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- American College of Environmental Lawyers
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- Montana Natural Resource Damage Program
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- NOAA Office of Response and Restoration
- Pillsbury Winthrop Shaw Pittman LLP
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*The 11th Annual Santa Fe Advanced Conference on Litigating*

# Natural Resource Damages

Best strategies and tactics to handle large, complex NRD cases today

**July 18 & 19, 2017**

**Santa Fe, New Mexico**

**La Fonda Santa Fe Hotel**

Live webcast and replays available!

**Credits:** 10 WA CLE | 10 NM CLE (call about others)  
**Quick when/where:** 8:30 a.m., 100 E. San Francisco Street

## Natural Resource Damages Conference

July 18 & 19, 2017 | Santa Fe, New Mexico  
La Fonda Santa Fe Hotel

**Yes! Please register me:**

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

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

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

For which state(s)? \_\_\_\_\_

**Register my colleague:**

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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

**Sandra A. Edwards, Esq., Program Co-Chair**  
Farella Braun + Martel LLP ~ San Francisco, CA

**William J. Jackson, Esq., Program Co-Chair**  
Kelley Drye/Jackson Gilmour & Dobbs ~ Houston, TX

8:45 Special Opening Address

A litigator's perspective on NRD developments during the Obama administration

**John C. Cruden, Esq., President - Elect**  
American College of Environmental Lawyers ~ Washington, DC

9:30 Current Developments in Federal Environmental Policy

An overview of key environmental and policy changes in the first six months of the Trump Administration

**Scott Fulton, Esq., President**  
Environmental Law Institute ~ Washington, DC

What we should expect from federal trustees in the coming years

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

**Craig R. O'Connor, Esq.**  
*Special Counsel for Natural Resources*  
National Oceanic and Atmospheric Administration ~ Seattle, WA

10:30 Break

10:45 Adaptive Changes and Strategies of State and Tribal Trustees

To what extent will they be more inclined, and have the resources, to take the lead in pursuing NRD claims and litigation?

**Mary Capdeville, Esq., Assistant Attorney General**  
Montana Natural Resource Damage Program ~ Helena, MT

**David F. Askman, Esq.**  
The Askman Law Firm LLC ~ Denver, CO

11:30 Update on Legislative Proposals to Change Deference to Agency Interpretation of Ambiguous Statutes and Regulations

Practical implications for NRD litigation in light of the complex technical issues involved

**Ira M. Gottlieb, Esq.**  
McCarter & English LLP ~ Newark, NJ

12:00 Lunch (on your own)

1:15 NRD & NGO's

Options for greater participation and where they can make the greatest impact; how changing political dynamics affect selection of the approach for early restoration and eventual settlement

**Bradley M. Campbell, Esq., President**  
Conservation Law Foundation ~ Boston, MA

1:45 Potentially Responsible Party and Outside Counsel Work through a Case Management Strategy for a NRD Claim

**Sandra A. Edwards, Esq., Program Co-Chair**

**Kevin J. Vaughan, Esq., Counsel, Environmental & Safety**  
Exxon Mobil Corporation ~ Spring, TX

2:45 Break

3:00 Strategies and Impacts at NRD Sites Where the Trustees are Not Acting in Concert

There are an increasing number of NRD sites where the federal, state, and Tribal trustees are not acting in concert: What is the impact on injury assessment, credit mechanisms, litigation and settlement?

**Robert C. Bylsma, Esq.**  
*Senior Regional Environmental Counsel*  
Union Pacific Railroad Company ~ Roseville, CA

**Robert E. Unsworth, Principal and Director**  
Industrial Economics, Incorporated ~ Cambridge, MA

**William J. Jackson, Esq., Program Co-Chair**

4:15 NRD & Federal Facilities

How will the change in administration change the federal government's response to natural resource damages as a potential responsible party?

**Christopher Locke, Esq.**  
Farella Braun + Martel LLP ~ San Francisco, CA

**Donald W. Fowler, Esq.**  
Hollingsworth LLP ~ Washington, DC

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

Sponsored by Farella Braun + Martel LLP and Kelley Drye/Jackson Gilmour & Dobbs



## About the Conference

### LAW SEMINARS INTERNATIONAL

#### What previous attendees have said:

“Yes, great conference! Thanks to all the organizers.”

“It was fun and wonderful to keep learning. A great faculty and wonderful hosts!

“This seminar is an interesting and provocative forum for divergent views. Excellent Job!”

