

Introduction of General and Specific Causation Evidence in Toxic Tort Cases



February 25, 2009, The Hub Cira Centre at 30th Street Station, Philadelphia

CONFERENCE CHAIRS:

Robert Spinelli, Esq., Kelley Jasons McGowan Spinelli & Hanna, Philadelphia

Aaron DeLuca, Esq., DeLuca & Nemeroff, LLP, Spring, TX

Wednesday, February 25, 2009

9:30 Registration and Continental Breakfast

10:00 Introductory Remarks

Robert Spinelli, Esq., Kelley Jasons McGowan Spinelli & Hanna, Philadelphia
Aaron DeLuca, Esq., DeLuca & Nemeroff, LLP, Spring, TX

10:15 Epidemiology 101: A Practical Overview

- Introduction to Epidemiology
 - Reading and understanding case reports, case series, case-control studies and cohort studies
 - Proving and disproving specific causation using epidemiology looking at asbestos, lead and benzene models
 - Association vs. causation
 - The appropriate use of Bradford Hill Criteria
 - Is there a safe level of exposure? Can it be proven or disproven?
- David Egilman, MD, MPH, Clinical Assoc. Professor, Brown University, Attleboro, MA
Additional speaker to be announced

11:15 Pathologic Evidence of Specific Causation

- What can be proven and what can not
 - The tools/testing used to prove/disprove? "pathologic tools and testing used to determine causation"?
 - Molecular and physiologic markers of causation: benzene, asbestos and lead
 - Are there sentinel diseases and signal tumors?: putting the cart before the horse?
 - Pathologic evidence of exposure: is it necessary to attribute causation?
- Moderator: Clayton Farrell, Esq., Collins Einhorn Farrell & Ulanoff, Southfield, MI
Samuel Hammar, M.D., Pathologist, Diagnostic Specialties Laboratories, Inc., Bremerton, WA

12:15 Networking Luncheon

1:00 Challenging Scientific Evidence

- Finding and using experts to make and defend admissibility challenges
 - Brief review of the law governing admissibility of scientific evidence
 - Preparing the witnesses to testify
 - How to properly make a record that can withstand an appeal
- Plaintiff Perspective: Benjamin Shein, Esq., The Shein Law Center, Philadelphia

Defense Perspective: John McMeekin, Esq., Rawle & Henderson, Philadelphia

1:45 The Judicial Perspective on Scientific Evidence Admissibility

- When and how to make a challenge
 - What is it that the court wants to see?
 - How to best present scientific evidence to the judiciary v. the jury
- Judge Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Judge Mary Miller Johnston, Superior Court of Delaware, Wilmington

2:30 All Exposures Contribute, Or Do They? - The Experts

- Dose response, thresholds for disease causation, and latency
 - Fiber type and potency issues in causation
 - Low dose asbestos exposure and disease
- Robert Sawyer, MD, FACPM, Guilford, CT
Richard A. Lemen, Assistant Surgeon General of the United States (retired), United States Public Health Service, Canton, GA

3:30 Afternoon Break

3:45 All Exposures Contribute, Or Do They? - The Attorneys

- Review of recent decisions
 - Strategies in presenting scientific issues to Judges and juries
 - Summary of multi-disciplinary approaches to the issues
- Peter A. Kraus, Esq., Waters & Kraus, LLP, Dallas
Timothy McGowan, Esq., Kelley Jasons McGowan Spinelli & Hanna, Philadelphia

4:45 Q&A with the Judiciary

- What was significant, what was not?
 - What went right and what went wrong?
 - Application of the law to the facts presented
- Judge Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
Judge Mary Miller Johnston, Superior Court of Delaware, Wilmington

5:30 Cocktail Reception