



DRI delivers **resources** to build your practice

Toxic Torts and Environmental Law

Building a Modern Toolkit to Face Emerging Issues

- Survey *Daubert* at 25 with a leading federal judge and toxic tort trial lawyers
- Learn the newest techniques in forensic science for defending and prosecuting environmental cases
- Discuss where we stand after a generation of federal environmental law, plus the recent overhaul of the Toxic Substances Control Act
- Meet and reconnect with colleagues and experts during a variety of networking events



March 1-2, 2018

Sheraton Grand Nashville Downtown

Nashville, TN

Come to Music City to tune your environmental and toxic tort practice with the best lawyers, judges, and experts on the stage. This conference brings you the latest science and regulatory developments for both litigators and counselors to learn the new hits and the old standards.



William J. (Bill) Hubbard
Program Chair



John S. Guttman
Committee Chair



Kristen K. Orr
Program Vice Chair



Carmen R. Toledo
Committee Vice Chair



E. Todd Presnell
Law Institute






PRESENTED BY **DRI's Toxic Torts and Environmental Law Committee**
IN CONJUNCTION WITH **the American Chemistry Council**

What You Will Learn




- How to navigate the lines between consulting and testifying experts and getting the most out of both for the least cost
- What the new Toxic Substances Control Act (TSCA) means for regulation and litigation regarding chemicals and consumer products
- Litigating the new world of drinking water torts, from Legionella to lead
- Litigation funding for plaintiffs: How does the defense bar adjust?
- Estimating damages: The intersection of law and economics and how Deepwater Horizon has changed calculating natural resource damages

Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 Register online or complete the form in the back
- 4 Download the DRI App   and make use of its features to get the most out of this program
- 5 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the **DRI App** to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Toxic Torts and Environmental Law Committee Community** at <http://community.dri.org/home> to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, FEBRUARY 28

- 4:00 p.m. **Registration**
- 5:00 p.m. **Speed Networking** | Come ready with your pithy elevator speech and your business cards—it's time to get to know many of your fellow practitioners and other conference participants. This fast-paced exercise will allow you to start new relationships in a fun setting. No preregistration necessary and you can join anytime within the hour! For more information, please contact Kristen Orr, korr@stites.com.

SPONSORED BY **ROUX Associates Inc.**

- 6:00 p.m. **Networking Reception**
SPONSORED BY **King & Spalding**
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

THURSDAY, MARCH 1

Wireless Access
SPONSORED BY **Husch Blackwell LLP**

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
SPONSORED BY **CTEH**
Quattlebaum Grooms & Tull, PLLC
- 7:00 a.m. **First-Time Attendees Breakfast**
Carmen R. Toledo, *King & Spalding LLP*, Atlanta, GA
- 8:00 a.m. **Welcome and Introduction**
E. Todd Presnell, *Bradley Arant Boult Cummings LLP*, Nashville, TN
William J. (Bill) Hubbard, *Thompson Hine LLP*, Cleveland, OH
- 8:10 a.m. **A Historical Perspective on Environmental Statutes and the Implications for the Modern Lawyer**
Mr. Cruden will survey three decades of the major federal environmental statutes (CAA, CWA, CERCLA, RCRA), their effect on federal-state roles and the common law, and what to expect ahead.
John C. Cruden, *American College of Environmental Lawyers*, Washington, DC

- 9:00 a.m. **A Toolbox of Science and Law for Pesticide and Agricultural Chemical Litigation**
This presentation provides a primer on the effective investigation and defense of pesticide crop injury lawsuits, which involves toxicology, plant physiology, mode of action, and drift-modeling principles, and it also addresses other emerging issues and trends in pesticide litigation.

 **Joseph R. Alberts**, *Dow AgroSciences*, Indianapolis, IN

Kassim Al-Khatib, PhD, *University of California*, Davis, CA

- 9:50 a.m. **Refreshment Break**
SPONSORED BY **Burr & Forman LLP**

- 10:10 a.m. **CSI Nashville: Environmental Forensics**
This primer will explore the latest forensic tools for assessing fate and transport of contaminants, including compound-specific isotope analysis, molecular biology techniques, and the best science for vapor intrusion cases.

