

Defense Asbestos Litigation Seminar

DALS | 2017



June 7–9, 2017

Renaissance Orlando at SeaWorld®
Orlando, Florida

Main conference limited to
defense lawyers and clients

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

Hear behind closed doors, candid discussions
about effective litigation techniques from
seasoned defense litigators

Insights on litigation trends, government
regulation, and bankruptcy trust transparency,
as well as what the Trump administration will
do regarding tort reform

Hone skills on the best techniques for deposing
the plaintiff, witnesses, and experts, as well as
defending corporate representatives, including
mock presentations applying the same

Learn how to develop shares in the face of
ever-increasing hostility from the judiciary and
plaintiffs' bar

Hear from in-house, insurance, and national
coordinating counsel about their expectations
and where they see the litigation headed

The Defense Asbestos Lawyers Seminar (DALs) is an opportunity for defense lawyers, clients, and affiliates to share ideas behind closed doors in an audience limited to the defense side of the litigation. Because of the participation of medical and scientific experts, only Wednesday's session is open to the public so that they can talk without fear of unfair attacks of litigation bias. All day Thursday, through 11:00 a.m Friday, only those affiliated with the defense bar will be allowed to attend the conference. You will learn first-hand from seasoned litigators and clients about litigation trends and potential solutions to today's most troubling issues. There will be opportunities for candid questions and discussions among defense counsel without fear of unwelcome ears of the plaintiffs' bar. There will be multiple opportunities to network with in-house corporate and insurance representatives with the hope of bolstering current relationships and developing new ones.

What You Will Learn

- ▶ Latest litigation trends impacting defense
- ▶ Demonstration of effective deposition techniques
- ▶ Client expectations from counsel
- ▶ How to develop shares in hostile jurisdictions
- ▶ Tort reform in a Trump administration
- ▶ Approaches that have worked, shared by defense lawyers
- ▶ Candid discussions by in-house corporate, insurance, and national coordinating counsel about the litigation

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

PROGRAM SCHEDULE

WEDNESDAY, JUNE 7, 2017

Cardno ChemRisk

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

- 9:00 a.m. **Welcome**
- 9:05 a.m. **Using Air Dispersion Modeling to Estimate Historical Asbestos Air Concentrations in the Surrounding Community: Significant Considerations and Assumption**
Paul Scott, QEP, Cardno ChemRisk
- 9:25 a.m. **Reconstructing Dose: Advanced Methods for Estimating Community Exposure**
Christy Barlow, PhD, Cardno ChemRisk
- 9:45 a.m. **Asbestos Fiber Transport from Facilities into the Community: Results of Field Studies**
Anders Abelmann, PhD, Cardno ChemRisk
- 10:05 a.m. **Evaluation of Potential Exposures to Asbestos from Use of Vermiculite-Containing Products**
Neva Jacobs, MSPH, Cardno ChemRisk
- 10:25 a.m. **A Meta-Analysis of Airborne Asbestos Fiber Concentrations from Work with or Around Asbestos-Containing Floor Tile**
Angela Perez, PhD, Cardno ChemRisk
- 10:45 a.m. **Break**
- 11:00 a.m. **Evaluation of Asbestos Exposure During Cosmetic Talc Use**
Eric Miller, MPH, Cardno ChemRisk

- 11:20 a.m. **Cosmetic Talc as a Risk Factor for Mesothelioma: A Weight of Evidence Evaluation**
Stacey Benson, PhD, Cardno ChemRisk
- 11:40 a.m. **Advances in Electron Microscopy for Particle Characterization**
Matthew Sanchez, PhD, RJ Lee Group
- 11:55 a.m. **An Updated Analysis of Historical Asbestos Exposures From Drywall Accessory Products**
James Keenan, PhD, MS, DABT, Cardno ChemRisk
- 12:10 p.m. **Practical Considerations for Communicating State of the Art to Young Juries**
Christopher Collier, Hawkins Parnell Thackston & Young LLP
- 12:25 p.m. **Q&A**
Lunch on Your Own

Afternoon Sessions Defense Asbestos Lawyers Seminar

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. **Peritoneal Mesothelioma: What Can Be Said, What Should Not Be Said**
David Weill, MD, Weill Consulting Group, Stanford, CA

