



**LAW SEMINARS
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The Ninth Annual Advanced DC Conference on Litigating
Natural Resource Damages

Including a special panel on Deepwater Horizon after 10 years

December 10 & 11, 2020

Via Interactive Online Broadcast

All Times are Eastern Standard Time

Agenda—Day 1

8:00 Registration Opens

8:30 Introduction & Overview

Brian Israel, Esq., *Program Co-Chair*
Arnold & Porter ~ Washington, DC
Ira M. Gottlieb, Esq., *Program Co-Chair*
McCarter & English ~ Newark, NJ

8:45 Special Opening Address: Environmental Law and the New Decade -- A View from the U.S. Department of Justice

A discussion of current environmental policy priorities at the Environment and Natural Resources Division (ENRD) including how the DOJ is approaching NRD claims and litigation

Jonathan D. Brightbill, Esq., *Principal Deputy Assistant Attorney General*
U.S. Department of Justice ~ Washington, DC

9:15 The Federal Trustee Perspectives -- Challenges and Opportunities

Two federal agencies, NOAA and DOI, are responsible for bringing most federal NRD claims. In this question-and-answer session, senior representatives from both agencies will address their current docket, priorities and related topics

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 Special Address on Ecological Restoration: Planning for Success

The Hon. Garret Graves, (R) Louisiana
U.S. House of Representatives ~ Washington, DC

11:00 The State Perspective

States maintain their own NRD programs, sometimes in collaboration and often independent of federal efforts: What are the recent trends in state NRD policy and enforcement?

Susan Boyle, *Senior Consultant*
GEI Consultants ~ Mt Laurel, NJ

Andrew O. Guglielmi, Esq., *Senior Attorney*
New York Department of Environmental Conservation
Albany, NY

Shawn M. LaTourette, Esq.,
Deputy Commissioner for Legal & Regulatory Affairs
New Jersey Department of Environmental Protection
Trenton, NJ

Marc A. Rollo, Esq.
Archer & Greiner ~ Haddonfield, NJ

12:30 Lunch Break

1:45 Deepwater Horizon 10 Years Later: Lessons Learned for Restoration Planning

This year marks the 10th anniversary of the Deepwater Horizon incident and 5 years since the historic NRD settlement was announced: What lessons have been learned for restoration planning?

Trudy D. Fisher, Esq.
Butler Snow ~ Ridgeland, MS

Samuel W. (Billy) Plauche, IV, Esq.
Plauche & Carr ~ Seattle, WA

Lois J. Schiffer, Esq., *General Counsel (retired)*
NOAA ~ Washington, DC

R. Cooper Shattuck, Esq.
Cooper Shattuck LLC
Tuscaloosa, AL

3:15 Break

3:30 Ecosystem Restoration -- New Legal and Scientific Approaches for the Next Decade

Rachel Jacobson, Esq.
Wilmer Cutler Pickering Hale and Dorr ~ Washington, DC

Mark S. Laska, Ph.D., *CEO and President*
Great Ecology ~ New York, NY

4:15 NRD Case Management: Priorities and Pitfalls from a Company Perspective

Mary Draves, Esq., *VP and Chief Sustainability Officer*
The Dow Chemical Company ~ Midland, MI

Jean Martin, Esq., *Senior Counsel - Litigation & Regulatory*
BP America ~ Houston, TX

5:30 Virtual Reception for Faculty and Attendees

Gather in our Virtual Hotel Lobby space to connect with colleagues, meet new people, and talk about what is happening in the NRD litigation world

Agenda—Day 2

8:30 The Storm is Brewing -- Climate Change, Extreme Weather and NRD

Record heat, droughts, wildfires, flooding, and sea level rise: how NRD lawyers and practitioners should incorporate extreme weather events and sea level rise in NRD assessments and restoration planning

