The ABA will seek **9.0** CLE credit hours (including **1.0** ethics hour) in 60-minute states, and **10.8** CLE credit hours (including **1.2** ethics hours) in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules.
THANK YOU TO OUR SPONSORS!

SECTION SPONSOR >>

LAW FIRM SPONSORS >>

BARNES & THORNBURG LLP

BLANK ROME

BUTLER SNOW

GODFREY & KAHN, S.C.

FAEGRE BAKER DANIELS

KUCHLER POLK WEINER

NELSON MULLINS

ROBINSON & COLE

SHOOK HARDY & BACON

spilman thomas & battle

CORPORATE SPONSORS >>

AEI CORPORATION

ROUX

SPA STRATEGIC PROPERTY ANALYTICS

ABA AMERICAN BAR ASSOCIATION Litigation Section
### WEDNESDAY, JANUARY 29, 2020

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:00 PM – 4:00 PM</td>
<td>Registration</td>
</tr>
<tr>
<td>4:00 PM – 5:00 PM</td>
<td>Committee Meetings</td>
</tr>
<tr>
<td>5:00 PM – 6:00 PM</td>
<td><strong>Potential Health Risks &amp; Regulatory Hurdles Associated with Cannabis &amp; Its Concentrates</strong>&lt;br&gt;Cannabis concentrates consist of a range of products that are produced by treating the raw cannabis vegetable matter with a solvent to isolate the chemical components of interest. After reviewing the various extraction methods and quality assessment challenges, the panel will discuss what is known (and unknown) about the potential toxicological effects of cannabis extracts. Further, the panel will focus specifically on increased potency, solvent and pesticide residues, terpenes, solvent impurities and flavorings/fragrances.</td>
</tr>
</tbody>
</table>

**Moderator:** Joseph R. Englander, Fowler White Burnett PA, Miami, FL  
**Speakers:** Dr. Julie L. Horton, Burdock Group Consultants, Orlando, FL; Dr. James W. Rice, Gradient Corporation, Cambridge, MA; Daniel S. Wittenberg, Snell & Wilmer, Denver, CO

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:00 PM – 7:30 PM</td>
<td>Welcome Reception</td>
</tr>
</tbody>
</table>

### THURSDAY, JANUARY 30, 2020

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:00 AM – 8:00 AM</td>
<td>Breakfast &amp; Registration</td>
</tr>
<tr>
<td>7:00 AM – 8:00 AM</td>
<td><strong>Securing Legal Data: When the Advice Givers Need Advice</strong>&lt;br&gt;Lawyers now live in an era when “cybersecurity” and “hacking” are challenges that confront even the smallest of law firms. Recent ethics opinions bring into sharp focus the ethics rules applicable to protecting client information. In both an informative and practical presentation, you will walk away with a checklist of steps you can take individually and as a firm to improve your chances of avoiding the dreaded call: “You’ve been hacked.”</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 AM – 8:15 AM</td>
<td>Welcome Remarks</td>
</tr>
<tr>
<td>8:15 AM – 9:30 AM</td>
<td><strong>Flint Drinking Water Crisis: Litigation Lessons to be Learned</strong>&lt;br&gt;The Flint drinking water “crisis” has taught many lessons, and this high profile panel will highlight some of those from a litigation perspective. There are hundreds of lawsuits pending in federal and state court asserting environmental, toxic tort and class action claims against state and local governments and other defendants. We are fortunate to hear from the federal court-appointed Special Master overseeing this Flint litigation, who also brings experience from other high profile disputes such as Agent Orange and 9/11 victims compensation. We also have the Plaintiffs’ perspective from liaison counsel for hundreds of the Flint individual personal injury claimants. The “Court of Public Opinion” – from news outlets to social media, and local citizens to various stakeholder groups – will also be discussed by an experienced public relations expert sharing lessons learned/best practices since each audience can have a significant impact on the course of litigation from the outset. Underlying all of this are the toxicity and technical considerations of federal and state safe drinking water regulations, and so a water resources expert has been invited to explain these underlying concerns.</td>
</tr>
</tbody>
</table>

**Speakers:** Deborah Greenspan, Blank Rome LLP, Washington, D.C.; Karen M. Kirchenbauer, SeyferthPR, Grand Rapids, MI; Kendra Lounsberry, Barnes & Thornburg LLP, Los Angeles, CA; Corey M. Stern, Levy Konigsberg LLP; New York, NY

*Subject to Change*
### THURSDAY, JANUARY 30, 2020

**9:30 AM – 9:45 AM**  
Coffee Break

**9:45 AM – 11:00 AM**  
**Yours, Mine, & Auers: Agency Deference in 2020**  
After the 2019 *Kisor* Supreme Court decision, practitioners were surprised to see the survival of *Auer* deference to an agency’s interpretation of its own regulations, albeit in a narrower form. And so, where do we go from here? This panel provides a guide for practitioners, courts, and even the agencies themselves.

