



# Toxic Torts and Environmental Law



Learn from eminent scientists how the peer review process is abused by manipulation and fraud

Interact with two leading jury consultants as they examine juror reaction to scientific evidence

Receive valuable tips from in-house counsel on strengthening your relationship during environmental crises

Observe cutting-edge environmental modeling technology and its impact on the defense of your case

March 23-24, 2017

Sheraton New Orleans Hotel

New Orleans, Louisiana

DRI  
delivers  
**resources**  
to build  
your practice ■



**L**aissez les bons temps rouler! Come to New Orleans to hear from and interact with the finest, most experienced litigators, in-house counsel, judges, jury consultants, and scientists. Learn about and discuss the latest legal, medical, and scientific developments on issues relevant to your toxic torts and environmental litigation practice.



**Carmen R. Toledo**  
Program Chair/Committee Vice Chair



**John S. Guttman**  
Committee Chair



**Stephanie G. Flynn**  
Program Vice Chair



**E. Todd Presnell**  
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Toxic Torts and Environmental Law Committee**  
IN CONJUNCTION WITH THE **American Chemistry Council**



## What You Will Learn

- The latest scientific developments on low-dose, multiple-chemical exposures, and disease causation
- How to evaluate—or attack—“peer reviewed” publications
- How to teach the jury about uncertainty and science
- How to pick your trial story, relying on recent developments in neuroscience and cognitive psychology
- The latest available technology for your practice, from computerized medical records to groundwater modeling



## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App  and  and make use of its features to get the most out of this program
- 5 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Toxic Torts and Environmental Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

## PROGRAM SCHEDULE

### WEDNESDAY, MARCH 22

- 4:00 p.m. **Registration**
- 5:00 p.m. **Speed Networking** (see page 7)
- 6:00 p.m. **Networking Reception**  
SPONSORED BY **King & Spalding**
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

### THURSDAY, MARCH 23

- Boarding Pass Kiosk**  
SPONSORED BY **Ramboll Environ**
- Wireless Access**  
SPONSORED BY **Husch Blackwell LLP**
- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**  
SPONSORED BY **Center for Toxicology and Environmental Health LLC (CTEH)**  
**Quattlebaum Grooms & Tull PLLC**
- 7:00 a.m. **First-Time Attendees Breakfast**  
**John S. Guttman**, *Beveridge and Diamond PC*, Washington, DC
- 8:00 a.m. **Welcome and Introduction**  
**E. Todd Presnell**, *Bradley Arant Boult Cummings LLP*, Nashville, TN  
**Carmen R. Toledo**, *King & Spalding*, Atlanta, GA
- 8:10 a.m. **Is Peer Review a Proxy for Scientific Validity?**  
Peer review, while generally believed to operate as a safeguard against unsupported scientific theories, can be a flawed process that may not detect major scientific shortcomings in published work. This panel will describe the peer review process, examples of its shortcomings, and what practitioners need to know to challenge and defend expert testimony.  
MODERATOR | **Kimberly A. Connick**, *Harris Beach PLLC*, New York, NY

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

 Denotes medical professional

*Click on any speaker name to view bio.*

#### PANEL

-  **Jonathan Benjamin Borak, MD**, *Yale School of Public Health*, New Haven, CT
- David L. Faigman**, *University of California Hastings College of Law*, San Francisco, CA
-  **Charlotte J. Haug, MD, PhD**, *Adjunct Affiliate, Stanford Health Policy*, Oslo, Norway

#### 9:00 a.m. **The Coming Trifecta: Multiple Chemical Exposures with Low Dose Effects Supported by Epidemiology**

Plaintiffs are advocating causation theories that tie adverse effects to several chemicals at very low exposures with little dose-response relationship, while relying on recently published epidemiology studies for support. A veteran risk assessment specialist will explain the aggressive science of multiple, low-dose exposure, and how defense lawyers should manage these claims.

