

Mealey's™ National Asbestos Litigation SuperConference

September 26 - 29, 2007 • The Fairmont Scottsdale Princess, Scottsdale, AZ

CHAIRS

Joseph W. Belluck, Esq., Belluck & Fox LLP, New York

James A. Lowery III, Esq., K&L Gates, Dallas

AGENDA AND NETWORKING EVENTS

View updates to the agenda at www.lexisnexis.com/conferences

Wednesday, September 26, 2007

8:00 Registration & Continental Breakfast

8:45 Welcome & Introductory Remarks
Joseph Belluck, Esq., Belluck & Fox LLP, New York
James Lowery III, Esq., K&L Gates, Dallas

The Current Asbestos Litigation Landscape

9:00 Asbestos Litigation: Identifying the New Claimants & Defendants in 2007 – 2008

- The evolution of asbestos litigation: who is left standing?
- From the periphery to center-stage — what companies are currently getting sued and why?
- “We’re gonna need a bigger boat” — how to successfully ride out the next wave of asbestos claims
- Identifying and understanding the targeted industries and defendants
- The similarities and differences in trying asbestos cases as a primary or secondary defendant
- Best strategies to find new claimants — what diseases are currently compensable under the law?
- New target strategies: How are the current defendants limiting their exposure? What tactics is the plaintiff bar employing to go after the new defendants?
- What other companies or industries may be at risk?

Aaron DeLuca, Esq., Aaron J. DeLuca, PLLC, Spring, TX

James Tanella, Managing Director, Navigant Consulting, Princeton

Marc Gaffrey, Esq., Hoagland, Longo, Moran, Dunst & Doukas, LLP, New Brunswick, NJ

10:00 Reforming the System—The Impact of State Legislation & Removal of Unimpaired Claims

- Texas, Ohio, Florida and Georgia—what have been the ramifications for plaintiffs and defendants to the recent tort reform?
- Constitutional challenges to tort reform
- What other states have the political dynamic to pass tort reform?
- Go West! — new emerging jurisdictions due to the geographical shift of the litigation
- Life after Judge Jack — how that ruling has changed the asbestos litigation landscape
- Discovery in traditional litigation — bankruptcy claim forms
- Update on current investigations and the potential impact on plaintiffs, defendants and insurers

Moderator: Brian Gross, Esq., Cooley Manion Jones LLP, Boston

Robert Riley, Esq., Schiff Hardin LLP, Chicago
Dennis Weitzel, Esq., Brent Coon & Associates, Dallas
David Jagolinzer, Esq., The Ferraro Law Firm, Miami
Terrence Sexton, Esq., Shook, Hardy & Bacon L.L.P., Kansas City, MO

11:30 Morning Break

11:45 Current Issues in Asbestos Medicine

- Developing novel biomarkers for asbestos-exposed individuals
- Treatment of asbestos-related malignancies including mesothelioma and lung cancer
- Pathology of asbestos-related diseases
- Impact of asbestos fibers on lung function
- Low-dose exposure
- New drugs and studies — will doctors find a cure in the near future?

Harvey Pass, M.D., Prof. of Surgery & Cardiothoracic Surgery — Chief Division of Thoracic Surgery & Thoracic Oncology, Director of Surgical Research, NYU School of Medicine, New York

Michael Graham, M.D., Professor of Pathology, St. Louis University School of Medicine, St. Louis, MO

12:45 Networking Luncheon

Emerging Issues in Asbestos Litigation

2:00 Suppliers, Distributors & Contractors — The Next Wave of Defendants?

- Who are the new defendants that are being brought into the litigation?
- How to try and defend a case against suppliers, contractors and/or distributors
- Insurance coverage issues for suppliers, distributors and contractors
- Analysis of Continental Casualty v. Employers Insurance of Wausau
- Why more coverage is available for claims against contractors and installers than most insurance companies have admitted
- Insurance issues specific to new defendants
- Advice on ensuring that full coverage is available from the defendant’s and other insurance companies

Moderator: Joseph Belluck, Esq., Belluck & Fox LLP, New York

Christian Gannon, Esq., Segal McCambridge Singer & Mahoney, Ltd., New York
John Comerford, Esq., Lipsitz & Ponterio, L.L.C., Buffalo, NY
Scott Godes, Esq., Dickstein Shapiro LLP, Washington, D.C.

