes)

John M. Fitzpatrick, Wheeler Trigg O'Donnell, Denver, CO

Discussion and Analysis of Closings

MODERATOR

Albert H. Parnell, Hawkins, Parnell, Thackston & Young, LLP, Atlanta, GA

JURY CONSULTANT

Jill M. Liebold, Litigation Insights, Inc., Overland Park, KS

Audience Participation

1:00 p.m. **Adjourn**

GENERAL INFORMATION

In-House Counsel and Insurance Professionals

In-house counsel and insurance claims professionals are eligible for free registration to DALs 2016. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporate or other private sector organization for the purpose of providing legal representation and counsel only to the corporation, its affiliates and subsidiaries. Insurance professionals are defined as being employed by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **19** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.**



Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Paris Las Vegas Hotel, 3655 South Las Vegas Blvd., Las Vegas, NV 89109**. To take advantage of the group rate of **\$149 single/double**, call 877-603-4389 and identify that you are attending the Defense Asbestos Litigation Seminar (DALs).

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 11, 2016**, to be eligible for the group rate. Requests for reservations made after **May 11** are subject to room and rate availability. A small portion of your room rate offsets the costs of the seminar.

Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 12, 2016**. Cancellations received after **May 12, 2016** and on or before **May 19, 2016**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 19, 2016** will not receive a refund. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (dalsseminar@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Questions

If you have any questions regarding the DALs 2016 Seminar please contact DRI, the provider of administrative services at 312.795.1101 or dalsseminar@dri.org.

THANK YOU TO OUR SPONSORS





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June 8–10, 2016

Paris Las Vegas | Las Vegas, NV

Register online

Download form to fax or mail

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NAME (as you would like it to appear on badge) _____

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How many attorneys are in your firm? _____

What is your primary area of practice? _____

Registration Fee

Registration fee includes seminar attendance and networking events.

- Attorneys \$975
- Paralegals/Staff \$495

Group discounts, In-house and insurance professionals and young lawyers (less than 5 years in practice) must contact DRI for registration processing 312.795.1101.

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