**Timothy P. Pastoor, PhD, DABT**, *Pastoor Science Communications LLC*, Greensboro, NC

#### 9:50 a.m. **Refreshment Break** SPONSORED BY **Burr & Forman LLP**

#### 10:10 a.m. **In with the Old and In with the New: Perspectives from In-House Counsel**

A dynamic panel will define ways to clean up dusty practices and utilize new methods of managing toxic tort litigation, including cost control, defending corporate representative witnesses, and e-discovery and data security/privacy. It's time to tidy up and keep your "in-house" happy.

#### MODERATOR

 **Sneha Desai**, *BASF Corporation*, Florham Park, NJ

#### PANEL

-  **Debbie Carlos**, *Sunoco LP*, Newtown Square, PA
-  **Scott Slater**, *Siemens Corporation*, Alpharetta, GA
-  **Norman A. Varney**, *Lockheed Martin Corporation*, Orlando, FL

11:00 a.m. **Defending Against Today’s Most Significant Trial Threat: “Toxic Soup”**  
 Plaintiff law firms are focusing on “toxic soup” claims, targeting defendants with exposure claims alleging synergistic effects of chemicals that are not adequately regulated. This panel will discuss the tools necessary to counter flimsy causation evidence and the reptile strategy, as well as the impact of the recently amended Toxic Substances Control Act and related EPA regulatory activity.

MODERATOR | **Richard (Rick) G. Morgan**, *Bowman and Brooke LLP*, Minneapolis, MN

PANEL

**Brent D. Kerger, PhD, DABT**, *Exponent Inc.*, Irvine, CA

 **F. Charles (Chip) Marionneau**, *Westlake Chemical Corporation*, Baton Rouge, LA

 **Eric S. Sarnier**, *Praxair Inc.*, Danbury, CT

11:50 a.m. **Diversity Luncheon** (\$40 fee, check box on registration form)

FEATURED SPEAKER | **Charles L. Rice**, *President & CEO, Entergy New Orleans, Inc.*, New Orleans, LA

SPONSORED BY **Cranfill Sumner & Hartzog LLP**  
**Crowell & Moring LLP**  
**Shook Hardy & Bacon LLP**

1:30 p.m. **Science as a Second Language: How to Teach the Jury About Uncertainty and Science**

Comparing the responses of actual mock jurors to those of the audience regarding beliefs and comprehension of research principles, two prominent jury consultants will demonstrate the different ways we evaluate scientific evidence and how trial counsel and experts can use simpler language to explain causation, exposure, and toxicology to jurors.

MODERATOR | **Elizabeth M. Sorenson Brotten**, *Lind Jensen Sullivan & Peterson*, Minneapolis, MN

PANEL

**Robert F. Bettler, Jr., PhD**, *DecisionQuest*, Atlanta, GA

**Christina Marinakis, JD, PsyD**, *Litigation Insights*, Baltimore, MD

3:00 p.m. **Refreshment Break**  
 SPONSORED BY **Barnes & Thornburg LLP**

3:20 p.m. **Character Isn’t a Dirty Word—It’s the Only Word**  
 During this session you will learn how recent developments in neuroscience and cognitive psychology explain why decision makers use stories to decide cases, and why trial attorneys, in turn, must find and present the case that matches the story the decision makers are likely to accept.

**Gary S. Gildin**, *Dickinson Law, The Pennsylvania State University*, Carlisle, PA

**Joseph Myers**, *storyshop films*, Lemont, PA

4:20 p.m. **Adjourn**

4:30 p.m. **Toxic Torts and Environmental Law Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**  
 SPONSORED BY **Gradient**  
**Thompson Hine LLP**

7:30 p.m. **Party at Fulton Alley** (see page 7)

**FRIDAY, MARCH 24**

**Boarding Pass Kiosk**  
 SPONSORED BY **Ramboll Environ**

**Wireless Access**  
 SPONSORED BY **Husch Blackwell LLP**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**  
 SPONSORED BY **Exponent**

