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Practice Section Toxic Torts &
Environmental Law Committee
Uniting Plaintiff, Defense, Insurance, and Corporate
Counsel to Advance the Civil Justice System



25th Anniversary



25TH ANNUAL SPRING CLE MEETING TRENDS IN TOXIC TORTS AND ENVIRONMENTAL LAW: TODAY, TOMORROW AND BEYOND APRIL 7-9, 2016

FEATURING
SPEAKERS FROM:

CARDNO CHEMRISK
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ARIZONA BILTMORE RESORT & SPA
PHOENIX, AZ

AMERICAN BAR ASSOCIATION



WELCOME

Dear Friends and Colleagues:

On April 7-9, 2016, please join us back at the Arizona Biltmore Resort & Spa for the Toxic Tort and Environmental Law Committee's 25th Annual CLE Meeting.

This year, our 25th, we will be featuring one of our most diverse programs with preeminent members of the plaintiff and defense bars from around the country. We are also proud to have leading experts in the toxic tort and environmental field, and in-house and corporate counsel as faculty members. We will host a Welcome Reception the evening of Thursday, April 7th with our colleagues from the Products Liability and Automobile Litigation Committees. On Friday, April 8th, and Saturday, April 9th, our distinguished faculty will deliver outstanding programs focused on timely issues relating to the environment, energy, and mass and toxic torts, including:

- Health Aspects of Nanotechnology and Other Emerging Products and Technology
- Hydraulic Fracturing
- New Developments in Cancer Causation
- Trends and Regulations in Environmental, Construction, Energy, and Food & Drug Law
- The Future Asbestos Litigation
- Legal Ethics of Blogging, Social Media, and Internet Advertising
- Views from the Plaintiffs' Attorney Perspective
- Negotiation Techniques in Toxic Tort and Environmental Cases
- Client and In-House Counsel Panel
- How to Make Presentations More Effective with Jurors, Judges, and Clients

In addition to participating in a great program, you will have plenty of time to enjoy the world-famous Arizona Biltmore Resort & Spa, which offers championship golf on two PGA 18-hole courses, secluded swimming areas, tennis, fitness classes, family activities, wonderful restaurants, and much more. The award-winning spa will help you relax, refresh, and shake off the winter cold. Reservations and tee times can be made now through the Arizona Biltmore Concierge.

The Arizona Biltmore also features fantastic restaurants and cocktails, which afford perfect opportunities to catch up with old friends, and make new ones as well. Bring your family, and start a tradition that will soon become part of your annual planning. Local attractions include horseback riding, hot-air balloon rides, Jeep tours, hiking, sporting events, museums, cultural events, and the Phoenix Zoo.

This is one conference you will not want to miss!

For more information about the TTEL Committee, please visit our website at <http://ambar.org/tipsttel>

REGISTER NOW: SPACE IS LIMITED!

We look forward to seeing you and your family at the Biltmore!

Best Regards,

Deborah A. Smith
Chair, Toxic Torts & Environmental Law
Committee
Gordon & Rees Scully Mansukhani
San Francisco, CA

Edward Casmere
Program Chair
Schiff Hardin LLP
Chicago, IL



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PROGRAM AGENDA



THURSDAY, APRIL 7, 2016

3:00 P.M. – 6:00 P.M.

REGISTRATION

6:00 P.M. – 8:00 P.M.

WELCOME RECEPTION

Joint reception with attendees of the 2016 TIPS Emerging Issues in Motor Vehicle Product Liability Litigation Conference
Sponsored by Exponent

8:00 P.M.

DINNER ON YOUR OWN

FRIDAY, APRIL 8, 2016

7:00 A.M. – 12:30 P.M.

REGISTRATION

7:15 A.M. – 7:45 A.M.

CONTINENTAL BREAKFAST

7:45 A.M. – 7:55 A.M.

WELCOME & PROGRAM OVERVIEW

Deborah A. Smith, *Committee Chair, Toxic Torts & Environmental Law Committee, Gordon & Rees Scully Mansukhani, San Francisco, CA*

G. Glennon Troublefield, *Section Chair, ABA Tort Trial & Insurance Practice Section, Carella, Byrne, Cecchi, Olstein, Brody & Agnello P.C., Roseland, NJ*

7:55 A.M. – 8:00 A.M.

OPENING REMARKS

Edward Casmere, *Program Chair, Toxic Torts & Environmental Law Committee Spring Conference, Schiff Hardin LLP, Chicago, IL*

8:00 A.M. – 8:50 A.M.

