Environmental, Mass Torts, & Products Liability Litigation Committees' Joint CLE Seminar

Park Hyatt Beaver Creek Resort and Spa / Avon, CO www.ambar.org/jointcle







Why You Should Attend

On this 10th anniversary of the Joint CLE Seminar of the Environmental, Mass Torts, and Products Liability Litigation Committees, join us to discuss issues about how our practice is evolving and where it is expected to go. With direct impact on three separate yet related areas of law, it is essential for any litigator practicing in environmental, mass torts, or products liability law to attend. This Joint CLE brings well-respected in-house counsel, government employees, members of the judiciary, university professors and deans, experts, and both plaintiffs and defense counsel from across the United States. Set at the beautiful Park Hyatt Beaver Creek Resort & Spa, with plenty of time to enjoy outdoor activities, this Joint CLE is an entertaining and informative way to receive your CLE credit in a weekend.

What You Will Learn

As we celebrate the history of this important seminar, we will look back at the evolution of long-standing issues as well as new concerns facing litigators in these practice areas. Hear experts from all walks of the legal community discuss the changing practice of law, from increasing global competition, to changes in procurement, to the vanishing trial. Experienced in-house counsel will examine how the constantly progressing world of technology is revolutionizing data and communications management. Learn how to remain ethical in a technological and truly global legal marketplace, ascertain trends in litigation and cases that actually make it to trial, and get tips for working with experts in the midst of changing evidentiary rules. Our panels interactively engage you as you learn and receive tips on mass torts, products liability, and environmental cases from start to finish.

Who Should Attend

- ➤ All attorneys who practice in the areas of environmental, mass torts, and products liability litigation
- In-house counsel who are interested in discussing substantive and practical challenges in today's ever-changing world
- New or seasoned practitioners wanting an update from leading trial lawyers, experts, and members of our judiciary on litigation techniques and the latest developments in the law
- Young lawyers wishing to become more actively involved in the environmental, mass torts, or products liability practice, Section of Litigation Committees, and the legal community

Schedule at a Glance

Thursday, January 30, 2014

2:00 pm - 6:00 pm		Registration
4:00 pm — 5:00 pm		Environmental Litigation Committee Meeting
4:00 pm — 5:00 pm		Mass Torts Litigation Committee Meeting
4:00 pm — 5:00 pm		Products Liability Leadership-Only Meeting
5:00 pm — 6:00 pm	CLE	Young Lawyers' Breakout: How to Manage Conversations with Expert Witnesses
6:00 pm – 7:30 pm		Welcome Reception

Friday, January 31, 2014

6:00 am - 12:00 pm		Registration		
7:00 am — 5:00 pm		Speaker Ready Room		
6:30 am — 8:15 am		Breakfast		
7:00 am — 8:00 am	CLE	Ethics Session: The Evolution of Ethics		
8:00 am — 8:15 am		Welcome / Program Kickoff		
8:15 am — 9:30 am	CLE	Plenary Session: The Changing Practice of Law		
9:30 am — 9:45 am		Coffee Break		
9:45 am — 11:00 am	CLE	Plenary Session: MTBE Litigation: The Intersection of Products Liability, Mass Torts, and Environmental Law		
11:00 am — 12:00 pm	CLE	Products Liability Breakout: Regulatory Update		
11:00 am — 12:00 pm	CLE	Mass Torts Breakout: Litigating in the Mass Torts Media Spotlight		
3:45 pm — 4:15 pm		Women in Products Liability Subcommittee Meeting		
4:15 pm — 4:45 pm	••••••	Pharmaceutical, Biotech, Automobile, Chemical Subcommittee Meetings		
4:45 pm — 5:15 pm	••••••	Medical Device, Consumer Products, Food & Supplement Subcommittee Meetings		
5:15 pm — 5:45 pm		Young Lawyers Subcommittee Meeting		
6:00 pm — 7:00 pm		Young Lawyers & In-House Counsel Reception		
7:00 pm — 10:00 pm		Reception and Dinner Event (Ticketed: \$100; YL \$50)		

Saturday, February 1, 2014

7:00 am - 11:30 am		Registration
7:00 am — 10:00 am		Speaker Ready Room
7:15 am — 8:15 am		Breakfast
7:45 am — 9:00 am	CLE	In-House Plenary Session: A Look at How Technology Issues Impact our Clients
9:00 am — 9:15 am		Coffee Break
9:15 am — 10:30 am	CLE	Plenary Session: Daubert: Looking Back, Looking Forward
10:30 am — 11:30 am	CLE	Products Liability Breakout: Products Liability Year in Review
10:30 am — 11:30 am	CLE	Environmental Breakout: Shifting Sands: A Sediment Case Study on CERCLA Divisibility

