

**AMERICAN BAR ASSOCIATION
SECTION OF LITIGATION**

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

PROGRAM SCHEDULE

THURSDAY, JANUARY 27, 2011

4:00 pm – 6:00 pm	Registration	<i>Cabaret /Lobby</i>
4:00 pm – 6:00 pm	Products Liability Committee Leadership Meeting	<i>Kearns</i>
4:30 pm – 6:00 pm	Mass Torts Committee Meeting	<i>Max Park</i>
4:30 pm – 6:00 pm	Environmental Committee Meeting	<i>Erickson</i>
6:00 pm – 7:30 pm	Welcome Reception	<i>Cabaret /Lobby</i>

FRIDAY, JANUARY 28, 2011

6:00 am – 12:00 pm	Registration	<i>Cabaret/Lobby</i>
6:00 am – 7:30 am	Breakfast	<i>Cabaret</i>
6:30 am – 7:30 am	CLE Ethics Session: Conquering Ethical Moguls and Icy Black Diamonds Description: Steer through the moguls and get down an icy black diamond trail of ethical challenges that present themselves when you least expect them. This interactive "Ethics" presentation challenges a panel of lawyers and the audience to various ethical questions. The hypothetical questions will be presented in the context of products/environmental/mass torts cases. A lawyer from each of the committees will make up the panel, and there will also be audience participation. The rules to be discussed are: Rule 1.2 – Lawyer shall abide client's decisions; Rule 1.5 – Fees and Divisions of Fees' Rule 1.6 – Confidentiality of Information; Rule 1.7 – Conflicts of Interest – Existing clients; Rule 3.1 – Non-Meritorious Claims and Contentions; and Rule 3.4 – Fairness to Opposing Party and Counsel Moderator: <i>Frederick P. Alimonti</i> , Alimonti Law Offices, P.C, White Plains, NY Speakers: <i>John M. Barkett</i> , Shook Hardy & Bacon LLP, Miami, FL; <i>Nathaniel Cade Jr.</i> , Michael Best & Friedrich LLP, Milwaukee, WI; <i>Andrew J. Maloney</i> , Kreindler & Kreindler LLP, New York, NY	<i>Hoaglund</i>
7:30 am – 7:45 am	Welcome/Program Kickoff	<i>Hoaglund</i>
7:45 am – 9:15 am	CLE Plenary Session: In-House Counsel Panel: The New Normal – Litigation Management and Budgeting Description: Clients are putting increased pressure on in-house and outside counsel to reduce the costs of litigation, further raising the importance of litigation management and budgeting. This panel will explore the myths, realities, and challenges of litigation budgets, initial case assessments, early resolution strategies, alternative fees, and project management. Moderator: <i>Byron K. Mason</i> , Taft, Stettinius & Hollister, LLP, Indianapolis, IN Speakers: <i>Evelyn H. Brantley</i> , E.I. du Pont de Nemours and Company, Inc. Wilmington, DE; <i>Patricia Hitt Duft</i> , Covidien, St. Louis, MO; <i>Livingston Johnson</i> , The Coca-Cola Company, Atlanta, GA, Erica Visokey, Stryker, Mahwah, NJ	<i>Hoaglund</i>
9:15 am – 9:30 am	Coffee Break	<i>Erickson</i>
9:30 am – 10:45 am	CLE Plenary Session: What You Don't Know Can Hurt You: The Latest Developments All Litigators Need To Know Description: This fast-moving panel will examine recent and anticipated changes that materially affect the way litigators prepare, conduct and settle their cases. The discussion will include the obvious— pleading standard requirements after <i>Twombly</i> and <i>Iqbal</i> and Rule 26 changes regarding expert reports—as well as changes that are not necessarily on the radar screen, including Medicare Secondary Payer Reporting and Repayment Obligations, the American Law Institutes new Principles of the Law of Aggregate Litigation, and possible changes to the Rules of Civil Procedure.	<i>Hoaglund</i>

Moderator: *John B. Isbister*, Tydings & Rosenberg LLP, Baltimore, MD
Speakers: *Hon. Rosemary Barkett*, U. S. Court of Appeals, 11th Circuit, Miami, FL; *James M. Beck*, Dechert, LLP, Philadelphia, PA; *Dinita L. James*, Ford & Harrison LLP, Phoenix, AZ; *Libby Vish*, Garretson Resolution Group, Charlotte, NC

