Toxic Torts and Environmental Law
Beyond 2020—The Future Is Now

- Hear from top trial lawyers and jury consultants on the psychology of blockbuster jury verdicts
- Learn about the effect of vapor intrusion pathways on CERCLA site remediation and allocation
- Discuss the latest developments in PCB, perchlorate, and PFAS regulation and litigation
- Network with top toxic tort and environmental lawyers from across the United States

February 19–21, 2020
Pointe Hilton Tapatio Cliffs Resort
Phoenix, AZ
DRI heads west with the latest in toxic tort and environmental law to keep your practice on the cutting edge. Come to Phoenix to learn about the latest updates and changes in toxic tort and environmental law with the best lawyers, judges, and experts across the country. This is the premier gathering for the defense bar, focusing on litigation strategies and regulatory updates, presented in beautiful Arizona.

**Kimberly Leue Bick**  
Program Chair

**Jennifer L. Dlugosz**  
Program Vice Chair

**Carmen R. Toledo**  
Committee Chair

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

**Melanie C. Lockett**  
Law Institute

Presented by **DRI's Toxic Torts and Environmental Law Committee**

Register online now at [dri.org](http://dri.org) or complete the form in the back.
What You Will Learn

- Key Supreme Court and appellate court decisions in 2019 and the effect on toxic tort and environmental law
- What is driving juries to award blockbuster verdicts in toxic tort cases, such as glyphosate and talc
- How to be more effective counselors and advocates in toxic tort litigation and environmental compliance
- The role and effect of media and PR in toxic tort and environmental law litigation
- How toxic tort and environmental law plays a role in plastics, cannabis, and consumer products in 2020
- How to improve diversity, equity, and inclusion in the toxic tort and environmental law profession

DRI Members Get More

- Access to LegalPoint™ at dri.org: Committee newsletters, seminar course materials, and other publications.
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**Program Schedule**

**Wednesday, February 19**

12:00 p.m. **Registration**

**Litigation Skills Workshop**

From Blank Canvas to Masterpiece: The Art of the 30(B)(6) Deposition

With plaintiffs’ attorneys attempting to circumvent written discovery limitations through 30(b)(6) depositions, successful trial attorneys need to be attuned to analyzing and deconstructing the 30(b)(6) deposition notice properly and determining the appropriate corporate designees at the outset. Defense counsel can stop plaintiffs’ counsel in their tracks with thorough preparation of these witnesses and effective defense of these depositions. The DRI Litigation Skills Committee (formerly “Trial Tactics”) is excited to present the Litigation Skills Workshop in conjunction with this seminar, providing attendees of this interactive program with the tools necessary to push back on the deposition notice and ultimately prepare and defend the witness at deposition. One-on-one and small group exercises will ensure that you are prepared to mount an effective defense.

Space is limited and spots will go fast! See the registration form for pricing.

Kyle A. Lansberry, Lewis Wagner LLP, Indianapolis, IN
Lea Ann Smith, Butler Snow, New Orleans, LA
Matthew T. Wagman, Miles & Stockbridge, Baltimore, MD

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

5:00 p.m. **Speed Networking** | Come ready with your clever elevator speech and your business cards. This fast-paced exercise is always a big hit, allowing attendees to start the conference by making new contacts.

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 sent in advance of the seminar.

**Thursday, February 20**

**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. **First-Time Attendees Breakfast**

Carmen R. Toledo, King & Spaulding LLP, Atlanta, GA

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

Melanie C. Lockett, Lowe Stein Hoffman Allweiss Hauver LLP, New Orleans, LA
Kimberly Leue Bick, Bick Law LLP, Newport Beach, CA

8:10 a.m. **Lessons from Chernobyl: How Obedience Pressure Affects Legal Service Providers and Clients**

Consciously held beliefs and unrecognized influences can lead a well-meaning corporate officer or attorney astray. This session draws on behavioral science to explain the factors that can influence attorneys as they try to decide how or if to address client conduct. Ethics Bias MCLE 1.0 hours.