Moderators & Speakers

Debra J. Aron

Navigant Economics Chicago, IL

John M. Barkett

Shook Hardy & Bacon L.L.P.
Miami, FL

Hon. Rosemary Barkett

Iran-United States
Claims Tribunal
The Hague, Netherlands

Jennifer Benaman

Anchor QEA, LLC Seattle, WA

Sonya Hill Bishop

Phillips 66 Company Houston, TX

N. Cornell Boggs, III

Dow Corning Corporation Midland, MI

Sharon L. Caffrey

Duane Morris LLP Philadelphia, PA

Dean Ronald K. Chen

Acting Dean, Rutgers School of Law Newark, NJ

Nessa Horewitch Coppinger

Beveridge & Diamond, P.C. Washington, D.C.

David R. Erickson

Shook, Hardy & Bacon L.L.P. Kansas City, MO

Hon, Eldon Fallon

U.S. District Court for the Eastern District of Louisiana New Orleans, LA

Cheryl A. Falvey

Crowell & Moring LLP Washington, D.C.

Samuel Lanier Felker

Bass, Berry & Sims PLC Nashville, TN

Sammy Ford IV

Abraham, Watkins, Nichols, Sorrels, Agosto & Friend Houston. TX

Donna N. Godward

Johnson & Johnson Bridgewater, NJ

Ervin A. Gonzalez

Colson Hicks Eidson Coral Gables, FL

Ira Gonzalez

Adams and Reese LLP New Orleans TA

Jessica L. Grant

Coblentz Patch Duffy & Bass LLP San Francisco, CA

Catherine Heacox

The Lanier Law Firm New York, NY

Ronald J. Hedges

Ronald J. Hedges LLC, Former Magistrate Judge Hackensack, NJ

William J. Jackson

Jackson Gilmour & Dobbs, PC
Houston, TX

Kent Jarrell

APCO Worldwide Inc. Washington, D.C.

Josh Johanningmeier

Godfrey & Kahn S.C. Madison, WI

Bina Joshi

Schiff Hardin LLP Chicago, IL

Tanya M. Lawson

Sedgwick LLP Ft. Lauderdale, FL

Sophia Lee

Sunoco, Inc. Philadelphia, PA

Lori B. Leskin

Kaye Scholer LLP New York, NY

Melanie D. Margolin

Cummins Inc.
Columbus, IN

W. Clay Massey

Alston & Bird LLP Atlanta, GA

Karen Barth Menzies

Robinson Calcagnie Robinson Shapiro Davis, Inc. Newport Beach, CA

Tonya G. Newman

Neal, Gerber & Eisenberg LLP Chicago, IL

David L. Schwan

U.S. District Court for the Southern District of Texas Houston, TX

Rebecca L. Sosa

Hughes Hubbard & Reed LLP Miami, FL

William J. Stack

Archer & Greiner, P.C. Haddonfield, NJ

Danielle G. Stock

Pfizer Inc. New York, NY

Chilton Davis Varner

King & Spalding Atlanta, GA

Margaret M. Witherup

Gordon Feinblatt LLC Baltimore, MD

Pamela J. Yates

Kaye Scholer LLP Los Angeles, CA

Rich Young

Formerly with Johnson Controls Mequon, WI



Thursday, January 30

5:00 pm – 6:00 pm

Young Lawyers' Breakout: How to Manage Conversations with Expert Witnesses

Working with expert witnesses often creates unique issues for young lawyers. This breakout panel, composed of an expert witness and members of the plaintiffs and defense bars, will offer young lawyers insight on how to manage expert communications to effectively advocate a client's case or position. Panelists will address common challenges facing young litigators in this area and provide tips in managing expert communications, including issues such as checking your governing rules including FRCP 26, expert selection, retention and deposition preparation, and preserving confidentiality.

Moderator: Rebecca L. Sosa

Speakers: Debra J. Aron, Ervin A. Gonzalez, W. Clay Massey

Friday, January 31

7:00 am - 8:00 am CLE

Ethics Session: The Evolution of Ethics

As the legal landscape changes, ethical rules must also change. Technology has an omnipresent role in the practice of law, from communications to data management. Globalization and increased mobility have made it easier for lawyers to practice in many jurisdictions regardless of their physical location. Lawyers must understand their ethical duties in the face of these changes. This panel will discuss recent changes to the ABA Model Rules of Professional Conduct regarding technology and globalization and offer insight for how lawyers should adjust to an evolving world.

