

International Asbestos Litigation

**Expert guidance to manage
the global impact of claims**

**29 & 30 September 2009
Central London**

Chaired by:

KIRK T HARTLEY

Butler Rubín Saltarelli & Boyd

ROGER ENOCK

Covington & Burling LLP

EDWARD MCCAMBRIDGE

Segal McCambridge Singer
& Mahoney Ltd

DAVID MILLER

Colin Biggers & Paisley

MARK BEHRENS

Shook, Hardy & Bacon LLP

PROFESSOR MARK BRITTON

Ashford and St Peter's Hospital

MOHAMMED KHAN

PricewaterhouseCoopers LLP

ANDREW MORGAN

Field Fisher Waterhouse LLP

ALBERT AZAGRA

Universitat Pompeu Fabra

CÉCILE DERYCKE

Lovells LLP

DR ROBERTO DALLAFIOR

Nater Dallafior Rechtsanwälte

MARTYN DAY

Leigh Day & Co

CHRISTIAN LAHNSTEIN

Munich Re

ANNE KEARSE

Motley Rice LLP

LESLIE DAVIS

Crowell & Moring LLP

JAMES GLEAVE

Zolfo Cooper

ROD FREEMAN

Lovells LLP

SELVYN SEIDEL

Burford Advisors LLC

**Attending this strategically timed
1½ day conference will enable you to:**

- Debate the impact of the **EL policy 'trigger' litigation**
- Learn about the latest developments in **asbestos lobbying and litigation in the US**
- Receive an update on the latest **medical and scientific developments** that may assist early diagnosis of tumours
- Understand what issues will affect **corporate defendants** as claims increase
- Examine the latest **litigation funding techniques** including hedge fund investment

Sponsored by:

BURFORD ADVISORS LLC

Supported by:

counsel

NEW LAW
JOURNAL

irm

BOOK TODAY tel +44 (0)20 7347 3573

fax +44 (0)20 7347 3576 email registrations@lexisnexis.co.uk

www.conferencesandtraining.com/asbestos



Why attend this conference?

The threat of asbestos claims around the world refuses to be quenched and the dramatic increase in class and collective claims is likely to fan the flames of costly and time-consuming litigation.

In the UK the EL ‘trigger’ litigation and the pleural plaques consultation have once again opened a Pandora’s box of what constitutes injury and when does coverage apply. This in turn is likely to lead to an escalation of claims in this country.

In the US, we will be taking an in-depth look at asbestos lobbying and litigation and discussing current trends and emerging issues.

Globally, there appears to be an increase in the set up of private trusts to forestall civil suits (*James Hardie, Eternit, Cape Industries* to name but a few) whilst in the US Chapter 11 trusts are now open to overseas claims.

Join our ‘dream team’ of leading international legal, medical and financial experts who will guide you through the morass of regulatory developments and influx of contradictory case law. They will be on hand to help you answer the following key questions:-

- What will be the likely impact of the latest **scientific developments** on global claims trends?
- How can **corporate defendants** mitigate their risk as claims increase?
- Is hedge fund investment a viable alternative means of **litigation funding**?

Who should attend

- Claimant and defence lawyers
- Defendants and their counsel
- In-house counsel and risk managers
- Insurers, reinsurers and their advisers
- Asbestos consultants
- Investment/financial experts

DAY 1

09.00 Registration and coffee

09.25 Chair’s opening remarks

KIRK T. HARTLEY, *Butler Rubin Saltarelli & Boyd*

09.30 A global asbestos litigation update – panel session

• UK

- Scale of the problem in the UK
- Latest developments in cases
- What’s next?

• The present and the future of asbestos litigation in the USA

- Trends relating to mesothelioma filings and verdicts
- New targets in the litigation

• Australia

- *Fairchild* down under - recent decisions on risk and causation
- Triggers for asbestos claims coverage - the Australian approach
- Claim trends and developments

ROGER ENOCK, *Partner, Covington & Burling LLP*

EDWARD MCCAMBRIDGE, *Partner,*

Segal McCambridge Singer & Mahoney Ltd

DAVID MILLER, *Partner, Colin Biggers & Paisley, Australia*

SELVYN SEIDEL, *Chairman and CEO, Burford Advisors LLC*

JAMES GLEAVE, *Chairman of the T&N Asbestos Trustee Company and Partner, Zolfo Cooper*

10.45 Coffee

11.00 Asbestos lobbying and litigation in the US

- Discussion of current trends and emerging issues
- Legislative update: federal and state
- Non-asbestos developments influencing asbestos litigation

MARK A. BEHRENS, *Partner, Shook, Hardy & Bacon LLP*

11.30 Medical/Science update

- The pleural plaque debate in the UK
- Early diagnosis of asbestosis and diffuse pleural thickening in the asymptomatic patient – diagnostic thresholds?
- Assessment of disability
- The mesothelioma epidemic in the UK
- PET scanning aiding diagnosis in mesothelioma
- How soon will we have a test that establishes a tumour is developing before presenting clinically?

