

At the Forefront:

An Insider’s Perspective on

Environmental Enforcement and

Litigation



**Thursday, July 24, 2014**

Arnold & Porter LLP

Washington, DC

Sponsored by the ABA Section of Litigation’s   
Environmental Litigation Committee



**AT THE FOREFRONT:**

**AN INSIDER’S PERSPECTIVE ON ENVIRONMENTAL ENFORCEMENT AND LITIGATION**

**Thursday, July 24, 2014**

Arnold & Porter LLP

555 Twelfth Street, NW

Washington, DC 20004-1206

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| **1:00 – 1:15 p.m** | **INTRODUCTION AND WELCOME** |
| **Introduction Environmental Litigation Committee Co-Chairs:**   |  |  | | --- | --- | | Meaghan G. Boyd  Alston & Bird LLP, Atlanta, GA | James P. Ray  Robinson + Cole LLP, Hartford, CT |   **Welcome** Thomas M. Milch, Chair Arnold & Porter LLP, Washington, DC | |
| **1:15 – 2:45 p.m.** | CIVIL AND CRIMINAL ENVIRONMENTAL ENFORCEMENT UPDATE |
| Moderator: | Krishna S. Dighe, Assistant Chief U.S. Department of Justice, Environmental Crimes Section, Washington, DC |
| Panel: | Ben Fisherow, Chief U.S. Department of Justice, Environmental Enforcement Section, Washington, DC  Todd Gleason, Senior Trial Attorney  U.S. Department of Justice, Environmental Crimes Section, Washington, DC  Ellen Mahan, Deputy Chief U.S. Department of Justice, Environmental Enforcement Section, Washington, DC  Pam Mazakis, Deputy Director U.S. Environmental Protection Agency, Office of Civil Enforcement, Washington, DC |
| *Recent court decisions and current Department of Justice and Environmental Protection Agency enforcement priorities affect case selection, trials, and case outcomes. This panel is comprised of senior and experienced attorneys from DOJ’s Environmental Enforcement Section, DOJ’s Environmental Crimes Section, and U.S. EPA. They will address recent developments that affect those who practice in the area of environmental enforcement, civil and criminal. Their expertise and backgrounds provide a unique view of federal enforcement of our Nation’s environmental laws.* | |
| **2:45 – 3:00 p.m.** | Break |
| **3:00 – 4:00 p.m.** | CHEVRON/ECUADOR LITIGATION:  LESSONS LEARNED |
| Moderator: | Charles M. Denton Barnes & Thornburg LLP, Grand Rapids, MI |
| Panel: | Ava Barasso Astigarraga Davis, Miami, FL  Rudy R. Perrino Walsworth Franklin Bevins & McCall, LLP Los Angeles, CA  Marco Simons, Legal Director EarthRights International, Washington, DC |
| Even if you are not battling an $18 billion foreign environmental judgment, there are many aspects of the Chevron--Ecuador litigation proceedings which can provide practitioners with valuable lessons—ranging from forum non conveniens strategies, to creative legal theories for environmental claims, to discovery in support of international arbitration, to liabilities of experts/consultants and legal counsel, to third-party litigation funding/investment, and so much more from this continuing saga. Our panelists for this discussion include the litigation director of an environmental rights group who provided amicus support in this litigation; a former in-house counsel with insights from the analogous Dole Food Company—Nicaragua claims; and an international arbitration lawyer addressing discovery in support of international proceedings. You will not want to miss this panel and their valuable insights! | |

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| **4:00 – 5:00 p.m.** | NEGOTIATING WITH THE GOVERNMENT: WHAT MISTAKES COMPANY LAWYERS MAKE |
| Moderator: | Allison B. Rumsey Arnold & Porter LLP, Washington, DC |
| Panel: | Lois J. Schiffer, General Counsel National Oceanic and Atmospheric Administration, Washington, DC  Rachel Jacobson, Acting Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, Washington, DC  Thomas P. Carroll, Assistant Chief U.S. Department of Justice, Environmental Enforcement Section, Washington, DC |
| A panel of Government environmental officials will discuss the negotiation process with a focus on the tactical successes and mistakes they have seen in company adversaries.  Issues include the realistic limits of the cooperation vs. a more aggressive stance; the benefits of “owning the pen” in drafting key documents; the attendance of clients at negotiation sessions; the use of deadlines and “walk away” positions; and things that Company lawyers do that end up hurting their cause more than helping it. | |
| **5:00 – 5:15 p.m.** | CLOSING REMARKS |
| **5:15 – 7:00 p.m.** | NETWORKING RECEPTION |

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The Environmental Litigation Committee of the ABA Section of Litigation

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|  |  |
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| Meaghan G. Boyd  Alston & Bird LLP  Atlanta, GA | James P. Ray  Robinson + Cole LLP  Hartford, CT |

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| Charles M. Denton Barnes & Thornburg LLP  Grand Rapids, MI | Krishna S. Dighe  U.S. Department of Justice  Washington, DC |

|  |  |
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**GENERAL INFORMATION**

**Accommodations:**

**Transportation to and from Arnold & Porter LLP:**

Arnold & Porter LLP is located near the Metro Center stop on the Washington, DC

Metro system on either the red, orange, or blue lines.

**Registration:**

Visit [http://www.americanbar.org/groups/litigation/events\_cle.html](http://www.americanbar.org/groups/litigation/events_cle.html%20) to register online or return the Registration Form on the following page with your payment (checks only) to:

Katie Peternell  
American Bar Association   
321 N. Clark St  
Chicago, IL 60610

## Requests for refunds must be made in writing and received no later than July 22nd, in the ABA Section of Litigation office. Please email your request to Katie Peternell, at [katie.peternell@americanbar.org](mailto:katie.peternell@americanbar.org). There will be a $10 administrative fee deducted from the refund. Cancellations received after July 22nd will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

**MCLE Credit:**

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 3.5 CLE credit hours in 60-minute states, and 4.2 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit <http://www.americanbar.org/cle/mandatory_cle.html> or contact Katie Peternell at [katie.peternell@americanbar.org](mailto:katie.peternell@americanbar.org) or 312.988.6714.

**Attendance List:**

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**REGISTRATION FORM**

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Affiliation

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Telephone Fax

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ABA Member No.

The information submitted on this registration form will be used only to create an attendance list for the At the Forefront: An Insider’s Perspective on Environmental Enforcement and Litigation.

**Registration Information**

$75.00 (Non-Section members)

$65.00 (Section of Litigation members)

$50.00 (Government, Academic and Non-Profit attorneys)

$25.00 (Students)

$20.00 (Networking Reception only)

**Pre-registration deadline is July 22, 2014**.

Checks for attendance and course materials should be made payable to the **American Bar Association** (Credit cards for on-line registration only).

I will attend the meeting and my check for $ .00 is enclosed.

I cannot attend the meeting, but would like to attend the networking reception and my check for $20 is enclosed.

I would like to join the Section of Litigation for $60.00 and attend the meeting for the section rate of $75.00.

I am unable to attend the meeting, but please send the course materials to the above address, at a cost of $35.00, a check for which is enclosed.

A limited amount of scholarships are available for this program.  For more information, please contact: Katie Peternell at (312) 988-6714.

Please send your Registration Form and check to: Katie Peternell

American Bar Association

321 N. Clark St.

Chicago, IL 60610

For additional information about the program, please contact:

James P. Ray 860-275-8257/jray@rc.com

Allison B. Rumsey 202-942-5095/Allison.Rumsey@aporter.com