



Section of Litigation

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

2011

JANUARY 27–29, 2011

The Silvertree Hotel • Snowmass, CO



9.6 hours of MCLE credit, including 1 hour of ethics credit, have been requested in 60-minute states and 11.6 hours of MCLE credit, including 1.2 hours of ethics credit, have been requested in 50-minute states.

Why You Should Attend

If your practice involves litigation in environmental, mass torts or products liability matters, you must keep apprised of the latest developments in the law and how these cases are managed and taken to trial. This two-day CLE program is your opportunity to interact with and hear from in-house and trial counsel, experts and members of the judiciary as they address litigation issues and techniques in these practice areas. Join us for this remarkable seminar, and while you're at it, bring along the family to enjoy one of the finest winter resorts in the United States.

What You Will Learn

- The hottest issues and latest developments in environmental, mass torts and products liability litigation
- The appropriate way to respond to a client crisis, including initial response, preservation of evidence, controlling communications, maintaining privilege, managing claims, and dealing with the media
- In-house counsel will reflect on "the new normal" in litigation management and budgeting and will discuss the latest tools and developments
- Class action litigation developments five years after the passage of the Class Action Fairness Act of 2005
- What to do when your case becomes a mass tort
- Legal and practical considerations at the intersection of bankruptcy and environmental law
- The current state of medical monitoring claims and how they are being treated around the country

Who Should Attend

- All attorneys who litigate in the areas of environmental, mass torts and products liability litigation
- In-house counsel and litigators who are interested in discussing the impacts of a down economy
- In-house counsel and seasoned practitioners needing an update from leading trial lawyers, experts and members of our judiciary on litigation techniques, trial presentation, and the latest legal developments

Thank You to our Committee and Seminar Co-Chairs

Co-Chairs, Environmental Litigation Committee:

Douglas S. Arnold and Kevin J. Bruno

Co-Chairs, Mass Torts Litigation Committee:

Andrew J. Maloney, Beatrice O'Donnell and Rudy Perrino

Co-Chairs, Products Liability Committee:

Jerry G. Bradford, Nathaniel Cade, Jr. and Lori B. Leskin

Seminar Co-Chairs:

James P. Ray and Kelly Anne Luther

SCHEDULE—AT—A—GLANCE

THURSDAY, JANUARY 27, 2011

4:00 pm – 6:00 pm

- Registration

4:30 pm – 6:00 pm

- Committee Meetings
As scheduled by your committee

6:00 pm – 7:30 pm

- Welcome Reception

FRIDAY, JANUARY 28, 2011

6:00 am – Noon

- Registration

6:00 am – 7:30 am

- Breakfast

6:30 am – 7:30 am

Ethics Session—CLE

*Conquering Ethical Moguls
and Icy Black Diamonds*

7:30 am – 7:45 am

- Welcome/Program Kickoff

7:45 am – 9:15 am

Plenary Session—CLE

*In-House Counsel Panel: The New Normal—
Litigation Management and Budgeting*

9:15 am – 9:30 am

- Coffee Break

9:30 am – 10:45 am

Plenary Session—CLE

*What You Don't Know Can Hurt You: The Latest
Developments All Litigators Need to Know*

10:50 am – Noon

Products Liability Breakout—CLE

Understanding Medical Monitoring Damages

10:50 am – Noon

Environmental Breakout—CLE

*The Intersection of Environmental
and Bankruptcy Law*

4:00 pm – 5:15 pm

- Committee Meetings
As scheduled by your committees

5:15 pm – 6:15 pm

Young Lawyers Breakout—CLE

*Thinking Ahead: The Difference Between
Winning and Losing Your Case*

6:15 pm – 7:00 pm

Young Lawyer & In-House Counsel Reception

7:00 pm – 10:00 pm

- Dinner Event

SATURDAY, JANUARY 29, 2011

7:00 am – Noon

- Registration

7:00 am – 8:00 am

- Breakfast

7:30 am – 8:45 am

Plenary Session—CLE

Crisis Response and Management

9:00 am – 10:15 am

Plenary Session—CLE

CAFA: 2005 and Beyond

10:15 am – 10:30 am

- Coffee Break

10:30 am – 11:45 am

Mass Torts Breakout—CLE

What to Do When Your Case Becomes a Mass Tort

10:30 am – 11:45 am

Products Liability Breakout—CLE

Products Liability Year in Review

MODERATORS & SPEAKERS

Frederick P. Alimonti

Alimonti Law Offices, P.C.
White Plains, NY

Pierre G. Armand

U.S. Department of Justice
New York, NY

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Miami, FL

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Eleventh Circuit*
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*U.S. District Court,
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Hon. Shira A. Scheindlin