7:00 a.m. **Women’s Networking Breakfast**  
 SPONSORED BY **Babst Calland**

8:00 a.m. **Announcements**  
**Stephanie G. Flynn**, *Smith Moore Leatherwood LLP*, Greenville, SC

8:10 a.m. **The Real Nixon Legacy: Ethical Lessons from How *Roe v. Wade* Was Actually Decided**  
 The Nixon Tapes provide an insider’s view of the ethics in the Supreme Court nominee selection process. Nixon’s legacy was his appointments to the Court: Burger, Blackmun, Powell, and Rehnquist. Two would become Chief Justice and would dominate the Court for 36

years. Two, Blackmun and Powell, would fashion arguably one of the most significant opinions in the history of the Supreme Court—*Roe v. Wade*.

**James D. Robenalt**, *Thompson Hine LLP*, Cleveland, OH

9:10 a.m. **Insights from the Bench: Key Issues for Judges and Juries**

A distinguished panel of judges will offer their perspectives and guidance on key issues relating to counsel's preparation for and presentation of cases at trial, including pretrial motions, selection of jurors, presentation of complex scientific and medical evidence, opening and closing, social media's influence, and more.

MODERATOR | **Daniel W. McGrath**, *Hinshaw & Culbertson LLP*, Chicago, IL

PANEL

**The Honorable Madeline H. Haikala**, *United States District Court, Northern District of Alabama*, Birmingham, AL

**The Honorable Clare Elizabeth McWilliams**, *Circuit Court of Cook County*, Chicago, IL

**The Honorable Carlton Reeves**, *United States District Court, Southern District of Mississippi*, Jackson, MS

10:00 a.m. **Refreshment Break**

SPONSORED BY **Jenner & Block**

10:20 a.m. **TECH Talks: Three Fast-Paced Presentations on How Technology Can Help You Develop and Present Your Case**

MODERATOR | **Tracey Keegan Rice**, *Schick & Copeland*, Houston, TX

**Making Discovery and Document Management Work for You**

**Megan L. Pizor**, *Litigation Management Inc.*, Mayfield Heights, OH

**When to Employ Environmental Models in Litigation**

**Samuel A. Flewelling, PhD**, *Gradient*, Cambridge, MA

**Use of Groundwater Models in Litigation: Advantage or Liability?**

**Peter Zeeb, PhD, PG, LSP**, *Geosyntec Consultants Inc.*, Acton, MA

11:30 a.m. **The Hub and Spokes: In-House Counsel at the Center of Environmental Crises**

A single incident can quickly spawn legal battles involving numerous stakeholders and adversaries. In-house counsel often serves as the company's hub, directing a small army of attorneys, experts, PR professionals and other corporate representatives. These panelists will share their experiences, knowledge, and "survival" skills.

MODERATOR | **Jim Wedeking**, *Sidley Austin LLP*, Washington, DC

PANEL

**Richard E. Byrne**, *ExxonMobil Pipeline Company*, Spring, TX

**Thomas Campbell**, *The ServiceMaster Company*, Memphis, TN

**Michelle S. Spak**, *Duke Energy Corporation*, Charlotte, NC

12:20 p.m. **When the "Exposed" Are Bugs and Bunnies: Defending Ecosystem Damage Claims**

Claims alleging ecosystem damages are increasing in frequency, yet defense of these claims is not as developed as human health claims. This panel will discuss strategies for defending against ecological injury claims, both in toxic tort litigation and Natural Resource Damage assessments.

MODERATOR | **Carol M. Wood**, *King & Spalding*, Houston, TX

PANEL

**Judi L. Durda**, *Integral Consulting Inc.*, Annapolis, MD

**Stephen Rahaim**, *E.I. DuPont de Nemours and Company*, Wilmington, DE

1:30 p.m. **Adjourn**

1:30 p.m. **Titans of Toxic Torts and Environmental Law Luncheon** (see page 7)

3:00 p.m. **On-Site Community Service Project** (see page 7)

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

 Denotes medical professional

## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **10.75** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.