**Moderator:** Michelle Molinaro Burke, Porzio Bromberg & Newman PC, Morristown, NJ  
**Speakers:** Professor William W. Buzbee, Georgetown Law, Washington, D.C.; Karen Crawford, Nelson Mullins Riley & Scarborough LLP, Columbia, SC; John C. McMeekin, Rawle & Henderson LLP, Philadelphia, PA

**11:00 AM – 11:15 AM**  
Networking Break

**11:15 AM – 12:15 PM**  
**Mass Torts Committee Breakout: The High Stakes World of Emissions Litigation — An International Scorecard on the State of Play and What’s Next**  
This panel will survey the landscape of emissions litigation as it has emerged in recent years. It will address the most significant features of that litigation and identify issues of broader relevance for products and environmental liability. This panel will also address the interplay of regulatory and civil cases, and how this affects both what is at stake in these claims and what remedies may be offered in a class action context. It will consider how these class actions in the United States influence the emissions legal landscape around the world, and identify the next battlegrounds in this rapidly expanding and evolving area of the law.

**Speakers:** Krista L. Lenart, Dykema Gossett PLLC, Ann Arbor, MI; Reidar Mogerman, Camp Fiorante Matthews Mogerman LLP, Vancouver, BC; Renee D. Smith, Kirkland & Ellis LLP, Chicago, IL; Cheryl Woodin, Bennett Jones LLP, Toronto, ON

**11:15 AM – 12:15 PM**  
**Environmental & Energy Committee Breakout: PFAS: Forever Chemicals That Are Everywhere, Even Courthouses**  
This panel will explain why PFAS compounds are such a significant regulatory and litigation focus, including for real property and toxic tort litigation. Forensic environmental causation and similar expert roles for sites impacted by PFAS will be presented. There will also be an overview of pending litigation arising from PFAS releases to the environment. Property valuation claims and valuation issues related to PFAS impacts will be reviewed, as well as Colorado’s insights on state and federal government PFAS regulation and enforcement.

**Moderator:** Stephen Valdez, Delta Valuation Inc., Ladera Ranch, CA  
**Speakers:** Orell C. Anderson, Strategic Property Analytics Inc., Laguna Niguel, CA; Amy Beatie, Office of Colorado Attorney General, Denver, CO; Catherine Boston, Roux Associates Inc., Woburn, MA; Charlie M. Denton, Barnes & Thornburg LLP, Atlanta, GA

**7:30 PM – 10:00 PM**  
Dine Arouunds *(pay on your own)*

---

*Subject to Change*
FRIDAY, JANUARY 31, 2020

7:00 AM – 8:00 AM  Breakfast & Registration

7:30 AM – 8:45 AM  **Waive Goodbye: What to Do After a Privilege Waiver**
Issues of waiver are often thorny and complex, particularly when dealing with large productions. This panel explores the legal background and current case law on the scope of waivers, as well as strategies for working with in-house counsel after a waiver may have occurred.

8:45 AM – 9:00 AM  Coffee Break

9:00 AM – 10:15 AM  **Mass Tort and MDL Settlements — Changes Ahead?**
Professor Elizabeth Burch’s recently-published book, “Mass Tort Deals: Backroom Bargaining in Multidistrict Litigation,” concludes that a “systemic lack of checks and balances in our courts may benefit everyone but the plaintiffs.” Featuring the author and experienced mass tort and MDL counsel for plaintiffs and defendants, this panel will discuss the state of play in mass torts and MDL settlements and recommendations, including court control over private settlements, limiting lead lawyers’ payouts to claimants’ payments, and changing how judges choose lead lawyers.

