

Virtual Defense Asbestos Litigation Seminar

DALS | 2021

June 24-25, 2021

Conference limited to defense lawyers and clients

- Hear up to date defense strategies for discovery, pretrial and trial
- Gain insight into current plaintiff strategies and how to respond to them effectively
- Hear about litigation and bankruptcy trends
- Share data and information with members of the defense bar, insurance company representatives and clients
- Learn helpful and proven techniques from experienced lawyers



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The **Defense Asbestos Lawyer's 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. You will learn first-hand from seasoned litigators and clients about litigation trends and techniques and potential solutions to today's most troubling issues. There will be multiple opportunities to network with in-house corporate and insurance representatives with the hope of strengthening current relationships and developing new ones.

What You Will Learn

- Current issues with respect to talc litigation
- State of the art strategies for use in mesothelioma cases
- Cross exam techniques and information for key plaintiff experts
- Practical advice for witness preparation
- The latest information on alternative causes of mesothelioma, including inherited gene causation

Seminar Organizers



Albert H. Parnell
Atlanta, GA



R. Thomas Radcliffe
*DeHay & Elliston LLP,
Baltimore, MD*



Christopher P. Manning
*DeHay & Elliston LLP,
Dallas, TX*

PROGRAM SCHEDULE

THURSDAY, JUNE 24, 2021

1:00 – 1:30 p.m.	<p>The Asbestos Talc Litigation: An analysis and Rebuttal of Plaintiff Claims Ed Abbot, Hawkins Parnell & Young, New York, NY Elizabeth Kelley, Hawkins Parnell & Young, New York, NY</p> <p>This topic will include a discussion of the major components of the plaintiff talc cases, a discussion of some of the documents used in the cases, the different scientific arguments being used, the cooperation/ lack of cooperation between talc and asbestos defendants, and cosmetic talc versus industrial talc</p>	2:45 – 3:15 p.m.	<p>Is This Tumor Really a Mesothelioma? Paul Endres, MD Board-certified Anatomic and Clinical Pathologist Mount Sinai Medical Center, New York, NY</p> <p>This lecture will review the guidelines for diagnosing mesothelioma and the tumor characteristics you need to consider that will support your opinion.</p>
1:30 – 1:35 p.m.	<p>Q/A Session</p>	3:15 – 3:40 p.m.	<p>Break</p>
1:35 – 2:05 p.m.	<p>Recent Research on Tremolite-Exposed Cohorts and Updated No-Effect Levels for Asbestos Related Diseases Jason Lotter, Cardno Chemrisk, Chicago, IL Jason.Lotter@cardno.com Michael Ierardi, Cardno Chemrisk Brooklyn, NY michael.ierardi@cardno.com</p> <p>This topic will explore recent exposure-response data related to tremolite asbestos and how “no-effect” levels for mesothelioma and lung cancer were derived from this data.</p>	3:40 – 4:10 p.m.	<p>Using EPA Risk Assessment to the Greatest Defense Advantage Eric Nadolink , Wheeler Trigg O'Donnell, Denver, Co.</p> <p>There is continuing controversy in medical circles surrounding the mesothelioma diagnosis, cell presentation, and comparison to other tumors. This lecture will review the guidelines for diagnosing mesothelioma and the tumor characteristics you need to consider that will support your opinion.</p>
2:05 – 2:10 p.m.	<p>Q/A Session</p>	4:10 – 4:15 p.m.	<p>Q/A Session</p>
2:10 – 2:40 p.m.	<p>Pitfalls of the EPA TSCA Chrysotile Risk Evaluation Evan Beckett, MPH, CIH, Cardno Chemrisk, Boston, MA Evan.Beckett@cardno.com</p> <p>The presentation will cover various methodological shortcomings of the evaluation, including lack of consideration of 1) fiber chemistry and dimension (i.e., fiber type and length), 2) exposure assessment flaws, and 3) lack of consideration of background rates of disease (e.g., commentary on absolute risk model).</p>	4:15 – 4:45 p.m.	<p>Medical Literature in the Courtroom: Learned Treatise Practice and Procedure Theodore F. Roberts, Venable, LLC, Towson, MD</p> <p>Effective presentation of medical and scientific literature can make or break your case. Are you prepared to secure admission of brake epidemiology, gasket industrial hygiene or alternative cause medical literature? Are you ready to respond to objections to the use of medical articles on direct, cross or in opening and closing presentations? Do you have plan for the recalcitrant plaintiff expert who claims to have not read the study or who refuses to acknowledge the study as reliable authority. Avoiding common evidentiary pitfalls can make the difference between a persuasive jury presentation and outright exclusion of the very medical and scientific literature needed to win your case. Mastery of the learned treatise rule is a must for any asbestos defense practitioner.</p>
2:40 – 2:45 p.m.	<p>Q/A Session</p>	4:45 – 4:50 p.m.	<p>Q/A Session</p>

