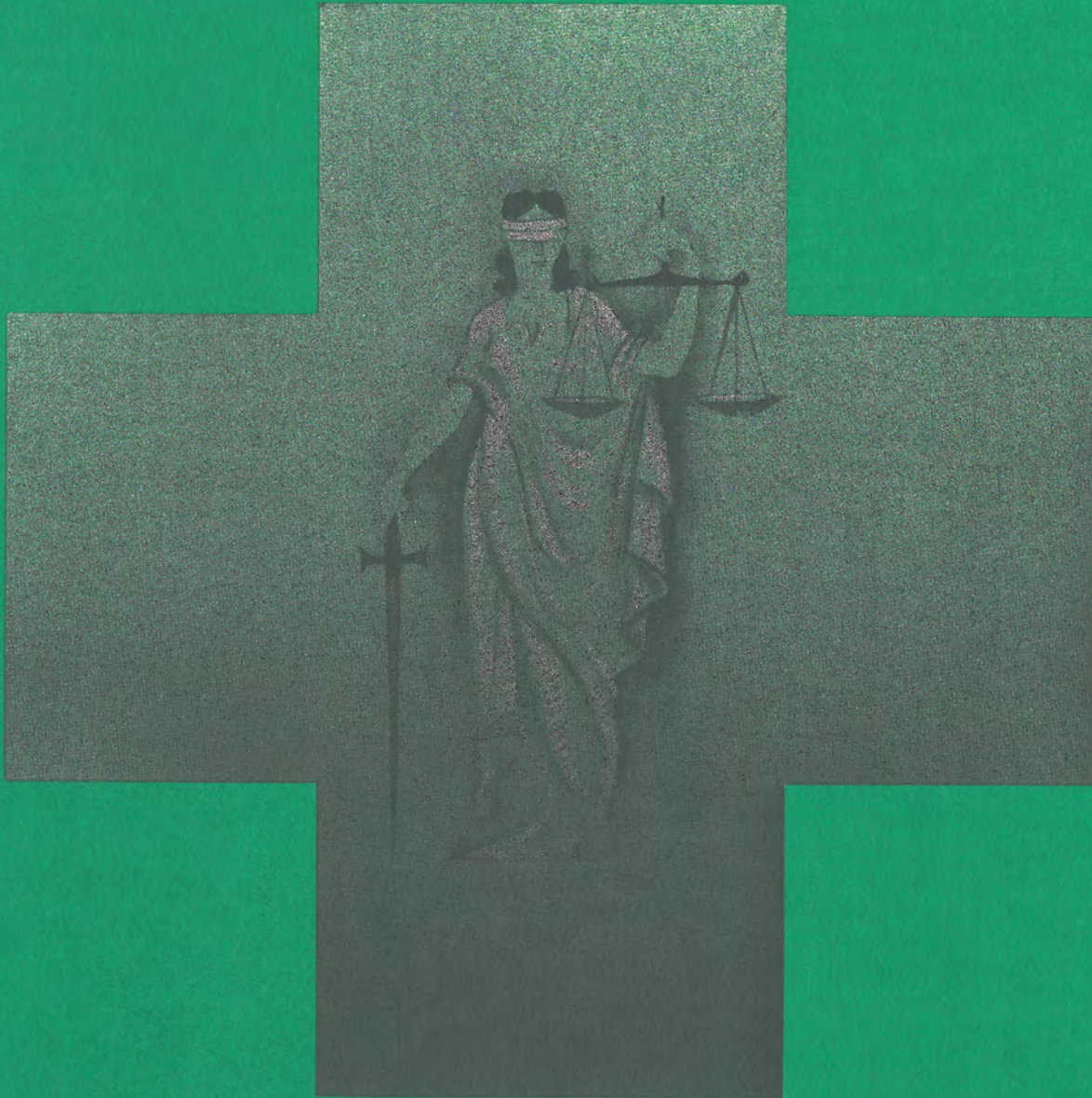


# LITIGATING CANCER CLAIMS



a three day course on proving the causes of  
cancer • establishing responsibility for its  
contraction • presenting the cancer victim's claim



Sponsored by the University of San Francisco School of Law in cooperation  
with the Institute For Healthy Occupations, Products & Environment

# COURSE FEATURES

## FACULTY

We have gathered together an exceptional Faculty of experienced specialists in the legal, scientific and medical aspects of cancer litigation. They have the unique ability to *teach* what they know, and are contributing their time and talent to further the objectives of this educational program.