Cassandra Burke Robertson, Case Western Reserve University School of Law, Cleveland, OH
9:10 a.m. **Psychology of Blockbuster Verdicts Involving Glyphosate, Talc, and Other Substances**  
In the past year, there have been several huge verdicts in toxic tort litigation. In one case, a federal judge even commented that he thought that the causation evidence was “rather weak.” This panel will discuss what is driving jurors to award blockbuster verdicts without adequate scientific support.  
**Steven W. Quattlebaum, Quattlebaum Grooms & Tull PLLC, Little Rock, AR**

******Shelley C. Speicker, PhD, Persuasion Strategies, Denver, CO******

******Dennis P. Stolle, PhD, JD, ThemeVision LLC, Indianapolis, IN******

10:00 a.m. **Refreshment Break**  
**Sponsored By Burr & Forman LLP**

10:15 a.m. **Tracks (see below)**

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**TRACKS** Thursday, February 20, 10:15 a.m.–12:00 p.m. (choose one)

**TOXIC TORT**

**“Science Day”: Back to School on How to Explain Causation Theories to the Court**  
This panel will recreate a trial court “science day” presentation, used to explain causation by looking at how and what roles toxicology and epidemiology play in the causation arc, to assist courts in performing their gatekeeper roles.  
**MODERATOR | Timothy J. Coughlin, Thompson Hine LLP, Cleveland, OH**

* Denotes expert

**Barbara D. Beck, PhD, DABT, ATS, Gradient Corporation, Cambridge, MA**

**Douglas L. Weed, MD, MPH, PhD, DLW Consulting Services, Salt Lake City, UT**

**CERCLA**

**Factors Affecting CERCLA Sites: From Site Listing to the Five-Year Review**  
This panel will discuss the relevant factors considered by the EPA to list a Superfund site and potentially to reopen a remediated Superfund site during the subsequent five-year review process, including the vapor intrusion pathway, emerging contaminants, such as PFAS, and the groundwater conduit theory.  
**Alana E. Fortna, Babst Calland Clements & Zomnir PC, Pittsburgh, PA**

**Ilene M. Munk, Foley & Mansfield PLLP, Portland, OR**

**Chase Holton, PhD, PE, Geosyntec, Greenwood Village, CO**

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11:05 a.m. **Change Tracks**

11:10 a.m. **Trying the Case in the Court of Public Opinion**  
Cases are often tried in the court of public opinion before a verdict is even reached. With the constant presence of social media, jurors often know about a case before it’s even tried. This panel will discuss tactics to manage a company’s public profile during and after the media frenzy.  
**MODERATOR | Danielle R. Luisi, Husch Blackwell LLP, Chicago, IL**

**Maja C. Eaton, Sidley Austin LLP, Chicago, IL**

**Karen Doyne, Doyne Strategies, Washington, DC**

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**Documenting and Establishing Arbitrary and Capricious Conduct in the CERCLA Remedy Selection Process**  
The CERCLA/National Contingency Plan remedy selection process requires that the costs and benefits of remedial alternatives be fairly compared with each other before the remedy is selected. This panel will discuss challenges to EPA actions as arbitrary and capricious when remedial alternatives are not adequately compared.  
**William S. (Buddy) Cox III, Bradley Arant Boult Cummings LLP, Birmingham, AL**

**Joseph W. Hovermii, Miles & Stockbridge PC, Baltimore, MD**

**Jeffrey J. Loureiro, PE, LEP, Loureiro Engineering Associates, Plainville, CT**

**Theodore C. (Ted) Morris, Stanley Black & Decker, Towson, MD**
Toxic Torts and Environmental Law Seminar | February 19–21, 2020

Program Schedule

12:00 p.m. Lunch-Arounds | Join colleagues and friends at selected restaurants for dinner (on your own). More information sent in advance of the seminar.

