

Judicial Forum on Asbestos

An Interactive Discussion Between the Plaintiff and Defense Bar and the Judiciary

Audience members will also participate in an active discussion throughout the day on the biggest issues facing those involved in asbestos litigation around the country.

June 3, 2009 | The Lighthouse Conference Center, New York

CHAIRS: John Cooney, Esq., Cooney & Conway, Chicago

Marc Kasowitz, Esq., Kasowitz Benson Torres & Friedman LLP, New York

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



MEETING ROOM: BV HALL

- 8:00 Registration & Continental Breakfast
- 9:00 Welcome & Introductory Remarks
John Cooney, Esq., Cooney & Conway, Chicago
Marc Kasowitz, Esq., Kasowitz Benson Torres & Friedman LLP, New York
Perry Weitz, Esq., Weitz & Luxenberg P.C., New York
- 9:30 State/Federal Cooperation in the Asbestos Litigation
 - Management of massive caseloads
 - Motions to consolidate
 - Private agreements between parties
 - Standstill agreements in an attempt to limit settlement costs
 - Preference vs. non-preference
 - Expedited cases
 - Wrongful death vs. life cases
 - 2 disease states (states considering this or who already have it) and different dockets
 - Non-malignancy cases from the past that are coming back through the system again as mesothelioma cases
 - Case law overview – suing when you have cancer vs. suing when you don't have cancer
 - Statewide MDLs and consolidation rules
 - Management of asbestosis cases
 - How happy are the courts and the litigants with the current system?

Plaintiff: Peter Kraus, Esq., Waters & Kraus, LLP, Dallas
Defense: Lawrence Cetrulo, Esq., Cetrulo & Capone LLP, Boston
Judicial Panel: Hon. Daniel Stack, Circuit Judge, Madison County Circuit Court, Edwardsville, IL
Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Hon. James McBride, Presiding Judge, California Superior Court, San Francisco
Hon. Sherry Klein Heitler, New York State Supreme Court, New York
Hon. Mark Davidson, 11th Civil District Court, Houston
Hon. Elihu Berle, Supervising Judge, Civil Departments, Los Angeles Superior Court
- 11:00 Overview of the Trusts
 - How the trusts operate
 - Delays in processing claims
 - What's working and not working in the trusts

Plaintiff: Lisa Busch, Esq., Weitz & Luxenberg P.C., New York
Judicial Panel: Hon Ken Kawaichi (Ret.) JAMS, Walnut Creek, CA
Hon. Alfred M. Wolin, U.S.D.J. (Ret.), Special Counsel, Saiber LLC, Newark, NJ
- 12:00 Networking Luncheon - DINING ROOM
Co-Sponsors:
Cooney & Conway and Weitz & Luxenberg P.C.
- 1:15 Aggregate Settlements
 - Packaging Settlements-does it foster earlier case resolution and how should cases be packaged?
 - Ethical issues involved with packaging settlements
 - Understanding local court culture and the settlement process
 - Mediation effectiveness

- Can early placement of settlement conferences, prior to trial listing, encourage early resolution and is it a viable option?
- Settling state and federal cases together
- Candor with the court during settlement-understanding the connection between credibility and the tracking of settlements and verdicts
Plaintiff: John Cooney, Esq., Cooney & Conway, Chicago
Defense: Eliot Jubelirer, Esq., Schiff Hardin LLP, San Francisco
Plaintiff: Christopher Placitella, Esq., Cohen, Placitella & Roth, Red Bank, NJ
- 2:30 How to Encourage Resolution of Cases Earlier in the Litigation Process
 - How to effectuate settlement of non trial listed cases on the docket

Plaintiff: John Cooney, Esq., Cooney & Conway, Chicago
Defense: Judith Yavitz, Esq., Reed Smith LLP, New York
Judicial Panel: Hon. Daniel Stack, Circuit Judge, Madison County Circuit Court, Edwardsville, IL
Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Hon. James McBride, Presiding Judge, California Superior Court, San Francisco
Hon. Sherry Klein Heitler, New York State Supreme Court
Hon. Mark Davidson, 11th Civil District Court, Houston
Hon. Elihu Berle, Supervising Judge, Civil Departments, Los Angeles Superior Court
Hon Ken Kawaichi (Ret.) JAMS, Walnut Creek, CA
- 3:15 Afternoon Break
- 3:30 Picking a Jury and Managing Juror Issues
 - What specific things can the judges do to run a more efficient trial? What can the lawyers do?
 - How important is it for the judge to set the tone and level of courtesy for the jurors?
 - Ways for lawyers and judges to communicate better so trials run more smoothly and avoid wasting time
 - Reverse bifurcation
 - What are the judges seeing in the courtroom that the lawyers need to change or stop doing in order to improve the trial experience
 - Motions in-limine

Plaintiff: James Long, Esq., Weitz & Luxenberg P.C., New York
Defense: Lisa Oberg, Esq., McKenna Long & Aldridge LLP, San Francisco
Judicial Panel: Hon. Daniel Stack, Circuit Judge, Madison County Circuit Court, Edwardsville, IL
Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Hon. James McBride, Presiding Judge, California Superior Court, San Francisco
Hon. Sherry Klein Heitler, New York State Supreme Court, New York
Hon. Mark Davidson, 11th Civil District Court, Houston
Hon. Elihu Berle, Supervising Judge, Civil Departments, Los Angeles Superior Court
Hon Ken Kawaichi (Ret.) JAMS, Walnut Creek, CA
- 4:15 Roundtable Discussion and Overview of the Day's Discussions
The judges and lawyers will conduct an interactive discussion with the audience on "where do we go from here?"
- 5:00 Networking Cocktail Reception Sponsored by: Waters & Kraus LLP

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