



American Bar Association
Section of Environment, Energy, and Resources
Superfund and Natural Resource Damages,
Site Remediation and Environmental Enforcement and Crimes Committees
and



Cosponsored by the Section of Litigation, Environmental Litigation Committee

Presents a "Quick Teleconference" program

Atlantic Research Restores the Right to Recover Cleanup Costs: An Analysis By The Supreme Court Parties

Thursday, June 21

12:00 p.m. – 1:30 p.m. Eastern Time / 11:00 a.m. – 12:30 p.m. Central Time
10:00 a.m. – 11:30 a.m. Mountain Time / 9:00 a.m. – 10:30 a.m. Pacific Time

Program Overview:

Can a party sue to recover its voluntarily incurred costs of cleanup? What are the distinctions between CERCLA section 107 (cost recovery) and section 113 (contribution) actions? How will the environmental liability of the United States be affected by the Supreme Court's *Atlantic Research* decision? Have we returned to the world of environmental litigation as it existed prior to the Supreme Court's 2004 decision in *Cooper Industries v. Aviall Services* or are there new quirks in recovering cleanup costs? Hear from those who argued, briefed, or otherwise participated directly before the Supreme Court as they explain and discuss this seminal decision.

Educational Objectives:

- Learn under what circumstances CERCLA claims are now available against private parties and the U.S.
- Understand the impact of the Supreme Court's decision upon Brownfields and business transactions
- Determine the implications for litigation concerning contaminated properties

Faculty:

Moderator:

Professor Martha L. Judy, Vermont Law School, South Royalton, VT (party and contributor to an amicus brief)

Panelists:

Thomas Armstrong, von Briesen & Roper, S.C., Milwaukee, WI (oral argument on behalf of Atlantic Research)

John Cruden, Deputy Assistant Attorney General, Environment and Natural Resources Division

Jay D. Geck, Washington State Office of the Solicitor General, Olympia, WA (oral argument on behalf of Washington State (amicus))

Questions?

Do you have a question that you would like the panel to address? Please email your question to Professor Martha L. Judy at Mjudy@VermontLaw.edu by June 20, 2007 at noon Eastern Time and the panel will make every effort to address your inquiry.

