



DRI delivers **resources** to build your practice

# Toxic Torts and Environmental Law

## Honing Your Practice in an Evolving Landscape

- Learn where the Trump EPA stands at year three and what your clients should expect
- Hear from top trial consultants on millennial jurors and social media tactics
- Discuss the latest developments in trace chemicals litigation and citizen suits
- Network with the country's top environmental and toxic tort lawyers



March 14-15, 2019  
Sheraton New Orleans  
New Orleans, LA

**D**RI is back in the Big Easy with the latest in environmental and toxic tort law to take your practice to the next level. Come to New Orleans to polish your skills with the best lawyers, judges, and experts from across the country. This is the premier gathering for the defense bar, focusing on litigation tactics, science, and regulatory updates, presented in one of America's most enjoyable and hospitable cities.



**William J. (Bill) Hubbard**  
Program Chair and  
Committee Vice Chair



**Carmen R. Toledo**  
Committee Chair



**Kimberly Leue Bick**  
Program Vice Chair



**Melanie C. Lockett**  
Law Institute

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

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## What You Will Learn



- How to combine the craft of storytelling with modern audio-visual techniques
- How to use constitutional law as a sword to challenge state and local environmental regulation
- Settlement strategies for mass torts and their ethical boundaries
- Climate change litigation 2019: A primer on this fast-evolving mass tort
- How European companies view U.S. environmental lawyers and what they need from their counsel

## Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Toxic Torts and Environmental Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



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## PROGRAM SCHEDULE

## WEDNESDAY, MARCH 13

5:00 p.m. **Registration**5:00 p.m. **Speed Networking**

Come ready with your pithy elevator speech and your business cards. This fast-paced exercise will start new relationships in a fun setting.

SPONSORED BY **Bradley Arant Boult Cummings LLP**

6:00 p.m. **Networking Reception**

SPONSORED BY **King & Spalding LLP**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More information coming soon.

## THURSDAY, MARCH 14

**On-Site Community Service Project: Help Our Troops!**

During breaks throughout the seminar, attendees will have the opportunity to work with **Operation Gratitude**. Participants will assemble stuffed bears for families of deployed troops. DRI thanks our member firms which raised money to sponsor this worthwhile project. For more information, please contact Josh Shaw at [JShaw@hedrickgardner.com](mailto:JShaw@hedrickgardner.com). #DRICares

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

SPONSORED BY **Ramboll**

7:00 a.m. **First-Time Attendees Breakfast**

**Carmen R. Toledo**, *King & Spalding LLP*, Atlanta, GA

8:00 a.m. **Welcome and Introduction**

**Melanie C. Lockett**, *Lowe Stein Hoffman Allweiss Hauver LLP*, New Orleans, LA

**William J. (Bill) Hubbard**, *Thompson Hine LLP*, Cleveland, OH

8:10 a.m. **The Trump EPA: A Former Insider's Guide**

The EPA has been changing priorities, rolling back regulations, and focusing on compliance assistance in lieu of enforcement actions. A senior White House and EPA official in prior Republican administrations will explain what to expect over the next two years.

**Jeffrey R. Holmstead**, *Bracewell LLP*, Washington, DC

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

9:00 a.m. **Climate Change: A Hot Topic Catches Fire**

Climate change is affecting property, infrastructure, and business, triggering litigation, regulation, and contract law questions. Learn how climate change is affecting clients and the law.

**Adam H. Love, PhD**, *Roux Associates Inc.*, Oakland, CA



**Linda Mirsky Brenneman**,

*BASF Corporation*, Florham Park, NJ

**Tracie J. Renfroe**, *King & Spalding LLP*, Houston, TX

9:50 a.m. **Refreshment Break**

SPONSORED BY **Burr & Forman LLP**

10:10 a.m. **Tracks** (see page 3)

12:00 p.m. **Lunch-Arounds** | Join colleagues and friends at selected restaurants for lunch (*on your own*). More information coming soon.

1:40 p.m. **Suing State and Local Governments over Laws and Permits**

Local and state environmental regulation often conflicts with federal and state law. This presentation will survey litigation strategies regarding the intersection of constitutional and environmental law.

**William W. Buzbee**, *Georgetown University Law Center*, Washington, DC

**Alana E. Fortna**, *Babst Calland Clements and Zomnir PC*, Pittsburgh, PA



**Christopher L. Rimkus**, *MarkWest*

*Energy Partners*, Denver, CO

2:50 p.m. **A View from Across the Pond**

Nearly every chemical company has a global footprint, many having a presence in Europe. Develop an understanding and appreciation of Europeans' views of U.S. environmental regulatory law and toxic tort litigation.

