The Seventh Annual Advanced Conference on

Natural Resource Damages

Once again, in-house, private, and government attorneys, trustees, industry executives, risk managers, and consultants will gather in D.C. to discuss best strategies for your NRD case.

March 1 & 2, 2018
Washington, District of Columbia
Arnold & Porter Kaye Scholer LLP Conference Center

Credits: 10.50 WA CLE credits | 12.00 NJ CLE credits (call about others)
Quick when/where: 8:30 a.m., 601 Massachusetts Avenue, NW

Featuring Speakers From:
- American College of Environmental Lawyers
- Arnold & Porter Kaye Scholer LLP
- Beveridge & Diamond PC
- BP America Inc.
- Cardno, Inc.
- ECONorthwest
- Exponent, Inc.
- Farella Braun + Martel LLP
- Hogan Lovells US LLP
- Honeywell International Inc.
- Kanner & Whiteley LLC
- McCarter & English LLP
- National Oceanic and Atmospheric Administration
- Stoel Rives LLP
- The Askman Law Firm LLC
- The Dow Chemical Company
- U.S. Department of the Interior
- U.S. Department of Justice
- University of Wisconsin

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Name: ________________________________
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For which state(s)? ________________________________
Register my colleague:
Name: ________________________________
Email: ________________________________
What type of credits do you need? ________________________________
For which state(s)? ________________________________
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City: ___________________________ State: _____ Zip: ________
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If you cannot attend in person, check boxes to order:
☐ Live Homestudy
☐ Webcast
☐ Homestudy Replay
☐ Course Materials

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18NRDDC WS
Thursday, March 01, 2018

8:00 Registration Opens

8:30 Introduction & Overview

Brian D. Israel, Esq., Program Co-Chair
Arnold & Porter Kaye Scholer LLP ~ Washington, DC

Ira M. Gottlieb, Esq., Program Co-Chair
McCarter & English LLP ~ Newark, NJ

8:45 Special Opening Address: Policy Priorities at the DOJ's Environment and Natural Resources Division (ENRD)

How the Department will be approaching NRD claims, investigations, and litigation

Jeffrey H. Wood, Esq.
Acting Special Assistant Attorney General for ENRD
U.S. Department of Justice ~ Washington, DC

9:15 The Future of NRD: Federal Trustee Perspectives

How the trustees see the current challenges and opportunities

Chauncey Kelly, Esq., Chief, Natural Resources Section
National Oceanic and Atmospheric Administration
Silver Spring, MD

John Rudolph, Esq., Attorney-Advisor
U. S. Department of the Interior ~ Washington, DC

10:15 Break

10:30 Portland Harbor: Strategic Insights from One of the Nation's Largest On-Going NRD Assessments (NRDA)

Strategic questions related to cooperative assessments, restoration and remedial planning, overlapping trusteeship and other issues

Loren R. Dunn, Esq.
Beveridge & Diamond PC ~ Seattle, WA

Joan P. Snyder, Esq.
Stoel Rives LLP ~ Portland, OR

11:30 The Baseline Imperative: From Regulations to State of the Practice

Why it is critical to assess both regulatory and scientific aspects? Why is it often overlooked? What is the role of climate change?

Paul D. Boehm, Ph.D., Group VP, Principal Scientist
Exponent, Inc. ~ Maynard, MA

Denise Kay, Ph.D.
Principal Lead, Natural Resource Technology
University of Wisconsin ~ Milwaukee, WI

12:15 Lunch (on your own)

1:30 In-House Perspectives on Strategies to Make NRD More Efficient

Thomas Byrne, Esq., Chief Environmental Counsel
Honeywell International Inc. ~ Morristown, NJ

Peter C. Wright, Esq., Managing Counsel
The Dow Chemical Company ~ Saginaw, MI

2:45 State and Tribal Perspectives on Pursuing NRD Claims

Will state and Tribal trustees be more inclined, and have the resources, to take the lead in pursuing claims? Are there potential conflicts with federal trustees and how may they be addressed?

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

Hilary C. Tompkins, Esq.
Hogan Lovells US LLP ~ Washington, DC

3:45 Break

4:00 Leading Government Officials and In-House Counsel Discuss NRD Regulatory Reform

An idea whose time has come?