2:00 p.m. Supreme and Appellate Court Update
Join Supreme Court experts for an informative and entertaining review of developments in toxic tort and environmental cases decided by, or headed for, the U.S. Supreme Court. The panelists will also discuss what recent changes in the composition of the federal courts mean for environmental jurisprudence in the future.

John C. Cruden, Beveridge & Diamond, Washington, DC
Marisa C. Maleck, King & Spalding LLP, Washington, DC
Barry P. McDonald, Pepperdine University School of Law, Malibu, CA

2:55 p.m. Refreshment Break
SPONSORED BY Barnes & Thornburg LLP

3:15 p.m. Not My Coffee! A Case Study in Defendants’ Burden of Proof in Proposition 65 Litigation
First, defendants in a Proposition 65 case failed to prove that coffee does not cause a significant risk of cancer. Then, California exempted coffee from Proposition 65 because it could not prove that it does. This panel will analyze what’s next for Proposition 65 litigation in the wake of the coffee cases.

MODERATOR | Corrie Plant, Bick Law LLP, Newport Beach, CA
Carolyn G. Scrafford, PhD, MPH, Exponent, Washington, DC
Robin Stafford, Morrison & Foerster, San Francisco, CA
Can You Smoke That? How TTEL Affects the Cannabis Industry
The commercial cannabis industry faces emerging environmental regulatory oversight, including permitting and compliance, as well as environmental legal risks of common law liability. This panel will explore the environmental conditions created by cannabis activities and the potential regulatory and toxic tort issues that growers and retailers must overcome.

Angela L. (Angie) Perez, PhD, CTEH LLC, Portland, OR
Melissa K. Roeder, Foley & Mansfield PLLP, Seattle, WA

4:10 p.m. Can You Smoke That? How TTEL Affects the Cannabis Industry
The commercial cannabis industry faces emerging environmental regulatory oversight, including permitting and compliance, as well as environmental legal risks of common law liability. This panel will explore the environmental conditions created by cannabis activities and the potential regulatory and toxic tort issues that growers and retailers must overcome.

Bernard M. (Ben) Schulte, TGS Global, Denver, CO

5:00 p.m. Adjourn

5:00 p.m. Toxic Torts and Environmental Law Committee Meeting (open to all)

6:00 p.m. Networking Reception, including DRI for Life “Mocktails”
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Community Service Project

Join the committee leadership in an opportunity to give back to the community with DRI Cares. More information to come.

7:30 p.m. Dine-Arounds and Small Group Activities

Join colleagues and friends at selected restaurants for dinner and other fun activities. More details will be provided in advance of the seminar and on the community page.

FRIDAY, FEBRUARY 21

7:00 a.m. Registration

7:00 a.m. Continental Breakfast

8:00 a.m. Announcements

8:10 a.m. Changing the Paradigm: Interrupting Bias to Increase Diversity, Equity, and Inclusion in the TTEL Bar (Elimination of Bias CLE credit)

Implicit bias stems from common stereotypes. We can’t stop our brains from making assumptions, but we can control whether we act on them. This panel will discuss a paradigm-changing approach that tweaks basic business systems to produce measurable change and to create a professional space where people can be authentically diverse.

M O D E R A T O R  |  Rosary A. Hernandez, Tiffany & Bosco PA, Phoenix, AZ

Roy D. Prather III, Beveridge & Diamond PC, Baltimore, MD

9:10 a.m. Update on Persistent Chemicals: PCBs, Perchlorate, and PFAS

PCBs, perchlorate, and PFAS could affect cleanup levels at RCRA/CERCLA sites, state and federal permit levels (TMDLs, fish advisory triggers, and allowable air concentrations), and toxic tort liability. This panel will discuss the updated reference dose and reference concentrations, pending regulation of these chemicals and their effects, and recent trends in toxic tort litigation.