Mark M. Davidson, PhD, *Geosyntec Consultants Inc.*, Pasadena, CA

James B. (Jimmy) Slaughter, *Beveridge & Diamond PC*, Washington, DC

- 11:00 a.m. **The Road to Causation**
Along with exposure, causation is the definitive issue in most toxic tort cases, often proved through the complex science of epidemiology. Learn fundamentals of association and general and specific causation.

Suresh Moolgavkar, MD, PhD, *Exponent*, Seattle, WA

- 11:50 a.m. **Lunch-Arounds** | Join colleagues and friends at selected restaurants for lunch (*on your own*). More details on-site.

- 1:40 p.m. **Protecting the Privilege and Ethics: When the Remediation Consultant Becomes Your Testifying Expert**
Learn how to preserve the attorney–client privilege and work product protection over the work and communications of the environmental consultant and ethical considerations when doing so.

MODERATOR | **Elizabeth Taber**, *King & Spalding LLP*, Houston, TX

PANEL

Robert D. Mowrey, *Kazmarek Mowrey Cloud Laseter LLP*, Atlanta, GA

 **Scott Palmer**, *Arcadis US Inc.*, Highlands Ranch, CO

2:50 p.m. **Tracks** (see below)

4:40 p.m. **Adjourn**

4:50 p.m. **Toxic Torts and Environmental Law Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**

SPONSORED BY **Gradient**

Thompson Hine LLP

7:30 p.m. **Party at Acme Feed & Seed** | One of Nashville's most unique venues, the Acme Feed & Seed provides a great spot to join colleagues and friends to explore Nashville's music scene and learn why Nashville is known as America's Music City. From there, it is a short walk back to the hotel, or stay on Broadway to experience all the music that Nashville has to offer.

FRIDAY, MARCH 2

Wireless Access

SPONSORED BY **Husch Blackwell LLP**

7:00 a.m. **Registration**

TRACKS

LITIGATION

2:50 p.m. **Contingent Valuation of Environmental Goods: The Roll of Economists in Toxic Tort Litigation**
The natural resource damages claims following the Deepwater Horizon spill demonstrate significant deficiencies in survey-based damage models used to support contingent valuation calculations in environmental cases, and provide a backdrop to discuss and analyze such models.
James C. Burrows, *Charles River Associates*, Boston, MA

REGULATORY

What, Me Worry? Environmental Reopeners
We'll take the mystery out of reopeners by sharing the legal basis for reopeners (under CERCLA and various state laws), and provide real-world examples of legal and technical developments that have or may trigger reopeners.
 **Gregory Kelder**, *Brandywine Group of Insurance and Reinsurance Companies*, Philadelphia, PA
Adam H. Love, PhD, *Roux Associates Inc.*, Oakland, CA
 **C. Nicole Sullivan**, *BASF Corporation*, Florham Park, NJ

3:40 p.m. **Refreshment Break** SPONSORED BY **Barnes & Thornburg LLP**

3:55 p.m. **What's in the Water? Understanding Toxic Tort Litigation Arising from Water-Borne Pathogens**
Municipal and building water-contamination incidents have dominated the headlines over the last few years as a result of the Flint water crisis and Legionnaires' disease outbreaks in New York City and across the country. Dive into the legal issues related to the prevention and control of water-borne pathogens and the necessary response when an outbreak occurs.
MODERATOR | **Kevin C. Mayer**, *Crowell & Moring LLP*, Los Angeles, CA
PANEL
Kimberly A. Connick, *Harris Beach PLLC*, New York, NY
J. David Krause, PhD, MSPH, CIH, *Forensic Analytical Consulting Services Inc.*, Tallahassee, FL
Susan E. Smith, *Goldberg Segalla LLP*, Baltimore, MD

