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- R&D Strategic Solutions
- Stafford Rosenbaum LLP
- US Department of Justice
- Venable LLP
- Zuckerman Spaeder LLP

*A Two-Day Advanced Conference on*

# Environmental Trials

Strategies and lessons learned from some of the most significant recent cases featuring leading litigators and consultants from around the country

Live webcast and replays available!

**October 16 & 17, 2017**

Washington, District of Columbia

Arnold & Porter Kaye Scholer LLP Conference Center

**Credits:** 11.75 CA MCLE | 11.25 WA MCLE (call about others)  
**Quick when/where:** 8:30 a.m., 601 Massachusetts Avenue, NW

**Environmental Trials Conference**

October 16 & 17, 2017 | Washington, District of Columbia  
Arnold & Porter Kaye Scholer LLP Conference Center

**Yes! Please register me:**

**Name:** \_\_\_\_\_

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What type of credits do you need? \_\_\_\_\_

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**Register my colleague:**

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**Email:** \_\_\_\_\_

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**If you cannot attend in person, check boxes to order:**

- Live Homestudy Webcast       Homestudy Replay Course Materials



**8:00** Registration Opens

**8:30** Introduction & Overview

**Robert L. (Buzz) Hines, Esq., Program Co-Chair**  
Farella Braun + Martel LLP ~ San Francisco, CA

**Sean Morris, Esq., Program Co-Chair**  
Arnold & Porter Kaye Scholer LLP ~ Los Angeles, CA

**Jeremy D. Peterson, Esq., Program Co-Chair**  
Arnold & Porter Kaye Scholer LLP ~ Washington, DC

**8:45** Federal Environmental Enforcement in the Trump Administration

Resources, priorities and differences in policy approach as the Trump Administration charts a new course

**Ronald J. Tenpas, Esq.**  
Morgan, Lewis & Bockius LLP ~ Washington, DC

**9:30** From the Beginning: Know Thy Judge, Jury, and Adversary

The latest in tools, nuanced and otherwise, for predicting how the people involved in your case are likely to do on specific issues

**James A. Bruen, Esq.**  
Farella Braun + Martel LLP ~ San Francisco, CA

**10:15** Break

**10:30** Landmark Criminal Trials: Contrasting Cases for Corporate and Individual Prosecutions

Corporate and individual prosecutions: The common issues

**Jeremy D. Peterson, Esq., Program Co-Chair**

A detailed look at prosecution of the individual: U.S. v. Jeffrey Wilson

**Thomas Ballantine, Esq., Assistant Section Chief**  
US Department of Justice ~ Alexandria, VA

Mass disaster case #1: A detailed look at U.S. v. PG&E

**Hartley M. K. West, Esq.**  
Kobre Kim LLP ~ San Francisco, CA

Mass disaster case #2: The Blankenship case

**William W. Taylor, III, Esq.**  
Zuckerman Spaeder LLP ~ Washington, DC

**12:15** Lunch (included)

**1:30** Clean Water Act Trials: Lessons from the Deepwater Horizon Trial

Advances in the science and the resulting legal issues on admissibility

**Brian D. Israel, Esq., Moderator**  
Arnold & Porter Kaye Scholer LLP ~ Washington, DC

Government perspective

**Steven O'Rourke, Esq.**  
US Department of Justice ~ Washington, DC

Defense perspective

**Robert (Mike) Brock, Esq.**  
Kirkland & Ellis LLP ~ Washington, DC

**2:45** Break

**3:00** Quick Takes on Recent Cases

Natural Resource Damages and the ExxonMobil Bayway Refinery trial: New Jersey's effort to recover natural resource damages

**Allan Kanner, Esq.**  
Kanner & Whiteley LLC ~ New Orleans, LA

The decision whether to go to trial: Lessons from the recent trial in the New Hampshire v. Hess drinking water case on best practices for evaluating liability, damages, and the pros and cons of proceeding to trial