Moderator: John M. Barkett

Speakers: Ira Gonzalez, David L. Schwan, Margaret M. Witherup

8:15 am - 9:30 am

CLE

Plenary Session: The Changing Practice of Law

Hear distinguished panelists from across the legal landscape discuss how the practice of law is evolving. A plaintiff's lawyer, defense lawyer, in-house counsel, judge, and law school dean will present the changes and challenges we all face as lawyers including a shifting job market, changing client goals for the resolution of legal issues, lawyer procurement, and the vanishing trial, as well as other important topics that will continue to impact the legal profession.

Speakers: Hon. Rosemary Barkett, Dean Ronald K. Chen, Melanie D. Margolin, Karen Barth Menzies, Chilton Davis Varner

9:45 am - 11:00 am CLE

Plenary Session: MTBE Litigation: The Intersection of Products Liability, Mass Torts, and Environmental Law

A products liability case, alleging a mass tort with environmental damages...this panel will provide an in-depth discussion of the New Hampshire MTBE litigation. Hear about the novel theories presented in the case including the use of experts to extrapolate damages on a statewide basis, use of market share liability theories in a products liability context, the scope of a state's authority in pursuing claims on behalf of its citizens, and the use of contingent fee counsel in pursuing those claims.

Moderator: Nessa Horewitch Coppinger

Speakers: Jessica L. Grant, Sophia Lee, William J. Stack

11:00 am – 12:00 pm CLE

Products Liability Breakout: Regulatory Update

These distinguished panelists will provide insight into recent laws, regulations, and enforcement trends facing product manufacturers subject to the jurisdiction of the Consumer Product Safety Commission, National Highway Traffic Safety Administration, and the Food and Drug Administration.

Moderator: Josh Johanningmeier

Speakers: Cheryl A. Falvey, Donna N. Godward, Rich Young

CLE Plenaries & Breakouts

Friday, January 31

11:00 am – 12:00 pm

Mass Torts Breakout: Litigating in the Mass Torts Media Spotlight

High visibility cases present special sets of challenges for both plaintiff and defense teams. Legal strategies have to be closely aligned with the client's mission as well as the business operations of companies and institutions in order to not harm the reputation and brand. This interactive workshop offers a look at the principles of litigation communications, how to set up a privileged communications infrastructure, and general rules of translating legal proceedings into effective messages for audiences outside the courtroom. Attendees will apply these basic ideas via a case study scenario, where they have the opportunity to become journalists during a mock press conference.

Speakers: Sammy Ford IV, Kent Jarrell, Tanya M. Lawson

Saturday, February 1

CLE

7:45 am - 9:00 am

In-House Plenary Session: A Look at How Technology Issues Impact our Clients

Technological advances over the past decade have drastically changed the way we practice law—from handling e-discovery to maintaining privacy of employees and customers. In-house counsel today are on the front line of this "impossible mission"—facing fast evolving challenges brought on by electronic communications with internal clients and outside counsel. Follow our panel and "Get Smart" about futuristic technologies available now that will change the way companies maintain data and conduct business.

Moderator: Lori B. Leskin

Speakers: Sonya Hill Bishop, N. Cornell Boggs, III, Ronald J. Hedges,

Danielle G. Stock

9:15 am - 10:30 am CLE

Plenary Session: Daubert: Looking Back, Looking Forward

Daubert is an ever-constant, yet ever-changing part of our lives. Three seasoned litigators and a judge will explain where Daubert has been and, more importantly, where it is going. Then, watch as they act out a mock Daubert hearing, giving the audience key insights into what it takes to make the most compelling and successful Daubert argument.

Moderator: Sharon L. Caffrey

Speakers: Hon. Eldon Fallon, Catherine Heacox, Pamela J. Yates

10:30 am – 11:30 am

CLE Products Liability Breakout: Products Liability Year in Review

Join us as we highlight significant developments in case law during the past year and focus on what to watch for in 2014.

Speakers: Samuel Lanier Felker, Tonya G. Newman

10:30 am - 11:30 am

CLE Environmental Breakout: Shifting Sands: A Sediment Case Study on CERCLA Divisibility

The CERCLA divisibility landscape has undergone many changes in recent years, with a number of divisibility battles being waged over sediment. This panel will discuss the state of divisibility law through the lens of the recent Fox River case. Learn about the legal and scientific arguments used to support a divisibility argument, as well as a brief survey of the outcomes of divisibility cases around the country.

Moderator: David R. Erickson

Speakers: Jennifer Benaman, William J. Jackson, Bina Joshi



Registration

Various registration rates and discounts are available for your convenience. Your registration fee includes: admission to CLE sessions, CLE credit, continental breakfast and refreshments, course materials, and the Thursday evening Welcome Reception.

