

## NEWSLETTERS

### Barnes & Thornburg LLP's Toxic Tort Practice Update - Fall 2014

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Welcome to the Fall 2014 edition of the *Toxic Tort Practice Update*, an e-publication created by the attorneys in Barnes & Thornburg LLP's Toxic Tort group that will keep you up-to-date on a number of topics of interest.

#### **The Catastrophic Loss Exception to Ohio's Noneconomic Damages Cap Continues to Evolve Slowly**

By [Adrienne Pietropaolo](#)

Caps on noneconomic and punitive damages were a key element of Ohio's seminal tort reform legislation passed in 2005 and held constitutional by the Ohio Supreme Court in 2007. Click [here](#) to read more.

#### **The Ninth Circuit Assumes the Role of Gatekeeper to Determine Expert Witness Relevancy and Reliability**

By [J. Alexander Barnstead](#)

Earlier this year, the Ninth Circuit issued a decision overruling its previous requirement that Daubert findings always be made by the district court. The Ninth Circuit essentially made itself a reviewing gatekeeper of sorts regarding the reliability and admissibility of expert witnesses. [Read more](#) about the cases involved.

#### **The Jurors Are Watching You**

By [Dennis Stolle](#) and [Christina Studebaker](#)

It is common to notice a juror who, at least for a few moments, is not looking at the witness at all, but is instead watching the lawyers and paralegals at counsel's table. The activities of trial participants who are not addressing the jury, and may not realize they are being watched, are referred to as the "offstage" behaviors. Experienced trial lawyers know that jurors attend to the offstage. But, the questions are how much? And how, if at all, does it impact verdicts? [The answers may surprise you.](#)

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