**Jessica L. Grant, Esq.**  
Venable LLP ~ San Francisco, CA

**4:15** Let the Jury Decide: What We Know About How Jurors Evaluate Environmental Issues

The science of science persuasion: Using the psychology of persuasion for effectively using science in environmental litigation; tips for creating messages for the judge or jury and testing them in a systematic way

**Ross P. Laguzza, Ph.D.**  
R&D Strategic Solutions ~ Portland, OR

**5:00** Continue the Exchange of Ideas: Reception & Dinner for Attendees and Faculty

Sponsored by Arnold & Porter Kaye Scholer LLP and Farella Braun + Martel LLP



### About the Conference

#### LAW SEMINARS INTERNATIONAL

##### What previous attendees have said:

"Excellent balance between government and responsible party perspectives"

"Speakers were engaging and interesting"

"The faculty for this conference are the best in their fields. It's a great opportunity to attend an educational seminar with this group. It's well worth the registration fee."

*The most significant and thorny questions in environmental law are often resolved in the courtroom. Far from being a lost art, the ability to try an environmental case remains a fundamental skill that clients will need in coming years. This year's Advanced Conference on Environmental Trials in Washington, D.C. provides a rare opportunity for environmental practitioners to learn from attorneys who have tried some of the most significant recent cases in the environmental arena. The conference will feature both criminal and civil practitioners, prosecutors and defense attorneys, as well as technical experts, in-house counsel, and experts on trial preparation and strategy. The conference will cut across environmental subject matters, examining trials from contexts as diverse as worker safety and the Clean Water Act. Our program is designed to benefit not only practitioners hoping to learn from the recent experiences of other litigators, but also in-house attorneys who manage trials conducted by outside counsel and consultants hoping to provide effective assistance to attorneys trying cases.*

Register soon to reserve your place.

~ Program Co-Chairs: Robert L. (Buzz) Hines, Esq. of Farella Braun + Martel LLP and Sean Morris, Esq. and Jeremy D. Peterson, Esq. of Arnold & Porter Kaye Scholer LLP



**8:30 Introduction to Day 2**  
**Robert L. (Buzz) Hines, Esq., *Program Co-Chair***  
**Sean Morris, Esq., *Program Co-Chair***  
**Jeremy D. Peterson, Esq., *Program Co-Chair***

**8:45 Superfund Cost Allocation: Northern States Power Co v. City of Ashland**  
 Contrary to common assumptions, not all Superfund cases settle: Using a recent allocation case as the backdrop, this panel will discuss the unique characteristics of Superfund trials  
**Mary Rose Alexander, Esq.**  
 Latham & Watkins LLP ~ Chicago, IL  
**Paul D. Boehm, Ph.D., *Group VP, Principal Scientist***  
 Exponent, Inc. ~ Maynard, MA

**Vanessa D. Wishart, Esq.**  
 Stafford Rosenbaum LLP ~ Madison, WI  
**Richard C. Yde, Esq.**  
 Stafford Rosenbaum LLP ~ Madison, WI

**10:30 Break**

**10:45 Toxic Torts: Does Proving Causation Still Matter?**  
 Best practices for trying complex toxic tort matters; addressing causation in toxic torts including the most effective use of expert testimony  
**Sean Morris, Esq., *Program Co-Chair***  
**James L. Lucari, Esq., *Managing Counsel***  
 BP America Inc. ~ Chicago, IL

**11:45 Trial Practice Tips: The Importance of Developing Your Strategy Before You Know the Case is Going to Trial**  
 The beginning of the case as the best time to craft a coherent and compelling story: The need for harmony between incident response, the "facts," and public relations strategies  
**Robert L. (Buzz) Hines, Esq., *Program Co-Chair***

**12:15 Lunch (included)**

**1:30 Upping Your Game for Trial Presentations: Advanced Techniques for Persuading the Jury**  
 Graphics speak louder than words: Harnessing technology to present complex environmental science in a way that makes it more comprehensible for lay judges and juries  
**April Tate Tishler, Esq.**  
 Core Legal Concepts ~ Washington, DC  
 How jurors think: Adapting to more technologically sophisticated millennials coming into the jury pool and the image intensive lenses they use to view the world; use of virtual techniques for mock jury testing  
**Rachel York, Ph.D.**  
 National Managing Director of Jury Consulting  
 Magna Legal Services ~ Washington, DC