M O D E R A T O R  |  Jennifer L. Dlugosz, Husch Blackwell LLP, Chicago, IL

Mary P. Morningstar, Lockheed Martin Corporation, Bethesda, MD

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**Program Schedule**

**10:00 a.m. Refreshment Break**
SPONSORED BY Bowman and Brooke LLP

**10:20 a.m. Fast-Paced Presentations on Emerging Issues**

1. **Can You Still Make That?**
   The Future of Plastics
   - Virginia (Gina) Pettinelli, Evonik Corporation, Parsippany, NJ

2. **Can You Count That?**
   Valuing Damages Using Applied Economics, Statistics, and Finance
   - Ryan Stifter, MS, Roux Inc., Oakland, CA

3. **Can You Find That?**
   Public Records, Public Secrets, FOIA, and Old-Fashioned Research
   - Marjorie Hall Snook, MLS, NewFields, Atlanta, GA

4. **Can You Tweet That?**
   What’s the ROI of Social Media?
   - Kimberly A. Connick, Harris Beach PLLC, New York, NY

**12:20 p.m. Adjourn**

**1:00 p.m. Titans of Toxic Torts and Environmental Law Luncheon**
This event provides young lawyers with the unique and valuable opportunity to connect personally with outstanding leaders in the toxic tort and environmental legal field. The luncheon will take place at a nearby restaurant and is limited to the first 30 attendees. To register, please contact Danielle Luisi at danielle.luisi@huschblackwell.com or Scott Hunsaker at scott.hunsaker@tuckerellis.com.

**DRI for Life Nature Hike**
3:30 p.m. | Join us for a DRI for Life activity at the end of this conference. Meet at the hotel lobby to rideshare to the South Mountain Park and Preserve for a hike. Hike intensity will depend on the group. A variety of hikes, including a gentle nature walk, are available. Sign-ups will be available at the conference. For more information, contact Kim Bick at kbick@bicklawllp.com.

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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.

**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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“It has all the benefits: marketing, networking, CLE credits (all at one time), interesting and pertinent topics. I have already recommended.”
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.

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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 3.5 General CLE hours for the workshop, and up to 9.75 hours, including 1 hour of elimination of bias/ethics credit, for the main seminar. 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. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save $100 when you register by January 20, 2020. (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 January 27, 2020 (please allow 10 days for processing). Registrations received after January 27, 2020, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before January 27, 2020. Cancellations received after January 27 and on or before February 3, 2020, will receive a refund, less a $100 processing fee. Cancellations made after February 3 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) 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 January 20, 2020. After January 20, 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.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at Pointe Hilton Tapatio Cliffs Resort, 11111 North 7th Street, Phoenix, AZ 85020 (click here to view hotel photos). Take advantage of the group rate of $259 Single/Double in one of two ways:

1) Reserve online: Click here or visit 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 800.445.8667 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 January 20, 2020, to be eligible for the group rate. Requests for reservations made after January 20 are subject to room and rate availability.
Toxic Torts and Environmental Law Seminar | February 19–21, 2020

FACULTY

Click on any name to view bio.

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Kimberly Leue Bick, Bick Law LLP, Newport Beach, CA
Kimberly A. Connick, Harris Beach PLLC, NY, NY
Timothy J. Coughlin, Thompson Hine LLP, Cleveland, OH
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Angela L. (Angie) Perez, CTEH LLC, Portland, OR
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John D. Schell, PhD, TEA Inc., Baton Rouge, LA
Bernard M. (Ben) Schulte, TGS Global, Denver, CO
Carolyn G. Scafford, PhD, MPH, Exponent, Washington, DC
Marjorie Hall Snook, MLS, NewFields, Atlanta, GA
Shelley C. Speicker, PhD, Persuasion Strategies, Denver, CO
Robin Stafford, Morrison & Foerster, San Francisco, CA
Ryan Stifter, MS, Roux Inc., Oakland, CA
Dennis P. Stolle, PhD, JD, ThemeVision LLC, Indianapolis, IN
Carmen R. Toledo, King & Spalding LLP, Atlanta, GA
Douglas L. Weed, PhD, MD, MPH, DLW Consulting Services, Salt Lake City, UT

