

2 - 10-12-88

Government Institutes announces a new course to help you understand how to manage and reduce your environmental legal costs, including:

- Managing your lawyers for maximum effectiveness at minimum cost
- Is it really necessary to litigate?
- Innovative dispute resolution techniques
- Role of alternative means of dispute resolution (ADR) in environmental compliance
- What government agencies and companies are doing to reduce their litigation and legal costs
- Practical considerations in light of federal, state and local governments' stepped-up environmental enforcement

PREVENTING AND MANAGING YOUR ENVIRONMENTAL LEGAL COSTS

December 8-9, 1988

Washington, D.C.

*Cost
\$2500 + 2 days is
a bit much for the topic
but it does look like it
might be worthwhile
Sherry*

Conducted by:



Government Institutes, Inc.
Washington, D.C.

Leaders in environmental continuing education and information for 15 years

CTL027398

Preventing and Managing Your Environmental Legal Costs

December 8-9, 1988 • Washington, D.C.

PROGRAM AGENDA*

First Day, Thursday, December 8, 1988

8:00 am **Registration and Coffee/Danish**

9:00 am **Environmental Legal Costs Overview**
Carl S. Pavetto, Esq.
Director of Environmental Education
Government Institutes, Inc.
Rockville, MD

This opening presentation will set the stage for the two-day seminar program.

9:15 am **Managing Your Environmental Program: Setting Your Priorities**
Michael A. Brown, Attorney
Schmeltzer, Aptaker & Sheppard
Washington, D.C.

Establishing a corporate environmental policy; setting your environmental goals and priorities; what is the lawyer's role in making the policy, implementing the policy, and in corporate environmental decision-making.

10:15 am **Risk Management Techniques for Environmental Litigation**
Wm. Roger Truitt, Attorney
Schmeltzer, Aptaker & Sheppard
Washington, D.C.

Determine your company's current and future exposure to potential environmental litigation through the use of traditional tort and product liability risk management assessments together with environmental auditing; proper use of these approaches to enable your company to identify areas of concern and address them prior to litigation.

11:00 am **Alternative Dispute Resolution (ADR): An Emerging Technique**
John H. Wilkinson, Attorney
Donovan, Leisure, Newton & Irvine
New York, NY

Practical considerations in the use of ADR; its application in a corporate context; forms of ADR: mini-trial, summary, jury trial, private judges, mediation, variations on basic ADR methods; pitfalls to avoid, contract clauses, confidentiality, and other concerns.

12:30 pm **Luncheon**, hosted by
Government Institutes, Inc.

Current Priorities in Dispute Resolution

Wallace Warfield, Visiting Scholar
Administrative Conference of
the United States
Washington, DC

2:30 pm **ADR From the Perspective of In-house Environmental Counsel**
William J. Jones
General Solicitor
AT&T Corporation
Berkeley Heights, NJ

Steps to take to include ADR in your company; range of dispute-resolution options, practical suggestions for utilizing the strengths of ADR in an environmental setting; how you should hire and evaluate the performance of your lawyers.

3:10 pm **Panel Discussion:**
William Jones and John Wilkinson

3:30 pm **Anticipating, Preventing & Managing Environmental Litigation**
Michael A. Brown

A company's strategy to approach environmental litigation including multi-party cases; coordination of litigation; settlement policy; how the smart company would save time and money through the proper management of its lawyers and environmental consultants.

5:00 pm **Reception**, hosted by Government Institutes. An invaluable opportunity for you to meet informally with the speakers and your colleagues to discuss your specific concerns.

Second Day, Friday, December 9, 1988

8 30 am **Evolving Insurance Strategies**
Patrick O. Cavanaugh, Attorney
Schmeltzer, Aptaker & Sheppard

There are rapidly evolving and widely differing interpretations of insurance coverage for environmental liabilities. Many companies are not aware

Program Agenda continued on the next page

*Question & Answer/Discussion periods are scheduled after each presentation. CTL027399



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that the legal rules for insurance coverage differ from state to state and from policy to policy. What is your company's insurance protection? Is your insurance company obligated to pay the costs for litigation? What are the methods to assess your insurance coverage?

9:30 am **Managing the Large Environmental Case**
George J. Wetner, Attorney
Schmeltzer, Aptaker & Sheppard
Washington, DC

How to pick the defense team; use of inside personnel and outside counsel; assembling and managing the documents; when to pool efforts with other companies; when to look at settlement opportunities; and how to structure settlement.

10:30 am **Case Study: Cost-Effective Management of a Superfund Case**
J. Gordon Arbuckle, Attorney
Patton, Boggs & Blow
Washington, DC

An expert attorney will take you through a superfund case which included the use of ADR in the negotiations.

11:30 am **New Initiatives in EPA Enforcement Programs**
Terrell Hunt, Director
Office of Enforcement Policy, U.S. EPA
Washington, DC

EPA is among the federal agencies moving more and more toward the use of negotiated rulemaking and alternative means of dispute resolution to avoid protracted lawsuits and to obtain more of a consensus with industry. This presentation will describe EPA's enforcement initiatives and means for streamlining the process.

