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"The best I have been to - great to hear perspectives from both the plaintiff and defense sides."

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Senior Claims Specialist, Resolute Management Inc
Delegate, ACI's Asbestos Litigation Conference

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Towers Perrin

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Claims Resolution Management
Counsel, Manville Personal Injury
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Gardere, Wynne, Jetwill, LLP

Steve Carroll
RAND Institute for Civil Justice

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Cooney & Conway
Judge Helen Freedman
Supreme Court of New York
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Chuck McGivney
National Coordinating Counsel
McGivney, Kluger & Gannon, PC

Laraine Pacheco
New York City Asbestos Docket

Mark Plevin
Crowell & Morning LLP

Joseph F. Rice
Motley Rice LLC

James N. Sinunu
Adams, Nye, Sinunu, Bruni,
Becht LLP

If you are at all involved in asbestos litigation, the need to be on the cutting edge of litigation trends, medical advances, and reform efforts has never been greater.

Litigating, Settling and Managing Asbestos Claims

Gain a Competitive Edge through Understanding the Latest
Developments, Trends and Strategies in Asbestos
Litigation for Litigators and Insurers

April 5-6, 2005
Mid-America Club, Chicago

Earn
CLE
Ethics
Credits!

In response to your need to stay one step ahead of your competition, ACI has put together a timely, practical conference addressing:

- New defense targets on the horizon
- Why claims filed in the past year are unique
- Potential loopholes with the proposed federal reform efforts and steps taken to close them
- Insurers' role in prepackaged deals and negotiations
- Strategies for gaining leverage in prepackaged bankruptcy negotiations
- Using off-the-shelf software to improve your claims management
- How to read, understand and utilize pathology reports and other medical records
- Plus! Learn how courts are addressing the backlog of asbestos claims

Two Exceptional Post-Conference Workshops to choose from:

**Preparing for the Onslaught of Silicia Litigation
Strategies for Defending Friction Issues in Asbestos Cases**

Register now: 1-888-ACI-2480 www.AmericanConference.com



Litigating, Settling and Managing Asbestos Claims

Dear Colleague:

Asbestos is not going away. According to the EPA, 27 million Americans had significant exposure to asbestos on the job between 1940 and 1980. With the estimated dormant period of 15 to 40 years for asbestos exposure to result in cancer or other diseases, the peak of claims is yet to come.

Everyone involved with asbestos litigation — in-house counsel, private attorneys, insurance officers and claims managers and others — needs the most current information in order to win their case. With plaintiffs' attorneys finding new avenues to push their claims, it is most critical that you stay a step ahead of your adversaries.

To arm you to meet these challenges, the **American Conference Institute** has put to work six years of investment in the asbestos litigation arena to create this one comprehensive and practical event: **Litigating, Settling and Managing Asbestos Claims Conference**. By joining the experts at this conference, you will:

- See how dollars are shaking out in the asbestos litigation universe and how the distribution of money is expected to change over the next 18 months
- Hear the latest methods used to forecast future liabilities
- Gain an understanding of model insurance recoveries under different coverage scenarios
- Get up-to-date on state reform efforts
- Benefit from industry insider's tips on winning defense litigation strategies

Do not stop there — attend one of our two exceptional post-conference workshops to expand on your focus area.

- Preparing for the Onslaught of Silica Litigation
- Strategies for Defending Friction Issues in Asbestos Cases

Whether you have attended this event in the past or it is your first time, don't miss this information-packed conference. Come with your questions, comments and challenges to Chicago this April 5-6 and join in what is sure to be the industry event of the year.

I look forward to meeting you there.

Sincerely,

Kelley M. Pelzer
Conference Director
The American Conference Institute

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April 5-6, 2005

Mid-America Club, Chicago

Tuesday, April 5, 2005

9:00 Welcome and Opening Remarks

Conference Co-Chairs

Mike Angelina

Principal

Towers Perrin (Philadelphia, PA)

David Katzenstein

Partner and National Coordinating Counsel

McGivney, Kluger & Gannon PC (Florham Park, NJ)

9:15 How We Got Here: The Facts and Figures of Asbestos Litigation

Steve Carroll

Senior Economist

RAND Institute for Civil Justice (Santa Monica, CA)

As annual plaintiff filings are escalating and the peak of filings has yet to come, understanding where the money comes from and where it's going is key to discerning the scope of future claims. Learn this and more from Senior Economist Steve Carroll, from the RAND Institute for Civil Justice, as he shares with you:

- How large is the current pool of claims?
- How much money is being spent in resolving asbestos claims?
 - from defense/legal to claims/legal to claims/net compensation, how are the dollars shaking out?
 - how is the distribution of money changing over time? How will the balance shift in the next 18 months?
- Industry and geographic distribution of defendants
- Asbestos-related bankruptcies: what companies have fallen and where are they in the process?
- Is the next big wave of bankruptcies imminent?
- Demographics of claims and claimants

9:45 The Changing Profile of Claims: New Targets, Tactics and Strategies of Asbestos Claimants

David T. Austern

President of Claims Resolution

Management Counsel, and

General Counsel of the Manville Personal Injury

Settlement Trust (Fairfax, VA)

John Kazanjian

Partner

Beveridge & Diamond, P.C. (New York, NY)

Claims filed during 2004 were very different than in previous years, giving rise to a new generation of plaintiffs and defendants. Who are they today? How can these companies prepare for the potential bombardment of new claims? Are there more appropriate ways to forecast asbestos liability aside from the traditional medical models that have been used for the last 20 years?

- Who are the new plaintiffs?
- What has caused the change in 2004 claim filing rates?
- New methods to determine future claims
- What plaintiffs are doing to meet the new exposure requirements most plaintiffs now face
- The legal bases and new theories of liability for the latest claims — how are new defendants are adjusting?

10:30 Coffee Break ☐

10:45 How to Assess Your Future Liabilities

Mike Angelina

Principal

Towers Perrin (Philadelphia, PA)

Given the new wave of claims against a different class of defendants, past assessments of future liabilities are no longer accurate. Moreover, the latest plaintiffs have become extraordinarily creative in asserting grounds for liability. In this environment, it is now more important than ever that you have a precise understanding of what your future liabilities may be. This session, led by an expert [in what?] _____, will give you the tools you need to make these determinations. You will learn how to:

- Identify the key drivers of asbestos litigation against your company
- Incorporate changes in the environment due to:
 - mix of claimants
 - jurisdictional changes
- Reflect trends in average costs
- Determine the calendar year payments of future asbestos losses
- Model insurance recoveries under different coverage scenarios

11:30 Federal and State Legislation: Preparing for Upcoming Reform Efforts

Mark A. Behrens

Partner

Shook, Hardy & Bacon L.L.P. (Washington DC)



Litigating, Settling and Managing Asbestos Claims

Expert Roundtable

John D. Cooney
Partner
Cooney & Conway (Chicago, IL)

Patrick M. Hanlon
Partner
Goodwin Procter LLP (Washington DC)

The big question on everyone's mind is when and in what form will a federal trust be created. The significant implications of this reform effort will undoubtedly change the way asbestos litigation forever will be handled. Meanwhile, states are taking the initiative to manage the wave of asbestos litigation. Who is following their lead? When will federal reform become a reality? This star line up will give you the inside information on:

- The state of play in Congress regarding asbestos legislative initiatives
 - is the focus going to be on the states, or federal?
 - advocates and skeptics: will the insurance industry come together to decide on a fair way to divvy up the costs?
 - what are the potential loopholes and how can they be closed?
- Trust fund implementation: legal, practical and tactical considerations
 - possible constitutional challenges regarding implementation
- State reform efforts
 - how is Ohio doing now that it is a year into having passed medical criteria for asbestos and silica cases?
 - status of backlash legislative efforts
 - Mississippi's comprehensive tort reform proposal: impact on asbestos litigation
 - the latest on the medical criteria legislation in Texas
 - reforms being studied in courts: Michigan's proposed state-wide Inactive Asbestos Docket

12.30 Networking Luncheon for Speakers and Delegates

1:45 Asbestos Bankruptcies: Prepackaged Deals and Key Considerations

Defense Perspective

Robert Horkovich
Partner
Anderson, Kill & Olick, P.C. (New York, NY)
Insurance Perspective

Mark Plevin
Partner
Crowell & Morning LLP (Washington DC)

- When do insurers have “the right to be at the table”?
 - do insurers have standing to object to asbestos bankruptcy negotiations?
- 524(g) as a method for resolving bankruptcies
- Acceleration: what does the future hold for long-tail claims?
- Prepackaged deals
 - negotiating strategies
 - getting court approval
 - future viability of prepackaged bankruptcies
 - status of Fuller-Austin: what precedents are being set?
- How to gain leverage in prepackaged negotiations- whether you are a defendant, a claimant, or an insurance company

