

Environmental **LITIGATION**



JANUARY 16 – 18, 2003

The Silvertree Hotel
Snowmass Village, Colorado

CLE SEMINAR



SECTION OF LITIGATION
American Bar Association

colorado





DEAR Colleagues

Once again, the ABA Section of Litigation's Environmental Litigation Committee CLE Seminar offers an extraordinary mix of learning, networking, and winter fun at a world class ski resort. In the morning, programs will feature top environmental lawyers, judges and experts discussing the latest considerations on electronic discovery and evidence; stigma and other environmental property damages; indoor air quality environmental legal issues; and special sessions on ethical considerations for the environmental lawyer, and class action certification proceedings. Importantly, the Moot Court of Appeals will be argued before judges from various circuits and will address three significant environmental litigation issues now pending in the U.S. courts. CLE credit has been requested for all programs.

We will also conduct committee and sub-committee meetings, which will give you the opportunity to learn more about the Environmental Litigation Committee and how to get involved with this great group.

In the afternoons, you will be free to explore the recreational opportunities offered by the Aspen/ Snowmass area. We will be staying at the Silvertree Hotel, which is at the base of the Snowmass Ski Area and offers ski-in/out opportunities. There are many shopping, dining and recreational activities available and readily accessible in the area. For more information, go to www.aspensnowmass.com or www.silvertreehotel.com.

Please join us for another fabulous Environmental Litigation Committee CLE Seminar. See you in Snowmass Village!

COMMITTEE CO-CHAIRS



JOHN M. BARKETT
Shook, Hardy &
Bacon LLP
Miami, FL



SALLY A. LONGROY
Carrington, Coleman,
Sloman & Blumenthal LLP
Dallas, TX



BUZZ HINES
Farella Braun + Martel LLP
San Francisco, CA

MEETING CO-CHAIRS



Katherine L. Adams
Sidley Austin
Brown & Wood LLP
New York, New York



Charles M. Denton
Varnum, Riddering,
Schmidt & Howlett LLP
Grand Rapids, MI

2003 CLE SEMINAR

Program Information

THURSDAY, JANUARY 16, 2003

2:00 – 5:00PM Registration

5:30 – 6:30PM ELC Sub-Committee
Co-Chairs' Meeting

6:30 – 7:30PM Welcome Cocktail Reception

FRIDAY, JANUARY 17, 2003

6:30AM – Noon Registration

6:30 – 8:00AM Continental Breakfast

7:00 – 8:00AM How to Avoid Having To Read
the 2002 Changes To The Model Rules of
Professional Conduct (But Why You Won't Want To)

SUBJECTS: Ethics 2000/2002 Rules of Professional
Conduct, including Multi-Jurisdictional Practice

PANELIST: John M. Barkett, Shook, Hardy & Bacon
LLP, Miami, FL

SUMMARY: Join us for an optional one hour ethics
presentation and roundtable discussion addressing
important changes to the ABA Model Rules in 2000
and 2002. Important changes include new requirements
for attorneys handling multi-district litigation matters.
John Barkett, a leading authority on ethical require-
ments, and co-chair of the ABA Section of Litigation's
Environmental Litigation Committee, will present these
and other significant developments. CLE ethics credit
has been requested.

8:00 – 8:15AM Welcome and Program
Introduction

COMMITTEE CO-CHAIRS: John M. Barkett, Shook,
Hardy & Bacon LLP, Miami, FL; Buzz Hines, Farella
Braun + Martel LLP, San Francisco, CA; Sally A.
Longroy, Carrington, Coleman, Sloman & Blumenthal
LLP, Dallas, TX

MEETING CO-CHAIRS: Katherine L. Adams, Sidley
Austin Brown & Wood LLP, New York, NY; Charles M.
Denton, Varnum, Riddering, Schmidt & Howlett LLP,
Grand Rapids, MI

8:15 – 10:00AM E2-Discovery/Evidence Panel

SUBJECTS: Discovery requests, consultants, admissibil-
ity and evidentiary issues regarding electronic
documents and information.