NEW DEVELOPMENTS IN MEDICINE, GENETICS, AND CANCER CAUSATION

Toxic tort and environmental lawyers must be up to speed on the medicine and science involved in their cases. This panel will discuss the most recent developments in carcinogenesis, diagnostic techniques, epidemiology, and disease processes involved in toxic tort and environmental litigation.

MODERATOR:
SPEAKERS:

Joshua D. Lee, *Schiff Hardin LLP, Chicago, IL*

James McCluskey, M.D., Ph.D. M.D., MPH, *University of South Florida, Colleges of Medicine and Public Health, Tampa, FL*

Howard Sandler, M.D., *Sandler Occupational Medical Associates, Melville, NY*

8:50 A.M. – 9:40 A.M.

VIEW FROM THE PLAINTIFFS' ATTORNEY PERSPECTIVE: WHAT IS DRIVING LITIGATION TODAY AND WHERE IT IS HEADED

A group of lawyers who file and prosecute cases on behalf of plaintiffs around the country will discuss their views on what types of claims are driving toxic tort and environmental claims today, what may lead to the claims in the future, and how to streamline resolution of these claims.

MODERATOR:
SPEAKERS:

Phyra McCandless, *Gibbs Law Group LLP, Oakland, CA*

Jessica Dean, *Dean Omar Branhan LLP, Dallas, TX*

Scott Hendler, *Hendler Lyons Flores, Austin, TX*

Ellen A. Presby, *Nemeroff Law Firm, Dallas, TX*

Ginger Susman, *Providio MediSolutions, LLP, Greenwood Village, CO*

9:40 A.M. – 10:30 A.M.

EMERGING PRODUCTS AND TECHNOLOGIES: NANOTECHNOLOGY REGULATIONS AND HEALTH ASPECTS

Products and processes that utilize nanotechnology continue to grow and evolve, as do the regulations and questions about nanotechnology's potential health effects. This panel will analyze the latest developments on the technological, regulatory, and health fronts impacting nanotechnology.

MODERATOR:
SPEAKERS:

Tracie Rose, *RHP Risk Management, Chicago, IL*

Dr. John Howard, *NIOSH, Washington, D.C.*

Debra A. Kaden, *Ramboll Environ Inc., Boston, MA*

10:30 A.M. – 10:40 A.M.

BREAK

Sponsored by Cardno ChemRisk

10:40 A.M. – 11:25 A.M.

PRACTICE POINTER: DEAL OR NO DEAL — NEGOTIATION TECHNIQUES IN TOXIC TORT AND ENVIRONMENTAL CASES

One reality of practicing in toxic tort and environmental law in this day and age is that most cases and claims will be negotiated at some point. This panel will address various techniques for increasing the odds that your next negotiation, mediation, or arbitration will be a success.

MODERATOR:
SPEAKERS:

Jennifer S. Kilpatrick, *Swanson, Martin & Bell LLP, Chicago, IL*

Marissa Alkhazov, *Betts, Patterson & Mines, P.S., Seattle, WA*

Eric K. Falk, *Rawle & Henderson LLP, Pittsburgh, PA*

Lester Levy, *JAMS, New York, NY*



11:25 A.M. – 12:25 P.M.

**CLIENT AND IN-HOUSE COUNSEL PANEL:
WHAT KEEPS IN-HOUSE COUNSEL AWAKE AT NIGHT AND
WHAT GETS OUTSIDE COUNSEL REPLACED**

In-house counsel must respond to, and navigate, several different constituencies. A group of esteemed lawyers who hire, fire, and manage outside counsel will discuss what outside counsel need to know about working in-house, what keeps in-house lawyers up at night, and what gets outside counsel into hot water with clients.

MODERATOR:
SPEAKERS:

Aidan Cameron, *McCarthy Tetrault LLP*, Vancouver, B.C.
Marcus Carter, *Shell Oil Company*, Houston, TX
Cynthia Koehler, *Resolute Management, Inc.*, Boston, MA
Lisa J. McCraw, *Deere & Company*, Moline, IL
Sasha M. Reyes, *NiSource*, Merrillville, IN
Stewart S. Richmond, Jr., *RiverStone Claims Management LLC*, Manchester, NH

12:25 P.M. – 1:25 P.M.

LUNCH

Sponsored by Schiff Hardin LLP

1:25 P.M. – 1:30 P.M.