PROFESSOR MARK BRITTON, *MSc MD FRCP,*

Consultant Physician, Ashford and St Peter’s Hospital,

Chertsey; Visiting Professor, University of Surrey; Vice

President, British Lung Foundation

12.15 Trends in global asbestos

- Global trends
- Estimation methodologies
- Current key issues

MOHAMMED KHAN, *Director,*

PricewaterhouseCoopers LLP

Panel session

13.00 Lunch

14.15 **International mesothelioma claims - the uncertainty principle in action**

- Choosing the defendant, the venue and the law
- Impact of state or Crown immunities
- Reaching agreements with multi-nationals
- Claims in multiple jurisdictions

ANDEW MORGAN, *Partner, Field Fisher Waterhouse LLP*15.00 **EU litigation update**

- **Spain**
 - Compensable damages and pleural plaques
 - Standard of liability and defenses
 - Collateral benefits and punitive increase of social security
 - Governmental liability
 - Class actions

ALBERT AZAGRA, *Universitat Pompeu Fabra, Law School, JSD Candidate and Graduate Teaching Assistant*

- **France: companies still in the front line to compensate claimants**
 - Asbestos workers' early retirement scheme - how far will the French courts go?
 - French asbestos litigation - when will reforms come?

CÉCILE DERYCKE, *Senior Associate, Lovells LLP, Paris*

- **Switzerland**
 - Different routes chosen by the injured
 - Liability of employers
 - Limitation periods – recent judgements and new trends

DR ROBERTO DALLAFIOR, *Partner, Nater Dallafior Rechtsanwälte*

16.00 Afternoon Tea

16.15 **Panel discussion – the future of asbestos litigation**

- Q&A session: is the net tightening on asbestos claimants?
 - The future payment of claims?
 - ELIB (Employers Liability Insurance Bureau) – an insurer of last resort?
 - Asbestos funds: are T&N and Cape working?
- Closing the door on diseases?
 - Is the line drawn at asymptomatic pleural thickening / asbestosis?
 - Will the trigger issue extend to non-mesothelioma claims?
- The costs of litigation:
 - Witness statements & expert reports as precedents?
 - Is the mesothelioma protocol the answer?
 - Is a scheme the answer?

Moderated by MARTYN DAY, *Partner, Leigh Day & Co*Also featuring CHRISTIAN LAHNSTEIN, *Head of Risk, Liability & Insurance, Munich Re* and ANNE KEARSE, *Attorney at Law, Motley Rice LLC*17.15 **Chair's closing remarks**

17.20 End of Day 1

DAY 2

09.25 **Chair's opening remarks**KIRK T. HARTLEY, *Butler Rubin Saltarelli & Boyd*09.30 **Asbestos trusts round the globe – facts and issues**

- Overview of existing private and bankruptcy trusts around the globe, including discussion of the James Hardie situation and related lessons
- Analysis of developments and open issues regarding trust liability estimation, claiming procedures and transparency
- Analysis of whether, how and when trust payments should be factored into litigation against solvent entities

KIRK T. HARTLEY, *Butler Rubin Saltarelli & Boyd*
LESLIE DAVIS, *Counsel, Crowell & Moring LLP*
DAVID MILLER, *Partner, Colin Biggers & Paisley, Australia*
JAMES GLEAVE, *Chairman of the T&N Asbestos Trustee Company and Partner, Zolfo Cooper*10.30 **Increased pressures on corporate defendants in managing UK asbestos litigation**

- Challenges for corporate defendants under the UK fast-track procedures
- Evidentiary issues: dealing with an effective reversal of burden of proof
- Insurance recoveries: practical problems associated with tracing cover
- Non-EL claims: Bolton and the public liability insurance problem
- Changes to the UK statutory compensation systems and their impact on corporate defendants
- Global risks - managing asbestos liabilities for corporations with multinational exposures

ROD FREEMAN, *Partner, Lovells LLP*

11.15 Coffee

11.30 **Litigation financing, national and international**

- Overview
- Selected jurisdictions: US/UK/Australia/Europe
- Class actions and other complex actions
- International

SELVYN SEIDEL, *Chairman and CEO, Burford Advisors LLC*

MR. SEIDEL is the founder, Chairman, and CEO of Burford Advisors LLC, and its subsidiary Burford Litigation Funding. The entities consist of diverse, experienced professionals, and distinguished business and finance individuals, advising on an integrated and comprehensive basis. In the litigation finance industry, Burford Litigation Funding and members of Burford Advisors LLC are independent expert consultants to claimants, funders, insurance entities, and law firms. As such, they assist on a number of levels: matching claimants with funders, insurance entities, and law firms, as needed; independently and objectively evaluating claims, and when possible improving the recovery value of the claim; facilitating the approval process of claims; coordinating with various parties and improving where possible the prosecution of and resolution of claims; assisting in establishing funds for special areas of litigation financing.