MODERATOR: David R. Erickson, Shook, Hardy &
Bacon LLP, Kansas City, MO

PANELISTS: Cisselon S. Nichols, Conoco, Inc.,
Houston TX; Jeff Parmet, PricewaterhouseCoopers
LLP, Washington, D.C.; Larry Savell, Chadbourne &
Parke LLP, New York, NY; Hon. David J. Waxse,
District of Kansas, Kansas City, KS

SUMMARY: How does electronic discovery impact
your environmental litigation matters? This panel will
provide a wide range of perspectives and experiences on
a variety of issues concerning electronic discovery and
the use/admissibility of electronic evidence at trial.
Topics will include: how litigants are responding to
electronic discovery demands; how the judiciary is
evaluating these requests; what technology is available
to assist in the storage, review and production of these
materials; and an assessment of how the law and rules
are developing on these issues in different jurisdictions.
In addition, the benefits to and burdens on corpora-
tions subjected to electronic discovery requests, and the
ways that companies can work most effectively and effi-
ciently with outside counsel and consultants will also be
considered by the panel.

10:15AM – NOON Stigma and Other
Environmental Property Damages Panel

SUBJECTS: Toxic torts; property devaluations;
Brownfields; settlements; case management.

MODERATOR: Thomas H. Milch, Arnold & Porter,
Washington, D.C.

PANELISTS: Michael E. Rigney, BP Amoco
Corporation, Chicago, IL; Therese Vandehey,
Motorola, Inc., Schaumburg, IL

SUMMARY: How are plaintiffs doing with property
damage and stigma claims in environmental toxic tort
cases? This panel will examine recent cases from
around the country, and also consider, from an in-
house counsel perspective, how to approach the
defense of these cases-joint defense issues, budgeting,
discovery, experts, case management and settlement.

7:00 – 10:00PM Winter Wonderland Reception
& Dinner

SATURDAY, JANUARY 18, 2003

7:00AM – NOON Registration

7:00 – 8:00AM Continental Breakfast

7:00 – 8:00AM ELC Sub-Committees' Business
Meeting

8:00 – 8:15AM Program Introductions

8:15 – 9:45AM Environmental Law Indoors –
Current Issues in Indoor Air Quality

SUBJECTS: Asbestos contractor claims, mold, indoor
air quality, insurance, sick building syndrome

MODERATOR: R. Morgan Gilhuly, Barg Coffin Lewis
& Trapp, LLP, San Francisco, CA

PANELISTS: James F. Dorion, Marsh Inc., Chicago, IL;
David J. Folkes, PE., EnviroGroup Limited, Englewood,

CO; Jacqueline D. Scott, Varnum, Riddering, Schmidt
& Howlett LLP, Grand Rapids, MI; Neil Selman,
Selman & Breitman LLP, Los Angeles, CA

SUMMARY: As investigation and remediation of "out-
door" environmental issues becomes more and more
routine, the indoor environment raises new issues and
new problems. This panel will address three indoor air
quality issues: asbestos, mold, and vapor intrusion from
underlying soil and groundwater contamination.
Asbestos litigation has been around for decades, but is
taking new twists, and the enormous number of claims
and costs are re-shaping tort and insurance law. Mold
and vapor intrusions are newer claims. Is mold the next
asbestos? Will chlorinated solvent Superfund sites
another round of claims based on indoor air exposure?
Our panelists will examine these issues, the current sta-
tus of indoor air quality claims and insurance coverage
for them, and the implications of these claims for defen-
dants and their insurers.

