



Asbestos Bankruptcy Conference

Featuring a Judicial Roundtable on Asbestos Compensation

June 21, 2010

Chicago, IL

The Peninsula Hotel

CO-CHAIRS

John Cooney, Esq.

Cooney & Conway, Chicago, IL

Kirk Hartley, Esq.

Childress Duffy Goldblatt, Ltd., Chicago, IL



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Event Agenda

Monday, June 21, 2010

8:00 AM - Continental Breakfast and Registration

8:30 AM - Opening Remarks

John Cooney, Esq., Cooney & Conway, Chicago, IL
Kirk Hartley, Esq., Childress Duffy Goldblatt, Ltd., Chicago, IL

8:45 AM – Asbestos Bankruptcy 2010 – A New Era of the Last Chapter?

- National update of current cases involving debtors who have yet to emerge and those who recently entered the trust system – W.R. Grace, Quigley (Pfizer), Congoleum, Flintkote, Pittsburgh Corning, Plant Insulation, NARCO, etc.
- Insurance-play bankruptcies for non-operations policies – overview of current cases, appeals and standing issues
- Are new filings coming? The factors that drive a solvent defendant into bankruptcy
- Are pre-packaged bankruptcies a viable alternative? THAN and other recent examples
- Legal finality versus financial certainty - alternatives to resolve asbestos liabilities outside the bankruptcy process

Moderators: John Cooney, Esq., Cooney & Conway, Chicago, IL
Kirk Hartley, Esq., Childress Duffy Goldblatt, Ltd., Chicago, IL

Andrew Evans, Principal, Litigation Resolution Group, Washington, DC
Joseph D. Frank, Esq., Frank & Grecker, Chicago, IL
Edwin Harron, Esq., Young Conaway Stargatt & Taylor, LLP, Wilmington, DE
Mark Plevin, Esq., Crowell & Moring, San Francisco, CA

10:00 AM – Asbestos Bankruptcy Primer: The Management & Operation of an Asbestos Bankruptcy Trust

- Putting the trust agreement into action: payment percentages, adjust of payment percentages, benchmarks and trust distribution procedures
- The role and power of the FCR under Section 524(g) – are the FCR's interests aligned with current asbestos claimants and other bankruptcy parties?
- The role of the TAC and management of the trust
- The fiduciary duties of asbestos bankruptcy trustees
- How do the trusts anticipate dealing with the upcoming Medicare reporting rules?
- What role does the bankruptcy court have over the trust's activities?
- Entrusted with the assets – investment management of the trust's finances

Moderators: John Cooney, Esq., Cooney & Conway, Chicago, IL
Kirk Hartley, Esq., Childress Duffy Goldblatt, Ltd., Chicago, IL

Hon. Judith Fitzgerald, U.S. Bankruptcy Court for the Western District of Pennsylvania

Edwin Harron, Esq., Young Conaway Stargatt & Taylor, LLP, Wilmington, DE

Elihu Inselbuch, Esq., Caplin & Drydale, New York, NY

Hon. Ken M. Kawaichi (Ret.), JAMS, Walnut Creek, CA

Robert H. Riley, Esq., Chairman, Executive Committee Member, Schiff Hardin LLP, Chicago, IL

Perry Weitz, Esq., Weitz & Luxenburg P.C., New York, NY

11:00 AM – Break

11:15 AM – Staking Your Claim: How to Successfully File an Asbestos Bankruptcy Trust Claim

- Establishing the medical and exposure requirements needed for a valid trust claim – testimony, depositions, site matches, affidavits, and other forms of documentation
- Knowing what your claim is worth under the trust distribution procedures
- Expedited versus the individual review process – what criteria are needed to qualify for individual review
- How do co-defendants and other parties file claims with the trusts?
- Problems co-defendants experience in filing claims with trusts

Steve Baron, Esq., Baron & Budd, P.C., Dallas, TX

Garland S. Cassada, Esq., Robinson, Bradshaw & Hinson, Charlotte, NC

12:30 PM – Networking Lunch

2:00 PM – The Continued Impact of the General Motors and Chrysler Bankruptcies

- Update of the ongoing bankruptcy cases as they pertain to product liability claimants
- Impact of automotive bankruptcies on friction defendants
- Driving off into the sunset? Will there be claims against “new” GM and “new” Chrysler under state successor liability laws?

John Cooney, Esq., Cooney & Conway, Chicago, IL

Sander L. Esserman, Esq., Stutzman, Bromberg, Esserman & Plifka, PC, Dallas, TX

Steve Jakubowski, Esq., The Coleman Law Firm, Chicago, IL

Alice Johnston, Esq., Obermayer Rebmann Maxwell & Hippell LLP, Pittsburgh, PA

3:00 PM – Trust Online: The impact of Asbestos Bankruptcies on the Tort System

- The financial implications for solvent defendants and insurers following the 2000-2003 bankruptcy wave
- Naming patterns – what new industries and companies were brought into the litigation as the major defendants exited the tort system?
- Picking up the several shares: what are current solvent defendants and insurers doing to quantify trust recoveries and assign liability to the trusts?
- Debate regarding the appropriateness of understanding the bankruptcy rules regarding statute of limitations, deferrals and the timing of tort and trust claims
- Debate regarding the appropriateness of case management orders, legislation, and other initiatives on transparency, contribution and offset issues

Moderators: Richard Ames, Esq., Carroll, Burdick & McDonough, San Francisco, CA

Michael L. Armitage, Esq., Waters & Kraus, LLP, Los Angeles, CA

Nathan R. Horne, Esq., Segal McCambridge Singer & Mahoney, Austin, TX

Peter A. Kraus, Esq., Waters & Kraus, LLP, Dallas TX

Charles Mullin, Ph.D., Bates White, Washington, DC

Joseph F. Rice, Esq., Motley Rice LLC, Mt. Pleasant, SC

James L. Stengel, Esq., Orrick Herrington & Sutcliffe, New York, NY

4:00 PM- Break

4:15 PM – Judicial Roundtable on the Interplay between Bankruptcy Trusts and Traditional Asbestos Litigation

Moderators: John Cooney, Esq., Cooney & Conway, Chicago, IL
Kirk Hartley, Esq., Childress Duffy Goldblatt, Ltd., Chicago, IL

Hon. Judith Fitzgerald, U.S. Bankruptcy Court for the Western District of Pennsylvania

Hon. James Murray Lynn, Philadelphia Court of Common Pleas

Hon. William D. Maddux, Circuit Court of Cook County

Hon. Randall J. Newsome, U.S. Bankruptcy Court for the Northern District of California

Hon. Daniel Stack, Madison County Circuit Court

5:30 PM – Networking Cocktail Reception

*Speakers & Agenda are subject to change.**