The deadline for advance registration is **Tuesday**, **January 14**, **2014**. After this date, registration will take place onsite. We encourage you to take advantage of online registration. Visit us online at www.ambar.org/jointcle. You can also retrieve a printable registration form there.

Registration Desk Hours

The registration desk will be located in the Lobby Level, Grand Staircase Foyer during the following hours:

Thursday, January 30 2:00 pm - 6:00 pm Friday, January 31 6:00 am - 12:00 pm Saturday, February 1 7:00 am - 11:30 am

MCLE Credit

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This seminar is expected to qualify for 9.0 CLE credit hours (including 1.0 ethics hour) in 60-minute states, and 10.80 credit hours (including 1.2 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.ambar.org/jointcle.

General Information

Hotel Information

Park Hyatt Beaver Creek Resort & Spa

136 E. Thomas Place Avon, CO 81620 Individuals are responsible for making their own travel accommodations. A block of rooms has been reserved at the discounted rate of \$329 plus 10.99% tax for single/double rooms. The deadline for room reservations at the discounted rate is **Tuesday, January 7, 2014**. All reservations are subject to availability. For reservations, call (970) 949-1234 or visit our seminar page, www.ambar.org/jointcle for a direct link to online reservations, and refer to the ABA Section of Litigation 2014 Joint CLE Seminar.

Resort Fee: The resort fee is waived. The fee includes wired and wireless internet in the guest rooms and designated public areas, 800 and local telephone calls, incoming and outgoing faxes, bottled water in the guest rooms that is replenished at turndown, and access to the fitness center at Allegria Spa. Check-in time is 4:00 pm, and check-out time is 12:00 pm.

Cancellation Policy: Individuals with guaranteed reservations must cancel their reservations 14 days prior to the scheduled day of arrival to avoid a one-night cancellation charge.

Airline Information

The American Bar Association has an online travel site where you can obtain ABA negotiated airfare discounts. ABA Orbitz for Business enables you to purchase the best airfare at the time of your reservation by providing you with the ability to search for and compare fares from virtually every airline servicing the destination. Reservations with ABA Orbitz for Business can be can be accessed at www.americanbar.org/travel or by calling (877) 222-4185.

ABA Airline Discount Codes:

American Airlines: (800) 433-1790 ABA Discount Code: A8913TT **not** available at www.aa.com

Delta Airlines: (800) 328-1111 ABA Discount Code: NMFUD Discount available at www.delta.com

United Airlines: (800) 426-1122 Agreement Code: 937323, Z Code: ZP65 Discount available at www.united.com Online Discount Code ZP65937323

Virgin America Airlines: ABA Discount Code: VXABA312 Discount available at www.virginamerica.com

Airport Information

For your reference, there are two convenient airports for your air transportation arrangements:

Vail/Beaver Creek Jet Center/Eagle (EGE)

Travel Distance: Approximately 28 miles (37 minutes)

Denver International Airport (DEN)

Travel Distance: Approximately 132 miles (2 hours, 6 minutes)

Ground Transportation

Colorado Mountain Express offers discounted shuttle service with numerous daily departures to and from the Colorado airports. Visit www.ridecme.com to make an online reservation and enter group discount code **ABA2014** or call (800) 525-6363. Private car and charter services are also available. A 15% discount will be applied to all services.

Program Course Materials Course materials will be disseminated via email to all registrants prior to the seminar. Please be sure you have an email address on file with the ABA or one is indicated on your registration form. You may bring a laptop, iPad, or tablet to view the materials onsite, as complimentary Wi-Fi access will be available. Those registered by the cut-off date will be included on the attendee roster and **Roster of Participants** posted on the seminar website. **Tuition Assistance** A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. To apply, send a letter outlining the basis for your fee waiver request to: Katie Jacobson at katie.jacobson@americanbar.org. All requests must be received by Tuesday, January 14, 2014. Services For Persons With If special arrangements are required, please contact Katie Jacobson at (312) 988-6245 or katie.jacobson@americanbar.org. Reasonable advance notice is required. Disabilities **Cancellations** To receive a full refund for your registration fee and/or social events, a written request must be received on or before **Tuesday**, **January 14**, **2014**. Cancellations may be sent via e-mail to Katie Jacobson at katie.jacobson@americanbar.org or by fax (312) 988-6234. There will be an administrative fee of \$50 deducted from the refund. No refunds will be provided for cancellations after **Tuesday**, **January 14**, 2014; however, substitute registrants are welcome. Registrants who do not cancel within the allotted time period and who do not attend the seminar will receive a copy of the program course materials after seminar completion. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses. Refund requests will be processed 30 days after the meeting concludes. **Substitutions** Written requests for substitutions will be permitted prior to the conference for reguests received by Tuesday, January 14, 2014. After this date, substitutions will need to be made onsite. There is no additional cost for substitutions. Substitutions are not permitted once a registrant has registered onsite or after the conference has occurred. Please submit a request to transfer

