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- Allen Matkins Leck Gamble Mallory & Natsis LLP
- Bay Area Air Quality Management District
- Brown and Winters
- California Office of the Attorney General
- California State Water Resources Control Board
- Center for Biological Diversity
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- Morrison & Foerster LLP
- San Diego Unified Port District
- San Francisco City Attorney's Office
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An Advanced Conference on

Environmental Resource Litigation

Practical advice on preparing, presenting, and defending environmental and land use cases in California

July 28 & 29, 2008

San Francisco, California

Grand Hyatt San Francisco Hotel

Credits: CA MCLE 9.5 (call about others)

Quick when/where: 8:30 a.m., 345 Stockton Street

Environmental Resource Litigation Conference

July 28 & 29, 2008 | San Francisco, California
Grand Hyatt San Francisco Hotel

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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

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

Sandi L. Nichols, Esq., Program Co-Chair
Allen Matkins Leck Gamble Mallory & Natsis LLP
San Francisco, CA

8:45 Handling the Administrative Enforcement Action

Recent trends and developments in enforcement action; what to expect and how best to respond when the government asserts a claim; voluntary disclosure, internal investigations and privilege issues; agency claims and penalties; potential resolutions

Robert L. Hines, Esq., Program Co-Chair, Moderator

Reed Sato, Director of Office of Environment
California State Water Resources Control Board
Sacramento, CA

Brian C. Bunger, Esq., District Counsel
Bay Area Air Quality Management District
San Francisco, CA

10:15 Break

10:30 The 'Adjudication' of Cleanup and Abatement Orders Under the Water Code Before the Regional and State Water Boards-- A Primer

Christian M. Carrigan, Senior Staff Counsel, Office of Enforcement
California State Water Resources Control Board
Sacramento, CA

James L. Meeder, Esq.
Allen Matkins Leck Gamble Mallory & Natsis LLP
San Francisco, CA

12:00 Lunch (on your own)

1:15 Practical Skills for Crafting and Implementing Effective Litigation Strategies: Developing the Case, Effective Use of Experts and Dealing with the Daubert Test

Investigatory phase: Use of consultants and investigators to conduct historical studies to compile documentary support for cases against potentially responsible parties

Trial preparation: Identifying issues for expert testimony; identifying and hiring experts; confidentiality issues; consulting vs. testifying experts; preparing the report; use of graphics; passing the Daubert test

James H. Colopy, Esq.
Farella Braun + Martel LLP ~ San Francisco, CA

Duane C. Miller, Esq.
Miller, Axline & Sawyer ~ Sacramento, CA

Thomas M. Johnson, P.G., C.H.G., Executive VP, Chief Technical Officer & Principal Hydrogeologist
LFR Inc. ~ Emeryville, CA

2:45 Break

3:00 Creative Ways to Resolve Environmental Litigation- Effective Use of Insurance Coverage and Mediation to Settle Cases

Timothy V.P. Gallagher, Esq.
Gallagher & Gallagher ~ Los Angeles, CA

Duane E. Bennett, Esq., General Counsel/Port Attorney
San Diego Unified Port District ~ San Diego, CA

William D. Brown, Esq.
Brown and Winters ~ Cardiff-by-the-Sea, CA

4:30 Continue the Exchange of Ideas: Reception for Faculty and Attendees Sponsored by Farella Braun + Martel LLP and Allen Matkins Leck Gamble Mallory & Natsis LLP



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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This advanced seminar on environmental litigation will provide participants with a unique opportunity to learn about cutting-edge topics from experienced environmental practitioners, gain valuable perspectives and insights from agency and government lawyers on the front lines of the Clean Water Act, climate change and related enforcement actions, and hear about current cases and practical methods to apply, resolve and fund those actions.

Designed for outside and in-house attorneys, consultants, technical professionals, and local, state and federal agency officials. The program will focus on environmental matters and trends in California and beyond essential to successful litigation.

~ Program Co-Chairs: Robert L. Hines, Esq. and Sandi L. Nichols, Esq.



8:00 Registration and Continental Breakfast

8:30 The Heat is On: Greenhouse Gases and Climate Change Litigation

Effective use and defense of climate change issues in the context of the California Environmental Quality Act, the National Environmental Protection Act and the Endangered Species Act; what petitioners are looking for and what respondents are doing

Sandi L. Nichols, Esq., Program Co-Chair, Moderator

Ken Alex, Esq., Supervising Deputy Attorney General California Office of the Attorney General ~ Oakland, CA

Kassie Siegel, Esq.

Staff Attorney, Climate, Air, and Energy Program Director Center for Biological Diversity ~ Joshua Tree, CA

Michael H. Zischke, Esq.

Cox, Castle & Nicholson LLP ~ San Francisco, CA

10:00 Break

10:15 Clean Water Act Citizen Suits: Liability is "Strict", So What's Left to Discuss?

Initial strategies after receiving 60-day notice factual and documentary investigation; procedural issues; bifurcation of liability and penalty bases; summary judgment motions; elements of a settlement/consent decree

Sandi L. Nichols, Esq., Program Co-Chair, Moderator

Michael R. Lozeau, Esq.

Law Office of Michael R. Lozeau ~ Alameda, CA

Christopher J. Carr, Esq.