TTEL SERVICE PROJECT RECOGNITION

The TTEL Committee has partnered with the Arizona Lions Club Sight & Hearing Foundation to collect used eyeglasses and hearing aids. At our conference the Arizona Lions Club Sight & Hearing Foundation will be present to accept donations of any kind of prescription or non-prescription glasses (including sunglasses, reading glasses, adult/children's glasses) and any kind of used hearing aids to be donated to the Foundation. Monetary donations may also be made. Conference attendees would be able to get a tax receipt for their donation.

SPEAKER:

Tacie H. Yoon, *Crowell & Moring, LLP*, Washington, D.C.

1:30 P.M. – 2:30 P.M.

**ETHICS: BLOGGING, SOCIAL MEDIA, AND YOUR INTERNET PROFILE
— HOW TO MANAGE IT EFFECTIVELY AND ETHICALLY**

This panel will discuss the potential ethical pitfalls when communicating and marketing online. They will also provide an update of recent ethics decisions from across the country that may impact how you manage your online profile both professionally and personally.

MODERATOR:
SPEAKERS:

Jeffrey M. Pypcznski, *Porzio, Bromberg & Newman*, Morristown, NJ
Randy J. Curato, *Attorney's Liability Assurance Society*, Chicago, IL
Kevin O'Keefe, *Lexblog*, Seattle, WA
Justin A. Zucker, *Ropers Majeski Kohn & Bentley PC*, San Francisco, CA

2:30 P.M. – 3:30 P.M.

**PRACTICE POINTER: HOW YOUR PRESENTATIONS AND
COMMUNICATIONS CAN BE MORE EFFECTIVE WITH TODAY'S
JURORS, JUDGES AND CLIENTS**

Effectively communicating with decision-makers is critical to success in the courtroom and the boardroom. This panel will discuss techniques, tips, and strategies to help you improve your presentations and communicate more effectively with judges, jurors, clients, potential clients, and opposing counsel using today's technology.

MODERATOR:
SPEAKERS:

Barbara B. Ormsby, *Deutsch Kerrigan LLP*, New Orleans, LA
Hon. Teri L. Jackson, *San Francisco County Superior Court*, San Francisco, CA
Paul Jepsen, *DecisionQuest*, Minneapolis, MN
Jani Matsui, *Aiken Welch Court Reporters*, Oakland, CA
Marygrace Schaeffer, *DecisionQuest*, Minneapolis, MN
Elonide Semmes, *Right Hat LLC*, New Orleans, LA

3:30 P.M. – 6:00 P.M.

AFTERNOON ACTIVITES (ON YOUR OWN)

Spa, Pool, Golf, Hiking, and other activities available through the Biltmore Concierge

6:00 P.M. – 7:00 P.M.

WOMEN'S NETWORKING COCKTAIL RECEPTION

Sponsored by Right Hat and Providio MediSolutions

7:00 P.M. – 8:00 P.M.

COCKTAIL RECEPTION – ALL ATTENDEES ARE WELCOME

8:00 P.M.

DINNER — TICKETED EVENT

Celebrating our 25th Anniversary and honoring past Committee Chairs

SATURDAY, APRIL 9, 2016

7:30 A.M. – 8:00 A.M.

CONTINENTAL BREAKFAST

7:30 A.M. – 8:00 A.M.

**TOXIC TORTS & ENVIRONMENTAL LAW COMMITTEE BUSINESS
MEETING (All attendees are welcome)**



8:00 A.M. – 8:45 A.M.

TRENDS IN ENVIRONMENTAL AND CONSTRUCTION REGULATIONS AND LITIGATION

The regulatory and litigation landscapes in construction and environmental law continue to evolve. This panel will analyze the latest trends in environmental and construction-related claims including state and federal regulations and related litigation.

MODERATOR:
SPEAKERS:

Kevin Clonts, *Rizzo Mattingly Bosworth PC*, Portland, OR
Joshua More, *Schiff Hardin LLP*, Chicago, IL
Robyn Prueitt, *Gradient*, Seattle, WA
Jeffrey Talbert, *Preiti Flaherty*, Portland, ME

8:45 A.M. – 9:15 A.M.

FOOD, DRUG, AND GMO-RELATED CLAIMS

Litigation and regulations regarding sugary food and drinks, trans fats, genetically modified organisms, and pharmaceuticals has increased significantly over the last several years. This panel will provide an update on the latest claims, science, and regulations and discuss what issues we can expect to be making headlines in the next several years.

MODERATOR:
SPEAKERS:

Christine D. Calareso, *Selman Breitman LLP*, Santa Ana, CA
Timothy G. Blood, *Blood Hurst & O'Reardon LLP*, San Diego, CA
Brooke Tvermoes, Ph.D., *Cardno ChemRisk*, Boulder, CO

9:15 A.M. – 10:00 A.M.

