

# Trying an Asbestos Case – How to Get the “W”

June 21, 2012 | Thomson Hall, New York

**CONFERENCE CHAIRS:**

**Jeffrey King, K&L Gates LLP, Boston**

**Richard Meadow, Lanier Law Firm PLLC, New York**

**7:30 Registration & Continental Breakfast**

**8:00 Welcome & Introduction**

**The Northeast Asbestos Hotbeds Morning Discussion, 8:00 until 10:20 am**

Our morning sessions will feature discussions from the top litigators, in the hottest asbestos jurisdictions in the Northeast. We will address the most pressing docket issues today, including but not limited to recent major verdicts, applicable appeals, discovery & CMO issues, etc. The sessions will also debate national issues impacting local dockets.

**8:10 What is happening in Pilgrim Land (MA) and Asbestos Happenings in the Blue Law State (CT)**

- The recent trials that have gone the distance in terms of verdict, across the states – Decisions, key factors of the decisions, prevailing strategies, etc.
- New faces in the judiciary – The new CT Judge
- The dismantling of the Connecticut Case Management Order
- The current trial docket and case load in CT

**Andrew Wainwright, Thornton & Naumes LLP**

**Steve Armato, Cetrulo & Capone, LLP**

**John Robinson, McCarter & English**

**Chris Meisenkothen, Early, Lucarelli, Sweeney & Meisenkothen, LLC**

**8:50 Is there Hope in the Hope State for Asbestos Litigation (RI) and I Love New York “Asbestos” (NY)**

- Release and Medicare issues impacting the litigation on a national level
- Compelling discovery & resisting duplicative expert discovery
- Increasing disparity in age of plaintiffs
- The recent trials that have gone the distance in terms of verdict, across the states – Decisions, key factors of the decisions, prevailing strategies, etc.

**Vincent Greene, Motley Rice**

**Jennifer Whelan, McGivney & Kluger, P.C.**

**Paul Scudato, Schiff Hardin LLP**

**Douglas von Oiste, Karst & von Oiste, LLC**

**9:30 Morning Break**

**9:45 Greetings from the Keystone State (PA)**

- Joint and several liability
- Equipment liability update
- The importance of pre-filing investigation and defendant selection – How it helps all parties
- The recent trials that have gone the distance in terms of verdict, across the states – Decisions, key factors of the decisions, prevailing strategies, etc.

**Bethann Schaffzin, Shein Law Center**

**Damian Jackson, Reilly, Janiczek & McDevitt, P.C.**

**10:20 Consolidated Trial Issues**

- Consolidation - When does it really work?
- What do you do when the cases are really different?
- Exposure type by career - Electrician, mechanic, drywall, vs. Navy
- Disease – Lung cancer vs. meso, one type of meso vs. another
- Creating your litigation strategy - Baby steps or giant leaps in terms of exposure
- Best practices for getting evidence in
- When these kind of cases are consolidated, how is it perceived by the jury and by the bench?
- Current status of consolidation and reverse bifurcation in Philadelphia

**James Long, Jr., Belluck & Fox LLP**

**Timothy McGowan, Kelley Jasons McGowan Spinelli & Hanna, LLP**

**Jaine Fraser, Trial Psychology Institute**

**Hon. Victor DiNubile, Philadelphia Court of Common Pleas**

**Hon. Martin Shulman, New York State Supreme Court (Moderator)**

**11:00 The Ethical Considerations Involved in Mass Torts Global Settlements**

- Why are Mass Tort Global settlements a good thing for claimants, as well as defendants – Access to leading lawyers, reduced per claim expenses, settlement leverage, etc.
- The hurdles involved with global settlements – Communication challenges, loss of personal interaction with the client, and changed decision making dynamics
- The coveted first trial spot - What are the ethical boundaries to jockeying your position
- Model Rules 1.4, 1.6, 1.7 and 1.8

**David Governo, Governo Law Firm LLC**

**Michael Shepard, The Shepard Law Firm**

**12:00 Morning Q & A**

**12:15 Networking and Keynote Lunch**

**Mark Lanier, Lanier Law PLLC\***

**1:30 Jury Session: Mock Session**

**Michael Holley, Lanier Law PLLC**

**Robert Leone, Lanier Law PLLC\***

**Paula J. Gabier, Ph.D., Gabier Consulting, LLC**

**Jeniffer Carson, Governo Law Firm LLC**

**2:15 Industrial Hygiene Tool Kit for Asbestos Cases**

- The keys to successful IH testimony - Quantification, reconstruction, industry & trade standards & alternative exposures
  - Proximity, duration and intensity
  - The battle of the experts - Best practices for discrediting testimony
  - Study critiques and alternative methods
  - Establishing orders of magnitude
- Lawrence Cetrulo**, Cetrulo & Capone, LLP  
**John Deaton**, The Deaton Law Firm

**3:15 Afternoon Break**

**3:30 Preparing for Appellate Issues at Trial**

- Rules and case law – beware of waiver
  - Offers of proof – strategy, form
  - Current hot appellate issues
- Judith Perritano**, Pierce, Davis & Perritano, LLP  
**William Kohlburn**, Simmons Browder Gianaris Angelides & Barnerd LLC

**4:00 TRUSTING the System: The Intersection of Litigation and Trust Claims**

- Post verdict filings
  - What is discoverable from the trusts? And how get the information you need or exclude it (admissions vs. settlements)
  - Best practices for its use at trial
  - Trust values
- Nicholas Vari**, K&L Gates LLP  
**William Shelley**, Cozen O'Connor  
**Nathan Finch**, Motley Rice LLC

**4:45 Judicial Roundtable**

**Trends in their individual jurisdictions**

- Conference summary from the judiciary's perspective
- Moderators: Jeffrey King**, K&L Gates LLP, Boston  
**Richard Meadow**, Lanier Law Firm PLLC, New York  
**Hon. Charles Hely**, Massachusetts Superior Court  
**Hon. Martin Shulman**, New York State Supreme Court  
**Hon. Richard Aulisi**, New York State Supreme Court  
**Hon. Victor DiNubile**, Philadelphia Court of Common Pleas

**5:45 Adjourn & Cocktail Reception**