**3:00 Evaluations and Adjourn**

### Related Seminars & Webcast Replays:

Model Toxics Control Act	September 28, 2017	Seattle, WA
Natural Resource Damages	July 18 & 19, 2017	Santa Fe, NM
Tribal Natural Resource Damages Assessments	December 16, 2016	Seattle, WA

See more at [www.lawseminars.com](http://www.lawseminars.com)

### General Webcast Info

- High quality audio & video
- View slide decks like you were in the room
- Works on any platform, any device

### Live Webcasts

- Participate from anywhere
- Includes the ability to ask questions
- Qualifies for live credits in most states

### Video Replays

- Allow you to time-shift your content
- The streaming version has navigation tools and search capabilities that allow you to quickly find the portions most important to you
- The Vodcast option allows you to make effective use of in-flight plane time



## Registration & Other Conference Information

### To Register:

Call us at: 206-567-4490  
 Fax the registration form to us at: 206-567-5058  
 Email us at: registrar@lawseminars.com  
 Online: www.lawseminars.com  
 Mail the registration form on the front page.  
 Walk-ins are welcome, subject to space availability.  
 Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for in person or webcast attendance for this program is \$995 with a group rate of \$745 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$665. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

### Substitution & Cancellation:

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, October 10, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

**Seminar Location:** The conference will be held at the Arnold & Porter Kaye Scholer LLP Conference Center at 601 Massachusetts Avenue, NW in Washington, DC 20001-3743. For sleeping rooms across the street, call the Hampton Inn Washington-Downtown- Convention Center, 901 6th St NW at (202) 842-2500 for reservations at the special negotiated rate of

\$249. Mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

### Continuing Education Credits:

Live credits: This program qualifies for 11.75 CA and 11.25 WA MCLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

### Time Shift Your Content:

Webcast and audio replays, with course materials, are available for \$995. The course materials alone are available for \$100. Replays will be available within 3 business days after the seminar or from the date we receive payment.

**Faculty: Environmental Trials Conference**

**Robert L. (Buzz) Hines**, *Program Co-Chair*, chairs the Air Quality and Climate Change practice group at Farella Braun + Martel LLP. He focuses on complex governmental and private litigation and enforcement actions, including state and federal cost recovery actions and natural resource damage claims.

**Sean Morris**, *Program Co-Chair*, is a partner at Arnold & Porter Kaye Scholer LLP. He represents clients in complex commercial litigation, including mass tort and environmental contamination actions.

**Jeremy D. Peterson**, *Program Co-Chair*, was an Honors Trial Attorney for the U.S. DOJ Environmental Crimes Section before joining Arnold & Porter Kaye Scholer LLP. He assists clients in responding to enforcement actions, including crisis response.

**Brian Israel**, *Moderator*, is Chair of Arnold & Porter Kaye Scholer LLP's Environmental Practice Group. His practice focuses broadly on environmental litigation and counseling, serving as lead counsel to BP in relation to the Deepwater Horizon NRD claim, and as one of the trial attorneys at the Deepwater Horizon Clean Water Act (CWA) penalty trial.

**Mary Rose Alexander** is the Global Practice Group Chair of the Environmental Litigation Practice at Latham & Watkins LLP. She has particular proficiency in coordinating multi-state and multi-forum litigation and trial practice.

**Thomas Ballantine** is an Assistant Section Chief with the US Department of Justice's Environmental Crimes Section (ECS). He's been with ECS since October 2000.

**Paul D. Boehm, Ph.D.**, is Corporate Vice President & Principal Scientist at Exponent, Inc. He is a leading practitioner and a recognized expert in the fields of natural resource damage assessments (NRDA) for oil spills and contaminated sites involving organic chemicals.

**Robert (Mike) Brock** is a partner at Kirkland & Ellis LLP where his practice focuses on representing pharmaceuticals and life sciences

companies, particularly in product liability and mass tort cases. He has also served as lead trial lawyer for BP in the Deepwater Horizon oil spill litigation.