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4:50 -5:20 p.m.	Strategies to Reduce Damages—Pretrial and Trial (prevent runaway verdicts, limit economic damages, and humanize the company). Catherine Goldhaber, Hawkins Parnell & Young, Chicago, Illinois Damage control preparation begins with discovery and permeates every facet of every case. Utilizing discovery tactics and expert examinations and company humanization, among other tactics, addresses runaway verdicts and limits economic damages.	2:10 – 2:40 p.m.	Asbestos Bankruptcy Trusts: Let's Be Honest About the Trusts and Trust Information Mary Margaret Gay: Gay, Jones & Kuhn, PLLC, Jackson, MS An overview of the current state of asbestos bankruptcy trusts, trust transparency, changes in bankruptcy trusts in the last year and what you need to know about getting documents and claims information from the trusts in 2021.
5:20 – 5:25 p.m.	Q/A Session	2:40 – 2:45 p.m.	Q/A Session
5:25 – 5:55 p.m.	Defending Lung Cancer Cases: Finding the Smoking Gun Michael J. Cahalane, Cetrulo LLP, Boston, MA This presentation will examine alternative causes of lung cancer and provide strategies for finding, and proving, the actual cause of plaintiff's malignancy.	2:45 – 3:15 p.m.	Secondary and Bystander Exposure Cases Bruce Bishop, Wilcox & Savage, Norfolk, VA A constant, major portion of trial presentation is convincing the juror that the disease in question was not, in fact, caused by exposure to your product. Mr. Bishop's presentation will discuss new approaches to alternative and other exposures in light of developing new information.
5:55 – 6:00 p.m.	Q/A Session	3:15 – 3:35 p.m.	Break
6:00 p.m.	Adjourn	3:35 – 4:05 p.m.	The Constantly Changing Law: Recent Appellate Decisions Amy C. Eikel Senior Attorney, King & Spalding, LLP, Houston, Texas This segment provides a review of significant new decisions in asbestos and talc litigation that will shape the litigation in 2021.

FRIDAY, JUNE 25, 2021

1:00 – 2:00 p.m.	Ethics – Hot Topics Laura Kingsley Hong, Tucker Ellis LLP, Cleveland, OH Mahsa Kashani Tippins, DeHay & Elliston LLP, Walnut Creek, CA Catherine Mohan, McCarter & English LLP, Hartford, CT Take a deeper dive into recent ethics issues presented in the litigation arena in discovery, hearings and at trial. The speakers will highlight prickly ethical issues that arise in asbestos litigation and discuss how courts and clients have responded. This session promises to include lively feedback from the audience.	4:05 – 4:10 p.m.	Q/A Session
2:00 – 2:10 p.m.	Q/A Session	4:10 – 4:40 p.m.	Daubert Use and Abuse Vincent Palmiotto, Clyde & Co, Washington, DC This topic will discuss both the manner in which plaintiff and defense lawyers misuse Daubert as well as the effective use of Daubert motions to assist your case.
		4:40 -4:45 p.m.	Q/A Session

Register online

4:45 – 5:15 p.m.

Defending the Late Exposure and Post OSHA Cases

Gary Elliston, DeHay & Elliston, Dallas, TX

Most modern mesothelioma cases involve alleged exposures to asbestos after the 1960's and 1970's and therefore potentially implicate other entities affected by the creation of OSHA and its statutory requirements. Mr. Elliston will examine the defense of mesothelioma cases that allegedly occur from exposures post the 1971 OSHA development.

5:15 – 5:20 p.m.

Q/A Session

5:20 – 5:50 p.m.

The Preparation of the Corporate Witness for Trial Testimony

Eric Cottle, K & L Gates, New York City, New York

The deposition of the corporate representative has become an attempted centerpiece of the plaintiff's case for multiple reasons. Mr. Cottle will suggest appropriate topics for coverage in the preparation of your corporate witness for trial and will examine potential pitfalls.

5:50 – 5:55 p.m.

Q/A Session

6:00 p.m.

Adjourn

GENERAL INFORMATION

In-House and Insurance Professionals

In-house counsel and insurance claims professionals are eligible for free registration to DALs 2021. 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 7.5 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 DALs website at dalsconferences.com for the latest information for your state.

Cancellation/Refund Policy

Registrations are non-refundable; however, if you request a refund within twenty-four (24) hours of purchase, DALs may, in its sole discretion, refund or credit your account. All cancellations and requests for refunds must be made in writing to tschorle@dalsconferences.com. Processing of refunds will usually occur within four (4) weeks after the date of the event. All refunds will be processed in the same method that the payment was received. DALs has no obligation to grant any refund requests.

Registrations are non-transferable. Registration does not include access to the On-Demand recording.

Questions

If you have any questions regarding the DALs 2021 Seminar please contact the team at DRI Professional Services, administrative provider to DALs for assistance at any time, info@dalsconferences.com.

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