12:15 pm Lunch

1:15 pm **Regulatory Negotiations in the Environmental Rulemaking Process**
J. Gordon Arbuckle

To avoid litigation costs, EPA is trying negotiated rulemaking. Description of EPA's recent regulatory negotiations in rulemaking; lessons learned, pros and cons and pitfalls; update on actions in Congress to add negotiated rulemakings to the administrative procedures; what you need to know to participate effectively in negotiated rulemaking.

2:00 pm **State Enforcement and the Role of ADR in the States**
Phillip B. Rarick, Counsel
National Assn. of Attorneys General
Washington, DC

Update on current developments in state environmental enforcement and in ADR use in the states for resolving environmental disputes.

3:00 pm Adjourn

Conducted by a Team of Talented and Experienced Instructors

J. Gordon Arbuckle is a partner in the Washington, D.C., law firm of Patton, Boggs & Blow. His experience includes more than 20 years in the environmental law field representing companies and trade associations in litigation and administrative proceedings under the Clean Air Act, Clean Water Act, NEPA, RCRA, TSCA and CERCLA. Mr. Arbuckle has extensive experience in the establishment and implementation of new legal regimes for major projects which involve the application of scale-up of new technology. He is a leader in negotiated rulemaking in environmental matters.

Michael A. Brown is a partner in the Washington, D.C., law firm of Schmeltzer, Aptaker & Sheppard where he specializes in the practice of environmental law. He is the former Enforcement Counsel (head of enforcement) for the US Environmental Protection Agency; prior to that he was Deputy General Counsel. At EPA, Mr. Brown was responsible for legal policies and strategies surrounding environmental rulemaking and enforcement. Mr. Brown is recognized as one of the leading authorities on environmental law in the U.S.

Patrick O. Cavanaugh is an attorney in the law firm of Schmeltzer, Aptaker & Sheppard in Washington, D.C., where he has handled a wide variety of cases, including the insurance aspects of environmental cases.

Terrell Hunt is the Director of the Office of Enforcement Policy where he directs the development of national enforcement policy and the Agency's compliance planning and analysis activities. His office has developed recent EPA guidance on the use of ADR in resolving enforcement cases, policy and procedures governing the contractor listing program, and concept papers on the use of informal enforce-

ment tools such as field citations.

William J. Jones is the General Solicitor of AT&T Corporation where he is responsible for environmental and occupational safety and health matters for all AT&T companies. His areas of specific expertise include superfund and other environmental litigation and administrative proceedings and related toxic tort litigation. Mr. Jones is a member of the American Bar Association and the Legal Program Committee for the Center for Public Resources. He is also a member of the Board of Advisors of the Center for Litigation Risk Analysis.

Phillip B. Rarick is Environmental and Energy Counsel to the National Association of Attorneys General, Washington, D.C. He provides consultation to state Attorneys General on environmental litigation issues, including CERCLA, RCRA, NEPA, TSCA, FIFRA and other environmental statutes.

Wm Roger Truitt is an attorney in the law firm of Schmeltzer, Aptaker & Sheppard. His practice involves litigation and counselling related to all the major environmental laws.

George Weiner is a partner with the firm of Schmeltzer, Aptaker & Sheppard where he is lead counsel to New Castle County, Delaware, in RCRA/CERCLA cost recovery and companion toxic tort actions.

John H. Wilkinson is the ADR-designated partner in the New York law firm of Donovan, Leisure, Newton & Irvine. He has written regularly on the subject of ADR; he is a commercial arbitrator for the American Arbitration Association, is serving on the American Bar Association's Committee on ADR and is a sustaining member, Center for Public Resources (CPR)



More Special Benefits Of This Course:

Comprehensive Course Notebook:

You will receive a notebook specially prepared for this course. This will contain the speaker's texts and supplementary materials. The purpose is twofold: to relieve you of the burden of taking voluminous notes — thus freeing you for greater concentration on the words of the instructor — and to provide you with a valuable reference tool back on your job.

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Substitution/Cancellation Policy:

You may designate a substitute in writing any time before the meeting. To cancel and obtain a full refund, you must ensure we receive your notice in writing by December 1. If you cancel in writing after that date, but before the meeting begins, you will receive an 85% refund. No refunds will be given for cancellations received after December 7.

