

Asbestos Litigation: A Crash Course for Associates

February 24, 2010 | The Hub Cira Centre at 30th Street Station, Philadelphia



CONFERENCE CHAIRS:

Bethann Schaffzin, Esq, Shein Law Center, Ltd., Philadelphia
Colin Kelly, Esq., Alston & Bird LLP, Atlanta

Wednesday, February 24, 2010

9:00	Continental Breakfast and Morning Registration				
9:30	Emerging Trends in Asbestos Litigation: Secondary Exposure, Premises Liability, Friction Cases & Other New Areas Of Asbestos Litigation <ul style="list-style-type: none"> • How to bring or defend a take-home exposure case or low dose exposure case • Premises liability-a look at recent cases, including Nelson and how these suits differ from a traditional asbestos case • Friction and brake-lining cases <ul style="list-style-type: none"> - Analysis of Simonetta, Braaten, Taylor, O'Neil and Merrill - Replacement components - Is a design defect claim still viable? - Non-Navy equipment cases • What new types of plaintiffs are filing suits, who are the new defendants in asbestos litigation and what are theories of liability? Scott Frost, Esq., Waters & Kraus, Dallas Jonathan Ruckdeschel, Esq., The Ruckdeschel Law Firm, LLC, Ellicott City, MD Timothy McGowan, Esq., Kelley Jasons McGowan Spinelli & Hanna, LLP, Philadelphia Amee Mikacich, Esq., Filice Brown Eassa & McLeod LLP, Oakland, CA	2:30	Asbestos Medicine: Medical Knowledge You Need To Know in the Courtroom <ul style="list-style-type: none"> • Comparison of the mineralogical features of chrysotile and amphiboles • Anatomy of the lung • How fibers enter the lung and are cleared from the lung • Pathology of asbestos-related diseases • Mesothelioma - causes, including asbestos and alternative causes • Differentiation of mesotheliomas from other tumors involving the pleura • Chrysotile update • Mesothelioma diagnosis rates • New drugs and studies – is a cure on the horizon? Arthur Frank, MD, PhD, Professor, Chair Department of Environmental & Occupational Health, Drexel University School of Public Health, Philadelphia Stanley Geyer, M.D., Pathologist, Geyer Pathology Services LLC, Pittsburgh		
10:30	Expert Admissibility and Preparing an Expert for Trial <ul style="list-style-type: none"> • The standards of Daubert and Kelly/Frye <ul style="list-style-type: none"> - Where they are used - What kind of experts are applied to these standards - Things to consider on direct and for cross examination • Preparing for expert admissibility hearings-the documents you'll need • Working with expert witnesses-researching experts, maintaining communication and record updates • Pretrial procedures <ul style="list-style-type: none"> - Conducting client interviews - Reviewing and analyzing medical records-what to look for - Depositions-what you need to find out and who you need to depose - Understanding Damages Ross Stomel, Esq., Shrader & Associates, Houston F. Ford Loker, Jr., Esq., Miles & Stockbridge, P.C., Baltimore	3:30	Afternoon Break		
11:30	Morning Break	3:45	The Rockin Rules of Court-The Sweet Sound of Ethical Lawyering <ul style="list-style-type: none"> • The Jagger Discovery Doctrine and Model Rule 3.4 • Henley's Imperative of Advocatorial Candor and Model Rule 3.3 • The Temptations' Advisory Against Unnecessary Recusals and Model Rule 1.16 • Carpenter's Rule on Post-Defeat Behavior and Model Rule 3.5 • Dire Straits' Imperative of Case Economy and Model Rule 3.2 and 1.3 • Fuller Four's Warning Against Overly Inventive Pleadings and Model Rule 3.1 • Hall & Oates's Ruling on Excessive Attorney's Fees and Model Rule 1.5 • Bachman Turner Overdrive's Grievance Avoidance Technique and Model Rule 1.4 Hon. Mark Davidson, 11th Civil District Court-Texas MDL Judge, Houston		
11:45	Depositions and End of Life Preparedness Counseling <ul style="list-style-type: none"> • How do you know when a deposition needs to be fast-tracked? • Executing a dying deposition-procedural matters • Preparing for a dying deposition-can you prepare? <ul style="list-style-type: none"> - The technical and logistical considerations - Emotional concerns • Dealing with dying witnesses-compassionately and respectfully-things both sides should consider Rebecca Shull Vinocur, Esq., Lipman Law Firm, Coral Gables, FL Tracey McDevitt Hagan, Esq., Reilly, Janiczek & McDevitt, P.C., Philadelphia	4:45	Perspectives from the Bench <ul style="list-style-type: none"> • Efficient use of court resources • Improving motion practice and ways to streamline discovery • Mistakes to avoid and tips to practice by Moderator: Benjamin Shein, Esq., Shein Law Center, Ltd., Philadelphia Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia Hon. Mark Davidson, 11th Civil District Court-Texas MDL Judge, Houston Hon. Ann G. McCormick, Superior Court of New Jersey		
12:30	Networking Luncheon	5:45	Networking Reception		
1:30	Dynamic Trial & Settlement Techniques In Asbestos Litigation <ul style="list-style-type: none"> • The Art of Negotiation: creating leverage in settlement talks and avoiding trial • Successful opening statements at trial and the impact on the jury's verdict • Techniques for identifying the right jurors in creating "your" jury – questions to ask during selection process to elicit the information you need • Knowing evidentiary requirements – what is currently being allowed in the courtroom? • Influencing the jury – strategies to win them over • Expert testimony – when and when not to use it • Technology in the courtroom – best practices for influencing a jury • The closing: how to effectively wrap-up your case Barrett Naman, Esq., DeLuca & Nemeroff, LLP, Dallas Frank Pond, Esq., Pond North LLP, Los Angeles				

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