- 10:50 am – Noon **CLE** *Kearns*
Products Liability Breakout Session: Understanding Medical Monitoring Damages
Description: This panel will discuss the strategic, legal and factual issues relating to medical monitoring damages claims, including the state of the law, the state of the scientific understanding of disease processes, available testing methods for early detection, risk/benefit analyses that can be employed by courts to determine whether to award medical monitoring damages and issues pertaining to class certification.
Moderator: *Rudy Perrino*, Fulbright & Jaworski L.L.P., Los Angeles, CA
Speakers: *Scott DeVries*, Winston & Strawn LLP, San Francisco, CA; *Dana Taschner*, The Lanier Law Firm, Los Angeles, CA
- 10:50 am – Noon **CLE** *Janns Auditorium*
Environmental Breakout Session: The Intersection of Environmental and Bankruptcy Law
Description: This panel will examine several "hot topics" at the intersection of environmental and bankruptcy law. Topics will include dischargeable environmental claims vs. liabilities that "pass through" bankruptcy; the effect on claims for environmental indemnity and contribution by PRP creditors; and trust vehicles to receive and manage debtors' liability and contaminated property portfolios.
Moderator: *David F. Williams*, Cadwalader, Wickersham & Taft LLP, Washington, DC
Speakers: *Pierre G. Armand*, United States Department of Justice, New York, NY *Steven D. Cook*, Lyondell, Houston, TX; *M. Natasha Labovitz*, Kirkland & Ellis LLP, New York, NY
- 4:00 pm – 5:15 pm Products Liability Subcommittee Meeting *Kearns*
Mass Torts Committee Meeting *Erickson*
- 5:15 pm – 6:15 pm **CLE** *Hoaglund*
Young Lawyers' Breakout Session: Thinking Ahead: The Difference between Winning and Losing Your Case
Description: Hindsight is 20/20. Don't get caught without the evidence you need. Join our panel of seasoned plaintiff, defense and in-house counsel to explore what you can do in your day-to-day discovery activities to be more prepared for trial and what you can do at trial to win on appeal.
Moderator: *Catherine R. Riegle*, King & Spalding, Houston, TX
Speakers: *John A. Earnhardt*, Maynard, Cooper & Gale PC, Birmingham, AL; *Anthony Tarricone*, Kreindler & Kreindler, LLP, Boston, MA; *Erica Visokey*, Stryker, Mahwah, NJ
- 6:15 pm – 7:00 pm Young Lawyer & In-House Counsel Reception *Snobble*
- 7:00 pm – 10:00 pm Dinner Event *Cabaret*
- SATURDAY, JANUARY 29, 2011**
- 7:00 am – Noon Registration *Cabaret/Lobby*
- 7:00 am – 8:00 am Breakfast *Cabaret*
- 7:30 am – 8:45 am **CLE** *Hoaglund*
Plenary Session: Crisis Response and Management
Description: Whether it is a fatal rail accident, catastrophic oil release, massive auto recall, or pharmaceutical scare, common issues emerge. The panel will address numerous topics, including the first 100 hours, preserving evidence, controlling communications, maintaining privilege, mitigation of damages, managing claims, dealing with the media and class action implications.
Moderator: *Karen Aldridge Crawford*, Nelson Mullins Riley & Scarborough, LLP, Columbia, SC
Speakers: *Otway B. Denny, Jr.*, Fulbright and Jaworski L.L.P., Houston, TX; *Hon. Barbara M.G. Lynn*, United States District Judge – Northern District of Texas; Dallas, TX; *Anthony Tarricone*, Kreindler & Kreindler, LLP, Boston, MA; *Robert A. Wells*, Norfolk Southern Corporation, Norfolk, VA
- 9:00 am – 10:15 am **CLE** *Hoaglund*
Plenary Session: CAFA: 2005 and Beyond
Description: This program will address the impact of the Class Action Fairness Act on the conduct of class action litigation since its enactment in 2005. As part of this presentation, our panelists will provide an update on the significant recent cases, as well as emerging issues that are the subject of current litigation.
Moderator: *Linnea Brown*, Holme Roberts & Owen LLP, Denver, CO
Speakers: *George Diaz-Arrastia*, Schirmeister Diaz-Arrastia Brem LLP, Houston, TX; *Hon. Shira A. Scheindlin*, United States District Court for the Southern District of New York, New York, NY
David J. Vendler, Morris Polich & Purdy LLP, Los Angeles, CA

10:15 am – 10:30 am Coffee Break *Erickson*

10:30 am – 11:45 am CLE *Kearns*

Mass Torts Breakout Session: What to Do When Your Case Becomes a Mass Tort

Description: What do you do when one plaintiff becomes a thousand? When your toxic tort case spans multiple jurisdictions? Simple components of the litigation process become complex and unwieldy, not to mention the more nuanced and difficult issues of exposure and causation. This panel of cutting edge practitioners will discuss the various ways in which the discovery and trial processes are handled in a complex case. Issues to be covered include the MDL procedures and management of cases spanning multiple jurisdictions.

Moderator: *Karen Woodward*, Sedgwick Detert Moran & Arnold LLP, Los Angeles, CA

Speakers: *Ralph A. Campillo*, Sedgwick Detert Moran & Arnold LLP, Los Angeles, CA; *Paul D. Rheingold*, Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP, New York, NY

10:30 am – 11:45 am CLE *Hoaglund*

Products Liability Breakout Session: Products Liability Year in Review

Description: Anyone who watched the news in 2010 knows it was a year of highs and lows. Join us and our two accomplished speakers for the always well received annual review of the highs and lows of 2010 as they relate to developments in the area of products liability law.

Speakers: *B. Shawan Gillans*, Buist Moore Smythe McGee, P.A.

Charleston, NC; *Deborah E. Lewis*, Adorno & Yoss, Dallas, TX