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The Sixth Annual Advanced Conference on

Natural Resource Damages

New developments and best strategies

November 15 & 16, 2010

Newark, New Jersey

Hilton Newark Penn Station Hotel

If you cannot attend - Live Webcast Available for this program

Credits: NJ CLE pending (call about others)

Quick when/where: 8:30 a.m., Gateway Center at Raymond Boulevard

Natural Resource Damages Conference

November 15 & 16, 2010 | Newark, New Jersey
Hilton Newark Penn Station Hotel

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10NRDNJ WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview
Ira Gottlieb, Esq., Program Co-Chair
 McCarter & English, LLP ~ Newark, NJ
Stephen T. Parkinson, Esq., Program Co-Chair
 Groff Murphy, PLLC ~ Seattle, WA

8:45 Elements of Federal Claims Under CERCLA, CWA and OPA
Loren R. Dunn, Esq.
 Riddell Williams P.S. ~ Seattle, WA

9:30 Elements Raising the Possibility of Private Party Lawsuits and Claims
 Recovering economic losses; private nuisance in groundwater cases for reduction in drinking water supplies; tribal claims for loss of fishing
Scott E. Kauff, Esq.
 Law Offices of John K. Dema ~ Rockville, MD

10:15 Break

10:30 Defenses to Natural Resource Damages Claims by Trustees and Private Parties
James A. Bruen, Esq.
 Farella Braun + Martel LLP ~ San Francisco, CA

11:15 Insurance Coverage For NRD Claims
 Policy type considerations; triggers for coverage; damages; exclusions and defenses; settlement implications
Ira Gottlieb, Esq., Program Co-Chair
Peter J. Mintzer, Esq.
 Cozen O'Connor ~ Seattle, WA

12:00 Lunch (on your own)

1:15 What's Next in NRD?
 Future trends and developments
Brian D. Israel, Esq.
 Arnold & Porter LLP ~ Washington, DC

1:45 The NRD Assessment Process and Making More Effective Use of Collaborative Assessments: A Hypothetical Situation
 Update on the nuts and bolts
Stephen T. Parkinson, Esq., Program Co-Chair
 Recent developments in cooperative assessment processes in Portland Harbor, Newark Bay and other sites around the country
Stephen T. Parkinson, Esq., Program Co-Chair, Moderator
Mark Barash, Esq., Senior Attorney
 U.S. Department of the Interior ~ Boston, MA
Rachel DelVecchio, Senior Associate
 Industrial Economics, Incorporated ~ Cambridge, MA

3:15 Break

3:30 Restoration Banking, Habitat Equivalency, and Other Innovative Settlement Strategies
 Restoration Banking: Evolving trustee perspectives on upfront restoration, how it works; how credit system might be established
Michael Parkes, Senior Managing Ecologist
 Great Ecology and Environments, Inc. ~ New York, NY
 Case study on the use of ADR techniques at Hylebos Waterway near Tacoma; economic incentives for PRPs to construct compensatory wetlands and trade credits for excess ecological value
William J. Hengemihle, Managing Director
 LECG, LLC ~ Wayne, PA
 Land preservation and restoration; current issues in settlements; quantifying damages; settlement case studies
Michael Catania, Esq., President
 Conservation Resources Inc. ~ Chester, NJ

5:00 Continue the Exchange of Ideas: Reception for Attendees and Faculty Sponsored by McCarter & English, LLP and Groff Murphy, PLLC



About the Conference

LAW SEMINARS INTERNATIONAL

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Natural Resource Damage litigation is at the cutting edge of environmental law. NRD claims in state and federal courts across the United States, and associated state statutory and common law claims, present complex strategic, tactical and substantive issues for both natural resource trustees and potentially responsible parties.

What are the latest trends in NRD law? What are the limits of NRD claims? What legal principles will trustees rely upon? How will trustees use statutes to avoid recent federal and state NRD decisions? How can trustees and responsible parties best position themselves during the natural resource injury assessment process? What are the most effective (and least effective) NRD claims? What are the most effective (and least effective) defenses to NRD claims? How are NRD injuries monetized? What are the best strategies and tactics to handle large, complex NRD litigation? What innovative strategies are available for settling NRD claims?

These and other questions will be discussed at this conference. Our faculty is drawn from senior environmental leaders across the country. They come from affected industry, federal and state government, nationally recognized plaintiff and defense firms, and environmental and economic consultant practices directly involved in the precedent-setting NRD lawsuits resolved in the last five years.

Serious environmental practitioners will not want to miss this event.

~ Program Co-Chairs: Ira Gottlieb, Esq. and Stephen T. Parkinson, Esq.



8:00 Continental Breakfast

8:30 Economics of NRD: Are the Numbers Appropriate?