9:45 – 10:00AM Environmental Class Action
Certification Database Update

SUBJECTS: Updates since last year's environmental
class action certification database presentation; a con-
tinuing work-in-progress

PANELISTS: Sally A. Longroy, Carrington, Coleman,
Sloman & Blumenthal LLP, Dallas, TX; Frank
Voorvaart, Manager of Environmental Disputes,
PricewaterhouseCoopers LLP, Phoenix, AZ

10:15AM – NOON Moot Court of Appeals

PANELISTS: JUDICIAL PANEL INCLUDES: Hon.
Rosemary Barkett, Eleventh Circuit Court of Appeals,
Miami, FL; Hon. William A. Fletcher, Ninth Circuit
Court of Appeals, San Francisco, CA

ADVOCATES INCLUDE: Harriet A. Cooper, Tennessee
Valley Authority, Knoxville, TN; Karen Aldridge
Crawford, Nelson Mullins Riley & Scarborough,
Columbia, SC; Charles M. Denton, Varnum,
Riddering, Schmidt & Howlett LLP, Grand Rapids, MI;
Buzz Hines, Farella Braun + Martel LLP, San
Francisco, CA; Terry M. Petrie, U.S. Department of
Justice, Environment & Natural Resources Division,
Denver, CO; James T. Price, Spencer Fane Britt &
Browne LLP, Kansas City, MO; Lois J. Schiffer, Baach
Robinson & Lewis PLLC, Washington, D.C.

SUMMARY: The tradition of the environmental litiga-
tion "Moot Court of Appeals" lives on! We will have 3
Judges from various circuits sitting by special designa-
tion on the Snowmass Circuit Court of Appeals, to hear
and challenge our advocates' persuasive arguments.
Expect a "hot" bench.

Cases to be heard at this special session are expected to
include: *Clean Air Act New Source Review (NSR)*;
*Superfund Contribution/Aviall Services v Cooper
Industries*; and *RCRA Hazardous Waste Prosecution or
Agency Over-Filing*

The Clerk will be flexible in calling those cases of the most
current significance at the time of this special session.

5:15 – 9:30PM The PricewaterhouseCoopers'
Children's Alpine Adventure Festivities and Dinner

6:00 – 9:30PM The PricewaterhouseCoopers'
Reception and Dinner at the Hotel Jerome



SPECIAL EVENTS

2003 CLE Seminar

THURSDAY, JANUARY 16, 2003

6:30 – 7:30PM

Welcome Cocktail Reception

FRIDAY, JANUARY 17, 2003

7:00 – 10:00PM

Winter Wonderland Reception & Dinner

Family and friends, swish right in to the Cabaret Room and join us for a Winter Wonderland Dinner. Dine among snowmen in the alpine atmosphere and stay cozy with a steaming cup of hot chocolate. Defrost while listening or dancing to some warm mountain music.

Tickets are available for \$50 adults and \$15 for children and can be obtained by completing the ticketed events portion of the registration form.

SATURDAY, JANUARY 18, 2003

5:15 – 9:30PM

The PricewaterhouseCoopers' Children's Alpine Adventure Festivities and Dinner (ages 4-15) at the Silvertree Hotel

6:00 – 9:30PM

The PricewaterhouseCoopers' Reception and Dinner at the Hotel Jerome

GENERAL INFORMATION

The registration fee allows registrants to attend all CLE programs. In addition, the fee includes program materials, continental breakfasts, coffee breaks, and admission to the Welcome Reception on Thursday evening.

The deadline for advance registration is **Tuesday, December 17, 2002**. After this date, all registration fees will increase by \$100.

On-Site Registration will take place during the following hours:

THURSDAY, JANUARY 16, 2003

2:00 – 5:00 PM

FRIDAY, JANUARY 17, 2003

6:30 AM – NOON

SATURDAY, JANUARY 18, 2003

7:00 AM – NOON

Registration information please contact the service center at (800) 285-2221

Program information contact

Caren Chopp at (317) 465-9408

REGISTRATION CANCELLATIONS

Requests for refunds must be made in writing and received no later than **Tuesday, December 17, 2002**, in the ABA Section of Litigation office. Please fax or email your request to Brendan Noone, Meetings Assistant, at (312) 988-6234 or e-mail to nooneb@staff.abanet.org. There will be a \$50 administrative fee deducted from the refund. **Cancellations received after December 17, 2002 will not be refunded**; however, the Section will gladly accept substitutions for those unable to attend.