- 2:05 p.m. **History of Industrial Hygiene and How State of the Art Fits In**
Christy Barlow, PhD, Cardno ChemRisk, San Francisco, CA
- 2:40 p.m. **Current Thoughts on Industrial Hygiene and Asbestos Litigation**
Jim Rasmussen, CIH, Chemistry and Industrial Hygiene, Inc., Wheat Ridge, CO
- 3:15 p.m. **Community Exposure to Trace Concentration of Amphibole Fibers: Next Generation of Asbestos Claims**
Dennis Paustenbach, PhD, CIH, DABT, Cardno ChemRisk, San Francisco, CA
- 3:50 p.m. **Break**
SPONSORED BY **Paine Bickers LLP**
- 4:10 p.m. **State of the Art, the Millennium Juror, and Case Presentation**
Albert H. Parnell, Hawkins Parnell Thackston & Young LLP, Atlanta, GA
- 4:50 p.m. **Radiation-Induced Tumors: Malignant Mesothelioma and Lung Cancer**
Michael Graham, MD, St. Louis University School of Medicine, St. Louis, MO
- 5:25 p.m. **Talc Analysis: Is It Asbestos?**
Drew Van Orden, PE, RJ Lee Group, Monroeville, PA
- 6:15–7:30 p.m. **Networking Reception**

THURSDAY, JUNE 8, 2017

Open to Defense Lawyers and Affiliates only

- 7:30 a.m. **Continental Breakfast**
 SPONSORED BY **DeHay & Elliston LLP**
O'Toole Fernandez Weiner Van Lieu LLC
- 8:10 a.m. **Introduction, Welcome, and DALs Website Documents Updates**
 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
- 8:15 a.m. **Latest Mesothelioma, Asbestosis, and Lung Cancer Filings by State and Plaintiffs' Counsel, and the Impact on Bankruptcy Trusts**
 Bradley Drew, NAVIGANT, Hamilton, NJ
- 8:35 a.m. **Ethics: Outrageous Misconduct**
Our ethics presentation is not just about getting CLE credit. Get ready for an entertaining presentation discussing ethics rules impacting your approach to defense of claims
 Laura Hong, Tucker Ellis, LLP, Cleveland, OH
 Cathy Mohan, McCarter & English, Hartford, CT
- 9:35 a.m. **Deposing the Navy and Shipyard Plaintiff**
After an overview of how to defend navy and shipyard claims effectively, a plaintiff deposition will be demonstrated to show how best to approach failure to warn claims
 David A. Speziali, Speziali, Greenwald & Hawkins, Williamstown, NJ
- 10:15 a.m. **Break**
- 10:35 a.m. **In-House Client Roundtable: 2018 Expectations**
The in-house panel will provide perspectives from long-term and relatively new participants in the litigation. You will hear how they both handle the ever increas-

ing filing of frivolous claims and what they expect from their counsel.

- MODERATOR
 Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD
- PANEL
 Michael L. Johnson, Union Pacific Railroad, Omaha, NE
 John Lebold, The Sherwin-Williams Company, Cleveland, OH
 Paul Slater, General Electric, Boston, MA
 Joseph O'Hara, Owens Illinois, Toledo, OH
 Scott Campbell, Eaton Corp., Galesburg, MI

- 11:15 a.m. **Electrical Production: Defending Exposure and Developing Alternative Exposures**
With plaintiff counsel attempting to establish exposure where none exists, electrical product manufacturers have become the go-to defendants. Hear a discussion of phenolic, wire/cable, motors and equipment, switchgear, and other aspects of these low dose claims. This session will demonstrate how to challenge exposure at a plaintiff's deposition and develop alternative causes.
 John W Elder, Paine, Bickers LLP, Knoxville, TN

- 11:50 a.m. **Tort Reform: What Will Donald Trump Do?**
Every lawyer practicing in the asbestos arena constantly asks the question, "Will it end?" This session will examine all aspects of the questions and report a best judgment on the "future" of asbestos.
 Mark Behrens, Shook, Hardy, and Bacon, Washington, DC