MODERATOR | **Timothy J. Coughlin**, *Thompson Hine LLP*, Cleveland, OH



**Peter A. Drucker**, *AkzoNobel NV*,

Amsterdam, Netherlands



**Stefan John**, *BASF Corporation*,

Florham Park, NJ

- 3:40 p.m. **Refreshment Break**  
SPONSORED BY **Barnes & Thornburg LLP**
- 3:55 p.m. **PFAS Litigation—A Case Study: Managing Your Liability and Defending Future Claims**  
PFASs are ubiquitous in products and persistent in the environment, yet regulations are still evolving. This panel will engage the audience in an interactive PFASs case study.
- Kimberly Leue Bick**, *Bick Law LLP*, Newport Beach, CA
- ➔ **Kandi Brown**, *NewFields Governmental Services LLC*, Knoxville, TN
- ➔ **Mary P. Morningstar**, *Lockheed Martin Corporation*, Bethesda, MD
- 4:45 p.m. **Adjourn**
- 4:50 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. **New Orleans School of Cooking**  
Join old friends and make new ones at a cooking demonstration at the New Orleans School of Cooking, located in the French Quarter. For \$40, participants will receive food, beer, an apron, and recipes. Your spot must be reserved before the seminar. To do so, please contact Kimberly L. Bick at [kbick@bicklawllp.com](mailto:kbick@bicklawllp.com).
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More information coming soon.

**FRIDAY, MARCH 15**

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**  
SPONSORED BY **Exponent Lightfoot Franklin & White LLC**

**TRACKS** Thursday, March 14, 10:10 a.m.–12:00 p.m. (*choose one*)

	■ LITIGATION TRACK	■ REGULATORY TRACK
10:10 a.m.	<b>Storytelling for Trial Attorneys: Adding the Visual Element</b> To keep a jury or judge engaged and persuaded, you must tell a story. A top consultant will demonstrate: 1) why stories are critical to winning trials; 2) how to tell them; and 3) the art of coupling images and words. <b>Kenneth J. Lopez</b> , <i>A2L Consulting</i> , Alexandria, VA	<b>Regulatory Headwinds Facing Industry</b> Presenters will provide a summary of new and impending regulatory developments and how those developments have the potential to affect industry. <b>Robert F. Helminiak</b> , <i>Society of Chemical Manufacturers and Affiliates</i> , Arlington, VA <b>Philip R. Watters, PE</b> , <i>Rimkus Consulting Group Inc.</i> , Houston, TX <b>Robert J. Wolcik</b> , <i>Strem Chemicals Inc.</i> , Boston, MA
11:00 a.m.	<b>Refreshment Break</b>	
11:10 a.m.	<b>Convincing the Millennial Juror</b> Learn how to reach millennial jurors in voir dire and trial. A jury consultant and a millennial trial lawyer will explain this demographic and how to persuade jurors who expect advocacy to come through visuals, technology, and new oratory. <b>Eric L. Klein</b> , <i>Beveridge &amp; Diamond PC</i> , Wellesley, MA <b>Jill M. Leibold, PhD</b> , <i>Litigation Insights</i> , Overland Park, KS	<b>The Clean Water Act Reaches Groundwater: The Newest Frontier for Citizen Suit Litigation</b> Federal courts have ruled that small discharges of pollutants that reach waterbodies through groundwater can trigger Clean Water Act liability. These “hydraulically connected discharges” threaten to increase citizen suit liability significantly. MODERATOR   <b>William S. (Buddy) Cox III</b> , <i>Bradley Arant Boult Cummings LLP</i> , Birmingham, AL <b>Andrew B. Bittner, MEng, PE</b> , <i>Gradient</i> , Cambridge, MA <b>Lindsay S. See</b> , <i>West Virginia Solicitor General</i> , Charleston, WV ➔ <b>Michelle S. Spak</b> , <i>Duke Energy Corporation</i> , Charlotte, NC

7:00 a.m. **Women's Networking Breakfast**  
SPONSORED BY **Barrasso Usdin Kupperman  
Freeman & Sarver LLC**

8:00 a.m. **Announcements**  
**Kimberly Leue Bick**, *Bick Law LLP*,  
Newport Beach, CA

8:10 a.m. **The EPA: Advice from the General Counsel**  
The general counsel of the EPA may be the most important job in environmental law, overseeing federal environmental law and regulation. Learn how to advocate before the agency.  
**Matthew Z. Leopold**, *U.S. Environmental Protection Agency*, Washington, DC

9:00 a.m. **Tech Talks: Fast-Paced Presentations on Technology and Emerging Issues**

**1. The Winning (Electronic) Brief**  
Learn from a former law clerk how advances in technology affect modern litigation and how to obtain better results in the digital age.  
**Chloé M. Chetta**, *Barrasso Usdin Kupperman Freeman & Sarver LLC*, New Orleans, LA

**2. Putting Jurors on Site: The Virtual Tour as Courtroom Presentation Tool**  
Discover how technology available in many courtrooms can provide context for a toxic tort case.  
**Daniel (Dan) Martin**, *The Focal Point LLC*, Oakland, CA

**3. Advocacy in the World of Social Media: The State of the Science and Art**  
In an age when individual citizens have a worldwide platform, explore best practices for social media strategy.  
**Rick Looser**, *The Cirlot Agency*, Jackson, MS

**4. Health and Safety of 3D Printing**  
3D printing applications have proliferated, although the emissions and exposures created are still relatively undefined. Explore the legal standards that apply to worker and consumer chemical exposure.  
**Alison Gauthier**, *MSPH, CIH, Exponent*, Oakland, CA

10:40 a.m. **Refreshment Break**  
SPONSORED BY **Bowman and Brook LLP**

11:00 a.m. **Gender Diversity and Inclusion in the Age of #MeToo**  
Claims of sexual harassment and discrimination have soared, and law firms are not immune. Our panel will discuss problems that women continue to face in our male-dominated industry, the importance of gender diversity, and best practices in addressing such claims.