3:00 Afternoon Break

3:15 The Debate Over Chrysotile Asbestos

- An analysis of the science
- Friction amongst parties — update on cases against the brake and automotive manufacturers
- Successful strategies for bringing/defending a chrysotile case

Kevin McHargue, Esq., Baron & Budd, P.C., Dallas
Raymond Harris, Jr., Esq., Schachter Harris LLP, Dallas

4:15 Removing the Asbestos Overhang — Is There an Alternative to Asbestos Bankruptcy?

- Problems with 524(g) and asbestos bankruptcies — are pre-packaged bankruptcies still a viable option?
- From K Street to Wall Street — who can offer certainty to the remaining asbestos defendants?
- Backstopping the liability — the financial and legal implications of creating a stop-loss transaction
- Asbestos bankruptcy or an alternative — how do the remaining solvent defendants achieve successful resolution of their asbestos liabilities?
- Potential effect for plaintiffs, defendants and insurers

Charles Mullin, PhD, Bates White, LLC and Litigation Resolution Group LLC, Washington, D.C.
Michael Zanic, Esq., K&L Gates, Pittsburgh, PA
John Cooney, Esq., Cooney & Conway, Chicago

5:30 Networking Reception

Thursday, September 27, 2007

8:00 Continental Breakfast

Trial Skills & Ethics in Asbestos Litigation

8:30 Influencing the Jury — Dynamic Trial & Settlement Techniques

- Picking the best cases from your inventory
- The art of negotiation—settlement tactics
- Using courtroom technologies to your advantage
- The Jury Pool—selecting the best jurors for your case
- Best practices for presenting complicated evidence in the courtroom
- Effective opening and closing statements

Thomas Hart, III, Esq., Law Offices of Thomas H. Hart III, Christiansted, VI
Kevin Colbert, Esq., Gardere Wynne Sewell LLP, Houston

9:45 Morning Break

10:00 Can I Get a Witness? How to Effectively Use Plaintiff & Defense Experts in Asbestos Litigation

- Best practices to find a competent plaintiff or defense expert — what tools are at your disposal?
- Protecting and discrediting expert witnesses
- Researching information on experts — securing a solid background, investigating where they have testified before and resources for finding the latest data
- Cross-examining an asbestos expert — what you need to know before the testimony begins
- Strategies for how best to use expert witnesses at trial

Jerome Block, Esq., Levy Phillips & Konigsberg, LLP, New York

Rachelle DeGregory, Esq., Director of Industry Relations, LexisNexis, Los Angeles

William Harvard, Esq., Evert Weathersby Houff, Athens, GA

11:15 Ethical Issues In Asbestos Litigation

- Entering into settlement agreements with multiple parties
- Conflict of interest — representing more than one party during settlement/trial
- ABA Model Rules 1.2, 1.4, 2.1

Jameson Carroll, Esq., King & Spalding LLP, Atlanta

Michael Angelides, Esq., SimmonsCooper LLC, East Alton, IL

12:15 Networking Lunch

Evaluating Risk & Forecasting Liability

1:30 Emerging Trends in Asbestos Coverage Litigation

- Understanding the insurer and insured relationship
- Identifying the policyholders — who are the next tier of defendants?
- All Sums v. Pro Rata
- Allocation
- Insurer neutrality
- Whose coverage is it? Additional insured, multiple defendants, mergers and successor liability
- Bankruptcy and traditional litigation
- *Congoleum* — what effect will it have on future coverage litigation?

Tancred Schiavoni III, Esq., O'Melveny & Myers LLP, New York

2:45 Afternoon Break

3:00 Crunching The Numbers — The Financial Implications of Asbestos Litigation

- Affected parties impacted by the litigation
- The Next Targets: industries/sectors at risk
- New defendants being brought into litigation
- Future claims/cost forecasts
- Wall Street perspective on how to evaluate whether an asbestos tainted company is a good investment
- Evaluating the existing & future liability
- Sign/signals of growing liability

Rachel Kronowitz, Esq., Gilbert Randolph LLP, Washington, D.C.