AIRLINE INFORMATION

The American Bar Association offers discounted coach airfares on American Airlines, Delta Airlines, and US Airways. To make reservations you may call the airline directly, your travel agent, or Tower Travel, the ABA's travel agency, at (800) 921-9190. Please provide the following ABA discount codes when making your reservation:

AIRLINE	PHONE	ACCT #/STAR FILE
American Airlines	(800) 433-1790	#15794
Delta Air Lines	(800) 241-6760	#189408A
U.S. Airways	(877) 874-7687	#36632473

AIRPORT TRANSFER & CAR RENTAL

The Silvertree Hotel is located 8 miles from Aspen's Sardy Field and 220 miles from Denver International Airport (3.5 hours via I-70). Airport transportation is provided complimentary for Silvertree Hotel guests from Sardy Field. You will find a Silvertree Hotel hospitality phone in the baggage claim area of Sardy Field. Once you arrive, please pick up the courtesy phone and tell the operator you need ground transportation to the hotel.

You may also call the hotel in advance and provide your itinerary. Ground transportation will then be waiting for you upon your arrival. A taxi ride from Sardy Field to the hotel will cost \$35-\$40, and taxis can be found outside the airport. Also available are 5-passenger Suburban Taxi's through Colorado Mountain Express (1-800-525-6363) which charge \$92/hour with a 2-hour minimum.

Rental cars are available at Sardy Field. ABA members are entitled to special discounts by calling Hertz at (800) 654-2230 and referencing the ABA group discount number 13000.

HOTEL INFORMATION

All programs will take place at the Silvertree Hotel in Snowmass Village, situated in the heart of the mountains with ski-in/ski-out access to Fanny Run. We have reserved a limited number of guestrooms at the Silvertree Hotel. In order to receive the ABA discounted rate of \$255 single/double occupancy, plus tax and resort fees, please mention that you are attending the American Bar Association or ABA Section of Litigation Environmental Litigation Committee CLE Seminar. To make reservations, please call the hotel directly at (970) 923-3520 or (800) 837-3520 by **Tuesday, December 17, 2002**. After this date, the ABA discounted rate cannot be guaranteed and will be subject to availability. 50% of room night revenue is due upon booking, while the remaining 50% will be billed 30 days prior to check-in. Hotel reservations must be cancelled 30 days prior to arrival to avoid forfeiting your deposit.

GENERAL INFORMATION CONTINUED...

LIFT TICKETS

2002-2003 published full-price tickets for the 4 mountains at Aspen are \$68 full-day for adults. The ABA is pleased to offer a 20% discount for meeting attendees and their guests. We will have one and two day passes available at the ABA registration desk beginning Thursday, January 16, 2003 at 2:00pm for \$48 and \$92. You may add a third day at the ticket windows at the mountain for the same discounted rate. Half day and child price tickets are not available with discount.

CHILD CARE

Childcare is available daytime and evenings in your room and may be coordinated through the hotel concierge at (970) 923-3520. The charge is \$20/hour/child.

SERVICES FOR THE DISABLED

If special arrangements are required for an individual to attend this meeting, please contact Caren Chopp at (317) 465-9408.

MCLE CREDIT

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Certificates of attendance will be available at the conclusion of the program for both attendees and speakers. Please call (312) 988-6217 two to three weeks prior to the meeting for questions pertaining to the number of credit hours requested.

TAX DEDUCTION FOR EDUCATIONAL PURPOSES

In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging (see Tres. Reg. 1.162.5) (Coughlin vs. Commissioners, 203 F.2d 307).

CONFERENCE ATTIRE

Business casual is recommended for all attendees.

