

**Chemical Products and Toxic Torts at a Crossroads:  
New Developments, Significant Trends, and  
a View into the Future**



**Sponsored by the ABA Section of Litigation  
Products Liability and Mass Torts Committees**

**A Regional CLE Workshop  
focusing on toxic and mass tort litigation  
impacting the chemical and industrial products industries**

**Friday, September 11, 2009**

**Location:  
Exxon Mobil Corporation  
800 Bell Street  
Houston, Texas**

**Registration Deadline is September 7, 2009**

An interactive seminar involving nationally known plaintiffs' lawyers, members of the judiciary, in-house counsel and defense-oriented trial lawyers who will discuss new developments and significant trends in toxic and mass torts involving chemicals and industrial products, including a look at the impact of a post-Bush, recessionary world on pending and future litigation, the use of biomonitoring and toxicogenomics to determine medical causation, the evolution of environmental justice and nuisance theories, and the next wave of litigation involving household products.

**Program Co-Chairs:**

**Sarah Grider Cronan  
Stites & Harbison, PLLC  
Louisville, KY**

**Monique M. Weiner  
Kuchler Polk Schell Weiner &  
Richeson  
New Orleans, LA**

**Eric E. Hudson  
Butler, Snow, O'Mara,  
Stevens & Cannada, PLLC  
Memphis, TN**

**David A. Kanter  
Wildman, Harrold, Allen  
& Dixon, LLP  
Chicago, IL**

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Alcon Laboratories, Inc.  
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Snell & Wilmer, L.L.P.  
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New York, NY**

**John P. Manard, Jr., Esq.  
Phelps Dunbar, LLP  
New Orleans, LA**

**Rudy Perrino  
Dole Food Company, Inc.  
Westlake Village, CA**

# Program Agenda

**Friday, September 11, 2009**

**8:00 a.m.: Registration and Networking Breakfast**

**8:30 a.m.: Welcome & Introductions**

**8:35 – 9:35 a.m.: The Economy and the Obama Administration's Effect on Our Practice: How Trial Preparation, Settlement Strategies and Substantive Law Are Being Affected**

*Top legal experts will provide insights into how the economic downturn and the change in the Presidency affect our practice. The panel members are recognized nationally for their work in mass torts and chemical products case. Topics for discussion include new approaches to trial preparation, settlement strategies, and substantive law; the status of the tort reform movement and new case filing; and changed expectations of clients, lawyers, and juries.*

**Moderator:**

Clifford F. Kinney, Jr.  
Spilman Thomas & Battle, PLLC  
Charleston, West Virginia

**Panel:**

G. Edward Pickle  
Pickle Consulting Group  
Retired, Shell Oil Company  
Humble, TX

Albert A. Foster, Jr.  
Nelson Mullins Riley Scarborough LLP  
Washington, DC

Richard Mithoff  
Mithoff Law Firm  
Houston, TX

Hon. Randy Wilson  
157<sup>th</sup> District Court, Harris County  
Houston, TX

**9:35 – 10:35 a.m.: Environmental Justice in a Post-Bush Culture and Recessionary Economy**

*This blue ribbon panel will discuss the forensic and social consequences of environmental justice claims, including such penetrating issues as the effect on a jury's perception of your case, whether trial courts should deal with explicit or implicit environmental justice trial themes and how it is an overall factor in the assessment of damages, including punitive damages and RCRA or CWA penalties. The panel will also offer their insight as to how responsible companies modify their conduct at "EJ" v. "non-EJ" sites.*

**Moderator:**

Lawrence P. Riff  
Steptoe & Johnson LLP  
Los Angeles, California

**Panel:**

Honorable Janis Graham Jack  
U.S. District Court for the  
Southern District of Texas

Victoria McGhee  
Managing Counsel-Litigation  
Shell Oil Company

Jose Hernandez Mayoral  
San Juan, Puerto Rico

Robert Meadows (invited)  
King & Spaulding  
Houston, TX

**10:35 – 10:50 a.m.: Break**

**10:50 – 11:50 a.m.: Biomonitoring, Toxicogenomics and Other Emerging Tools  
Used to Analyze Medical Causation**

*Biomonitoring and toxicogenomics are two examples of new methods being used to determine whether a person has been injured by chemical exposure. This panel will discuss the utility of those new tools, the implications and ramifications of the EPA's position on these new methods (along with industry's response to EPA's position) and the issues these methods raise for practitioners on both sides of the bar.*

**Moderator:**

David A. Kanter  
Wildman, Harrold, Allen Dixon LLP  
Chicago, IL

**Panel:**

Jeanne E. Walker  
Associate General Counsel  
Celanese International Corporation  
Dallas, TX

Michael Hendryx  
Strong Pipkin Bissell & Ledyard, L.L.P.  
Houston, TX

Herschel L. Hobson  
The Law Offices of Herschel Hobson  
Beaumont, TX

Angela J. Harris, Ph.D.  
Center for Toxicology & Environmental Health, LLC  
North Little Rock, AR