- 12:10 p.m. **Lunch on Your Own**

- 1:25 p.m. **National Coordinating Counsel Roundtable**
NCC has the difficult job of managing outside counsel in accordance with the expectations of their clients. What are the issues most impacting the litigation today and decisions over hiring and replacing outside counsel?
 MODERATOR
 Virginia Johnson, Foley Mansfield, Miami, FL
- PANEL
 Catherine Goldhaber, Hawkins Parnell Thackston & Young, Chicago, IL
 Tracy Cowan, Hawkins Parnell Thackston & Young, St. Louis, MO
 Anissa M. Mediger, Briggs and Morgan, Minneapolis, MN
 Jim Maron, Maron Marvel Bradley Anderson & Tardy LLC, Wilmington, DE
 David Marshall, Hawkins Parnell Thackston & Young, Atlanta, GA
 Martin Ditkof, Brookfield, WI
 Scott Goldberg, Selman Breitman, LLC, Los Angeles, CA
 Valerie Ross, Schiff Hardin, Washington, DC

- 2:05 p.m. **Bankruptcy Information and Proving Shares**
"Transparency" does not exist in the asbestos litigation world. Learn how to gain access to bankruptcy trust information and techniques for proving shares attributable to the same.
 Tom Tardy, Maron Marvel Bradley Anderson & Tardy LLC, Jackson, MS
 Mary Margaret Gay, Maron Marvel Bradley Anderson & Tardy, Jackson, MS

- 2:45 p.m. **Insurance Company Roundtable**
Our insurance panel will focus on both current issues impacting case management decisions to their expectations of outside counsel. Where is the litigation headed

and who is the next generation of lawyers to handle the same?

MODERATOR

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

PANEL

David Warren, Resolute Management, Chicago, IL

Shannon Hall, Allianz Resolution Management (ARM US) Charlotte, NC

Michael Kenison, RiverStone Claims Mgt. LLC., Manchester, NH

Frederick C. Schaefer, Nationwide Indemnity, Wausau, WI

3:25 p.m. **Break**

3:45 p.m. **OSHA, the OSHA Requirements, and How to Prove the Responsibility of the Employer**

As potential defendants decrease in number, there is an increasing focus on proving employer responsibility and getting the employer on the verdict form. This section will provide ideas and materials on proving the employer's failure to protect their employees properly.

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

4:25 p.m. **No Safe Level Update**

This presentation will review historical articles that establish the belief that there was a safe level of exposure to asbestos, even for cancer. The environmental movement in the 1960s, as well as data from radiation experiments on mice, led to a general assumption that there was no safe level of exposure to any carcinogen. The no safe level assumption can be rebutted for certain asbestos products and exposures.

Tom Radcliffe, DeHay & Elliston LLP, Baltimore, MD

5:05 p.m.

NYCAL Update: What Is in Store for the Future

"I Love New York" certainly is a tough sell in the asbestos litigation world. You will hear about the impact of new evidence rules dealing with proving shares, the debate over punitive damages, and the impact of the most recent CMO.

Judy Yavitz, Darger, Errante, Yavitz and Blau, New York, NY

Peter DeNuzio, Clyde & Co, New York, NY

5:30 p.m.

Challenging Failure to Warn and Plaintiff Mock Deposition

Since the mid-1960s industry, unions, government regulations, and popular press have provided the typical plaintiff with warnings regarding the health hazards of asbestos exposure. How do you prove the existence of these warnings? See how to cross-examine a plaintiff in the face of denials that he or she was ever warned.

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

6:15-7:30 p.m.

Networking Reception

SPONSORED BY **Hawkins Parnell Thackston & Young LLP
Wheeler Trigg O'Donnell LLP**

FRIDAY, JUNE 9, 2017

7:30 a.m.

Continental Breakfast

SPONSORED BY **Maron Marvel Bradley Anderson & Tardy LLC**

8:20 a.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

8:30 a.m.

How to Prepare 30(b) (6) and Corporate Representatives for a Deposition

The testimony of the corporate witness lives forever. If the representative is not properly

prepared disaster may follow. This section is designed to provide insight into the best ways to prepare and protect the corporate representative at deposition and trial.
Eric R.I. Cottle, K&L Gates, New York, NY

9:30 a.m.