*The 2017 Santa Fe Advanced Natural Resource Damages Conference is celebrating more than a decade as one of the leading NRD conferences in the nation. It will again feature an incredible faculty and program-complemented this year with an optional river rafting excursion.*

*The conference will focus on the work of the Obama Administration and the transition of federal environmental policy under the Trump Administration including the impact on what to expect from federal trustees in the years ahead. The changes in federal policy are likely to result in adaptive changes by state and tribal trustees. NGOs may step forward to a greater extent.*

*The conference will also feature the latest on legal issues relating to NRD assessments and litigation, including potential changes in Chevron deference, issues presented by lack of agreement among trustees, special issues for multi-district NRD litigation, lessons from development of new scientific evidence in Deepwater Horizon, and issues relating to the admissibility of scientific evidence in NRD cases.*

*Today, the stakes presented by NRD assessments and litigation have grown to staggering proportions. As the Chairs of this Conference, we are proud to bring the leaders in natural resources policy, science and litigation together to tackle many of the most pressing and difficult environmental issues of our time in a forum that facilitates interaction among all of the participants and faculty in the extraordinary city of Santa Fe.*

**Program Co-Chairs: Sandra Edwards, Esq., of Farella Braun + Martel LLP and William J. Jackson, Esq., of Kelley Drye/Jackson Gilmour & Dobbs**



**8:30 Debating the Leaps in Science from the Deepwater Horizon Case**

The state of the science after this groundbreaking NRDA: Was the science conducted by the natural resource trustees novel, innovative, and ground breaking, or was it not adequately subjected to serious scientific scrutiny?

**Robert Haddad, Ph.D.**, *Group Vice President & Principal Scientist - Environmental & Earth Sciences*  
Exponent ~ Menlo Park

**Lisa M. Dipinto, Ph.D.**, *Senior Scientist*  
NOAA Office of Response and Restoration ~ Silver Spring, MD

**William Gala, Ph.D.**, *Consulting Scientist*  
Chevron Energy Technology Company ~ San Ramon, CA

**Kevin D. Reynolds, Ph.D.**,  
*Department of the Interior Case Manager*  
Deepwater Horizon NRDAR ~ Atlanta, GA

**Kenneth Jenkins, Ph.D.**  
Independent Consultant ~ Occidental, CA

**10:15 Break**

**10:30 Admissibility of Technical Evidence: Practitioner Perspectives on Getting New Science into the Record, or Keeping it Out**

**Ann L. Al-Bahish, Esq.**  
Kelley Drye/Jackson Gilmour & Dobbs ~ Houston, TX

**Amanda G. Halter, Esq.**, *Counsel*  
Pillsbury Winthrop Shaw Pittman LLP ~ Houston, TX

**11:15 The Role and Potential Impacts of Multi-District Litigation on Natural Resource Damages Claims**

From Deepwater Horizon to MTBE, Multi-District Litigation has impacted the way courts and counsel manage large scale NRD cases: Standards for MDL consolidation cases

**Scott E. Kauff, Esq.**  
Law Offices of John K. Dema PC ~ Rockville, MD

**John S. Guttmann, Jr., Esq.**, *Principal*  
Beveridge & Diamond PC ~ Washington, DC

**12:00 Grand Rounds Wrap Up**

Insights from members of the faculty

**Sandra A. Edwards, Esq.**, *Program Co-Chair*

**William J. Jackson, Esq.**, *Program Co-Chair*

**12:15 Evaluations & Adjourn**

**Related Seminars & Webcast Replays:**

Environmental Trial Strategies	October 16-17, 2017	Washington, DC
Climate Change and Energy in California	Sept. 11-12, 2017	San Francisco, CA
Climate Change in the West	February 16-17, 2017	Seattle, WA
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
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**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 Wednesday, July 12, 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 La Fonda Santa Fe Hotel at 100 E. San Francisco Street in Santa Fe, NM 87501. Call the hotel directly at (505) 982-5511 for reservations at the special negotiated rate of \$229 and mention that you are attending a Law Seminars International conference.

Rooms are on a first come, first served basis. The cutoff date is Friday, June 16.

**Continuing Education Credits:**

Live credits: This program qualifies for 10 New Mexico and 10 Washington 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 two weeks after the seminar or from the date we receive payment.

**Faculty: Natural Resource Damages Conference**

**Sandra A. Edwards, *Program Co-Chair*** is a partner at Farella Braun + Martel LLP. She is the Chair of Farella's Environmental Law Department.

**William J. Jackson, *Program Co-Chair*** is managing partner of Kelley Drye/Jackson Gilmour & Dobbs' Houston office and is co-chair of the Environmental Law practice.

**John C. Cruden, *Special Address***, is President - Elect of the American College of Environmental Lawyers. Previously, he was an Assistant Attorney General in the U.S. Department of Justice's Environment and Natural Resources Division, and President of the Environmental Law Institute.

**Ann L. Al-Bahish** is a partner at Kelley Drye/Jackson Gilmour & Dobbs. She focuses on environmental litigation and has worked on significant water pollution cases in New Jersey and Oregon.

**David F. Askman** is the founder of The Askman Law Firm LLC. He specializes in environmental and indigenous peoples representation. Previously, he was Senior Counsel for the Environmental Enforcement Section at the United States Department of Justice.

**Robert C. Bylsma**, Senior Regional Environmental Counsel, Union Pacific Railroad Company, is responsible for handling environmental matters including compliance, site remediation, permitting, and defense of regulatory actions and litigation.