2:30 Defense Strategies for Weathering the Storm of New Asbestos Claims

Cynthia J. Bishop
Partner
Gardere, Wynne, Sewell, LLP (Dallas, TX)

Paul Van Lysebettens
Partner and National Coordinating Counsel
Gundy & McCarthy (Chicago, IL)

Plaintiffs are developing new categories of defendants to include in asbestos lawsuits as the more traditional defendants declare bankruptcy and disappear. Who are the viable defendants of 2005 and how can they weather the storm that has felled so many larger companies? Come explore the following:

- Discovery techniques & pitfalls: utilizing case management orders
- Witness disclosures: using them to your benefit
- Trial readiness: avoid overlooking steps that could cost you
- Resolving cases inexpensively through the power of amiability

3:15 Refreshment Break

3:30 Learning from the Opposition: The Plaintiff's Perspective on Litigating Asbestos Suits

Mark Lanier
Partner
Lanier Law Firm (Houston, TX)

April 5-6, 2005

Mid-America Club, Chicago

Wednesday, April 6, 2005

Joseph F. Rice

Partner

Motley Rice LLC (Mount Pleasant, SC)

Take part in this enlightening session in which two distinguished plaintiffs' attorneys shed light on their approach to asbestos litigation through real-life examples regarding:

- Facing the non-traditional defendants
- Unusual and obscure exposures, such as friction products
- Product identification and exposure
- Innovative discovery techniques
- Status of multi-district litigation (MDL) at the state and federal level
- How federal and state reform legislation will impact the plaintiffs' attorneys
- The future of non-malignant cases

Back by Popular Demand!

4:15 **Spotlight the Asbestos Backlog: Expediting the Adjudication Process**

Judge Helen Freedman

Supreme Court of New York

Civil Branch, New York County (NY, NY)

Judge Ken Kawaichi

Superior Court of California

Alameda County (Oakland, CA)

Laraine Pacheco

Special Master

New York City Asbestos Docket

Law Offices of Laraine Pacheco (Tucson, AZ)

Chuck McGivney

Partner and National Coordinating Counsel

McGivney, Kluger & Gannon, PC (Florham Park, NJ)

- What's the latest approach courts are using to unclog the asbestos dockets
- "Impaired" versus "unimpaired" claimants — where do the courts stand?
- How judges prioritize asbestos cases: what do they look for
- Potential solutions to adjudication delays — direct from the bench

5:30 **Conference Adjourns for the Day**

9:00 **Recap of Day One**

Conference Co-Chairs

Mike Angelina

Principal

Towers Perrin (Philadelphia, PA)

David Katzenstein

Partner and National Coordinating Counsel

McGivney, Kluger & Gannon PC (Florham Park, NJ)

9:10 **Improving Claims Management Using Existing Resources**

David Katzenstein

Partner and National Coordinating Counsel

McGivney, Kluger & Gannon PC (Florham Park, NJ)

In this interactive session, David Katzenstein, will demonstrate how to dramatically improve efficiencies in your office through effective uses of the off-the-shelf software used in our offices every day. Benefit from a practitioner's first-hand experience - not a salesperson!

- How to track documents and case related data in the ever more paperless world
- Maintaining as few resources as possible to service your asbestos case load
- Keeping track of cases and trends for clients defending actions in various states
- Creating a central location to store documents
- Techniques for handling cases that are on hold and not making it on the trial calendar

10:10 **Understanding the Science Behind Asbestos Claims**

Doctor yet to be named

Title

Firm

To have the greatest chance of success with your cases, it is critical that you understand the latest information and know how to use it:

- How to read pathology reports and other medical reports
- Latest medical theories on asbestos related illnesses
- Epidemiological developments



Litigating, Settling and Managing Asbestos Claims

- Where to find and how to use the latest published material regarding asbestos-related illnesses and trends
- Possible treatments and prognosis for mesothelioma

11:00 Coffee Break ☐

11:15 Evolving Causation Theories for Low-Dose Exposure Claims

Edward Hugo

Partner

Brydon Hugo & Parker (San Francisco, CA)

In this session you will learn the legal standards for causation related to asbestos litigation. Gain a better understanding of the:

- Variety of asbestos products and how they react in different environments
- Minimum dose of exposure to asbestos to medically link disease to product
- Considerations courts look at for various products and their emission of asbestos in terms of dangerous exposure
- Standards of causation in asbestos litigation at the state level
- Legal analysis of illnesses and laws state by state
- Methods for differentiating asbestos exposure from other environmental/lifestyle factors

12:00 The Diagnosis of Mesothelioma versus Lung Cancer and its Effects on Juror Perceptions

James N. Sinunu

Partner

Adams, Nye, Sinunu, Bruni, Becht LLP
(San Francisco, CA)

At least 2,000 people per year die from mesothelioma, a deadly cancer of the lining of the lungs and internal organs caused by exposure to asbestos. Mesothelioma and lung cancer are the two main malignancies on which plaintiffs base their personal injury claims. Though occasionally confused medically, the diseases are quite different, are caused by different environmental agents, and require very different exposures for asbestos to be implicated. This presentation will compare and contrast both the medical and causation issues relevant to both diseases and how the diagnosis impacts juror perceptions.

