

## David M. Setter

### Of Counsel

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Dave Setter is Of Counsel with the firm, where his role is to assist with asbestos and silica medical and exposure issues.

Dave provides an expertise to analyze claiming patterns and screened claims to support challenges to medical opinions in *Daubert* or similar procedures concerning asbestos and silica cases.

### BAR ADMISSIONS

- Arkansas
- Colorado
- Michigan (inactive)
- Texas

### COURT ADMISSIONS

- U.S. District Court for the Southern District of Texas
- U.S. District Court for Colorado
- U.S. District Court for the Western District of Michigan
- U.S. District Court for Northern District of Ohio
- U.S. Court of Appeals for the Third, Sixth, Eighth, and Tenth Circuits

### ADDITIONAL PRACTICE EXPERIENCE

- RICO/Fraud Litigation

### SIGNIFICANT LITIGATION INVOLVEMENT

- MDL 875 Asbestos CVLO Cases-Defense Liaison Counsel
- Michigan asbestos experts Daubert hearings
- Examining counsel at MDL 1553 Silica Daubert hearings
- Texas Silica MDL Medical Counsel

### EDUCATION

Drake University Law School  
(J.D. , 1981)

Colorado State University at  
Pueblo (B.S. , *summa cum  
laude*, 1977)

**David M. Setter**

- Owens Corning v. Pitts RICO lawsuit

**PUBLISHED ARTICLES/SPEAKING ENGAGEMENTS****Peer Education & Seminar Presentations**

- "Breakout B: High Volume Jurisdictions - Verdicts and Appellate Rulings" DRI Asbestos Medical Seminar (November 2012)
- "Discovery Issues: Bankruptcy Trusts, Transparency Issues and MDL 875" - National Asbestos
- Conference: Litigation and Trial of MDL Asbestos Claims in Federal Court, Miami Beach, FL (January 2011)
- "Are the Days of Texas as a Major Asbestos Jurisdiction Over?" ALI-ABA (December 2008)
- "The Next Steps In Defending Screened Asbestos Cases" DRI Asbestos Medicine (November 2007)
- "Application of Nonmalignant Medical Criteria - Deal or No Deal?" DRI Asbestos Medicine Seminar (October 2006)
- "Update on Why We Have to Defend Against Screened Cases" DRI Silica Medicine Seminar (June 2005)
- "Why Do We Have to Defend Against Screened Cases? Let's Not Let Silica Become the Next Asbestos" DRI Silica Medicine Seminar (June 2004)
- "Why We Have to Attack Screening Cases" DRI Asbestos Medicine Seminar (November 2003)

**Published Articles**

- "MDL 875: Lessons About Successfully Managed Asbestos Litigation," Mealey's Litigation Report: Asbestos, October 24, 2012, 27:39-51
- "Medical Criteria Legislation: A Response to Screening Scandals," 21 Mealey's Litigation Report: Asbestos, May 3, 2006, at 43
- "Recent Screening Developments: The Silica MDL 1553 Daubert Hearing," HarrisMartin Columns Silica, May 2005, at 4
- "Why We Have to Defend Against Screening Cases: Do Not Let Silica Become the Next Asbestos," HarrisMartin Columns Silica, November 2003, at 2
- "Why We Have To Defend Against Screened Cases, Now is the Time for a Change," 18 Mealey's Litigation Report: Asbestos, November 12, 2003, at 39
- "Highway Noise: To Compensate or Not to Compensate," 30 Drake Law Review 150 (1980)

**ORGANIZATIONS/COMMITTEE MEMBERSHIPS**

## David M. Setter

- American Bar Association
- Arkansas Bar Association
- Colorado Bar Association
- State Bar of Michigan
- Denver Bar Association
- Colorado Defense Lawyers Association
- Defense Research Institute (DRI) - Toxic Torts & Environmental Law Committee

## PROFESSIONAL RECOGNITION

- Martindale-Hubbell® Distinguished AV™ Peer Review Rated
- Successful Daubert Challenge, as featured in the May 26, 2010 Issue of The Voice, the Defense Research Institute's Weekly eNewsletter
- Hanlan, P. and Smetak, A., NYU, Annual Survey of American Law, Asbestos changes, vol. 62:525, 565n. 57 (2007) "Mr. Setter for many years has been a leader in the fight against the 'diagnosing for dollars' inherent in litigation screening programs, and his personal contribution to the reforms he describes is incalculable."
- Rocky Mountain News, The "Scruples Deficit" in Asbestos Suits, Commentary, at 30A, August 9, 2004.