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Sylvius Von Saucken

The Garretson Firm
Resolution Group, Inc.
Cincinnati, OH

Robert A. Wells

Norfolk Southern
Norfolk, VA

David F. Williams

*Cadwalader, Wickersham
& Taft LLP*
Washington, DC

Karen Woodward

*Sedgwick, Detert, Moran &
Arnold LLP*
Los Angeles, CA

PROGRAM INFORMATION

THURSDAY, JANUARY 27, 2011

4:00 pm – 6:00 pm

- Registration

4:30 pm – 6:00 pm

- Committee Meetings
As scheduled by your Committee

6:00 pm – 7:30 pm

- Welcome Reception

FRIDAY, JANUARY 28, 2011

6:00 am – Noon

- Registration

6:00 am – 7:30 am

- Breakfast

6:30 am – 7:30 am

Ethics Session—CLE

Conquering Ethical Moguls and Icy Black Diamonds

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: Frederick P. Alimonti

Panelists: John M. Barkett, Nathaniel Cade, Jr., Andrew J. Maloney

7:30 am – 7:45 am

Welcome/Program Kickoff

7:45 am – 9:15 am

Plenary Session—CLE

In-House Counsel Panel: The New Normal—Litigation Management and Budgeting

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: Byron K. Mason

Panelists: Evelyn H. Brantley, Larra Call

Waldmann, Susan A. Manardo, David L. Smiga

9:15 am – 9:30 am

- Coffee Break

9:30 am – 10:45 am

Plenary Session—CLE

What You Don’t Know Can Hurt You: The Latest Developments All Litigators Need to Know

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 *Twombly* and *Iqbal* 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.

Moderator: John B. Isbister

Panelists: Hon. Rosemary Barkett, James M. Beck, Dinita L. James, Sylvius Von Saucken

Continued...

PROGRAM INFORMATION

10:50 am – Noon

Product Liability Breakout—CLE

Understanding Medical Monitoring Damages

This panel will discuss the strategic, legal and factual issues relating to medical monitoring damages claims, including the state of the law and 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

Panelists: Neil R. Marder, Dana Taschner

10:50 am – Noon

Environmental Breakout—CLE

The Intersection of Environmental and Bankruptcy Law

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

Panelists: Pierre G. Armand, Steven D. Cook, M. Natasha Labovitz

4:00 pm – 5:15 pm

■ Committee Meetings

As scheduled by your Committee

5:15 – 6:15 pm

Young Lawyers Breakout – CLE

Thinking Ahead: The Difference Between Winning and Losing Your Case

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. Riegler

Panelists: Larra Call Waldmann, John A. Earnhardt, Anthony Tarricone

6:15 pm – 7:00 pm

■ Young Lawyer & In-House Counsel Reception

7:00 pm – 10:00 pm

■ Dinner Event

SATURDAY, JANUARY 29, 2011

7:00 am – Noon

- Registration

7:00 am – 8:00 am

- Breakfast

7:30 am – 8:45 am

Plenary Session—CLE

Crisis Response and Management

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

**Panelists: Otway B. Denny, Jr.,
Hon. Barbara M.G. Lynn, Anthony Tarricone,
Robert A. Wells**

9:00 am – 10:15 am

Plenary Session—CLE

CAFA: 2005 and Beyond

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, panelists will provide an update on significant recent cases, as well as emerging issues that are the subject of current litigation.

Moderator: Linnea Brown

**Panelists: George Diaz-Arrastia, Hon. Shira A.
Scheidlin, David J. Vendler**

10:15 am – 10:30 am

- Coffee Break

10:30 am – 11:45 am

Mass Torts Breakout—CLE

What to Do When Your Case Becomes A Mass Tort

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 procedure and management of cases spanning multiple jurisdictions.

Moderator: Karen Woodward

Panelists: Ralph A. Campillo, Paul D. Rheingold

10:30 am – 11:45 am

Products Liability Breakout—CLE

Products Liability Year in Review

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.