## INSTRUCTION TECHNIQUE

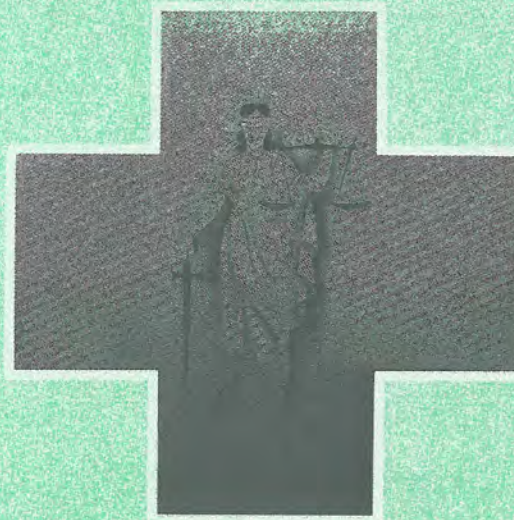
To provide you with the *most information* in the shortest possible time, *plus* the opportunity to discuss *your particular problems*, a versatile method of instruction is utilized. Each day, information-packed lectures are given on different subjects (3 hours each in the morning and afternoon)—with the last afternoon devoted to a *Live Trial Demonstration* illustrating the real-world examination of a cancer expert. At the end of each day a Special Clinic is held in which the Faculty and additional specialists will answer your questions—consider your problems—concentrate on particular aspects of their subjects which are of interest to you. The *result*: a balanced program of *general instruction* and *personal discussion*.

## COURSE MANUAL

An extensive *Manual* of course materials has been specially prepared for distribution to the attendees. Its purpose is two-fold: to relieve you of the burden of taking voluminous notes, thus freeing you for greater concentration on the words of each lecturer; and to provide you with a ready-reference aid for daily use. The *Manual* is available from no other source, and cannot be purchased separately.

## CERTIFICATE & ACCREDITATION

A handsome *Certificate Of Completion* will be issued to those who faithfully attend and successfully complete the course. In addition, the course has been approved for 16.5 hours of credit by the Minnesota, Wisconsin, Iowa (no hours assigned), Florida (no areas or hours designated), Washington, Idaho, Kentucky, South Carolina and North Dakota Continuing Legal Education authorities.



## COURSE DIRECTORS

**Henry B. Keiser** President  
Federal Publications Inc.

**Samuel S. Epstein, M.D.** Founder  
Institute For Healthy Occupations,  
Products & Environment

**Victor J. Yannacone, Jr.** Director  
Institute For Healthy Occupations,  
Products & Environment

## DATES & LOCATIONS / 1981

November 16-18 [Mon / Wed]  
Kona Kai Club  
San Diego California  
714 • 222-1191

December 7-9 [Mon / Wed]  
Hospitality House  
Williamsburg Virginia  
804 • 229-4020

## DAILY SCHEDULE

Registration / Monday	8:30-9:00
Morning Sessions	9:00-12:00
Afternoon Sessions	1:30-4:30
Special Clinic	4:45-6:45
Refreshments	10:30-10:45
	3:00-3:15
Reception / Monday	7:00-8:00

USF   
University of San Francisco  
SCHOOL OF LAW

OFFICE OF THE DEAN

**"links in the chain"**

Until recently, the task of unlocking the door to the deadly mysteries of cancer has been strictly a medical challenge. Exhaustive research has resulted in new treatments, rising hopes for cures and—critical to cancer's ultimate control—discovery of causes. But as the door to the mysteries of cancer's causes has started to open, so too has a new door—leading into the courtroom.

Once we step through it, we must deal with *causation...definite links...probative evidence...requirements* which, at first blush, are familiar to all practicing attorneys. But in claims for damages resulting from the contraction of cancer, proof of causation takes on new meaning. Establishing legal liability requires an attorney to create a causal chain reaching back to events which may have occurred decades in the past. Links in this chain of causation include a person's occupation; his environment (where he lived or worked); the products he dealt with; the production processes with which he was involved; the level of his exposure to cancer-causing agents; and more.