➔ **John C. Childs**, *Georgia-Pacific LLC*, Atlanta, GA

**Megan S. Glowacki**, *Thompson Hine LLP*, Cincinnati, OH

**Angela A. Meyer PhD, PE**, *Product Liability Advisory Council*, Los Altos, CA

11:50 a.m. **Ethical Implications in Settlement Strategies for Your Mass Toxic Tort Case**

The panel will discuss aggressive and innovative methods to foster early resolution of mass toxic tort cases, including the range of responses, factors that drive the settlement structure and sensitivity analysis, and the effect of ethics rules.

**John L. Carroll**, *Samford University Cumberland School of Law*, Birmingham, AL

**Christina M. (Christy) McLean**, *Alvarez & Marsal Holdings LLC*, Birmingham, AL

**Lucian T. Pera**, *Adams and Reese LLP*, Memphis, TN

12:50 p.m. **Adjourn**

**Titans of Toxic Torts and Environmental Law Luncheon**  
1:00–2:30 p.m.

This event provides young lawyers with the opportunity to dine with the pioneers of the field. The luncheon will take place at a nearby restaurant and is limited to the first 30 attendees. To register, please contact Kim Connick at [KConnick@HarrisBeach.com](mailto:KConnick@HarrisBeach.com).

**On-Site Community Service Project: Help Our Troops!**  
1:00–2:30 p.m.

Finish stuffing those bears! Participation is open to all attendees and their families. **#DRICares**

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



## 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, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

**Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

### Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

### CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **10.50** 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.

### Registration Policy

**Save \$100 when you register by February 11, 2019.** (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 seminar and receive the course materials in advance, DRI must receive your registration by

**February 18, 2019** (please allow 10 days for processing). Registrations received after **February 18, 2019**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 18, 2019**. Cancellations received after **February 18** and on or before **February 25, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **February 25** 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 11, 2019**. After **February 11**, 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

A limited number of discounted hotel rooms have been made available at **Sheraton New Orleans, 500 Canal Street, New Orleans, LA 70130** ([click here](#) to view hotel photos).

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- 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 11, 2019**, to be eligible for the group rate. Requests for reservations made after **February 11** are subject to room and rate availability.

## FACULTY

**Kimberly Leue Bick**, Bick Law LLP, Newport Beach, CA

**Andrew B. Bittner, MEng, PE**, Gradient, Cambridge, MA

➔ **Linda Mirsky Brenneman**, BASF Corporation, Florham Park, NJ

➔ **Kandi Brown**, NewFields Governmental Services LLC, Knoxville, TN

**William W. Buzbee**, Georgetown University Law Center, Washington, DC

**John L. Carroll**, Samford University Cumberland School of Law, Birmingham, AL

**Chloé M. Chetta**, Barrasso Usdin Kupperman Freeman & Sarver LLC, New Orleans, LA

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**Timothy J. Coughlin**, Thompson Hine LLP, Cleveland, OH

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➔ **Peter A. Drucker**, AkzoNobel NV, Amsterdam, Netherlands

**Alana E. Fortna**, Babst Calland Clements and Zomnir PC, Pittsburgh, PA

**Alison Gauthier, MSPH, CIH**, Exponent, Oakland, CA

**Megan S. Glowacki**, Thompson Hine LLP, Cincinnati, OH

**Robert F. Helminiak**, Society of Chemical Manufacturers and Affiliates, Arlington, VA

**Jeffrey R. Holmstead**, Bracewell LLP, Washington, DC

**William J. Hubbard**, Thompson Hine LLP, Cleveland, OH

➔ **Stefan John**, BASF Corporation, Florham Park, NJ

**Eric L. Klein**, Beveridge & Diamond PC, Wellesley, MA

**Jill M. Leibold, PhD**, Litigation Insights, Overland Park, KS

**Matthew Z. Leopold**, U.S. Environmental Protection Agency, Washington, DC

**Melanie C. Lockett**, Lowe Stein Hoffman Allweiss Hauver LLP, New Orleans, LA

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➔ **Christopher L. Rimkus**, MarkWest Energy Partners, Denver, CO

**Lindsay S. See**, West Virginia Solicitor General, Charleston, WV

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

**Carmen R. Toledo**, King & Spalding LLP, Atlanta, GA

**Philip R. Watters, PE**, Rimkus Consulting Group Inc., Houston, TX

**Robert J. Wolcik**, Strem Chemicals Inc., Boston, MA

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



### 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.

### Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.



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Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

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\*As defined on page 5

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## Toxic Torts and Environmental Law Seminar

March 14-15, 2019  
Sheraton New Orleans  
New Orleans, LA

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