Panelists: B. Shawan Gillans, Deborah E. Lewis

GENERAL INFORMATION

Registration

The registration fee allows registrants to attend all CLE programs. In addition, the fee includes program materials, continental breakfasts and admission to the Welcome Reception on Thursday evening, and the Young Lawyer & In-House Counsel Reception on Friday.

The deadline for advance registration is **Friday, January 14, 2011**. Registration will take place on-site after this date.

On-site registration will take place during the following hours:

Thursday, January 27, 2011

4:00 pm – 6:00 pm

Friday, January 28, 2011

6:00 am – Noon

Saturday, January 29, 2011

7:00 am – Noon

For information regarding registration, please contact Svetlana Kramarova Battaglin, at (312) 988-6247. To register on-line, visit the seminar's website at www.abanet.org/litigation/jointcle-seminar

Registration Cancellations

Requests for refunds must be made in writing and received no later than **Friday, January 14, 2011**, in the ABA Section of Litigation office. Please fax or email your request to Svetlana Kramarova Battaglin, at (312) 988-6234 or kramaros@staff.abanet.org. A \$50 administrative fee will be deducted from the refund. **Cancellations received after January 14, 2011 will not be refunded**; however, the Section will gladly accept substitutions for those unable to attend.

Airline Information

There are (3) convenient airports for your air transportation arrangements:

- **Eagle County Regional Airport (EGE)** is located 70 miles from Aspen/Snowmass and

is serviced by four airlines, with nonstop connecting flights from 12 cities during the winter, and connecting service from cities throughout North America and the world.

- **Aspen's Sardy Field (ASE)**, located just three miles from Aspen and eight miles from Snowmass Village, is the most conveniently located ski resort airport in the world. Aspen Airport is currently serviced by United Express, Frontier Airlines, and Delta Connection with up to 200 flights per week offering reliable, same-day connections from points across the globe.
- **Denver International Airport (DEN)** is a scenic three-and-a-half hour drive to Snowmass Village.

The American Bar Association has launched an online travel site where you can receive ABA discounts from a variety of carriers and purchase low fare tickets. ABA Online Travel can be accessed at www.abanet.org/travel/onlineTravel.html. Reservations can also be made with the ABA Orbitz for Business agent at (877) 222-4185.

Ground Transportation

The Silvertree Hotel offers complimentary airport shuttle service from Aspen's Sardy Field (ASE); please call from the transportation services kiosk at the airport.

Colorado Mountain Express offers door-to-door shared ride shuttles and private car services from Denver International Airport and Eagle County Regional Airport. An unsurpassed safety record, flexible schedules, impeccably maintained vehicles, and courteous, friendly drivers let you sit back, relax and take in the breathtaking Rocky Mountain scenery. Visit www.ridecme.com or call (800) 525-6363 for more information.

Gray Line luxury ground transportation service, the Official Ground Transportation Partner of Aspen/Snowmass, is available from Denver International Airport and Eagle Airport to Aspen/

GENERAL INFORMATION

Snowmass. The year-round operation features scheduled non-stop motor coach service with VIP check-in at Gray Line's concierge facility at DIA, guaranteed window/aisle seating, GPS tracking, on-board entertainment, and customized amenities.

Visit www.ridegrayline.com or call (877) 277-3690 for more information.

Hotel Information

All programs will take place at the Silvertree Hotel. The deadline to reserve rooms at the discounted rate of \$249.00 (plus 12.8% tax) is **Tuesday, December 28, 2010**. To make your reservation and receive our group rate at the Silvertree Hotel, please call (970) 923-8214 or (800) 525-9402 and refer to the ABA Section of Litigation 2011 Joint CLE Seminar. The Silvertree Hotel is located at 100 Elbert Lane, Snowmass Village, CO 81615. Please be aware that our room block may fill before the deadline.

Individuals with guaranteed reservations must cancel their reservations 21 days prior to the scheduled day of arrival to avoid a two-night cancellation charge.

Additionally, the Winter X Games 14 will be held on Buttermilk Mountain in Aspen January 27–30, 2011, and are free to the public. **We recommend that you make your room reservations early as sleeping rooms will be at a premium.** For more information, please visit <http://espn.go.com/action/xgames/winter/2010/index>.