**Speakers:**  Professor Elizabeth Burch, University of Georgia School of Law, Athens, GA; Paul D. Rheingold, Rheingold Giuffra Ruffo & Plotkin LLP, New York, NY; Angela M. Spivey, Alston & Bird LLP, Atlanta, GA

10:15 AM – 10:30 AM  Networking Break

10:30 AM – 11:30 AM  **Mass Torts Committee Breakout: Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts**
An ill-defined by oft-used doctrine, public nuisance comes up in many large cases over the pressing social issues of the day, from pollution, to handguns, to the opioid epidemic. This panel focuses on the many lawsuits filed in response to the opioid crisis, and how these claims have affected the public nuisance doctrine on broader legal and societal levels.

**Speakers:**  John D. Noor, Roberts & Stevens PA, Asheville, NC; Abby R. Wolf, Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA; John P. Wunderli, Ray Quinney & Nebeker, Salt Lake City, UT

10:30 AM – 11:30 AM  **Products Liability Committee Breakout: Alexa, Am I Liable? Products Liability Implications of Innovative Products**
How will existing products liability laws apply to innovative products of the 21st Century? Today we live with products designed and manufactured with additive manufacturing (or 3D Printing), services incorporating Artificial Intelligence, devices using the Internet of Things, and drugs incorporating genetics/genomics and personalized medicine. This panel will discuss how these and other advances in technology give rise to new and complicated legal theories of liability and defenses.

**Speakers:**  David L. Ferrera, Nutter McClennen & Fish LLP, Boston, MA; Rayna E. Kessler, Robins Kaplan LLP, New York, NY; Stephen G.A. Myers, Irwin Fritchie Urquhart & Moore LLC, New Orleans, LA; Richard Underwood, Exponent, Philadelphia, PA

*Subject to Change*
Program Organizers

**Orell Anderson**
Strategic Property Analytics Inc.
Laguna Beach, CA
orell@strategicpropertyanalytics.com

**Karen Aldridge**
Crawford
Riley & Scarborough LLP
Columbia, SC
karen.crawford@nelsonmullins.com

**Megan E. Baroni**
Robinson + Cole LLP
Stamford, CT
mbaroni@rc.com

**Charlie Denton**
Barnes & Thornburg LLP
Atlanta, GA
cdenton@btlaw.com

**Meaghan Goodwin Boyd**
Alston & Bird LLP
Atlanta, GA
Meaghan.boyd@alston.com

**David R. Erickson**
Shook Hardy & Bacon LLP
Kansas City, MO
derickson@shb.com

**Jon Schuyler Brooks**
Freeborn & Peters LLP
New York, NY
jbrooks@freeborn.com

**Richard M. Gaal**
McDowell Knight Roedder & Sledge LLC
Mobile, AL
rgaal@mcdowellknight.com

**Kevin Bruno**
Blank Rome LLP
New York, NY
kbruno@BlankRome.com

**Edward Gaus**
Shook Hardy & Bacon LLP
San Francisco, CA
egaus@shb.com

**Michelle Molinaro Burke**
Porzio Bromberg & Newman PC
Morristown, NJ
mmburke@pbnlaw.com

**Robert Hines**
Farella Braun + Martel LLP
San Francisco, CA
rhines@fbm.com

**Matthew Coglianese**
Florida Crystals Corporation
West Palm Beach, FL
Matthew.Coglianese@FloridaCrystals.com

**Josh Johanningmeier**
Godfrey & Kahn SC
Madison, WI
jjohanningmeier@gklaw.com
Program Organizers

Cliff Kinney
Spilman Thomas & Battle PLLC
Charleston, WV
ckinney@spilmanlaw.com

Bethany W. Kristovich
Munger Tolles & Olson LLP
Los Angeles, CA
Bethany.Kristovich@mto.com

Alan Mathis
Butler Snow LLP
Birmingham, AL
alan.mathis@butlersnow.com

Tonya G. Newman
Neal Gerber Eisenberg LLP
Chicago, IL
tnewman@nge.com

Rudy R. Perrino
Kutak Rock LLP
Los Angeles, CA
Rudy.Perrino@kutakrock.com

Jon Rohrer
Roux Associates Inc.
Long Beach, CA
jrohrer@rouxinc.com

David Schwan
Concho Resources Inc.
Houston, TX
dschwan@concho.com

David Scriven-Young
Peckar & Abramson PC
Chicago, IL
DScrivenyoung@pecklaw.com

Will Taylor
Jones Day
Houston, TX
wrtaylor@jonesday.com

Fabrice N. Vincent
Lieff Cabraser Heimann & Bernstein LLP
San Francisco, CA
fvincent@lchb.com