A limited number of discounted hotel rooms have been made available at the **Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, LA** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$239 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Toxic Torts and Environmental Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 504.525.2500** and mention the **DRI Toxic Torts and Environmental Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **February 22, 2017**, to be eligible for the group rate. Requests for reservations made after **February 22, 2017** are subject to room and rate availability.

### Registration Policy

**Save \$100 when you register by February 22, 2017.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **March 1, 2017** (please allow 10 days for processing). Registrations received after **March 1, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **March 1, 2017**. Cancellations received after **March 1** and on or before **March 8, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 8** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775, regardless of membership status if received on or before February 22, 2017**. After **February 22**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Toxic Torts and Environmental Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## Hotel Accommodations

## FACULTY *Click on any name to view bio.*

**Robert F. Bettler, Jr., PhD**, DecisionQuest, Atlanta, GA

 **Jonathan Benjamin Borak, MD**, Yale School of Public Health, New Haven, CT

**Elizabeth M. Sorenson Brothen**, Lind Jensen Sullivan & Peterson, Minneapolis, MN

 **Richard E. Byrne**, ExxonMobil Pipeline Company, Spring, TX

 **Thomas Campbell**, The ServiceMaster Company, Memphis, TN

 **Debbie Carlos**, Sunoco LP, Newtown Square, PA

**Kimberly A. Connick**, Harris Beach PLLC, New York, NY

 **Sneha Desai**, BASF Corporation, Florham Park, NJ

**Judi L. Durda**, Integral Consulting Inc., Annapolis, MD

**David L. Faigman**, University of California Hastings College of Law, San Francisco, CA

**Samuel A. Flewelling, PhD**, Gradient, Cambridge, MA

**Stephanie G. Flynn**, Smith Moore Leatherwood LLP, Greenville, SC

**Gary S. Gildin**, Dickinson Law, The Pennsylvania State University, Carlisle, PA

**John S. Guttman**, Beveridge & Diamond PC, Washington, DC

**The Honorable Madeline H. Haikala**, United States District Court, Northern District of Alabama, Birmingham, AL

 **Charlotte J. Haug, MD, PhD**, Adjunct Affiliate, Stanford Health Policy, Oslo, Norway

**Brent D. Kerger, PhD, DABT**, Exponent Inc., Irvine, CA

**Christina Marinakis, JD, PsyD**, Litigation Insights, Baltimore, MD

 **F. Charles (Chip) Marionneaux**, Westlake Chemical Corporation, Baton Rouge, LA

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**Daniel W. McGrath**, Hinshaw & Culbertson LLP, Chicago, IL