ERIONITE, TALC AND OTHER NEW POTENTIAL EXPOSURE PATHWAYS & CANCER RISKS

Talc, erionite, and other naturally occurring minerals, have been implicated as potentially carcinogenic to humans. This panel will discuss these new potential exposure pathways and the associated cancer risks that may become the future of toxic tort litigation.

MODERATOR:
SPEAKERS:

Anissa M. Mediger, *Briggs and Moran*, Minneapolis, MN
W. Wylie Blair, *Onder, Shelton, O'Leary & Peterson LLC*, St. Louis, MO
Jennifer Pierce, Ph.D., MS, *Cardno ChemRisk*, Chicago, IL
Matthew S. Sanchez, Ph.D., *RJ Lee Group Inc.*, Monroeville, PA

10:00 A.M. – 10:10 A.M.

BREAK

Sponsored by Cardno ChemRisk

10:10 A.M. – 10:55 A.M.

REGULATORY, COMPLIANCE, AND LITIGATION ISSUES IN THE ENVIRONMENTAL, ENERGY AND FRACKING INDUSTRIES

This panel will discuss the latest developments and trends in environmental compliance, litigation, and regulations in the hydraulic fracturing and energy industries.

MODERATOR:
SPEAKERS:

Mark Probst, *Sandberg Phoenix & von Gontard P.C.*, St. Louis, MO
Alicia Jaeger Smith, *Bates Carey*, Chicago, IL
Paul A. Nony, *CTEH*, Little Rock, AR
Zachary M. Simpson, *Gulfport Energy Corporation*, Oklahoma City, OK

10:55 A.M. – 11:40 A.M.

MASS TORT CLAIMS, PRODUCT TESTING & CAUSATION ISSUES

What type of product testing is necessary to prove, or disprove, causation? This panel will analyze recent causation opinions and summarize the current state of general and specific causation issues that tend to dominate the litigation of toxic and mass torts.

MODERATOR:
SPEAKERS:

Stanley Goos, *Harris Beach, PLLC*, New York, NY
A.J. De Bartolomeo, *Gibbs Law Group, LLP*, Oakland, CA
Daniel I. Jedell, *Harris Beach PLLC*, New York, NY
Michael J. McCabe, Ph.D., *DABT, ATS, Robson Forensic, Inc.*, Philadelphia, PA

11:40 A.M. – 12:40 P.M.

ASBESTOS LITIGATION: STILL GOING AFTER ALL THESE YEARS — WHAT MIGHT THE NEXT 25 YEARS BRING?

Asbestos litigation is the longest running mass tort in the history of the United States. It has been going strong for more than three decades. This panel will discuss where the litigation is headed in the decades ahead.

MODERATOR:
SPEAKERS:

Jonathan M. Lively, *Segal McCambridge Singer & Mahoney*, Chicago, IL
Jennifer Carson, *Governo Law Firm LLC*, Boston, MA
Holly Hempel, *Nelson Mullins Riley & Scarborough LLP*, Atlanta, GA
Christopher Marks, *Sedgwick LLP*, Seattle, WA
Timothy Martin, *Cooney & Conway*, Chicago, IL
Fionna S. Mowat, Ph.D., *Exponent*, Menlo Park, CA

12:40 P.M. – 12:45 P.M.

CLOSING REMARKS

Edward Casmere, *Program Chair, Toxic Torts & Environmental Law Committee Spring Conference, Schiff Hardin LLP*, Chicago, IL

REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS)
25th ANNUAL SPRING CLE MEETING TRENDS IN TOXIC TORTS AND
ENVIRONMENTAL LAW: TODAY, TOMORROW AND BEYOND

APRIL 7-9, 2016 – ARIZONA BILTMORE RESORT & SPA

HOTEL DEADLINE: MARCH 15, 2016
REGISTRATION DEADLINE: MARCH 18, 2016

1. REGISTRANT: *(Please print or type one form per person; photocopy this form for additional registrants)*

LAST NAME FIRST NAME MI

NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE

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WHAT STATE(S) ARE YOU LICENSED IN?