12.30 Chair's closing remarks

Registration

Your priority booking code is:

EMAIL

You will need to quote this code to claim your early booking discount*

*The early booking discount is only available when you register before 27 July 2009

International Asbestos Litigation

29 & 30 September 2009 • Central London

Payment details

£749 + VAT (£112.35) = £861.35 per delegate for registrations received before 27 July 2009 – **SAVE £50!**

£799 + VAT (£119.85) = £918.85 per delegate for registrations received after 27 July 2009

Documentation Price: £299 per pack

* Please note: discounts cannot be used in conjunction with one another. You will need to quote your booking code to claim your discount

Payment by cheque made payable to LexisNexis®

Payment by credit card Maestro Mastercard Visa

Card No.

Expiry date Security code (CV2)

1st delegate details

Name

Job title

Email

(Please note we may need to send you information on venue changes by email)

Tel

Additional requirements

2nd delegate details

Name

Job title

Email

(Please note we may need to send you information on venue changes by email)

Tel

Additional requirements

Address details

Company

Address

City

Postcode

Booking contact / invoice address

Name

Tel

Email

Address (if different from above)

I understand that this booking is subject to the cancellation terms set out on this registration form.

Authorised Signature

(all bookings must be signed)

How to book



BOOKINGS AND ENQUIRIES: 020 7347 3573
Lines open from 8.30am to 5pm, Monday to Friday



FAX: 020 7347 3576



POST: LexisNexis® Conferences, Halsbury House,
35 Chancery Lane, London WC2A 1EL



EMAIL: registrations@lexisnexis.co.uk



ONLINE: www.conferencesandtraining.com/asbestos

Sponsorship and exhibition opportunities

Enforce your brand and meet new clients

Take this excellent opportunity to position your organisation at the forefront of the market. This conference will provide an excellent platform to raise your organisation's profile in front of key industry participants and showcase your expertise and services as the pre-eminent organisation in the field. To find out more about the range of opportunities available, please contact **Mike Gunnell** on **07786 971 544** or email: **mike@mgmediaservices.com**

Forthcoming events

Should you require any further information on any of the events below, please tick the appropriate box and return to LexisNexis® Butterworths.

- Professional Negligence and Liability – October 2009
- Product Liability – 2010
- Employers and Public Liability – 2010

For more information visit www.conferencesandtraining.com

You can still benefit from the day – even if you can't make it!

Naturally, nothing matches the experience of coming to the conference, but if you really can't make it, you can still benefit by ordering a set of course papers. Available for £299, this will give you a permanent record of the subjects covered, which you can share with your colleagues.

To order call on 020 7347 3573 or return the booking form.

Administration

VENUE

Central London. The venue will be confirmed in the joining instructions letter, once we have received your booking.

FEE

Your one-day fee includes attendance, refreshments, lunch and course documentation. Full payment, including VAT must be received prior to the conference. Please post a cheque for the full amount with your completed registration form or complete the credit card payment details. Once payment has been received a VAT invoice/receipt will be issued.

OUR CONFIRMATION OF YOUR BOOKING

All bookings will be acknowledged in writing within five working days of receipt and joining instructions (final conference details and a venue location map) will be emailed to delegates approximately two weeks before the event. Please telephone the Bookings Enquiries line immediately:

- if you have not received written acknowledgement of your booking within 7 days of sending it by fax, post or email or
- if you have not received your joining instructions five days before the event

HOTEL ACCOMMODATION

Venuehunt Ltd

Tel: 01722 500 675

Fax: 01722 500 729

Email: lexisnexis@venuehunt.co.uk

Quote the code VHLEX at the time of booking.

ADDITIONAL REQUIREMENTS

LexisNexis® Conferences would like to ensure that all delegates can participate fully at our events. If you have any additional requirements, eg, wheelchair access, large print documentation or an induction loop, or if you have any particular dietary requirements please let us know on the adjacent form.

- Please call me to discuss my requirements in more detail.

CERTIFICATE OF ATTENDANCE

A certificate of attendance is available on request, following your attendance at this conference, as a record of your training and development.

DOCUMENTATION SALE

Your notes will be dispatched within five working days after the event. Please call us if you do not receive your notes by two weeks after the event.

CANCELLATIONS

A refund of fees will be made only for cancellations received in writing at least 14 days before the event (less a 25% cancellation fee to cover administration costs). No refunds will be made for cancellations received within 14 days of the event and failure to attend after confirming a booking will be subject to the same terms. We regret that the transfer of a booking to another event cannot be made but a substitute delegate will be accepted at any time before the event.

This programme is correct at the time of going to press. However, we reserve the right to alter or cancel the programme due to circumstances beyond our control.

If you do not wish to be kept informed by mail phone fax email of other LexisNexis® products and services, please tick the box.

If you do NOT wish your mailing details to be passed on to companies approved by LexisNexis®, to keep you informed of their products and services, please tick the box.

For details of our privacy policy visit our website at: www.lexisnexis.co.uk/contact_us/privacypolicy.html

© LexisNexis® 2009