Francine Rabinovitz, PhD., Executive Vice President, Hamilton, Rabinovitz & Alschuler, Inc., Carmel, CA

Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York

4:15 From the Bench: A Judicial Roundtable on Emerging Issues in Asbestos Litigation

Moderator: Rick Nemeroff, Esq., Nemeroff Law Firm, Dallas

Hon. Helen Freedman, Supreme Court Justice, New York County Supreme Court, New York

Hon. Richard Aulisi, Supreme Court Justice, 4th Judicial District of New York, Johnstown, New York

Hon. Joseph Slights III, Superior Court, New Castle County, Delaware

Hon. Janis Graham Jack, U.S. District Court, 5th Circuit-Texas Southern District, Corpus Christi, TX

5:30 Networking Reception

Friday, September 28, 2007

8:30 Continental Breakfast

Today's Evidentiary Standards

9:00 Comparing & Contrasting the Scientific Evidentiary Standards in Different Jurisdictions

- Breakdown of the various evidentiary standards
- *Havner* in Texas • California under *Rutherford*
- *Lipke* in Illinois • *Daubert* states
- Understanding what standards apply and how to use them to your advantage

Michael Cascino, Esq., Cascino Vaughan Law Offices, Ltd., Chicago

Steven Napolitano, Esq., Skadden, Arps, Slate, Meagher & Flom LLP, New York

10:00 Morning Break

10:15 Mock Trial: Duty to Warn for External Insulation

A panel of the nation's top judges and attorneys perform a mock trial on what various courts around the country are allowing as evidence under differing evidentiary standards.

- Can an equipment manufacturer defendant be held liable for thermal insulation or external flange gaskets used on or around their equipment when that defendant did not manufacture, sell or supply that thermal insulation or external flange gaskets?
- Are equipment manufacturers liable under Restatement of Torts 3d., Section 5 for thermal insulation or flange gaskets they did not manufacture, sell or supply if there use was foreseeable?

Hon. Richard Aulisi, Supreme Court Justice, 4th Judicial District of New York, Johnstown, New York

Hon. Helen Freedman, Supreme Court Justice, New York County Supreme Court, New York

Hon. Joseph Sights III, Superior Court, New Castle County, Delaware

John LaBoon, Esq., Segal McCambridge Singer & Mahoney, Ltd., Austin

Michael Ramirez, Esq., K&L Gates, Dallas

Ron Eddins, Esq., Simon Eddins & Greenstone LLP, Dallas

Additional speakers to be announced

12:00 Adjourn

REGISTRATION INFORMATION

Registration Fee

The registration fee includes attendance at all conference sessions, a copy of the conference handbook on CD, continental breakfast each day, two luncheons, networking receptions, coffee breaks, and continuing education credit processing. The registration fee is \$1395 for the first attendee. If you can't attend the entire program, register for the first full day for \$995 or for a half day for \$495. Once registered your name and company name will appear on an attendee list used to promote the conference. To decline from this opportunity, please check the box on the registration form.

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How to Register

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Registrants who cancel up to 4 weeks prior to the conference date will receive a full refund. Registrants canceling from 4 weeks to 2 weeks prior to the conference date will receive a full credit toward another Mealey's conference. Cancellations made after 2 weeks prior to the conference date will be subject to a 25% administrative

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Conference Venue & Hotel Accommodations

The Fairmont Scottsdale Princess is located at 7575 East Princess Drive, just 45 minutes from Phoenix Sky Harbor International Airport. Attendees should make reservations directly with the hotel by calling 1-800-344-4758 or online using the promotion code GRNAA1. The direct link is http://www.fairmont.com/EN_FA/Reservations/ReservationAvailability?hc=SCP&pc=GRNAA1. When making reservations, indicate that you are attending Mealey's National Asbestos Litigation SuperConference, September 26 – 28, 2007. A block of rooms has been reserved for attendees at a rate of \$259 a night for a single or double room. The cut-off date for this rate is August 27. After that date, this rate will be offered based on space availability. Please note, there is a limited number of rooms in our room block so make your reservations early. For alternative hotels, please call us at (610) 768-7800.

Special Needs

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‡Approval pending at time of printing.

Registration Form

Mealey's National Asbestos Litigation SuperConference, September 26 - 29, 2007, at The Fairmont Scottsdale Princess, Scottsdale, AZ. I understand the conference registration fee is \$1395 per attendee for the first attendee. Multiple attendees: please copy form and submit for each attendee.

Email (Registration confirmation sent via email) _____

Name _____ Title _____

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Account # _____ Expiration Date _____

Signature _____

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Please RSVP for the following events

Yes, I am interested in arranging a golf outing with other attendees.

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