Monique Weiner
Kuchler Polk Weiner LLC
New Orleans, LA
mweiner@kuchlerpolk.com

Dale Weppner
Greensfelder Hemker & Gale PC
St. Louis, MO
dmw@greensfelder.com

Joe Winebrenner
Faegre Baker Daniels LLP
Minneapolis, MN
joe.winebrenner@FaegreBD.com

Dan Wittenberg
Snell & Wilmer LLP
Denver, CO
dwittenberg@swlaw.com

Karen Woodward
City of Los Angeles
Los Angeles, CA
Karen.woodward@lacity.org
General Information

Cancellations and Substitutions
Requests for refunds must be made in writing and received no later than January 15, 2020 in the ABA Section of Litigation office. Please email your request to Corey Irion at Corey.Irion@americanbar.org. There will be a $10 administrative fee deducted from the refund. Cancellations received after January 15, 2020 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

Hotel
The Westin Snowmass Resort
100 Elbert Lane
Snowmass Village, CO 81615

Wildwood Snowmass Hotel
40 Elbert Lane
Snowmass Village, CO 81615

Airport Information
Aspen-Pitkin County Airport (ASE)  Eagle County Airport (EGE)
Travel Distance: 8 miles  Travel Distance: 70 miles
To access ABA-negotiated airfare discounts for travel, please visit americanbar.org/travel.

MCLE Credit
The ABA will seek 9.0 CLE credit hours (including 1.0 ethics hours) in 60-minute states, and 10.8 CLE credit hours (including 1.2 ethics hours) in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit www.americanbar.org/mcle for general information on CLE at the ABA.

Tuition Assistance
A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, unemployed attorneys, and law students. For more information, please contact: Corey Irion at 312-988-6245 by December 18, 2019.

Attendance List
Information included in the attendance list is protected by copyright and is solely intended for the individual and private use of ABA members in connection with the ABA’s mission, goals, and activities. All other use is strictly prohibited without prior written authorization from the ABA. Prohibited use includes but is not limited to the copying, renting, leasing, selling, distributing, transmitting, or transfer of all or any portions of the materials, or use for any other commercial and/or solicitation purposes of any type, or in connection with any action taken that violates the ABA’s copyright.

Registrant/Participant Image and Voice Agreement
Registration for, attendance at, or participation in this CLE program and other associated activities constitutes an agreement by the registrant to permit the American Bar Association to use and distribute (both now and in the future) the registrant or participant’s image or voice in photographs, videotapes, electronic reproductions, audiotapes of such event and activities.

Join the Section of Litigation and SAVE $70 on your registration!

Extend your participation by joining the Section of Litigation Environmental & Energy, Mass Torts, and Products Liability Committees! Committee membership is free for Section of Litigation members.
Registration Form:
2020 Environmental & Energy, Mass Torts, and Products Liability Litigation Committees’ Joint Regional CLE Program

Please complete the registration form below or click here to take you to the registration page.

Full Name: ____________________________________________________________________________________
Member ID: _____________________________________________________________________________________
Firm/Organization: ______________________________________________________________________________
Address: _______________________________________________________________________________________
Apt.#: _____________ City:_________________ State:__________ Zip: __________
Phone:_____________________
Email: ________________________________________________________________________________________

A limited amount of scholarships are available for this program. For more information, please contact Corey Irion corey.irion@americanbar.org by December 18, 2019.

Registration Information:

☐ $395 Section of Litigation Members
☐ $465 ABA Members
☐ $535 Non-ABA Members
☐ $295 Young Lawyer/Gov/Academic/Public Service
☐ $50 In-House Counsel
☐ $25 Law Students

Payment Information

☐ I will attend the CLE program and my payment of $_______ is enclosed.

☐ I will attend the CLE program. My credit card information is listed below for my payment of $_______.

Name on Card: _________________________________________________________________________________
Card Number: _________________________________________________________________________________
Address: ______________________________________________________________________________________
Apt.#: ________________ City:_____________________________________ State:__________ Zip:__________

Please send your registration form and payment to:
American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
321 N. Clark Street, Floor 19
Chicago, IL 60654
Secure Fax Number: 312-988-5850
Please register by **January 15, 2020** to reserve your spot. We encourage you to register using the online registration [here](#). If you are unable to register online, use the registration form to register by mail or fax only. In order to protect your credit card information from being compromised, we do not accept credit card payments via email.

CLICK HERETO REGISTER NOW