



# LAW SEMINARS INTERNATIONAL

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## *The 13th Annual Advanced Conference on Litigating Natural Resource Damages – Santa Fe*

*Best strategies and tactics to handle large, complex NRD cases today*

August 20 & 21, 2020 | Santa Fe, NM

Via Zoom

### *Agenda—Day 1*

8:30 Registration Opens

9:00 Introduction & Overview

**Sarah Peterman Bell, Esq.**, *Program Co-Chair*  
Farella Braun + Martel ~ San Francisco, CA

**William J. Jackson, Esq.**, *Program Co-Chair*  
Kelley Drye & Warren ~ Houston, TX

9:15 **Special Opening Addresses: Current Federal Environmental Policy and the Implications for Future Recovery of Natural Resource Damages**

Trump Administration rollback of federal environmental protections, including the switch from mandatory to voluntary Clean Air Act compliance in response to the Covid-19 epidemic, and the efforts by state and local governments to maintain protections

**John C. Cruden, Esq.**  
Beveridge & Diamond ~ Washington, DC

**John Pendergrass, Esq.**,  
*Vice President, Research and Policy*  
Environmental Law Institute ~ Washington, DC

10:15 Break

10:30 **The Arc of NRD Cases: The Last 40 Years**

A data driven analysis of the history of NRD cases since the passage of CERCLA, the number of sites, litigated matters, restoration recoveries across the country, and indications for the future of NRD

**Barbara J. Goldsmith**, *Executive Director*  
Ad-Hoc Industry Natural Resource Management Group  
Washington, DC

11:00 **Progress Report: The Gold King Mine Case 5 Years Later**

Case study of the lasting cultural and regional impacts from the Gold King Mine Spill

**Robert E. Unsworth**, *Principal*  
Industrial Economics, Incorporated ~ Cambridge, MA

11:30 **Ecosystem Restoration: Deepwater Horizon After 10 Years**

Lessons for early resolution and restoration efforts and the interplay with regulatory reform

**Brian Israel, Esq.**

12:00 Lunch (on your own)

1:15 **An Holistic Look at an NRD Subject Area: Perfluorinated Chemicals (PFCs): "Forever Chemical" Contamination of Surface Waters, Groundwater Resources, Sediments, and Other Natural Resources**

Perspectives on the national scope of PFAS litigation, the status of regulations and NRD activity across the country, and natural resource injuries and damages models

**William J. Jackson, Esq.**, *Program Co-Chair, Moderator*

**Kaylene Ritter, Ph.D.**, *Principal Scientist*

Abt Associates ~ Boulder, CO

**Shawn M. LaTourette, Esq.**, *Chief of Staff*

New Jersey Department of Environmental Protection

Trenton, NJ

**Robert A. Bilott, Esq.**

Taft Stettinius & Hollister ~ Cincinnati, OH

**Michael A. Olsen, Esq.**

Mayer Brown ~ Chicago, IL

3:00 Break

3:15 **An Holistic Look (cont'd): Global Warming, Fire, and Rain**

Perspectives on national and local impacts from global warming, fires, and extreme weather, and considerations regarding potential liability and damages for NRD

**Sarah P. Bell, Esq.**, *Program Co-Chair, Moderator*

**Craig R. O'Connor, Esq.**,

*Special Counsel for Natural Resources*

National Oceanic and Atmospheric Administration

Seattle, WA

**Katherine Palmquist, Ph.D.**, *Managing Scientist*

Exponent, Inc. ~ Bellevue, WA

**Christine Lee**, *Senior Technical Consultant*

Industrial Economics, Incorporated ~ San Francisco, CA

**Corrie Yackulic, Esq.**

Sher Edling ~ San Francisco, CA

5:00 **Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees**

Grab your favorite beverage and snack for a moment of comradery and a less structured discussion of what is happening in the NRD world

### *Agenda—Day 2*

9:00 **Federal Liability as a PRP**

The unique and often difficult issues that arise when the federal government is both a trustee and a responsible party in natural resource damages and federal contamination cases

**Annie Maxfield, Esq.**, *Assistant General Counsel*

New Mexico Environment Department ~ Santa Fe, NM

The government contractor defense and issues of federal sovereign immunity

**John D.S. Gilmour, Esq.**

Kelley Drye & Warren ~ Houston, TX

Technical aspects of government operator liability cases under state and federal law

**A. J. Gravel**, *Senior Managing Director*

FTI Consulting ~ Bethesda, MD

10:15 Break

10:30 SCOTUS Update

Implications for NRD of the Hawaii case on discharges to groundwater and the Montana ARCO smelter case on whether CERCLA bars individual landowners from suing for additional cleanup funds

**John T. Dema, Esq.**

Law Offices of John K Dema ~ Christiansted, VI

**Ira Gottlieb, Esq.**

McCarter & English ~ Newark, NJ

### 11:30 Common Law Claims for NRD

Marching into the void resulting from lack of federal action on climate change and other global issues: Novel theories of liability being advanced in local level litigation to address global problems and their interplay with NRD claims

**Ashley Campbell, Esq.**

SL Environmental Law Group ~ Concord, NH

**Donald E. Sobelman, Esq.**

Farella Braun + Martel ~ San Francisco, CA

### 12:30 Evaluations & Adjourn

#### *Who Will Benefit from Attending*

In-house and private attorneys, consultants, corporate managers, Tribal and governmental representatives, and others who are involved in natural resource damage claims

#### *How You Will Benefit*

This year the Santa Fe NRD conference will open with John Cruden and John Pendergrass discussing the impact on NRD of the Trump Administration's rollback of federal environmental protections and the efforts by state and local governments to maintain protections. NRD recovery and restoration has evolved significantly since passage of CERCLA and we'll take a big picture look at the trend lines, and implications for the future of NRD.