Convenient Accommodations:

The course hotel is conveniently located near National Airport, and free shuttle service is available. Special room rates for Government Institutes course attendees are available upon request. Room blocks will expire two weeks prior to the course, but rooms may still be available. To reserve your room, contact the hotel directly by phone or mail. Mention Government Institutes to obtain the discounted room rate. Contact:

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Arlington, VA 22202
703/ 979-6800

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1. Call 301/251-9250 with your credit card
2. Detach and mail with your payment to the address below (include your address label)

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I wish to order the following publications:

- | | |
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| ☐ Directory of Environmental Information Sources, #743 | \$59.00 |
| ☐ Environmental Laws and Real Estate Handbook, 2nd Edition, #753 | \$74.50 |
| ☐ NPDES Compliance Inspection Manual, #751 | \$54.00 |
| ☐ Risk Assessment Guidelines and Information Directory, #755 | \$56.00 |
| ☐ Wetlands & Real Estate Development, #756 | \$67.00 |
| ☐ Acid Rain: The View from the States, #754 | \$58.00 |
| ☐ SARA Title III Compliance Guidebook, #749 | \$55.00 |
| ☐ Hazard Communication Standard Inspection Manual, #750 | \$39.00 |
| ☐ Waste Minimization Opportunity Assessment Manual, #752 | \$28.00 |

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Get the Most Out of Dollars Spent for Environmental Legal Costs

Studies and corporate expense tallies have shown the ever-increasing cost of litigation, especially environmental litigation. EPA has stepped up its environmental enforcement efforts as have the states. What this means for you is that your environmental legal costs will continue to escalate with no end in sight unless you do something to prevent and manage them.

Are there alternatives to litigation? In our litigious society, companies, organizations and agencies are looking for ways to prevent, reduce and streamline legal actions and, hence, costs. Alternative methods of dispute resolution, collectively called ADR, provide possible alternatives to litigation and the means to reduce the high costs associated with litigation. Such alternative means are most effective as part of an overall corporate or organizational policy for managing legal costs and resources. For example, the legal affairs of many companies are lawyer-driven. This tends to separate legal decision-making from the context of corporate decision-making -- possibly a costly situation. Companies that once viewed litigation as the exclusive means of dispute resolution are now seeking lower cost alternative methods for resolving their disputes.

What you can do for your company is understand the significance of having a company-driven, rather than a lawyer-driven, environmental legal cost management strategy. This unique course will examine the means available for resolving environmental disputes or participating in regulatory negotiations at EPA on coming regulations that affect your business.

Are You Spending Your Company's Money Wisely?

There are times, even in the environmental area, when litigation cannot be avoided even at great expense in time and dollars. Yet, there are other times when environmental disputes can be worked out much more quickly and inexpensively by adherence to a flexible corporate legal policy which includes alternative means of dispute resolution. Even in EPA's rulemaking process, which traditionally has been to a great degree adversarial, your company may have new opportunities to participate and influence decisions.

This information-packed course will help you understand the need for managing your corporate or organizational environmental legal

decision-making. You will also learn that there are alternatives to litigation and "adversarial" rulemaking that, under the proper circumstances, can be used very effectively and cost-efficiently to resolve environmental disputes. You'll learn how to assess the circumstances of your case; focus on those cases that may be amenable to you; decide what the best approaches would be, and carry out an effective strategy to resolving the issues -- while reducing your legal costs.

Who Should Attend This Course?

Environmental Managers who have the responsibility for developing or influencing litigation strategy in their company or who are responsible for environmental compliance and handling any enforcement actions that may be issued against the company.

Corporate and Outside Counsel who need to have a thorough understanding of the different means available for resolving disputes and the strength and weaknesses of these means so that an informed assessment can be made.

Government Officials and Others who have responsibilities that are related to environmental litigation, enforcement, rulemaking or related topics.

Here's What You Will Learn at This Course:

- How to save on legal costs
- How to avoid costly litigation
- How to cost-effectively manage your legal counsel
- The various ADR methods and when ADR is appropriate -- and not appropriate -- as an alternative to litigation
- How to select the appropriate ADR method(s) to fit your situation
- How to obtain cost-effective solutions to your legal problems
- Assessing the results of your legal counsel
- ...and more.





From Government Institutes...

Fall 1988 New Books/New Editions

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Softcover/288 pages/Code 743/\$59.00

Environmental Laws and Real Estate Handbook, 2nd Edition

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Wetlands and Real Estate Development

In these new proceedings from our September 1988 seminar, legal, technical and government experts bring you up-to-date on: what constitutes a "wetland"; the impact the regulation of wetlands has on your real estate development; the likely consequences of failure to comply with wetland regulations; legal and technical strategies for obtaining wetland permits; EPA's role in wetland regulation; and much more! Softcover/Approximately 250 pages/Code 756/\$67.00

Acid Rain: The View from the States

In these proceedings of this December 1987 national conference sponsored by the Acid Rain Information Clearinghouse, 25 experts present a complete update of state activities, as well as new technological developments and a look at the federal-state connection. Softcover/Approximately 190 pages/Code 754/\$58.00

SARA Title III Compliance Guidebook

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OSHA's own inspection procedures covering your Hazard Communication Program, Hazard Determination procedures, employee information and training, labeling, trade secrets, MSDS completeness, and the instances in which OSHA inspectors are instructed to issue citations -- plus more!

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Waste Minimization Opportunity Assessment Manual

EPA manual of step-by-step procedures for identifying waste minimization opportunities. Contains over 40 worksheets and detailed instructions from initial assessment to actual implementation. Softcover/104 pages/Code 752/\$28.00

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