Activities

Beaver Creek offers an abundance of winter activities and services to create a unique experience for everyone such as skiing, snowboarding, dog sledding, and snowmobiling. For more information visit our website www.ambar.org/jointcle.

the registration to another person. Only the substitute will be eligible for CLE credit. The substitute and original registrant must work out the payment

Lift Tickets

Beaver Creek lift tickets are available at www.beavercreek.com.

Rental Equipment

between themselves.

Beaver Creek Sports is offering discounted rates and advanced ski rental reservations. For more information visit www.rentskis.com/aba.

Thank You

The ABA Environmental, Mass Torts, and Products Liability Litigation Committees would like to thank the following sponsors for their generous support of this 2014 CLE Seminar:

Section Sponsors

Sponsor of the ABA Section of Litigation





Event Sponsor



Law Firm Sponsors

























Thank You to our Committee and **Seminar Co-Chairs** The Committees would also like to thank all planning committee members for their hard work in coordinating the panelists, programs, and materials. Their efforts and outstanding ABA Section of Litigation staff support, along with the panelists' participation, made this CLE seminar possible.

Seminar Co-Chairs: Megan E. Baroni and Amy Sherry Fischer

Co-Chairs, Environmental Litigation Committee: Meaghan Goodwin Boyd and James P. Ray

Co-Chairs, Mass Tort Litigation Committee: Deborah Elsasser and Eric E. Hudson

Co-Chairs, Products Liability Committee: Sarah G. Cronan, Richard M. Gaal, and Lara E. White

Print Name (as it appears on card)

Registration Form

4 Easy Ways to Register Registration Deadline:

Visit: www.ambar.org/jointcle Fax: (312) 988-6234

Signature

Mail: Complete and mail this form to ABA Section of Litigation, Katie Jacobson, 321 North Clark St, Chicago, IL 60654

Into	rmation	

Tuesday, January 14, 2014	Ca	all: (800) 285-2221									
Information											
	Fi	rst/Last Name (as it should appea	ABA I.D. # (The eight-digit code is above your name on the mailing label.)		our name on the						
	A	ffiliation									
	Email (providing your email address allows you to receive promotions and communications from the ABA and its entities)										
	IV	lailing Address	Apt/ Suite								
	C	ity	State		Zip						
	P	hone	Fax								
	 A (pl	e)	Special Dietary Needs								
Registration Fee						efore 14/14	After 1/14/14				
Registration will not be	Se	ection of Litigation Member		O \$4	195	\$ 545					
processed until payment is received.	Fi	rst-Time Section Member Att		O \$3	395	\$ 445					
paymont to received.	Al	BA Member	O \$!	575	\$ 625						
	Ιa	am an ABA Member and wou	tion for \$60	O \$!	555	\$ 605					
		am an ABA Member and First join the Section for \$60	O \$4	455	\$ 505						
	G	overnment/Academic/Public	Service		O \$2	295	\$ 345				
	Yo	oung Lawyer (age 35 or young	than 5 years)	O \$2	295	\$ 345					
		on-Member	O \$7	700	\$ 750						
	La	w Student	O \$2	25	\$ 50						
	Sp	oonsor) \$0)) \$0						
Ticketed Events	E۱	vent	Event Fee	Quantity	To	tal					
		oursday, January 30 elcome Reception	No Charge		\$0						
	Yo	iday, January 31 bung Lawyer & In-House bunsel Reception	No Charge		\$0	١					
		iday, January 31 eception and Dinner Event	\$100/adult, \$50 young lawyer \$50/child		\$.		_				
Total Amount Enclosed					\$		_				
Method of	0	Enclosed is a check #	(Payable to the Ame	erican Bar Asso	ciation)						
Payment	0	Charge credit card OVISA OMC		OMC		0	AMEX				
		Card #			Expiration Date (M/Yr)						



U. S. Postage Non-Profit Org

American Bar Association

Litigation Section of

Products Liability Litigation Committees' Joint CLE Seminar Environmental, Mass Torts, &

Park Hyatt Beaver Creek Resort and Spa / Avon, CO www.ambar.org/jointcle

February 1, 2014 January 30 —