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

Mary Capdeville, Esq.
Attorney at Law ~ Helena, MT
Natalie Cosentino Manning,

Restoration Program Manager, SW Region
NOAA Natl Marine Fisheries Service ~ Santa Rosa, CA
Susan C. Paulsen, Ph.D., P.E.,
Principal Scientist & Practice Director
Exponent ~ Pasadena, CA

10:30 Break

10:45 **On Remedies and Restoration -- How Current Superfund Reforms are Impacting Natural Resource Damages Cases**

Amanda G. Halter, Esq.
Pillsbury Winthrop Shaw Pittman ~ Houston, TX

11:15 **When All Else Fails -- How to Litigate and Win NRD Cases**

While most NRD cases settle, a surprising number of NRD cases have proceeded to trial over the last 10 years: Trial attorneys -- representing both trustees and defendants -- will share their secrets to winning

John C. Cruden, Esq., Moderator
Beverage & Diamond ~ Washington, DC
Sarah Peterman Bell, Esq.
Farella Braun + Martel ~ San Francisco, CA
David G. Mandelbaum, Esq.
Greenberg Traurig, LLP ~ Philadelphia, PA
Elizabeth B. Petersen, Esq.
Kanner & Whiteley ~ New Orleans, LA

12:30 Evaluations and Adjourn

Who Should Attend

In-house, private, and government attorneys; trustee representatives; senior executives and risk managers; consultants and others who are involved in natural resource damage policy, assessments, and claims

About the Conference

The Annual Advanced NRD Conference in D.C. is the premier national conference for exploring developments in NRD policy and enforcement. As such, this year, we will feature numerous presentations from federal and state policymakers, including two exciting keynote presentations: one from Jeffrey B. Clark, Assistant Attorney General for ENRD, on federal policy priorities, and a second from Representative Garret Graves (R-Louisiana) on restoration planning. Beyond these presentations, we will have two panels that will explore federal and state priorities related to NRD claims, featuring senior government officials from the Department of Interior, NOAA, and multiple states. In addition, in recognition of the 10th year anniversary of the Deepwater Horizon incident, this year we will explore lessons learned for implementing ecological restoration. Our conference will also include several other important panels -- featuring lead-ing practitioners in the field -- on such topics as climate change, company perspectives and trial preparation. As we have for the last 9 years, this conference will bring together a diverse, high-level faculty including in-house counsel, government lawyers, private practitioners and experts. We are particularly proud to announce that this year approximately half of our faculty are women.

We hope you will join us for this extraordinary and important event. As a participant in the conference, you are also invited to join us for a dinner reception on Thursday evening. This annual reception provides an excellent opportunity to continue the dialogue with our esteemed faculty as well as enjoy meeting, or re-connecting with, other NRD professionals from across the country.

~ **Ira M. Gottlieb, Esq.** of McCarter & English and
Brian Israel, Esq. of Arnold & Porter,

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For Tribal members and government employees, 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 program sessions and course materials. Make checks payable to Law Seminars International.

As a value added bonus, participants will receive access to audio and video recordings at no extra charge.

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, December 4, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 11.0 CA, 10.75 LA, 12.5 NJ, 12.5 NY, 10.75 TX, and 10.75 WA MCLE credits. It also qualifies for 10.75 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Ira M. Gottlieb, *Program Co-Chair*, is a Partner at McCarter & English and Practice Group Leader of the Firm's Environment & Energy Practice Group. He previously served as an Assistant Regional Counsel for the United States Environmental Protection Agency, Region III.

Brian D. Israel, *Program Co-Chair*, is a Partner at Arnold & Porter and chair of the firm's Environmental Practice Group. He served as lead counsel to BP in relation to the Deepwater Horizon NRD claim and as one of the trial attorneys at the Deepwater Horizon Clean Water Act penalty trial.

The Hon. Garret Graves (R) Louisiana, *Special Address*, represents Louisiana's Sixth Congressional District in the U.S. House of Representatives. He has been very active in remediation efforts after Deepwater Horizon.