Processes for evaluating claims; economic methodologies; use surveys; update on DOI regulations; random utility models; conjoint analysis

Rick Dunford, Ph.D., Owner
Environmental Economics Services, LLC ~ Raleigh, NC

Jason C. Kinnell, Principal Economist
Veritas Economic Consulting, LLC ~ Cary, NC

Robert E. Unsworth, President
Industrial Economics, Incorporated ~ Cambridge, MA

9:45 Break

10:00 Applying Rule 702: Key Daubert Issues in NRD Cases and Tips for Preparing Experts

The use of Daubert to challenge NRD experts and theories

Ann Al-Bahish, Esq.
Jackson Gilmour & Dobbs, PC ~ Houston, TX

Eric G. Lasker, Esq.
Hollingsworth LLP ~ Washington, DC

11:00 Litigation Watch: Lessons from NRD Cases and Claims From Around the Country

A survey of cases with implications for NRD litigation

Patricia M. Dost, Esq.
Pearl Legal Group PC ~ Portland, OR

11:30 Update on the Gulf Oil Spill

How will the issues considered over the past two days play out regarding the Gulf Spill and natural resource damage?

Robert (Buzz) L. Hines, Esq.
Farella Braun + Martell LLP ~ San Francisco, CA

12:00 Lunch (on your own)

1:15 In-House Perspectives on Managing Complex NRD Cases

Ira Gottlieb, Esq., Program Co-Chair, Moderator

Bernard J. Reilly, Esq., Corporate Counsel
E. I. du Pont de Nemours and Company ~ Wilmington, DE

David S. Rifkind, Esq., Vice President and General Counsel
Buzzi Unicem USA, Inc. ~ Bethlehem, PA

John Stillmun, Esq., Assistant General Counsel
FMC Corporation ~ Philadelphia, PA

2:30 Passaic River Developments

Developments related to the Passaic River litigation and other litigations

William J. Jackson, Esq.
Jackson Gilmour & Dobbs, PC ~ Houston, TX

Update on cleanup activities; developments with respect to NRD and other perspectives on future developments

William H. Hyatt, Jr., Esq.
K&L Gates LLP ~ Newark, NJ

3:30 Evaluations and Adjourn

Upcoming Seminars:

Table with 3 columns: Seminar Title, Date, Location. Includes seminars like 'Energy in the Northeast', 'Utility Rate Case', 'Solar and Wind Energy Development in Arizona', etc.

See more at www.lawseminars.com



Registration & Other Conference Information

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

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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 \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. 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, November 9, 2010. 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 Hilton Newark Penn Station Hotel at Gateway Center at Raymond Boulevard in Newark, NJ 07102. Call the hotel directly at (973) 622-5000 for reservations at the special negotiated rate of \$219 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits: NJ CLE credits are currently pending. 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 course materials (either a binder or searchable CD), is available for \$1005. The course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

Faculty: Natural Resource Damages Conference

Ira Gottlieb, *Program Co-Chair*, partner at McCarter & English, LLP, focuses on environmental litigation, NRD assessments, Superfund surface water sediment and other site remediation matters, and insurance coverage on behalf of policyholders.

Stephen T. Parkinson, *Program Co-Chair*, partner at Groff Murphy, PLLC, focuses on environmental law including contaminated properties, cleanup and cost recovery actions under Superfund law, NRD claims, and stormwater and wetlands issues. He has been named by *Washington CEO Magazine* as one of "Washington's Most Amazing Attorneys" and is listed as a "Super Lawyer."

Ann Al-Bahish, of counsel at Jackson Gilmour & Dobbs, PC, focuses on environmental and commercial litigation. She has represented clients in environmental claims including CERCLA, Texas Solid Waste Disposal Act and state common law claims.

Mark Barash, Senior Attorney with the U.S. Department of the Interior, focuses on development of NRD policies and case approaches. He manages claims of national significance, such as Hudson River PCBs and Passaic River/Newark Bay Complex, along with other CERCLA NRD cases, oil spills, and National Park Service 19jj claims covering a 13-state region.

James A. Bruen, partner at Farella Braun + Martell LLP, specializes in representation of industry, universities and governmental institutions in domestic and international products and environmental counseling and litigation. He was an Enforcement Attorney for the FCC, an Assistant U.S. Attorney for the Northern District of California, and is named by *Chambers* as one of the top 7 environmental lawyers in the country.

Michael Catania is President and founder of Conservation Resources Inc., a non-profit conservation group which provides financial and technical assistance to the conservation community in New Jersey. Previously he was Deputy Commissioner of the New Jersey Department of Environmental Protection.

Rachel DelVecchio, Senior Associate at Industrial Economics, Incorporated, focuses on the science behind NRD assessment, the generation of supporting evidence for environmental litigation, and the application of technical information to support environmental policy and regulation.