**The Honorable Clare Elizabeth McWilliams**, Circuit Court of Cook County, Chicago, IL

**Richard (Rick) G. Morgan**, Bowman and Brooke LLP, Minneapolis, MN

**Joseph Myers**, storyshop films, Lemont, PA

**Timothy P. Pastoor, PhD, DABT**, Pastoor Science Communications LLC, Greensboro, NC

**Megan L. Pizor**, Litigation Management Inc., Mayfield Heights, OH

**E. Todd Presnell**, Bradley Arant Boult Cummings LLP, Nashville, TN

 **Stephen Rahaim**, E.I. duPont de Nemours and Company, Wilmington, DE

**The Honorable Carlton Reeves**, United States District Court, Southern District of Mississippi, Jackson, MS

 **Charles L. Rice**, Entergy New Orleans, Inc., New Orleans, LA

**Tracey Keegan Rice**, Schick & Copeland, Houston, TX

**James D. Robenalt**, Thompson Hine LLP, Cleveland, OH

 **Eric S. Sarner**, Praxair Inc., Danbury, CT

 **Scott Slater**, Siemens Corporation, Alpharetta, GA

 **Michelle S. Spak**, Duke Energy Corporation, Charlotte, NC

**Carmen R. Toledo**, King & Spalding, Atlanta, Georgia

 **Norman A. Varney**, Lockheed Martin Corporation, Orlando, FL

**Jim Wedeking**, Sidley Austin LLP, Washington, DC

**Carol M. Wood**, King & Spalding, Houston, TX

**Peter Zeeb, PhD, PG, LSP**, Geosyntec Consultants Inc., Acton, MA

**View faculty bios on the Toxic Torts and Environmental Law Seminar webpage; click on "View speakers" button.**

## CLE for Your Practice

View all Continuing Legal Education offerings

February 1–3  
**Women in the Law**  
*Omni Scottsdale Resort at Montelucia, Scottsdale, AZ*

February 8–10  
**Product Liability Conference**  
*The Cosmopolitan of Las Vegas, Las Vegas, NV*

March 2–3  
**Construction Law**  
*The Cosmopolitan of Las Vegas, Las Vegas, NV*

March 15–17  
**Trial Tactics**  
*The Venetian Palazzo Resort, Las Vegas, NV*

April 5–7  
**Insurance Coverage and Claims Institute**  
*Loews Chicago Hotel, Chicago, IL*

May 4–5  
**Retail and Hospitality Litigation**  
*Loews Chicago Hotel, Chicago, IL*

May 17–19  
**Employment and Labor Law**  
*Hilton Nashville, Nashville, TN*

## Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at [dri.org](http://dri.org).

**Newsletter *Toxic Torts and Environmental Law*** (4 times a year)  
 Visit the **Toxic Torts and Environmental Law Committee page** on [dri.org](http://dri.org) and for information about the committee and related resources

**Toxic Torts and Environmental Law** focus in *For The Defense*  
**June 2017** (upcoming)  
**April 2016**  
**April 2015**

## NETWORKING EVENTS

**M**eet and mingle with the leading practitioners and experts in the field! Build your profile by attending one or all of these networking activities.

### Wednesday, March 22

5:00 p.m. | **Speed Networking Exercise** | Come ready with your pithy elevator speech and your business cards. This fast-paced exercise will allow you to start new relationships in a fun setting. Please check the box on the registration form to pre-register. *For more information, please contact Bill Hubbard at [Bill.Hubbard@ThompsonHine.com](mailto:Bill.Hubbard@ThompsonHine.com).*

### Thursday, March 23

7:30 p.m. | **Party at Fulton Alley** | Walk to this unique venue and join colleagues and friends for friendly bowling matches and one-of-a-kind networking. *For more information and to pre-register (especially if you want to be on a bowling team!), please contact Kevin Powell at [kpowell@leefutrell.com](mailto:kpowell@leefutrell.com).*

### Friday, March 24

7:00 a.m. | **Women's Networking Breakfast**

1:30–3:00 p.m. | **Titans of Toxic Torts and Environmental Law Luncheon** | This off-site event provides young lawyers with the opportunity to dine with the pioneers of the field and learn what it takes to be a top toxic tort lawyer. Luncheon will take place at a nearby restaurant and is limited to the first 30 attendees. *To register and for more information, please contact Kim Connick at [KConnick@HarrisBeach.com](mailto:KConnick@HarrisBeach.com).*

3:00–5:00 p.m. | **On-Site Community Service Project—Help Our Troops!** | The DRI Toxic Torts and Environmental Law Committee will spend the afternoon working with **Operation Gratitude**. Attendees will assemble stuffed bears for families of deployed troops. Participation is open to all attendees and their families. Please join us! DRI thanks our DRI member firms who raised money to sponsor this worthwhile project. *For more information please contact Liz Brotten at [elizabeth.brotten@lind-jensen.com](mailto:elizabeth.brotten@lind-jensen.com).*

### SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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## DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Committed to Diversity