New TSCA: Repercussions in Commercial Transactions, Supply Chain Relationships, and Toxic Tort and Product Liability Law
Learn how the new TSCA is redefining supply chain relationships; rewriting due diligence rules of engagement; reopening debate on new avenues in product liability, insurance, and tort law; and raising important questions regarding right to know versus confidentiality.
Lynn L. Bergeson, *Bergeson & Campbell PC*, Washington, DC
James J. Jones, *Consumer Specialty Products Association*, Washington, DC

7:00 a.m. **Continental Breakfast**
 SPONSORED BY **Exponent**

7:00 a.m. **Women’s Networking Breakfast**
 SPONSORED BY **Exponent**


8:00 a.m. **Announcements**
Kristen K. Orr, *Stites & Harbison PLLC*,
 Lexington, KY

8:10 a.m. **Daubert at 25: Has the Gate Been Kept?**
 Twenty-five years since it was decided, has *Daubert* lived up to its promise to allow only expert testimony that is “relevant to the task at hand” and rests “on a reliable foundation”?

MODERATOR | **Clifford J. Zatz**, *Crowell & Moring LLP*, Washington, DC

PANEL
Edward K. Cheng, *Vanderbilt Law School*,
 Nashville, TN

The Honorable Jed S. Rakoff, *U.S. District Court for the Southern District of New York*,
 New York, NY

 **Tonja D. De Sloover**, *Energy Transfer Partners LP*, Houston, TX

9:00 a.m. **On Point: Session One** | Three fast-paced presentations on emerging issues
The Power of Diversity in Litigation
Kevin E. Clark, *Lightfoot Franklin White LLC*,
 Birmingham, AL

Litigation Funding 101
Noel Edlin, *Bassi Edlin Huie & Blum LLP*,
 San Francisco, CA

What Your Expert Wants You to Know but Is Afraid to Tell You
Louis A. Kapicak, PhD, *Matric*,
 South Charleston, WV

10:10 a.m. **Refreshment Break**
 SPONSORED BY **Bowman and Brooke LLP**

10:30 a.m. **On Point: Session Two** | Three fast-paced presentations on emerging issues
Making the Most of Science Days
David C. Landever, *Barrasso Usdin Kupperman Freeman & Sarver LLC*, New Orleans, LA

Jurisdiction
 **Gregory V. Jolivet, Jr.**, *The Sherwin-Williams Company*, Cleveland, OH

Next Generation CAA Compliance and Reliability Issues
Shari Beth Libicki, PhD, *Ramboll Environ Inc.*,
 San Francisco, CA

11:40 a.m. **Navigating Water Law Litigation**
 A panel will discuss recent developments in U.S. Supreme Court cases and regional collaboration involving water resources, the effect on water management, and how the public trust doctrine is being used in court to protect public water resources.

Brenda Washington Davis, *The Brenda Davis Law Group*, Sacramento, CA
Barton H. (Buzz) Thompson, Jr., *Stanford Law School*, Stanford, CA
David Ullrich, *Great Lakes & St. Lawrence Cities Initiative*, Chicago, IL

12:30 p.m. **Insurance in Environmental Litigation**
 A primer on coverage and notice issues and a discussion of best practices to ensure that in-house counsel, outside counsel, and the insurer work together effectively and efficiently.

 **Steven J. Antunes**, *AEGIS Insurance Services Inc.*, East Rutherford, NJ

1:30 p.m. **Adjourn**

Titans of Toxic Torts and Environmental Law Luncheon 1:30–3:00 p.m.
 This event provides young lawyers with the opportunity to dine with the pioneers in the field and learn what it takes to be a top toxic tort lawyer. Luncheon will take place at a nearby restaurant and is limited to the first 30 attendees. To register and for more information, please contact Kim Connick at KConnick@HarrisBeach.com.

On-Site Community Service Project: Help Our Troops! 3:00–5:00 p.m.
 Spend the afternoon working with Operation Gratitude, assembling stuffed bears for families of deployed troops. Participation is open to all attendees and their families. Please join us! DRI thanks our member firms that raised money to sponsor this worthwhile project. For more information, please contact Josh Shaw at JShaw@hedrickgardner.com.

 Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save \$100 when you register by January 26, 2018. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the

course materials in advance, DRI must receive your registration by **February 2, 2018** (*please allow 10 days for processing*). Registrations received after **February 2, 2018**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 2, 2018**. Cancellations received after **February 2** and on or before **February 9, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **February 9** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **January 26, 2018**. After **January 26**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Toxic Torts and Environmental Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Sheraton Grand Nashville, 623 Union Street, Nashville, TN 37219**.

Take advantage of the group rate of **\$259 Single/Double** in one of two ways:

- 1) Reserve online: Visit dri.org and go to the **DRI Toxic Torts and Environmental Law Seminar** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 615.259.2000** and mention the **DRI Toxic Torts and Environmental Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **January 27 2018**, to be eligible for the group rate. Requests for reservations made after **January 27, 2018** are subject to room and rate availability.

FACULTY

Kassim Al-Khatib, PhD, University of California, Davis, CA

➤ **Joseph R. Alberts**, Dow AgroSciences, Indianapolis, IN

➤ **Steven J. Antunes**, AEGIS Insurance Services Inc., East Rutherford, NJ

Lynn L. Bergeson, Bergeson & Campbell PC, Washington, DC

James C. Burrows, Charles River Associates, Boston, MA

Edward K. Cheng, Vanderbilt Law School, Nashville, TN

Kevin E. Clark, Lightfoot Franklin White LLC, Birmingham, AL

Kimberly A. Connick, Harris Beach PLLC, New York, NY

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Brenda Washington Davis, The Brenda Davis Law Group, Sacramento, CA

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Kristen K. Orr, Stites & Harbison PLLC, Lexington, KY

➤ **Scott Palmer**, Arcadis US Inc, Highlands Ranch, CO

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Elizabeth Taber, King & Spalding LLP, Houston, TX

Barton H. (Buzz) Thompson, Jr., Stanford Law School, Stanford, CA

Carmen R. Toledo, King & Spalding LLP, Atlanta, GA

David Ullrich, Great Lakes & St. Lawrence Cities Initiative, Chicago, IL

Clifford J. Zatz, Crowell & Moring LLP, Washington, DC

View faculty bios on the Toxic Torts and Environmental Law Seminar webpage; click on "View speakers" button.

Use the DRI App to enhance your seminar experience



- View the program schedule and customize your own
- View speaker bios and contact info
- Use the attendees list to communicate with colleagues in attendance
- Keep notes
- Access seminar materials
- Make use of social media within the app to share your seminar experience

CLE for Your Practice

View complete list of DRI's Continuing Legal Education offerings at <http://dri.org/education-cle>

December 7-8, 2017
Insurance Coverage and Practice Symposium
Sheraton New York Times Square Hotel, New York, NY

December 7-8, 2017
Professional Liability
Sheraton New York Times Square Hotel, New York, NY

January 31-February 2
Women in the Law
Nobu Eden Roc Resort, Miami, FL

March 1-2
Medical Liability and Health Care Law
Manchester Grand Hyatt, San Diego, CA

March 14-16
Appellate Advocacy
Planet Hollywood, Las Vegas, NV

March 14-16
Trial Tactics
Planet Hollywood, Las Vegas, NV

March 22-23
Insurance Coverage and Claims Institute
Swissôtel Chicago, Chicago, IL

April 25-27
Construction Law
Hilton Nashville Downtown, Nashville, TN

Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at dri.org.

Newsletter *TTEL* (3 times a year)

Visit the **Toxic Torts and Environmental Law Committee page** on dri.org for information about the committee and related resources.

Toxic Torts and Environmental Law focus in *For The Defense*

June 2018 (*upcoming*)

June 2017

April 2016

Defense Library Series

Toxic Torts and Environmental Law Compendium



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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Toxic Torts and Environmental Law Seminar

March 1–2, 2018

Sheraton Grand Nashville Downtown | Nashville, TN

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Jan. 26, 2018	After Jan. 26, 2018	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, register by February 2, 2018.</i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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<input type="checkbox"/> Community Service Project	FREE		

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Toxic Torts and Environmental Law Seminar

March 1-2, 2018
Sheraton Grand
Nashville Downtown
Nashville, TN

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