**James A. Bruen**, partner at Farella Braun + Martel LLP, currently serves as President of the American College of Environmental Lawyers. He has served as lead trial counsel in mass tort litigation, natural resource damage litigation, environmental enforcement litigation, environmental cost recovery/contribution litigation and white collar environmental crimes defense.

**Jessica L. Grant** is a partner at Venable LLP where she focuses on products liability and class action matters. This includes representing the State of New Hampshire against numerous major oil companies in a statewide products liability case, which resulted in \$130 million in settlements and a \$816 million jury verdict.

**Allan Kanner**, Kanner & Whiteley LLC, currently represents the State of New Jersey against ExxonMobil in a major natural resource damages case. In addition, he represented the State of Louisiana in the Deepwater Horizon oil spill litigation. He also serves as Lead Plaintiffs' counsel in a national MDL class action against Dollar General for the sale of obsolete motor oils.

**Ross P. Laguzza, Ph.D.** is an expert in the psychology of persuasion at R&D Strategic Solutions. His clients include major corporations faced with the challenge of developing persuasive messages for many different types of stakeholders, assisting key messengers (witnesses, corporate spokespersons) in being persuasive while under attack.

**James L. Lucari** is Managing Counsel at BP America Inc. He's responsible for Environmental Litigation and Regulatory Counseling.

**Steven O'Rourke** is a Senior Attorney in the US Department of Justice's Environmental Enforcement Section. Most recently he was trial counsel in US v. BP, et al. related to the Deepwater Horizon oil spill.

**William W. Taylor, III**, is a founding partner of Zuckerman Spaeder LLP and one of the country's foremost litigators. He recently obtained an acquittal of all felony charges against Donald Blankenship, the former CEO of Massey Energy Company following a highly publicized and emotional trial.

**Ronald J. Tenpas** is a partner at Morgan, Lewis & Bockius LLP. He previously spent 12 years at the US Department of Justice, serving in career and senior political positions. This included serving from 2007-2009 as Assistant Attorney General for the Environment and Natural Resources Division.

**April Tate Tishler** at Core Legal Concepts is an expert in the art of information design, providing visual strategy analysis and consulting to the country's lead litigators in all manner of disputes. As a recovering attorney, she is able to pair effective information design with legal strategy.

**Hartley M. K. West** served as Deputy Chief of the US Department of Justice's Economic Crimes and Securities Fraud Section for the Northern District of California before joining Kobre Kim LLP. She was part of the prosecutorial team for the PG&E 2010 San Bruno gas line explosion litigation that resulted in the maximum \$3 million penalty.

**Vanessa D. Wishart** focuses on environmental law issues at Stafford Rosenbaum LLP. In that role, she was part of the trial team representing the city in Northern States Power Co v. City of Ashland.

**Richard C. Yde** joined Stafford Rosenbaum LLP in 2001 after serving 14 years as the City Attorney for the City of West Bend. His practice is focused on government law, with a special emphasis on matters relating to land use and development including CERCLA superfund issues.

**Rachel York** is National Managing Director of Jury Consulting at Magna Legal Services. She has a doctorate in legal psychology and focuses on jury decision-making including focus groups, mock trials, damages assessment studies, and community attitude surveys.

**October 16 & 17, 2017**  
 Washington, District of Columbia

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 (202) 942-5000

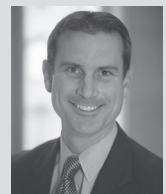
**Who Should Attend:**

*In-house, private sector and government attorneys; technical experts; trial-focused consultants (trial graphics company representatives, jury consultants); senior executives and risk managers*

**Our Co-Chairs:**



**Robert L. (Buzz) Hines, Esq.**  
 Farella Braun + Martel LLP



**Sean Morris, Esq.**  
 Arnold & Porter Kaye Scholer LLP



**Jeremy D. Peterson, Esq.**  
 Arnold & Porter Kaye Scholer LLP

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