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

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“There were a number of good opportunities to network with attorneys and consultants I may not have otherwise met.”
Toxic Torts and Environmental Law Committee Resources and Opportunities

Toxic tort and environmental tort claims continue to be among the most challenging for the defense practitioner due to the evolution of new strategies and theories from the plaintiffs’ bar. In an effort to help the defense law bar meet these challenges, the primary objective of the Toxic Torts and Environmental Law Committee is to provide members with the most current and reliable scientific, medical and legal information available. The committee fulfills this role through its annual seminar, an expert witness information sharing network, an electronic newsletter, and a dedicated issue of *For The Defense*, as well as by connecting practitioners with a vast network of accomplished defense attorneys.

The committee has actively encouraged participation of the American Chemistry Council and its member-company lawyers in committee activities, including planning and implementing our seminar. The involvement of ACC member-company lawyers in our committee has also provided an excellent opportunity to address, firsthand, the legal and practical issues that are most important to our client companies.

The committee membership is sophisticated, but also enjoys the special camaraderie of professionals dedicated to providing the best legal and scientific defense for individual clients and to the industry in general. If your practice is dedicated in whole or in part to the defense of toxic torts and/or environmental claims, you should become a member and take advantage of the benefits.

- Learn more about the committee and its leadership: [https://dri.org/committees/committee-detail/0210](https://dri.org/committees/committee-detail/0210)
- Access 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.
- Subcommittees
  - Agricultural Chemicals & Pesticides
  - Asbestos/Silica
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  - Industrywide Litigation
  - International Standards
  - Mass Torts
  - Nanotechnology
  - Solvents & Chemical Exposures
  - Trial Tactics
- Publications
  - Newsletter: *Toxic Torts and Environmental Law*
  - *For The Defense* committee-anchored issues

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January 30–31, 2020
Civil Rights and Governmental Tort Liability
Manchester Grand Hyatt, San Diego, CA

February 5–7, 2020
Product Liability Conference
New Orleans Marriott, New Orleans, LA

March 18–20, 2020
Litigation Skills
Paris Las Vegas, Las Vegas, NV

March 26–27, 2020
Medical Liability and Health Care Law
Hilton Austin Downtown, Austin, TX

April 1–3, 2020
Construction Law
Hyatt Regency Chicago, Chicago, IL

April 1–3, 2020
Insurance Coverage and Claims Institute
Swissôtel Chicago, Chicago, IL

April 29–May 1, 2020
Life, Health, Disability and ERISA
Sheraton New Orleans, New Orleans, LA

April 30–May 1, 2020
Trucking Law
JW Marriott Austin, Austin, TX

May 6, 2020
Cannabis Law
Boston Marriott Copley, Boston, MA

May 6–8, 2020
Drug and Medical Device Litigation
Boston Marriott Copley, Boston, MA

May 7–8, 2020
Retail and Hospitality Litigation
Walt Disney World Dolphin and Swan Resort, Orlando, FL

May 14–15, 2020
Business Litigation Super Conference
Minneapolis Marriott City Center, Minneapolis, MN

May 14–15, 2020
Intellectual Property Litigation
Minneapolis Marriott City Center, Minneapolis, MN

May 15, 2020
Fidelity and Surety Roundtable
Gleacher Center and InterContinental Chicago, Chicago, IL

May 20–22, 2020
Employment and Labor Law
Hilton Denver City Center, Denver, CO

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Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

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See page 12 for more information

Litigation Skills Workshop
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(Must be registered for the Toxic Torts and Environmental Law Seminar)
☐ Workshop ONLY $475

*As defined on page 7

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Jan. 20, 2020 Jan. 20, 2020
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For more information, please contact DRI at seminars@dri.org.
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