**Bradley M. Campbell** is President of the Conservation Law Foundation. He formerly served as Regional Administrator at the U.S. EPA Mid-Atlantic Region and as Commissioner of the New Jersey Department of Environmental Protection.

**Mary Capdeville** serves as Assistant Attorney General for the Montana Natural Resource Damage Program. She focuses on CERCLA, OPA, and Montana's state Natural Resource Damages law.

**Lisa M. Dipinto, Ph.D.** is a Senior Scientist for NOAA Office of Response and Restoration. She was the Deepwater Horizon NRDCA Case Coordinator for NOAA.

**Donald W. Fowler** is the managing partner of Hollingsworth LLP. He concentrates his practice on defending environmental and toxic tort litigation, including actions brought by federal and state natural resource trustees.

**Scott Fulton** is President, Environmental Law Institute. Previously, he served as General Counsel of the U.S. Environmental Protection Agency (EPA).

**William Gala Ph.D.**, is a Consulting Scientist with Chevron Energy Technology Company. He has over twenty years experience in ecotoxicological issues such as ecological risk assessments (ERAs), water, sediment and effluent monitoring programs, and other site investigation efforts.

**Ira M. Gottlieb** is a partner at McCarter & English LLP. He leads the Environment & Energy Practice Group. Previously, he was Assistant Regional Counsel for the U.S. EPA Region III.

**John S. Guttman, Jr.** is a principal at Beveridge & Diamond PC. He represents companies in complex, high-stakes toxic tort, product liability and environmental litigation.

**Robert Haddad, Ph.D.**, is the Group Vice President & Principal Scientist - Environmental & Earth Sciences for Exponent. He served for 8 years, as head of NOAA's Assessment & Restoration Division (ARD) and as one of three leads for NOAA's Damage Assessment, Remediation, Restoration Program (DARRP).

**Amanda G. Halter** is counsel in Pillsbury's Environmental & Natural Resources practice. Her practice includes contamination investigations and remedial actions, natural resource damages, and mass toxic tort actions.

**Brian Israel** chairs the Environmental Practice Group at Arnold & Porter Kaye Scholer LLP. He is one of the nation's leading lawyers for NRD claims and served as lead counsel to BP in relation to the Deepwater Horizon NRD claim. He also was one of the attorneys representing BP at the Deepwater Horizon Clean Water Act (CWA) penalty trial.

**Kenneth Jenkins Ph.D.** has more than 35 years of experience in environmental consulting and expert services. He has given testimony before Congress, and briefed congressional staff on environmental issues relating to damages to natural resources. He has also served as a member of EPA's Science Advisory Board (SAB).

**Scott E. Kauff** is Of Counsel at the Law Offices of John K. Dema PC, where he concentrates on environmental and toxic torts litigation and represents several trustees and governmental entities with respect to numerous NRD, remediation and product liability claims.

**Christopher Locke** is a senior partner at Farella Braun + Martel LLP. His practice includes counseling and representation of clients in environmental litigation, including matters involving natural resource damages, air quality, water quality, hazardous waste, NEPA/CEQA, cost recovery, and defense of civil and criminal enforcement actions and citizen suits.

**Craig R. O'Connor** is Special Counsel for the Natural Resources Section of Office of General Counsel for the National Oceanic and Atmospheric Administration. He provides legal advice to the National Marine Fisheries Service and the National Ocean Service. As the former section chief, he provided legal and management oversight to NOAA's NRDA program and directed the preparation and implementation of the OPA NRDA regulations.

**Kevin D. Reynolds Ph.D.**, is the Department of the Interior Case Manager for Deepwater Horizon NRDAR.

**Robert E. Unsworth** is a Principal and Director at Industrial Economics, Incorporated. He focuses his consulting practice on applied natural resource and environmental economics, has served as an expert witness in the context of environmental damage claims and has assisted various public commissions on topics in environmental valuation.

**Kevin J. Vaughan** is Counsel, Environmental & Safety, at Exxon Mobil Corporation. He focuses on Superfund and natural resource damage issues.

**July 18 & 19, 2017**  
 Santa Fe, New Mexico

**La Fonda Santa Fe Hotel**  
 100 E. San Francisco Street  
 (505) 982-5511

**Who Should Attend:**  
*In-house and private attorneys, consultants, corporate managers, Tribal and governmental representatives, and others who are involved in natural resource damage claims*

**Our Co-Chairs:**



**Sandra Edwards, Esq.**  
 Farella Braun + Martel LLP



**William J. Jackson, Esq.**  
 Kelley Drye / Jackson Gilmour & Dobbs

**To Register:**

**Mail**  
 800 Fifth Ave., Suite 101  
 Seattle, WA 98104  
**Phone**  
 (206) 567-4490  
**Fax**  
 (206) 567-5058  
**Email**  
[registrar@lawseminars.com](mailto:registrar@lawseminars.com)  
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