Morrison & Foerster LLP ~ San Francisco, CA

12:00 Evaluations and Adjourn

Upcoming Seminars:

Shoreline Permitting & Development	Aug. 8, 2008	Boston, MA
TMDLs in the Pacific Northwest	Aug. 11-12, 2008	Seattle, WA
NEPA & Hawai'i EIS Law	Aug. 15, 2008	Honolulu, HI
Air Quality Regulation in Florida	Sept. 15-16, 2008	Tampa, FL
CEQA & NEPA	Sept. 26, 2008	Santa Monica, CA
Wetlands	Oct. 23-24, 2008	Seattle, WA
Model Toxics Control Act	Nov. 5, 2008	Portland, OR
Land Use Impacts on Global Warming	Nov. 10-11, 2008	Boston, MA
Natural Resource Damages Litigation	Nov. 20-21, 2008	Newark, NJ

See more at www.lawseminars.com



Registration & Other Conference Information

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Fax the registration form to us at: 206-567-5058

Email us at: registrar@lawseminars.com

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$795 with a group rate of \$695 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For students and people in their job for less than a year, our rate is \$397.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

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, July 22, 2008.

After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Grand Hyatt San Francisco Hotel at 345 Stockton Street in San Francisco, CA 94108. Call the hotel directly at (415) 398-1234 for sleeping room reservations at the special negotiated rate of \$279/night and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits:

Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 9.5 California MCLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$805. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Environmental Resource Litigation Conference

Robert (Buzz) L. Hines, *Program Co-Chair*, partner and chair of Farella Braun + Martel LLP's Environmental Department, represents clients in complex governmental and private litigation and enforcement actions, including state and federal Superfund actions, natural resource damage claims, air and water actions, and multi-media agency proceedings. He is listed in *The International Who's Who of Environmental Lawyers*.

Sandi L. Nichols, *Program Co-Chair*, partner at Allen Matkins Leck Gamble Mallory & Natsis LLP, focuses on environmental and land use matters and litigation. She represents ports, oil companies, developers and commercial landowners in CEQA, Clean Water Act, CERCLA and state hazardous waste matters.

Ken Alex, Supervising Deputy Attorney General in the Environment Section of the California Office of Attorney General and head of the Office's Global Warming Unit, worked on the energy task force. *California Lawyer* named him "Attorney of the Year" for his work in energy and environmental law.

Duane E. Bennett, General Counsel and Port Attorney for the San Diego Unified Port District, advises and represents the Board of Port Commissioners and District departments and staff in legal matters related to the Brown Act, conflicts of interest, environmental, public contract, employment, real estate, planning and maritime laws.

William D. Brown, partner at Brown and Winters, specializes in environmental law and focuses on representing cities and redevelopment agencies. He drafted and sponsored numerous California environmental statutes and testified before the Senate and Assembly Toxics Committees.

Brian C. Bunger, District Counsel for the Bay Area Air Quality Management District, is principal manager for all legal affairs of the BAAQMD, includ-

ing enforcement actions pursued by the District, counsel on regulatory and administrative law and counsel to the District's Executive Officer, Board of Directors and Advisory Council.

Christopher J. Carr, partner at Morrison & Forester LLP, focuses on natural resources law, including forestry, agriculture, endangered species, water quality, fisheries, land use and real property law. He has experience litigating under the Endangered Species Act and the Clean Water Act.

Christian M. Carrigan, recently joined the Office of Enforcement at the State Water Resources Control Board as Senior Staff Counsel. Previously, he was in private practice, where he specialized in land use and environmental law, with emphasis in litigation and administrative advocacy.

James H. Colopy, partner at Farella Braun + Martel LLP's Environmental Law Department and Business Litigation Group, focuses on environmental and commercial litigation and alternative dispute resolution proceedings.

Timothy V.P. Gallagher, founder of Gallagher & Gallagher, focuses on environmental law, including air, water, toxic substances, mining, Superfund, CEQA and hazardous waste issues. He designed, negotiated, documented and closed a large environmental liability transfer arrangement on behalf of California in the matter of *Iron Mountain Mines*.

Thomas M. Johnson, is Executive Vice President, Chief Technical Officer and Principal Hydrogeologist for LFR Inc., an environmental consulting firm. He is past President and serves on the Board of Directors of the California Groundwater Resources Association.

Michael R. Lozeau of the Law Office of Michael R. Lozeau, focuses on non-profit and public interest clients in water quality, land use, endangered species and other environmental law.

James L. Meeder, partner at Allen Matkins Leck Gamble Mallory & Nastis LLP, practices civil and criminal trial and appellate work, including complex civil and criminal environmental cases.

Duane C. Miller, partner at Miller, Axline & Sawyer and specialist in toxic torts, contributed to the "Toxic Torts and Environmental Litigation" section for the *California Environmental Law and Land Use Practice Guide* and was named "California Environmental Attorney of the Year".

Reed Sato is Director of the Office of Enforcement for the California State Water Resources Control Board. He was lead counsel in three underground storage penalty cases in the U.S., including *People v. Atlantic Richfield Company*. He also specialized in environmental contamination litigation under the federal Superfund law.

Kassie Siegel, Staff Attorney and Climate, Air and Energy Program Director at the Center for Biological Diversity, develops and implements campaigns for reducing greenhouse gas pollution and protecting animals threatened by global warming.

Michael H. Zischke, partner in Cox, Castle & Nicholson LLP's Land Use Group, focuses on CEQA and land use litigation and compliance. He co-wrote *Practice Under the California Environmental Quality Act* and represented San Bernardino County in the first climate change CEQA lawsuit and resulting settlement with the Attorney General's Office. He was named in Chambers and Partners as one of the state's top attorneys in both land use and environmental law.

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San Francisco, California

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Who Should Attend:

Attorneys, consultants, technical professionals, and local, state and federal agency officials and other professionals in environmental litigation

You Will Learn About:

- Trends and developments in enforcement action
- The 'Adjudication' of cleanup and abatement orders under the water code before the regional and state water boards- a primer
- Practical skills for crafting and implementing effective litigation strategies
- Creative ways to resolve environmental litigation
- Effective use and defense of climate change issues in litigation
- Strategies and procedural

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