Assembling these links requires the cooperation—the interaction—of medical, scientific and legal professionals. It requires research, testing and analysis by the doctors and scientists. It requires ability by the lawyers to understand...to use...to question...the complex and often controversial results of that research. It requires innovation in legal theories, trial preparation, courtroom tactics and use of experts. In short, it requires what we seek to provide in this special course: *Litigating Cancer Claims*.

Developed by Federal Publications Inc., the program examines the chemical, occupational and environmental causes of cancer—in the context of the techniques necessary for preparing and presenting a cancer victim's claim for damages. It deals with the *medical* specifics of causation, the *epidemiological* specifics of source, and the *legal* specifics of proof. In addition, it includes a live trial demonstration illustrating the use of the expert witness in cancer litigation.

Details are set forth in the balance of this brochure: the specially assembled *Course Faculty* of attorneys, physicians and scientists; the extensive *Course Curriculum*; the special *Course Manual* of originally prepared materials.

We all know that there are no easy answers to questions about cancer—in medical research or in the courtroom. But should you decide to join us for three rigorous days of study, we believe that—when you do take on cancer litigation—you will be better prepared to meet the challenge...to more expertly assemble the links in the chain of causation...and to follow that chain through the courtroom door to equitable recovery.

Sincerely,



Joseph T. Henke  
Dean, School of Law

## MONDAY

## 8:30 REGISTRATION

## 8:55 OPENING CEREMONIES

## 9:00 THE CANCER CONTROVERSY

An overview of the legal, medical, scientific, industrial, political and governmental perspectives on cancer and its causes. Interrelationships between Congress, the courts, industry, the public, and Federal and State agencies—what they do and what you have to know about how they do it. Sources of information about cancer. The language of cancer. Differences among research programs. Challenging the validity of public and private research findings. Ethical considerations in research. Representing the victim—when the government has all the data *and* all the experts.

**Dr. Samuel S. Epstein** Professor  
University of Illinois

## 10:45 IS YOUR CLIENT'S CANCER ACTIONABLE?

Identifying and recognizing cancer claims and causes of action. The five essential elements to consider: diagnosis; potential defendants; theories of liability; statutes of limitations; possible defenses. Axioms of cancer causation; common cancer-causing agents (carcinogens). The initial client interview: diagnostic analysis of cancer causation; use of forms and check lists; medical records. Evaluating and establishing the claim. Distinguishing among multiple causes of cancer. Preparing the claim.

**Leonard S. Zubrensky** Partner  
Zubrensky, Padden, Graf & Maloney

## 1:30 ESTABLISHING LIABILITY

Theories of liability for occupational and environmental cancer claims. Old grounds: negligence; product liability; workers' compensation; misrepresentation; failure to warn. New grounds and procedures: strict liability; enterprise and industrywide liability; class actions; multidistrict litigation. Defense considerations: assumption of risk; "life-style" defense; intervening cause; contributory negligence. The burden of proof in cancer litigation. Sources of evidence. Discovery strategy.

**Robert M. Levy** Partner  
Shaw, Kuhn, Thomas & Levy

## 3:15 EPIDEMIOLOGY IN CANCER LITIGATION

Epidemiology—how is a disease distributed throughout the population and what causal factors may be associated with that distribution? Cancer epidemiology: exposure; dosage; risk; measure of effect; latency periods and considerations. Sources of epidemiological evidence and statistical proof: demographic information; vital statistics; private sources; population data; community data; work force data. Role of the epidemiologist. Epidemiological techniques: methods of conducting studies; statistical analysis. Challenging epidemiological studies and opinions.

**Joseph K. Wagoner** Ph.D.  
Epidemiologist

## 4:45 CLINIC

Drs. Epstein & Wagoner and Messrs. Levy & Zubrensky

## 7:00 RECEPTION

Complimentary refreshments—for the Faculty, the course registrants and their guests—from 7:00–8:00 in the meeting hotel.