John Carlucci, Esq., Assistant Solicitor
U. S. Department of the Interior ~ Washington, DC

Jean Martin, Esq., Senior Counsel, HSSE
BP America Inc. ~ Houston, TX

Craig R. O’Connor, Esq.
Section Chief and Special Counsel for Natural Resources
National Oceanic and Atmospheric Administration
Seattle, WA

5:30 Continue the Exchange of Ideas: Dinner & Reception for Attendees and Faculty

Sponsored by Arnold & Porter LLP and McCarter & English LLP

About the Conference

Among the results of the 2016 presidential election were shifts in federal environmental policy and resulting shifts in state and Tribal environmental policy that will influence trustee approaches towards assessment and recovery of natural resource damages. This year’s Advanced NRD Conference in D.C. will examine the existing and potential changes, and provide critical information so that NRD stakeholders may be better able to adapt. We’ll look at these issues from the perspectives of federal trustees, state and Tribal trustees, responsible parties, and others affected by natural resource damages cases.

At this moment of transition, the D.C. Advanced NRD Conference will also provide a forum to explore the past successes, challenges and opportunities of the NRD legal regime, including ideas for making the NRD practice more efficient and effective. The Conference will also address the critical strategic and tactical aspects of NRD litigation. We’ll have a case study of the Portland Harbor site, which is a large on-going NRDA with some innovative approaches being tried. Baseline is often overlooked, but there are some very interesting developments now that we’re in an era of big data and climate change-related claims. There also are new developments in the integration of science and economics to reduce uncertainty in evaluating NRD claims. In terms of putting the pieces together, we’ll have an engaging presentation from two accomplished trial attorneys on how to prepare an NRD case for trial by putting a good story together.

We’ll wrap up with a look at what issues are likely to be coming over the horizon for NRD litigation. It’s a particularly important year for the conference and we hope you’ll join us for the program and a special dinner with our nationally renowned faculty on Thursday evening to continue the conversation and meet others in the field.

Register soon to reserve your place.

Program Co-Chairs ~ Ira M. Gottlieb, Esq. of McCarter & English LLP and Brian D. Israel, Esq. of Arnold & Porter Kaye Scholer LLP
8:30 Introduction to Day 2

Brian D. Israel, Esq., Program Co-Chair
Ira M. Gottlieb, Esq., Program Co-Chair

8:45 Science and Economics: A New, Integrated Approach to NRDA

Changing paradigms: Integrating science and economics to find better ways of dealing with uncertainty in resolving NRDA claims and moving the case towards resolution in what is necessarily a public process

Robert Haddad, Ph.D.
Group VP - Environmental & Earth Sciences
Exponent, Inc. ~ Menlo Park, CA

Adam Domanski, Ph.D., Economist
ECONorthwest ~ Seattle, WA

Theodore Tomasi, Ph.D.
Vice President and Director of National Practices
Cardno, Inc. ~ Newark, DE

10:15 Break

10:30 Practical Tips from Top Environmental Litigators for Preparing for an NRD Trial

Creating an NRD narrative through tools for gathering evidence and persuading the jury; this interactive panel will present some of the latest learnings from recent NRD and other environmental trials

James A. Bruen, Esq.
Farella Braun + Martel LLP ~ San Francisco, CA

Allan Kanner, Esq.
Kanner & Whiteley LLC ~ New Orleans, LA

12:00 Special Closing Address: The Past, Present & Future of NRD

A view from the former Special Assistant Attorney General for the Department of Justice’s Environment and Natural Resources Division

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

12:30 Evaluations and Adjourn

Related Seminars & Webcast Replays:

Environmental Trials: October 16-17, 2017, Washington, DC
Tribal NRD Assessments: December 4, 2017, Seattle, WA
SEPA & NEPA: January 10, 2018, Seattle, WA
Citizen Suits: February 2, 2018, Seattle, WA

Registration & Other Conference Information

Tuition: Regular tuition for in-person or webcast attendance for this program is $995 with a group rate of $895 each for two or more registrants from the same firm. For government employees and Trial members, we offer a special rate of $745. 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 Friday, February 23, 2018. 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 Arnold & Porter Kaye Scholer LLP Conference Center at 601 Massachusetts Avenue, NW in Washington, DC 20001-3743. There are a number of nearby hotels, so it’s best to use your favorite hotel-booking site to pick the one that’s right for you at a good price.