**11:50 a.m. – 12:20 p.m.: Networking Lunch**

**12:20- 12:50 p.m.: Year-In-Review: A Look at Significant Legal Decisions  
and Developments in Toxic and Mass Tort Cases**

*This presentation will summarize the most recent case holdings in environmental and toxic tort cases. Issues include Daubert rulings, dose-response and causation cases.*

**Prepared by:**

Sarah Grider Cronan  
Stites & Harbison, PLLC  
Louisville, KY

Eric Hudson  
Butler, Snow, O'Mara, Stevens & Cannada, PLLC  
Memphis, TN

**12:50 – 2:00 p.m.:      What a Nuisance! – Effective Advocacy for “Public Nuisance”  
Lawsuits**

*Top legal experts will provide insights into the applicability of “public nuisance” theories in chemical product cases. The panel members are recognized nationally for their work on some of the largest public-nuisance lawsuits in the county, including trials to verdict and appeals to state supreme courts. Topics for discussion include public policy, effective case themes, competing legal arguments, practical advice, and the latest developments in the law.*

**Moderator:**

David H. Wright  
Halleland Lewis Nilan & Johnson, PA  
Minneapolis, MN

**Panel:**

Joseph F. Speelman  
Associate General Counsel  
LyondellBasell Industries  
Houston, TX

Michael T. Nilan  
Halleland Lewis Nilan & Johnson, PA  
Minneapolis, MN

Cary McDougal  
Baron & Budd, PC  
Dallas, TX

**2:15 – 3:30 p.m.:      Household Chemicals – The Next Wave!**

*Leading attorneys will provide insight and comment upon chemicals and other products consumers encounter in their homes, garages and yards likely to be subjects of litigation in the future. Panel participants are recognized product liability and toxic tort practitioners with broad experience in the state and federal courts. The panel will offer views on these subjects from the perspectives of the plaintiffs’ bar, defendants’ bar and corporate counsel.*

**Moderator:**

Daniel W. McGrath  
Hinshaw & Culbertson LLP  
Chicago, IL

**Panel:**

David Young  
Union Pacific Railroad Company  
Houston, TX

Sharla Frost  
Frost & Powers  
Houston, TX

Troy Chandler  
Williams Kherkher  
Houston, TX

Judge Al Bennett  
Harris County  
Houston, TX

For additional information about the program, please contact:

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Eric Hudson, (901) 680-7309, [Eric.Hudson@butlersnow.com](mailto:Eric.Hudson@butlersnow.com)  
Dave Kanter, (312) 201-2683, [kanter@wildman.com](mailto:kanter@wildman.com)  
Program Co-Chairs

**Registration Deadline is September 7, 2009**

**REGISTRATION FORM**

**SPACE IS LIMITED! PLEASE REGISTER TODAY TO RESERVE YOUR SEMINAR SEAT.**

**A Regional CLE Workshop**

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800 Bell Street  
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To register **online**, please visit: [http://www.abanet.org/litigation/programs/programs\\_future.html](http://www.abanet.org/litigation/programs/programs_future.html)

To register by **mail**, please complete the form below and mail along with payment to:

**Sarah Grider Cronan, Esq.  
Stites & Harbison, PLLC  
400 West Market Street, Suite 1800  
Louisville, KY 40202  
(FAX) 502.779.8278**

Name:

Affiliation:

Address:

City, State, Zip Code:

Telephone:

Fax:

E-mail:

ABA Member No.:

The information submitted on this registration form will be used only to create an attendance list for Chemical Products and Toxic Torts at a Crossroads, a regional CLE workshop on mass torts and class actions involving toxic torts & chemical and industrial products.

**Registration Information**

\$125.00 (Section of Litigation members)

\$180.00 (Non-Section members)

**Registration deadline is September 7, 2009.** Checks for attendance and course materials should be made payable to the American Bar Association.

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

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.

### **Travel and Hotel Information**

Attendees are responsible for making their own travel arrangements and hotel reservations. Nearby hotels include:

Hyatt Regency Houston  
1200 Louisiana Street  
Houston, TX, USA 77002  
Reservations: 1-888-591-1234  
\$99/night - subject to change (Mention ABA Seminar)  
<http://houstonregency.hyatt.com/hyatt/hotels/index.jsp>

Four Seasons Houston  
1300 Lamar Street  
Houston, TX 77010-3017  
Reservations: 1-800-819-5053  
\$195/night (Mention ABA Seminar)  
[www.fourseasons.com/houston](http://www.fourseasons.com/houston)

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Required sponsor documentation has been forwarded to and credit requested from MCLE states with general requirements for all lawyers. Lawyers seeking credit in Pennsylvania must pay a fee of \$1.50 per credit hour directly to the PA CLE Board. The ABA pays applicable fees in other states where the sponsor is required to do so. In states where a late fee may become applicable, the ABA pays this fee as well. Please be aware that each state has its own rules and regulations, including its definition of CLE as well as 'Ethics'. Therefore, certain programs may not receive credit in some states. Please check with your state agency for confirmation of general as well as ethics approval for any program. You may contact Elizabeth Hurley at the ABA at (312) 988-5499 for confirmation of the number of credits approved by any particular state.

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