## TUESDAY

## 9:00 CHEMICAL CARCINOGENESIS

Biochemistry for lawyers: the cell as a factory; molecular biochemistry of cancer; uncontrolled growth and spread of abnormal cells. Genetics for lawyers: genes; enzymes; and chromosomes. Identifying the cancer cell. The immunology and endocrinology of cancer. Cancer and diet. The co-carcinogens. Chemicals that "promote" cancer. Does "everything" cause cancer?

**Dr. Marvin S. Legator**  
University of Texas Medical Branch

## 10:45 PROVING CARCINOGENESIS

Animal tests: types and lengths; carcinogenicity, mutagenicity, and teratogenicity; from mouse to man;

## & FACULTY

species to species extrapolation; deficiencies in animal testing; multiple concurrent and sequential exposures; potentiation; synergism and antagonism; environmental interaction. Factors in a standard carcinogenicity test: number of animals tested; specific types of cancer induced; inducement time; number of tumors. Evaluation of animal study data: validating studies and tests; bias in testing; accepting and attacking statistical analysis. Tests and studies during litigation. Chemicals and substances associated with cancer induction in humans—from aflatoxins to vinyl chloride.

**Dr. Gerrit W. H. Schepers**  
Veterans Administration

### 1:30 CANCER & THE VICTIM

Industrial progress and disease. Health and safety: in the workplace, home, and community; improvement programs by unions, industry and government. Technology and innovation as factors in improving health and safety. Quality of life factors—the responsibility of employers, employees, government, law, science, and medicine. Health and safety monitoring. Developments in cancer prevention.

**Anthony Mazzocchi** Director of Health & Safety  
Oil, Chemical & Atomic Workers International Union

### 3:15 CANCER & THE COMMUNITY

The region as an environmental system: occupational carcinogens in the water and air; hazardous waste disposal sites; causal associations; overall cancer death rates. Criteria for determining causation through epidemiology: demographics; geography; public health. The importance of residence proximity to industrial sites. Rural/urban contrasts in cancer incidence. Legal, medical, and scientific implications.

**Victor J. Yannacone, Jr.** Partner  
Yannacone & Yannacone

### 4:45 CLINIC

Drs. Epstein, Wagoner, Legator & Schepers and  
Messrs. Mazzocchi & Yannacone

**William E. Townsley** Partner  
Townsley & Bush

## WEDNESDAY

### 9:00 TRIAL PREPARATION

Building the case for trial. Interrogatories; depositions; documents; motions. Structuring proof of liability and proof of damages. Witnesses and witness preparation. Factors in jury selection. Planning cross-examination. Anticipating defenses in your hypothetical questions. Composing the final argument. Settlement considerations.

**Thomas W. Henderson** Partner  
Baskin & Sears

### 10:45 THE EXPERT WITNESS IN LITIGATION

Assessing the expert's qualifications: the respected scientists; the hired guns; the charlatans—how the lawyer can tell the difference. The academic expert. The “newsworthy” expert. Using experts as consultants in case preparation. Presenting the expert witness. Effective direct examination. Questions—and answers—on cross-examination. Introducing and interpreting demonstrative evidence. Reconciling conflicting opinions.

**Dr. Samuel S. Epstein** Professor  
University of Illinois

### 1:30 LIVE TRIAL DEMONSTRATION

How the testimony of a “cancer expert” is presented, challenged, defended, and rehabilitated during trial: a courtroom demonstration—based upon the facts of an actual case—illustrating the direct, cross, and redirect examination of a cancer expert. Introduction and use of documents from a wide variety of sources. Techniques for admitting evidence from scientific literature. The hypothetical question and the expert's opinion. Clear explanation for the ordinary juror. Cross-examination: protecting your expert; questioning theirs. Evidentiary rulings. Strategy of plaintiff's and defendant's counsel. An analytical critique of the demonstration.

The Expert Witness / **Dr. Bertram W. Carnow**  
Carnow, Conibear & Associates, Ltd.

The Attorneys / **Thomas W. Henderson**  
**Victor J. Yannacone, Jr.**

### 4:45 CLINIC

Drs. Carnow & Epstein and Messrs. Henderson & Yannacone.