Patricia M. Dost, partner at Pearl Legal Group PC, practices environmental and natural resources law, focusing on problems of hazardous and toxic waste, water quality and endangered species. She is listed in *Best Lawyers* and *Chambers*, and was named one of Oregon's Super Lawyers.

Rick Dunford, Ph.D. is the owner of Environmental Economics Services, LLC, a consulting firm specializing in NRD assessment. He specializes in groundwater and recreation damages, and was co-founder of Triangle Economic Research.

Loren R. Dunn, principal at Riddell Williams P.S., and Chair of the Environmental and Natural Resources Group, handles projects involving hazardous waste and large multi-party toxics cleanup sites, water sediment sites and NRD claims. He was named one of "75 Top Business Lawyers" by *Seattle Business Monthly* magazine, is listed in *Chambers*, and is a "Super Lawyer."

William J. Hengemihle, Managing Director at LECG, LLC, provides arbitration and mediation for environmental cleanup, restoration projects and NRD claims at urban rivers and waterways. He worked as a mediator for NRD claims at the Hylebos Waterway portion of the Commencement Bay Nearshore/Tideflats Superfund Site.

Robert (Buzz) L. Hines, partner at Farella Braun + Martell LLP and Chair of the Air Quality and Climate Change group, represents clients in complex governmental and private litigation and enforcement actions, including state and federal cost recovery actions, NRD claims, air and water, and hazardous waste actions. He is listed in *Best Lawyers*.

William H. Hyatt, Jr., partner at K&L Gates LLP, concentrates on environmental law and related litigation, with extensive Superfund experience. He is listed in *Chambers* and *Euromoney's Guide to the World's Leading Environmental Lawyers*.

Brian D. Israel, partner at Arnold & Porter LLP, specializes in environmental litigation and counseling, including contaminated properties, toxic tort lawsuits and NRD claims. He wrote the "Natural Resource Damages" chapter in the *Environmental Law Practice Guide*.

William J. Jackson, founder of Jackson Gilmour & Dobbs, PC, is lead counsel in environmental and commercial litigation matters, including state and federal Superfund sites and NRD and remediation claims.

Scott E. Kauff, of counsel at the Law Offices of John K. Dema, focuses on environmental and toxic torts litigation, and environmental counseling, including prosecuting and defending NRD claims.

Jason C. Kinnell, Principal Economist at Veritas Economic Consulting, LLC, specializes in the application of environmental economic analysis to 316(a) & (b) compliance strategies, restoration evaluation and planning, NRD assessments and exposure assessments.

Eric G. Lasker, partner at Hollingsworth LLP, specializes in environmental and toxic tort litigation. He has litigated issues involving Daubert, the federal preemption defense, and NRD claims, and is experienced in international law and the defense of environmental terrorism claims.

Peter J. Mintzer, member in the Global Insurance Group at Cozen O'Connor, and Co-Head of the Environmental Practice, focuses on representation of insurers in property and casualty insurance coverage claims, particularly environmental, construction defect and professional liability claims.

Michael Parkes, Senior Ecologist at Great Ecology and Environments, Inc., focuses on urban and landscape ecology, habitat restoration, ecosystem service evaluations and NRD settlements.

Bernard J. Reilly, Corporate Counsel at E. I. du Pont de Nemours and Company, focuses on Superfund sites, claims for damage to natural resources, contaminated sediments, returning vacant sites back to productive use, and REACH, the European Union law on management of chemicals. He is responsible for ongoing studies of the Passaic River and Newark Bay with the EPA.

David S. Rifkind, Vice President and General Counsel of Buzzi Unicem USA, Inc., was part of the team managing the State of New Mexico v. General Electric Company NRD case. Previously he was at Exide Corporation and General Electric Company.

John Stillmun, Assistant General Counsel at FMC Corporation, focuses on NRD matters.

Robert E. Unsworth, President of Industrial Economics, Incorporated, is an expert in natural resource economics and damage assessment, environmental benefits assessment and environmental policy analysis.

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Gateway Center at Raymond Boulevard
(973) 622-5000

Who Should Attend:

Attorneys, consultants, in-house counsel, corporate managers and all governmental or private practice environmental professionals

You Will Learn About:

- Elements of federal claims under CERCLA, CWA and OPA
- Private party lawsuits and claims
- Defenses to NRD claims by trustees and private parties
- Insurance coverage for NRD claims
- The NRD assessment process and making more effective use of collaborative assessments
- Restoration banking, habitat equivalency, and other innovative settlement strategies
- Economics of NRD
- Applying Rule 702: Key Daubert issues in NRD cases
- NRD cases and claims from around the country
- In-house perspectives on managing complex NRD cases
- The Gulf Oil Spill case study
- Passaic River developments
- What's next in NRD?

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