

## Genomic Analysis in Tort Cases

May 26, 2021 (Virtual)

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Kirk T. Hartley, Esq., ToxicoGenomica, Chicago, IL

Susan E. Brice, Esq., Nijman Franzetti LLP, Chicago, IL

Mark G. Zellmer, Esq., Husch Blackwell, St. Louis, MO

This conference is presented and sponsored by ToxicoGenomica and Husch Blackwell;  
All attendees receive complimentary registration



## **ToxicoGenomica Presents: Genomic Analysis in Tort Cases**

### ***Results from Use of Genomic Analysis in Tort Cases: Creating Change and Driving New Outcomes***

**Wednesday May 26, 2021 (Virtual)**

All sessions are scheduled in the Eastern Time Zone

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#### **10:00 AM – 10:15 AM ET - Welcome & Brief Review of Selected Case Results**

**Kirk T. Hartley, Esq.**, ToxicoGenomica, Chicago, IL

#### **10:15 AM – 11:15 AM ET - Case Specific Results in Benzene (Blood Cancer) and Mesothelioma Cases**

- Overview of cases in which multiple pathogenic germline mutations were found through use of whole genome sequencing
- Causation opinions rendered based on sequencing results and systems biology analysis
- Case outcomes

**Larry J. Chilton, Esq.**, Chilton Yambert Porter, Chicago, IL

**Kirk T. Hartley, Esq.**, ToxicoGenomica, Chicago, IL

**Howard E. Jarvis, Esq.**, Maron Marvel Bradley Anderson & Tardy LLC, Knoxville, TN

**Mark G. Zellmer, Esq.**, Husch Blackwell, St. Louis, MO

#### **11:25 AM ET – 12:25 PM ET – Use of Genomics in Medical Cases (Birth Defects, Malpractice, Drugs)**

- Birth injury claims – medical malpractice or genomic causation
- Impaired childhood development – roles for genomics
- Plaintiff and defense use of genomic analyses
- Genes, metabolism and drugs – ADME gene panels

**Andrew Gendron, Esq.**, Lewis Brisbois Bisgaard & Smith LLP, Baltimore, MD

**Thomas M. Morgan, M.D.**, Vanderbilt Children's Hospital, Nashville, TN

**Leonel M. van Zyl, Ph.D.**, ToxicoGenomica, Raleigh, NC

#### **12:25 PM – 12:45 PM ET - Break**

### 12:45 PM – 1:15 PM ET – The Process of Using Genomic Analysis in Cases

- Medical records review - covering all phenotypes
- Personal and familial cancer histories, including penetrance and age of onset
- Examples of court orders approving genetic testing
- Logistics and timing for obtaining DNA, sequencing and reports

**Leonel M. van Zyl, Ph.D.**, ToxicoGenomica, Raleigh, NC

**Michael Zapata III**, ToxicoGenomica, Raleigh, NC

### 1:25 PM – 2:10 PM - Genomic Causation Analyses for Claims Involving Environmental Pollution, Pathogen Tracking and Cancer Clusters

- Genomic evaluation of possible pollution source and dispersal
- Pathogen tracing – proof and/or disproof of source
- Cancer cluster claims – sites/products

**Susan E. Brice, Esq.**, Nijman Franzetti LLP, Chicago, IL

**Adam M. Dinnell, Esq.**, Schiffer Hicks Johnson PLLC, Houston, TX

**John M. Kalas, Esq.**, Hollingsworth LLP, Washington, DC

### 2:20 PM – 3:20 PM Communicating Genomic Factors to Juries and Judges

- Graphics – examples for explaining genomic data
- Explaining internal (endogenous) sources of germline and somatic mutations
- Addressing genetic predisposition vs. susceptibility vs. idiosyncratic reaction
- Genomic analyses (or not) as factors for differential etiology

**Scott M. Horwitz**, National Director of Graphic Consulting, Magna Legal Services, Chicago, IL

**David H. Schwartz, Ph.D.**, ToxicoGenomica, New York, NY

**Mark G. Zellmer, Esq.**, Husch Blackwell, St. Louis, MO

### 3:30 PM – 4:15 PM - Using Genomic Analyses in High Value Situations

- MDLs, cancer cluster and medical monitoring cases
- Class actions and matrix settlements/trusts
- Chapter 11 estimates and reserving decisions

**Susan E. Brice, Esq.**, Nijman Franzetti LLP, Chicago, IL

**Kirk T. Hartley, Esq.**, ToxicoGenomica, Chicago, IL

**John M. Kalas, Esq.**, Hollingsworth LLP, Washington, DC

4:15 PM – 4:30 PM – Question & Answer

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## ToxicoGenomica Presents: Genomic Analysis in Tort Cases

**Wednesday May 26, 2021 (Virtual)**

All sessions are scheduled in the Eastern Time Zone. Speakers and agenda are subject to change.

### REGISTRATION

All attendees receive complimentary registration.

Registration Link: [Genomic Analysis in Tort Cases \(Virtual\) Tickets, Wed, May 26, 2021 at 10:00 AM | Eventbrite](#)

Please contact Bethany Corio ([bcorio@perrinconferences.com](mailto:bcorio@perrinconferences.com)) with questions about registration.

### VIRTUAL CONFERENCE PLATFORM:

The conference will be run on the ON24 virtual platform- just click your attendee link, no dial-in necessary. live stream conference works best on Chrome, Mozilla or Edge from a laptop or desktop computer. (Viewing from Internet Explorer or viewing on an iPad/Tablet may not provide the best attendee experience). You will have the ability to type in questions for the speakers to address.

### CONTINUING LEGAL EDUCATION (CLE) CREDIT:

This conference will be approved for approximately 5.0 CLE credits depending on the state. The complimentary registration comes with credit in one CLE state. CLE states included are CA, FL, IL, MO, NJ, NY, OH, PA, TN, TX, WA. If you would like to purchase additional states, the cost is \$75 per state.

### CONFERENCE DESCRIPTION:

Multiple types of genomic analyses are increasingly being used in a wide range of lawsuits, and often provide objective, quantitative data that have a dramatic impact on

the outcome of the case. This conference brings together scientific and legal experts with deep knowledge and experience in the actual use of genomic analyses in litigation.

The panelists will provide examples of the many cases in which genomic data and analyses have been used in different types of legal actions. One panel will address use of genetic techniques in cases involving issues such as birth defects, medical malpractice and individual variability in the metabolism of drugs and chemicals. Another panel will present examples of using genomic analyses for cancer cluster cases, and in "environmental cases" in which genomic analyses have been used to provide objective evidence to trace sources of exposure and dispersal. Other panels will address the use of genomics in product liability and/or premises cases involving exposures to toxicants, including asbestos, benzene and radiation, as well as actual and potential uses and impacts for class actions, for chapter 11 estimations and for reserving for future expenses. Other experts will provide an overview of the processes and methods involved in using genomic analysis in actual cases.

Because uses of genetics in the courtroom involve communicating quantitative data and scientific principles to judges and juries, effective communication techniques are paramount to success. Therefore, litigation and jury trial consulting experts will provide insights on the power of using genomic data and scientific principles to explain why a particular person presented with outcomes (i.e., phenotypes) that cannot be explained by "black box" epidemiology.