12:45 Conference Concludes

WHO SHOULD ATTEND

- Attorneys specializing in
 - Asbestos
 - Silica
 - Product Liability
 - Premises Liability
 - Mass Torts
 - Environmental
 - Litigation
- In-house counsel for
 - Insurers
 - Automotive, brake pad and motor vehicle companies
 - Any company with potential exposure to Asbestos claims
- Senior VPs, Claims Managers and other executives at insurance/reinsurance companies

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ACI certifies that this conference has been approved for MCLE credit by the State Bar of California in the amount of 8.75 hours. An additional 3.5 hours will apply to workshop participation.

“Great review of topics in Asbestos Litigation!”

James Zeszutek
Partner
Thorp Reed and Armstrong LLP

April 5-6, 2005

Mid-America Club, Chicago

Wednesday, April 6, 2005

2:00 pm - 5:30 pm (Registration begins at 1:30 pm)

A Preparing for the Onslaught of Silica Litigation

Don Ward
President
Special Claims Services, Inc. (Mt Vernon, OH)

Laura Hong
Partner
Squire Sanders & Dempsey (Cleveland, OH)

Michael N. Weathersby
Partner
Evert & Weathersby (Atlanta, GA)

Michael Nelson
Partner
Kirkpatrick & Lockhart (Pittsburgh, PA)

Silica is the chemical compound silicon dioxide (SiO₂), which when in the crystalline form is considered respirable or breathable. According to the National Institute for Occupational Safety and Health, at least 1.7 million US workers are exposed to respirable crystalline silica in a variety of industries and occupations, including construction, sandblasting and mining. Silicosis, lung cancer, lupus, scleroderma, and rheumatoid arthritis are among the diseases caused by crystalline silica particles, many of which are irreversible. As it is unknown whether or not asbestos will soon have a federal trust built to pay those ill by asbestos, more and more attorneys are seeing silica cases on the rise. Is this the next asbestos? This session will give you a thorough understanding of the danger silica poses for companies already impacted by asbestos litigation.

- Silica 101
 - brief history of silica litigation
 - what it is and which diseases are associated with it
 - sources of exposure
 - the landscape of plaintiffs and defendants emerging
- Snapshot of silica litigation by jurisdiction
- Insurance coverage
 - potential sources of recovery
 - how much is left?
- Medical differences between silica and asbestos related diseases
- How you can prepare for the potential tsunami of silica claims

B Strategies for Defending Friction Issues in Asbestos Cases

Edward Hugo
Partner
Brydon Hugo & Parker (San Francisco, CA)

Friction-related asbestos cases are mounting. As plaintiffs are expanding the defendant pool, they have reached into product areas such as asbestos-containing brakes, phenolic plastic compounds and molded parts used for arc chutes, breakers, contactors and enclosures found in distribution panels, breaker boxes, rotary switches, motor controllers and other electrical equipment. With the cost to settle these cases increasing, it is critical that you arm yourself with the information and defense strategies to better defend your cases.

- Snapshot of friction-related asbestos litigation throughout the country
- Addressing friction issues in asbestos litigation
 - conversion studies
 - asbestos injuries to mechanics who conducted brake and other automotive repairs
 - state of the law regarding the importation and use of asbestos in automotive and other products
 - standard warning used: what are the problems with warnings?
 - standard safety procedures used by mechanics to avoid asbestos exposure while performing repairs
 - effect of failure to comply with safety procedures
- Taking the Pulse: How are Defense Experts and Attorneys Defending their Cases?
- Industrial Hygienist Perspective: Learn how Asbestos Reacts to Friction and When it Becomes a Dangerous Exposure

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Litigating, Settling and Managing Asbestos Claims

Gain a Competitive Edge through Understanding the Latest
Developments, Trends and Strategies in Asbestos
Litigation for Litigators and Insurers

April 5-6, 2005
Mid-America Club, Chicago



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