Childcare

The focal point of the new Snowmass base village development is the two-story Treehouse Kids' Adventure Center, which offers a family-friendly climbing gym, teen activities, kids' retail, and a host of themed rooms for ages 8 weeks and older. For more details please visit <http://www.aspensnowmass.com/snowmass/treehouse.cfm>. We highly recommend advanced

registration to facilitate your first day experience by visiting <http://www.aspensnowmass.com/store/lessons/default.cfm> or calling toll-free (877) 282-7736 or (970) 923-1227.

Services for the Disabled

If special arrangements are required for an individual to attend this seminar, please contact Svetlana Kramarova Battaglin at (312) 988-6247.

MCLE Credit

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of CLE. Certificates of Attendance will be available at the conclusion of the program for both attendees and speakers. Please call Svetlana Kramarova Battaglin at (312) 988-6247 two to three weeks prior to the seminar for questions pertaining to the number of credit hours requested.

Program Materials

Attendees can access program materials online two weeks before the seminar. Section of Litigation Members can continue to access the materials after the seminar at www.abanet.org/litigation/prog_materials/.

Reach Us through the Web

For information regarding the ABA Section of Litigation Environmental, Mass Torts and Products Liability Litigation Committees and all program updates, please visit the Section of Litigation website at www.abanet.org/litigation/jointcseminar.

Activities

There are many winter activities in Snowmass Village. Please check with the concierge at the Silvertree Hotel or visit www.silvertreehotel.com for more information.

THANK YOU

A special thank you to **LexisNexis** and **Navigant Consulting, Inc.**
for their continuing support of the ABA Section of Litigation.

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The ABA Environmental, Mass Torts and Products Liability Litigation Committees would like to thank the following sponsors for their generous support of the 2011 CLE Seminar:

Alston & Bird LLP

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Kasowitz, Benson, Torres & Friedman LLP

Nelson Mullins Riley & Scarborough, LLP

Robinson & Cole LLP

Shook, Hardy & Bacon L.L.P.

Sedgwick, Detert, Moran & Arnold LLP

The Committees would also like to thank Megan Baroni, Karen Crawford, Linda Monica, Catherine Riegle, and Karen Woodward 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.



REGISTRATION FORM

2011

ABA Section of Litigation

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

JANUARY 27-29, 2011 • The Silvertree Hotel • Snowmass, CO

REGISTRATION DEADLINE: **FRIDAY, JANUARY 14, 2011**

Name _____ ABA Membership Id# _____
(As it should appear on badge) (The number is above your name on the mailing label)

Company/Affiliation _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Email _____
(Providing your email allows you to receive communications and promotions from the ABA and its entities)

Accompanying Spouse/Guest _____
(As it should appear on badge)

Are you a "Young Lawyer" (Age 35 or Younger?) Y N Special Dietary Needs _____

REGISTRATION FEES

	Online	Mail/Fax
Section of Litigation Members	\$425	\$475
ABA Members	\$565	\$615
Government/Academic/Public Service	\$275	\$325
Young Lawyers (age 35 or younger or in practice less than 5 years)	\$275	\$325
Non-ABA Members	\$705	\$755
<input type="checkbox"/> I am an ABA Member and would like to join the Section for \$55	\$480	\$530

TICKETED EVENTS

	Event Fee	Qty.	Total
Thursday, January 27, 2011 Welcome Reception	No charge	_____	\$ \$0
Friday, January 28, 2011 Young Lawyer & In-House Counsel Reception	No charge	_____	\$ \$0
Friday, January 28, 2011 Dinner Event	\$65/adult	_____	\$ _____
	\$35/child (12 & Under)	_____	\$ _____

For information on skiing and non-skiing activities please visit:
<http://www.abanet.org/litigation/jointcleseminar>

*These rates are only for Section members who fall into these categories.

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT (Please Check One)

Check enclosed for \$ _____ (Payable to American Bar Association, Section of Litigation)

Charge my: American Express Visa MasterCard

Card No. _____ Exp. Date _____

Cardholder's Signature _____

REGISTRATION OPTIONS*

ONLINE (credit card users only)
www.abanet.org/litigation/jointcleseminar

FAX this form to: (312) 988-6234

MAIL this form to:
Svetlana Kramarova Battaglin
ABA Section of Litigation
321 N. Clark Street
Chicago, IL 60654

*Registration will not be processed until payment is received.

For more information regarding
The Section of Litigation, visit our website:
www.abanet.org/litigation





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2011