Criminal Enforcement of Environmental Laws

Featuring keynote addresses by high-ranking officials at the EPA and DOJ!

Mining, oil spills, and other environmental and safety disasters produce multiple investigations. Do old laws cover these new contingencies?

More than a year into the Obama Administration, is there evidence to predict what’s to come with environmental enforcement?

How will new initiatives in climate change and energy policy impact enforcement of the environmental laws?
This annual one-day course of study provides the only comprehensive discussion of environmental crimes in the country.

It is not just for lawyers whose clients have been stung—who are involved in real or potential exposure to criminal sanctions. It is also for lawyers whose clients are in the hive—whose very businesses necessarily involve environmental issues, whether because they are manufacturers; because they hold or develop real estate; or because their businesses involve the use, transportation, or storage of material that can give rise to environmental liability.

The course does more than just talk about developments in enforcement policy and practice. The faculty includes both government attorneys and private practitioners, nearly all of whom have prosecutorial experience. They analyze how cases are brought and offer insights on how lawyers, whether in firms or corporate legal departments, can best serve their clients at various stages of proceedings, from internal investigation to trial to post-trial. The course helps lawyers better respond to environmental criminal investigations and prosecutions; communicate with their clients, including corporate officers and the board of directors; and negotiate and resolve matters with the government.

In four panel discussions, representatives from the U.S. EPA, Environmental Crimes Section at the U.S. Department of Justice, and private sectors talk about current developments in criminal enforcement of environmental laws, including: Dealing with a Criminal Case in the Midst of an Environmental Crisis; What’s New in the Internal Investigation World; Trial of the Environmental Crimes Case; and New Cases, Familiar Faces.

The program also features two keynote addresses: Cynthia Giles, Assistant Administrator in the Office of Enforcement and Compliance Assurance at the EPA, and John Cruden, Deputy Assistant Attorney General in DOJ’s Environment and Natural Resources Division (invited).

Time is reserved throughout the program to address questions submitted by the registrants.
FROM THE GOVERNMENT

Andrew D. Goldsmith,
National Criminal
Discovery Coordinator,
Executive Office for
U.S. Attorneys, U.S.
Department of Justice,
Washington, D.C.

Stacey H. Mitchell,
Chief, Environmental
Crimes Section,
Environment and Natural
Resources Division, U.S.
Department of Justice,
Washington, D.C.

Richard A. Pelletier,
Debarring Official,
Suspension and
Debarment Program, U.S.
Environmental Protection
Agency, Washington, D.C.

PRIVATE PRACTITIONERS

David T. Buente, Jr.,
Sidley Austin LLP,
Washington, D.C.

Donald A. Carr,
Pillsbury Winthrop Shaw
Pittman LLP,
Washington, D.C.

Kevin A. Gaynor,
Vinson & Elkins LLP,
Washington, D.C.

W. Warren Hamel,
Venable LLP, Baltimore

Thomas J. Kelly, Jr.,
Venable LLP,
Washington, D.C.

David S. Krakoff,
Mayer Brown LLP,
Washington, D.C.

Gregory F. Linsin,
Blank Rome LLP,
Washington, D.C.;
former Special Litigation
Counsel, Environmental
Crimes Section, U.S.
Department of Justice

Bruce Pasfield,
Alston & Bird LLP,
Washington, D.C.

Ronald A. Sarachan,
Ballard Spahr Andrews &
Ingersoll LLP, Philadelphia

Steven P. Solow,
Katten Muchin Rosenman
LLP, Washington, D.C.

Ronald J. Tenpas,
Morgan, Lewis and
Bockius LLP, Washington,
D.C.; former Assistant
Attorney General,
Environment and Natural
Resources Division, U.S.
Department of Justice

ALI-ABA Staff Attorney:
Amy S. Weinberg,
Assistant Director, Office
of Courses of Study
Thursday, September 23, 2010

7:45 a.m. Registration and Continental Breakfast

8:40 a.m. Administrative Remarks – ALI-ABA Staff

VIDEO WEBCAST SEGMENT A | $299

8:45 a.m. Introductory Remarks and Course Overview – Messrs. Block and Starr

9:00 a.m. Keynote Address – Ms. Giles

9:30 a.m. Dealing with a Criminal Case in the Midst of an Environmental Crisis

After Congressional and other investigations, engineering studies, and company pronouncements, how much is left for DOJ to investigate?