Assumption of the Risk in Smoking Lung Cancer Cases

Cigarette smoking is often blamed on addiction. However, smokers make an independent decision to smoke. This section is designed to provide methods and materials for proving that the smoker assumed the risk of the lung cancer.

Randolph Burns, The Burns Law Firm, McLean, VA

10:00 a.m.

Debunking the "Reptile" Strategy

Plaintiff lawyers seek to use the "reptile" theory against each defendant. Mr. Hall will demonstrate how to reverse that strategy against the plaintiff.

Eric P. Hall, HeplerBroom LLC, Edwardsville, IL

10:30 a.m. **Break**

Sessions starting at 11:00 a.m.

Open to Plaintiff and Defense Lawyers

11:00 a.m.

Asbestos Openings by a Plaintiff and Two Defense Lawyers

A plaintiff lawyer and two defense lawyers will make 30-minute openings based on the same set of facts. None of the lawyers will communicate with each other prior to making the openings. The second defense lawyer to appear will not have had the benefit of hearing the presentation by the first defense lawyer. Two incredibly gifted and knowledgeable jury consultants will add their comments at the conclusion.

MODERATOR

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

PLAINTIFF ATTORNEY

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

DEFENSE ATTORNEYS

Claire C. Weglarz, Hawkins Parnell
Thackston & Young LLP, Los Angeles, CA
Jerry Blackwell, Blackwell Burke, PA,
Minneapolis, MN

12:30 p.m. **Discussion and Analysis of Closings**

MODERATOR

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

JURY CONSULTANTS

Cindy K. Andrews, Ph.D., President and
Chief Trial Consultant, Firehorse Trial
Consulting LLC, Chicago, IL
Jill Liebold, Ph.D, Director of Jury Research,
Litigation Insights, Overland Park, KS
H. Lane Young, Hawkins Parnell Thackston
& Young, Atlanta, GA

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

GENERAL INFORMATION

In-House and Insurance Professionals

In-house counsel and insurance claims professionals are eligible for free registration to DALs 2017. 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 claims 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 Adjuster Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **19.5** 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.**

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

Cancellation/Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 8, 2017**. Cancellations received after **May 8, 2017** and on or before **May 15, 2017**, will receive a refund, less a \$200 processing fee. Cancellations made after **May 15, 2017**, 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 manner 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 2017 Seminar please contact DRI, the provider of administrative services at 312.795.1101 or dalsseminar@dri.org.



Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Renaissance Orlando at SeaWorld®**, **6677 Sea Harbor Drive, Orlando, FL 32821**. To take advantage of the group rate of **\$169 single/double**, call **800.380.7917** and identify that you are attending the **Defense Asbestos Litigation Seminar (DALs)** or visit dalsconferences.com to register online.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 8, 2017**, to be eligible for the group rate. Requests for reservations made after **May 8** are subject to room and rate availability. A small portion of your room rate offsets the costs of the seminar.

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Defense Asbestos Litigation Seminar

June 7-9, 2017

Renaissance Orlando at SeaWorld® | Orlando, Florida

Register online

Download form to fax or mail

FORMAL NAME _____ TITLE _____

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

COMPANY/FIRM/LAW SCHOOL _____

ADDRESS _____

CITY _____ STATE/PROVINCE _____ ZIP/POST CODE _____

TELEPHONE _____ FAX _____ EMAIL _____

Please list any special needs _____

How many attorneys are in your firm? _____

What is your primary area of practice? _____

Registration Fee

Registration fee includes seminar attendance and networking events. For inclusion on the preregistration list, you must **register by May 22, 2017**.

	On or before May 8, 2017	After May 8, 2017
<input type="checkbox"/> Attorney (10+ years)	\$975	\$1,175
<input type="checkbox"/> Attorney (1-10 years)	\$595	\$795
<input type="checkbox"/> Paralegals/Staff	\$495	\$495
<input type="checkbox"/> Multi-firm Discount*	\$825	\$825

*More than three attorneys from same firm.

In-house counsel and Insurance claims professionals must contact DRI for registration processing at 312.795.1101. Refer to general information section on page 6 for definition of in-house and insurance professionals' qualifications.

Please remit payment by MAIL to:
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