REACH US THROUGH THE WEB

For more information on the Environmental Litigation Committee CLE Seminar or to register online, log on to the Environmental Litigation Committees' home page at www.abanet.org/litigation/committee/environmental/home.html

PROGRAM HIGHLIGHTS

THURSDAY, JANUARY 16, 2003

2:00 – 5:00PM

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Welcome Cocktail Reception

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6:30AM – NOON

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6:30 – 8:00AM

Continental Breakfast

7:00 – 8:00AM

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Environmental Law Indoors –
Current Issues in Indoor Air Quality

9:45 – 10:00AM

Environmental Class Action Certification
Database Update

10:15AM – NOON

Moot Court of Appeals

5:15 – 9:30PM

The PricewaterhouseCoopers' Children's Alpine
Adventure Festivities Dinner (ages 4-15), at The
Silvertree Hotel

6:00 – 9:30PM


The PricewaterhouseCoopers' Reception
and Dinner at the Hotel Jerome

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Services sponsor of the ABA Section of Litigation.

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MARK YOUR CALENDAR

Section of Litigation CLE Conference

April 9 – 12, 2003

Hyatt Regency Houston

Houston, TX

visit our website:

www.abanet.org/litigation for more details



REGISTRATION FORM

2003 ENVIRONMENTAL LITIGATION COMMITTEE CLE SEMINAR

January 16 – 18, 2003 • The Silvertree Hotel • Snowmass Village, CO

To register you may use one of the four options below:

PHONE: (800) 285-2221

FAX: (312) 988-5528

ONLINE:

www.abanet.org/litigation/committee/environmental/home.html

OR **MAIL** this form to:

Brendan Noone, Meetings Assistant
 ABA Section of Litigation
 750 N. Lake Shore Drive
 Chicago, IL 60611

NAME _____ ABA MEMBERSHIP ID # _____
(AS IT SHOULD APPEAR ON BADGE) (THE EIGHT DIGIT # IS ABOVE YOUR NAME ON THE MAILING LABEL)

COMPANY/AFFILIATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____ FAX _____ EMAIL _____

ACCOMPANYING SPOUSE/GUEST _____
(AS IT SHOULD APPEAR ON BADGE)

SPECIAL DIETARY NEEDS _____

REGISTRATION FEES *(please check one)*

ABA Members – Check here to **join the Section of Litigation now** for \$45 and register at the section member fee

	BY DEC. 17	AFTER DEC. 17
Section of Litigation Member	<input type="checkbox"/> \$350	<input type="checkbox"/> \$450
Government/Academic/Public Service	<input type="checkbox"/> \$250	<input type="checkbox"/> \$350
Young Lawyers	<input type="checkbox"/> \$250	<input type="checkbox"/> \$350
<i>(age 35 or younger or in practice less than 5 years)</i>		
ABA Member Only	<input type="checkbox"/> \$495	<input type="checkbox"/> \$595
Non ABA Members	<input type="checkbox"/> \$550	<input type="checkbox"/> \$650
Law Students	COMPLIMENTARY	<input type="checkbox"/> \$75
<i>(must purchase program materials and function tickets)</i>		
Program Materials Only	<input type="checkbox"/> \$75	<input type="checkbox"/> \$75

* Section members can access program materials on-line one month after the meeting.

TICKETED EVENTS

THURSDAY, JANUARY 16, 2003

	EVENT FEE	QTY.	TOTAL
Welcome Reception <i>(registrants, guests and children)</i>	Free	_____	_____

FRIDAY, JANUARY 17, 2003

Winter Wonderland Reception & Dinner			
Adults	\$50	_____	_____
Children (5 – 12 years)	\$15	_____	_____

SATURDAY, JANUARY 18, 2003

PricewaterhouseCoopers' Children's Alpine Adventure Festivities and Dinner at The Silvertree Hotel			
Children <i>(ages 4-15)</i>	Free	_____	_____
PricewaterhouseCoopers' Dinner at the Hotel Jerome	Free	_____	_____

Total Amount Enclosed _____

METHOD OF PAYMENT

Charge to the Following Credit Card:

AMEX VISA MC

Card # _____

Expiration Date _____

Signature _____

Enclosed is a check made payable to the American Bar Association, Section of Litigation for \$ _____

For more information regarding the Section of Litigation or to register online, log on to www.abanet.org/litigation/committee/environmental/home/html



SECTION OF LITIGATION
 American Bar Association