This year marks the 5th anniversary of the Gold King Mine spill and the 10th for Deepwater Horizon. We'll have case study updates for lessons learned from the response to those events.

At the cutting edge of NRD, we have Perfluorinated "Forever" Chemicals (PFCs) as an emerging major source of contamination. Also emerging are damages from wildfires, glacial melting, and ocean warming due to climate change. You'll have an opportunity to hear from subject area experts in both of those topic areas.

Our second day focuses on three nitty-gritty litigation topic areas. One is the unique and often difficult issues that arise when the federal government is both a trustee and a responsible party. The second is a SCOTUS update on pending and recently decided NRD cases. We'll finish with novel common law theories of liability being advanced in local level litigation to address global problems and their interplay with NRD claims

You will hear from, interact with, and receive practical tips from leading NRD experts from around the country. We hope you'll be able to join us for the best and longest-running NRD program in the country.

~ Sarah P. Bell, Esq. of Farella Braun + Martel and

William J. Jackson, Esq. of Kelley Drye & Warren, Program Co-Chairs

#### *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 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, food and beverages at breaks, and course materials. Make checks payable to Law Seminars International.

As an added bonus, you'll 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, August 14, 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 9.20 NM MCLE, 9.25 WA MCLE, and 9.25 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

**Sarah Peterman Bell**, Program Co-Chair, is a partner at Farella Braun + Martel focusing on environmental and natural resources litigation.

**William J. Jackson**, Program Co-Chair, is co-chair of the National Environmental Law practice group at Kelley Drye & Warren.

**John C. Cruden**, Special Address, 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.

**John Pendergrass**, Special Address, is Vice President for Research and Policy at the Environmental Law Institute.

**Robert A. Bilott** is a partner at Taft Stettinius & Hollister. He brought the very first PFAS environmental exposure case in 1999 and is the author of "Exposure" which served as the basis for the recently released movie "Dark Water".

**Ashley Campbell**, SL Environmental Law Group, focuses her practice on complex environmental contamination litigation.

**John T. Dema**, Law Offices of John K Dema, represents plaintiffs in complex environmental cases.

**John D.S. Gilmour** co-chairs the Environmental Litigation section at Kelley Drye & Warren.

**Barbara J. Goldsmith** is the Executive Director of the Ad-Hoc Industry Natural Resource Management Group.

**Ira M. Gottlieb** is a Partner at McCarter & English and Practice Group Leader of the Firm's Environment & Energy Practice Group.

**A. J. Gravel** is a Senior Managing Director in FTI Consulting Inc. He is the co-practice leader of the Environmental Solutions Practice and heads the Forensic History and Analysis group.

**Brian D. Israel** 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.

**Shawn M. LaTourette** is Chief of Staff for the New Jersey Department of Environmental Protection.

**Christine Lee** is a Senior Technical Consultant at Industrial Economics, Incorporated. Her current work focuses on monetizing economic and natural resources damages to public entities due to wildfires in the western U.S.

**Annie Maxfield** is Assistant General Counsel for the New Mexico Environment Department. She represents the Department in a variety of water quality-related matters.

**Craig R. O'Connor** is Special Counsel for Natural Resources at the National Oceanic and Atmospheric Administration. He has dealt with NRD issues since the Exxon Valdez oil spill.

**Michael A. Olsen** is co-leader of Mayer Brown's Mass Tort & Product Liability practice. He serves as national counsel for 3M in PFAS chemical litigation and to Union Carbide Corporation with respect to asbestos.

**Katherine Palmquist, Ph.D.**, is a Managing Scientist at Exponent, Inc. She has expertise in ecological risk assessment and natural resource damage assessment (NRDA) at large complex sites.

**Kaylene Ritter, Ph.D.**, is a Principal Scientist at Abt Associates. She is an environmental chemist with expertise in assessing contaminant pathways, fate, and impacts.

**Donald E. Sobelman** is a partner at Farella Braun + Martel. He focuses his practice on helping clients navigate the complexities of federal and California environmental law.

**Robert E. Unsworth** is a Principal at Industrial Economics, Incorporated. He provides expert support in the assessment of economic damages resulting from adverse changes in the environment and of economic benefits associated with environmental regulation.

**Corrie Yackulic**, of counsel to Sher Edling on its climate change cases, focuses on environmental tort cases involving toxic dumping, drinking water contamination, corporate polluting, and catastrophic environmental disaster.