## REGISTRATION APPLICATION

Detach and mail this Application—including the above address label—to the exact address stated below

### LITIGATING CANCER CLAIMS

SEMINAR DIVISION OFFICE ■ FIFTH FLOOR  
1120 20TH STREET NW ■ WASHINGTON D.C. 20036

Enclosed please find my \$600 check (\$625 if this registration is made later than two weeks before the session starts) for the following 1981 session of *Litigating Cancer Claims*. (Please make check payable to *Litigating Cancer Course*.)

- Nov. 16-18 ■ San Diego Calif. ■ Kona Kai Club  
 Dec. 7-9 ■ Williamsburg Va. ■ Hospitality House

I understand that (a) an acknowledgment of this registration will be sent to me, and (b) this registration may not be cancelled later than two weeks before the session starts (but I may name a substitute registrant at any time before the session starts).

Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

City-State-Zip \_\_\_\_\_

Telephone \_\_\_\_\_

## LITIGATING CANCER CLAIMS

University of San Francisco School of Law  
Seminar Division Office ■ Fifth Floor  
1120 20th Street NW ■ Washington D.C. 20036

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## GENERAL INFORMATION

**REGISTRATION** Fee for the course, including all instruction materials, is \$600 (\$625 if your registration is made later than two weeks before the start of the particular session). To register, mail the accompanying application form to the exact Washington D.C. address stated thereon, along with your check payable to *Litigating Cancer Course*. Registrations (a) will be accepted in the order of receipt, (b) are limited by the capacity of available facilities, (c) are made with the understanding that sound recordings of the proceedings are prohibited, and (d) may not be cancelled later than two weeks before the start of the course session (but a substitute registrant may be named at any time before the session starts).

**HOTELS** Although the course registration fee does not include (and we assume no responsibility for) room reservations, we have—as a convenience—arranged for the meeting hotel to set aside a limited block of guest rooms on a first-request basis. Should you wish to make reservations there, we suggest that you contact the hotel promptly—being sure to state that you will be attending the course administered by *Federal Publications*.

**MAIL & MESSAGES** Registrants should arrange to have all mail and telephone messages directed to their hotel rooms. There are no facilities for delivering messages to the registrants during course sessions, and the sessions cannot be interrupted for that purpose.

**FURTHER INFORMATION** This program has been developed and is administered by *Federal Publications Inc.* If added information is desired, contact: Miss J. K. Van Wycks ■ Seminar Division Office ■ Fifth Floor ■ 1120 20th Street NW ■ Washington D.C. 20036 ■ Code 202/337-7000

**An Equal Rights Note:** *Wherever, in this brochure, "man," "men" or their related pronouns may appear, either as words or as parts of words (and other than with obvious reference to named male individuals), they have been used for literary purposes and are meant in their generic sense (i.e., to include all humankind—both female and male sexes).*

## EXPERT OPINIONS • from participants in our other courses

I received more worthwhile information and useable ideas than from any seminar I have ever attended. *Walter Mueller, Esquire: Mueller & Bennett*

Massive amount of material—skillfully presented—best seminar I have ever attended—very professional. *Keith S. Burn, Esquire*

Outstanding in every respect. *A. R. Schwartz, Esquire: Lackshin, Nathan & Berg*

The Manual is an excellent outline to be made a permanent part of our law library. *Paul B. Naylor, Esquire: Naylor & Williams*

Superior. A very thorough presentation blending theory...with...practical application. *C. Alan Runyan, Esquire: McNair, Glenn, Konduras, Corley, Singletary, Porter & Dibble*

Very good overall oral presentation backed up with detailed and complete text. *Joseph P. Green, Esquire: Litke, Gettig, Flood, Lee & Martin*

Outstanding. Every practising lawyer should take this course and at least appreciate the difficulty of the concepts involved. *Donald C. Holmes, Esquire: Crowell & Moring*

Presents many new and very interesting concepts which will be worth watching develop. *Joseph C. Long, Esquire: University of Oklahoma School of Law*

The course followed an excellent format of presentation and never bogged down. *Carl Athens Price, Esquire: Attorney at Law*

I was impressed by the thorough-going preparation which has gone into the course as a whole. *Peter E. Marchetti, Esquire: Nelson, Harding, Marchetti, Leonard & Tate*