How do you deal with Congress, blogs, spin doctors, intense media scrutiny, and the plaintiff’s bar, and still defend your client?

What lessons can be learned from past environmental disasters: the 1989 Exxon Valdez; the 1999 Erika tanker spill off the French Brittany coast and subsequent prosecution of 15 individuals and corporations; and the 2005 BP Texas City refinery explosion; how about from the recent Upper Big Branch Mine and BP Gulf Coast disasters?

11:00 a.m. Networking and Refreshment Break

11:15 a.m. What’s New in the Internal Investigation World?

What “type” of internal investigation is it? Is the Government already “Knocking at the Door”, or not? Who’s the real client – the General Counsel? The CEO? The Board of Directors? The Audit Committee?

New SEC reporting in the environmental case

Cooperation (or not) and the Principles of Federal Prosecution of Business Organizations

Employee corporate Miranda warnings (Upjohn) and indemnifications/joint defense agreements

E-Discovery: Controlling costs and controlling risks in an era of exploding electronic information

12:45 p.m. Lunch Break

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1:00 p.m. Luncheon and Keynote Address – Mr. Cruden (invited)

1:45 p.m. Networking Break

2:00 p.m. Trial of the Environmental Crimes Case

Avoiding or narrowing the scope of trial: Will the May 2010 Holder Memorandum make a difference?
Brady and other discovery issues; where is DOJ after the Stevens and WR Grace cases?

Trial strategy in cases involving multiple defendants

Benchmarking the totality of damage when an environmental event affects a large, undefined public

How do court settlements relate to harm to the victims (Crime Victims' Rights Act)?

How does suspension and debarment figure into negotiations and trial strategy?

3:30 p.m. Networking and Refreshment Break

3:45 p.m. New Cases, Familiar Faces

OSHA and DOJ's Workers Safety Initiative

Expanded coverage of the Lacey Act -- New prosecutions?

Migratory Bird Treaty Act and other "strict liability" statutes -- How absolute is strict liability?

The vessel initiative after 15-plus years

Potential criminal issues in alternative energy laws with new reporting challenges

5:00 p.m. Adjournment

Total 60-minute hours of instruction (including luncheon address): 7.25

Here’s what registrants have said about previous presentations of this course:

"Good course with knowledgeable speakers; good networking opportunity as well."

"Loved the format. Interesting and lively discussions and presentations."

"This is one of the first courses I attended where both sides were presented and debated, which is extremely helpful. I also really liked the practical exercise regarding the internal investigation."
On-site: Maximize your CLE experience. Learn from the best and network with serious practitioners. Register one person from your firm for this course and get all subsequent registrations at 50% off. **UP TO 50% OFF**

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Course Location and Hotel Accommodations

The course will be held at Venable LLP, located at 575 7th Street, NW, Washington, DC 20004. There are many hotels nearby at varying price levels. The following are within a half-mile of the course site:

- Courtyard Washington Convention Center, 900 F Street, NW, Washington, DC 20004; phone 202-638-4600 or 800-393-3063.
- Grand Hyatt Washington, 1000 H Street, NW, Washington, DC 20001; phone 202-582-1234.
- Hotel Harrington, 436 11th Street, NW, Washington, DC 20004; phone 202-628-8140 or 800-424-8532.
- Hotel Monaco, 700 F Street, NW, Washington, DC 20004; phone 202-628-7177 or 800-649-1202. (directly across the street from Venable)
- Red Roof Inn Washington, DC - Downtown, 500 H Street, NW, Washington, DC 20001; phone 202-289-5959.
- Renaissance Washington DC Hotel, 999 9th Street, NW, Washington, DC 20001; phone 202-898-9000.

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1) Transfer to a webcast registration and/or take the online video or audio, which is available to all registrants 4-6 weeks after the course. Most states allow you to earn participatory or self-study CLE credit through these internet formats. PDF versions of study materials are provided with these options.

2) Apply your tuition to:
A. a DVD or mp3 CD-ROM (including the study materials in PDF format that can be copied to your computer or printed); or
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Impact of Environmental Law on Real Estate and Business Transactions: Brownfields and Beyond
October 14-15, 2010
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www.ali-aba.org/CS003

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Criminal Enforcement of Environmental Laws

Washington, D.C., Thursday, September 23, 2010 | $649

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