John C. Cruden, *Moderator*, is a principal at Beverage & Diamond. He previously served as a senior leader on environment and natural resource matters at the United States Department of Justice.

Sarah Peterman Bell is a partner at Farella Braun + Martel. She focuses her practice on environmental and natural resources litigation. The bulk of her expertise involves cases relating to natural resources such as groundwater, surface water, sediments, air, and soil.

Paul D. Boehm, Ph.D., is Group VP & Principal Scientist at Exponent, Inc. He focuses on ecological effects from chemical exposures.

Susan Boyle, Senior Consultant at GEI Consultants previously served as Assistant Commissioner for Site Remediation for the New Jersey Department of Environmental Protection.

Jonathan D. Brightbill is Principal Deputy Assistant Attorney General in the Environment & Natural Resources Division of the U.S. Department of Justice. His responsibilities include supervision of the Department's Environmental Defense Section, which represents the United States in complex civil litigation arising under a broad range of pollution control statutes.

Mary Capdeville assists the Legal Pathways to Deep Decarbonization Pro Bono Project. She was recently awarded an LLM in Global Environment and Climate Change Law from the University of Edinburgh, Scotland. She previously represented the State of Montana in natural resource damage actions.

Natalie Cosentino Manning is the Restoration Program Manager for the NOAA Natl Marine Fisheries Service's SW Region. She has managed teams to assess the impacts of oil spills such as Cosco Busan, Deep Water Horizon, and Refugio and has managed restoration programs in the Great Lakes and Northern California.

Mary Draves is *VP and Chief Sustainability Officer* for the Dow Chemical Company.

Trudy D. Fisher is a partner at Butler Snow. She formerly served as the head of Mississippi's Department of Environmental Quality.

Andrew O. Guglielmi is Senior Attorney, Office of General Counsel for the New York State Department of Environmental Conservation.

Amanda G. Halter is a partner at Pillsbury Winthrop Shaw Pittman. Her environmental practice includes groundwater contamination and contaminated site matters.

Rachel Jacobson is special counsel to Wilmer Cutler Pickering Hale and Dorr. She formerly held senior positions at DOJ, DOI, and DOD.

Chauncey Kelly is Section Chief for the Natural Resources Section at the National Oceanic and Atmospheric Administration.

Mark S. Laska, Ph.D., is CEO and President of Great Ecology. His expertise includes ecological habitat restoration and NRD banking.

Shawn M. LaTourette is Deputy Commissioner for Legal & Regulatory Affairs at the New Jersey Department of Environmental Protection.

David G. Mandelbaum is Co-Chair of the Environmental Practice at Greenberg Traurig.

Jean Martin is Senior Counsel - Litigation & Regulatory at BP America. She was one of BP's leads in the Deepwater Horizon case.

Susan C. Paulsen is a Principal Scientist & Practice Director at Exponent. She provides scientific and strategic consultation on matters involving Superfund (CERCLA) and Natural Resources Damages (NRD). She also has expertise designing and implementing field and modeling studies of dilution and analyzing the fate and transport of organic and inorganic pollutants.

Elizabeth B. Petersen is a member of Kanner & Whiteley. She primarily focuses on environmental litigation, including NRD.

Samuel W. (Billy) Plauche, IV, Plauche & Carr, represents the State of Louisiana in the Deepwater Horizon case and served as chair of the Trustee Council.

Marc A. Rollo is Chair of the Environmental Law Department at Archer & Greiner.

John Rudolph is Attorney-Advisor for the Restoration Program at the U.S. Department of the Interior.

Lois J. Schiffer is General Counsel (retired) for the National Oceanic and Atmospheric Administration.

R. Cooper Shattuck, Cooper Shattuck LLC, He previously served as Chief Legal Advisor to the Governor of Alabama during the aftermath of the Deepwater Horizon oil spill.