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CITY STATE ZIP

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E-MAIL ADDRESS

Are you attending your first TIPS TTEL Program? ___Yes ___No

Are you a Young Lawyer? ___Yes ___No

___I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

2. REGISTRATION FEES:

	On or Before 03/18/16	After 03/18/16	QTY	TOTAL
Registration Fee per TIPS Member	\$550	\$575	___	___
General Attendee	\$650	\$675	___	___
Insurance Company/ Government Employee	\$400	\$425	___	___
Law Student	\$200	\$200	___	___

3. SOCIAL EVENT TICKETS

	Fee	QTY	TOTAL
4/7 Joint Welcome Reception	Included	___	___
4/8 Cocktail Reception	Included	___	___
4/8 Dinner at Biltmore	\$100	___	___
4/8 Public Service Project	Charitable Donation will be collected on-site!	___	___

4. MATERIALS

I will not be able to attend the 2016 TTEL Spring CLE Meeting, but wish to order a copy of the materials on Flash Drive for \$150

I have registered for the 2016 TTEL Meeting and also wish to order program materials for the 2016 Emerging Issues in Motor Vehicle Product Liability Litigation Meeting

TIPS Member \$85 ___

Non-TIPS Member \$125 ___

5. TOTAL PAYMENT

TOTAL \$ _____

PAYMENT INFORMATION

Check (made payable to the ABA) American Express MasterCard VISA

CREDIT CARD NUMBER EXPIRATION DATE

SIGNATURE

NOTE: We encourage you to register using the online registration link on this form. If you are unable to register online, please use this form to register by mail or fax. In order to protect your credit card information, we do not accept credit card payments via email.

THREE WAYS TO REGISTER

1. ONLINE:
www.americanbar.org/tips

2. MAIL:
25th Annual Spring CLE Meeting
Trends in Toxic Torts and Environmental Law:
Today, Tomorrow and Beyond
American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
Meeting Code: IL0416TTEL
321 North Clark Street, Floor 16
Chicago, IL 60654

3. SECURE FAX
312/988-5850
On-site registrants
must pay the program
fee plus an additional
\$25.00 by check or
credit card

GENERAL INFORMATION:

Hotel Deadline: March 15, 2016

Registration Deadline: March 18, 2016

ADVANCE REGISTRATION

Visit the TIPS website to register at www.americanbar.org/tips or complete the registration form included in this brochure for the **25th Annual Spring CLE Meeting entitled Trends in Toxic Torts and Environmental Law: Today, Tomorrow and Beyond** to be held at the Arizona Biltmore Resort & Spa, Phoenix, AZ. The registration fee includes admission to the program, course materials, continental breakfast, breaks, luncheon and welcome reception. If you wish to have your name appear on the pre-registration list distributed at the program, ALL registration forms must be received no later than the registration deadline of **March 18, 2016**. Registration reservations will be confirmed in writing within 10 business days.

ON-SITE REGISTRATION

On-site registrations will be accepted if space is available and must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **March 18, 2016**. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written notice of cancellation by **March 18, 2016**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

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Online Meeting Event Code DOM: **NMM4N**

*A Travel Profile is required when booking airline reservations with ABA Orbitz for Business, visit www.americanbar.org/travel for more information.

HOTEL INFORMATION

A limited number of rooms have been blocked for program registrants at the Arizona Biltmore, 2400 E. Missouri Avenue, Phoenix, AZ 85016. Hotel reservations can be made by calling 602/955-6600 OR 800/950-0086, the room block will be held until exhausted or until **Tuesday, March 15, 2016 at 5:00 P.M. (CST)**, after that date, reservations will be confirmed based on availability. To receive our special group rate of \$269.00 single/double, identify yourself as attending the ABA Tort Trial & Insurance Practice Section Motor Vehicle & Toxic Tort Program. All rooms are subject to a 12.27% state tax. Hotel check-in is 4:00 P.M. and checkout is 12:00 noon, all reservations must be guaranteed by credit card. Individuals with guaranteed reservations must cancel their reservations 72 hours prior to the scheduled day of arrival in order to avoid a one-night cancellation charge.

CLE CREDIT

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 10.75 CLE credit hours in 60-minute hour states and 12.90 CLE credit hours in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/tort_trial_insurance_practice.html or contact Donald Quarles at Donald.quarles@americanbar.org or (312) 988-5708.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at <http://www.americanbar.org/tips> or call 1-800/285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please submit your request in writing to Felisha Stewart, American Bar Association, 321 N. Clark St., Chicago, IL 60610, or fax to 312/988-6230, no later than **March 18, 2016**.

GET CONNECTED WITH TIPS

Information on this and other TIPS CLE programs is available online at www.americanbar.org/tips. Visit us and get connected!

SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL Reporter, is intended to increase membership involvement in TIPS' activities by minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Michael McCarthy at 312/988-5585.



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