Continuing Education Credits: Live credits: This program qualifies for 12.00 New Jersey and 10.50 Washington CLE 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 three business days after the seminar or from the date we receive payment.
Ira M. Gottlieb, Program Co-Chair, is a partner at McCarter & English LLP where he leads the Environment & Energy Practice Group. His work includes large multi-party superfund sites around the country including the Berry’s Creek Study Area and Portland Harbor.

Brian D. Israel, Program Co-Chair, chairs the Environmental Practice Group at Arnold & Porter Kaye Scholer LLP and is one of the nation’s leading attorneys for NRD claims. He served as lead counsel to BP for the Deepwater Horizon NRD claim and was one of the trial attorneys representing BP at the Deepwater Horizon Clean Water Act penalty trial.

Jeffrey H. Wood, Special Address, is the Acting Special Assistant Attorney General for the Environment and Natural Resources Division (ENRD) at the U.S. Department of Justice. Previously, he served as the Republican staff director for the U.S. Senate sub-committee on clean air, nuclear safety, water and wildlife. He also was environmental counsel for senator Jeff Sessions.

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

Paul D. Boehm, Ph.D., is Corporate Vice President & Principal Scientist at Exponent, Inc. He is a leading recognized expert in the fields of natural resource damage assessments and claims involving hazardous waste and large multi-party toxics cleanup sites, including marine and fresh water sediments sites, landfills, and natural resource damages claims.

Robert Haddad, Ph.D., is the Group Vice President & Principal Scientist - Environmental & Earth Sciences for Exponent, Inc. 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).

Allan Kanner, Kanner & Whiteley LLC, represents the State of New Jersey against ExxonMobil in a major natural resource damages case. In addition, he represented the State of Louisiana in the Deepwater Horizon Horizon oil spill litigation.

Denise Kay, Ph.D., is the Principal Lead for Natural Resource Technology at the University of Wisconsin. She is the author of more than 30 peer-reviewed published journal articles on topics of wildlife chemical exposure, food-chain transfer, environmental toxicology, contaminant absorption, and bioavailability.

Chauncey Kelly is Section Chief in the Natural Resources Section for NOAA’s Office of General Counsel.

Jean Martin is Senior Counsel, HSSE, in the Legal Department of BP America Inc.

Ann Michelle Morrison, Ph.D., is Senior Managing Scientist at Exponent, Inc. She has over 20 years of experience evaluating the relationship between anthropogenic contamination and health effects to aquatic life and humans.

Craig R. O’Connor is Section Chief and Special Counsel for the Natural Resources Section, Office of General Counsel, National Oceanic and Atmospheric Administration. He provides legal advice to the National Marine Fisheries Service and the National Ocean Service, and seeks monetary restitution from responsible parties for injuries caused to natural resources.

John Rudolph is Attorney-Advisor at the U.S. Department of the Interior in the Office of the Solicitor, Division of Parks and Wildlife, Branch of Environmental Restoration.

Joan P. Snyder is a partner at Stoei Rives LLP. She advises clients on all aspects of state and federal cleanups, including the defense of natural resource damages claims and has been involved in the Portland Harbor NRDA.

Theodore Tomasi, Ph.D. is Vice President and Director of National Practices at Cardno, Inc. Before beginning his consulting career, he served on the faculties of the University of Minnesota, University of Michigan, and Michigan State University teaching and doing research on methods for valuing natural capital.

Hilary C. Tompkins has expansive experience representing chief executives in the public sector at the tribal, state, and federal level. From 2009 to 2017, she served in the presidentially appointed, Senate-confirmed position of Solicitor for the U.S. Department of the Interior (DOI) - the agency responsible for the management and conservation of public lands, natural and wildlife resource programs, and the trustee for Native American tribes.

Peter C. Wright is Managing Counsel at The Dow Chemical Company.