



The Challenges and Potential Pitfalls of Retaining the Client's Environmental Project Manager as Litigation Expert

Wednesday, October 3, 2018

12:00 - 1:00 p.m. CDT

Dear IADC Member:

Please join us for a complimentary Webinar (Web-based seminar produced through Adobe Connect) sponsored by the IADC Environmental and Energy Law Committee, Product Liability Committee, Toxic and Hazardous Substances Litigation Committee, and Trial Techniques and Tactics Committee on Wednesday, October 3, 2018 for (1) hour beginning at:

10:00 AM PDT / 11:00 AM MDT / 12:00 PM Noon CDT / 1:00 PM EDT

HOW TO REGISTER:

ONLINE REGISTRATION! Although there is no fee to attend, you must register so that the IADC can plan accordingly for the number of interested participants. [Click here](#) to register online. You must be logged in with your IADC username and password in order to register. If you are registering multiple participants from the same firm, please register each participant individually.

We hope that you will join us for this exciting and informative program. If you have any questions, please contact **Melisa Maisel Vanis, Assistant Director of Meetings and Professional Development**, at mmaisel@iadclaw.org or by telephone at 312.368.1494.

THE PRESENTATION:

The Challenges and Potential Pitfalls of Retaining the Client's Environmental Project Manager as Litigation Expert

This presentation addresses the pros and cons of retaining a client's site project manager as an environmental litigation expert. It is often tempting to slot the project manager into a litigation role because they have a wealth of technical knowledge of the site, although they may not have substantial prior litigation experience. Alternatively, what circumstances make it more advisable to retain an outside expert to prepare your client's expert opinions? What are the benefits of retaining a battle-tested litigation expert who can view a site with fresh eyes? Whatever the decision, counsel must be cognizant of the often competing demands and objectives of a regulatory agency's cleanup timetable and a court's scheduling order, and the Court's and the Agency's differing expectations concerning the retention of documents and samples. A well-drafted retention letter is necessary at the outset of the relationship to

address attorney work product and privilege concerns, case budgeting, and whether a consultant's fees should be placed in a "remediation cost" or a "litigation cost" bucket.

THE PRESENTERS:

John Ellis (john.ellis@arcadis-us.com)

Arcadis U.S., Inc., Baton Rouge, Louisiana

John Ellis has worked for Arcadis U.S., Inc. in the Baton Rouge, Louisiana office for 21 years and is currently an Associate Vice President. He has more than 20 years of environmental experience in groundwater monitoring, assessment, flow modeling, and corrective action programs at Superfund, Resource Conservation and Recovery Act (RCRA), nonhazardous solid waste, and legacy oil and gas sites. As a geologist, he has participated in a wide variety of projects including geologic and hydrogeologic subsurface investigations; soil and groundwater remediation; monitor well design and placement; sample plan development; remedial alternative evaluations; and vapor intrusion assessments. Major projects include litigation support; RCRA Facility Investigations/Corrective Measures Studies; groundwater biogeochemical characterizations; risk-based soil and groundwater quality assessments; in-situ groundwater remediation projects; aquifer characterization; soil and hazardous waste permitting; and unit closures. John is registered as a professional geologist in Louisiana and Texas, and received a Bachelor of Science degree in Geology from Millsaps College and a Master of Science degree in Geography from Louisiana State University.

William A. Ruskin (wruskin@wruskinlaw.com)

William Ruskin Law, Rye Brook, NY

Bill Ruskin is the Chair of the IADC Toxic and Hazardous Substances Litigation Committee. Bill brings more than 35 years of experience defending industrial companies and manufacturers nationally in toxic tort, environmental, product liability litigation, and drug and medical device actions. During his career, he has litigated a large number of complex CERCLA cost-recovery across the United States as both counsel for plaintiffs and defendants. Relevant to this Webinar, Bill has worked professionally with environmental consultants for more than 30 years, particularly environmental engineers, hydrogeologists, environmental chemists, air modelers, project managers, and industrial hygienists, in preparation for both regulatory proceedings and trials. Bill is a frequent speaker on toxic tort, environmental, and litigation management issues, and has been a guest lecturer on environmental issues at Syracuse Law School, New York Law School, Columbia, and Cornell. He is admitted to practice in New York, Connecticut, and Washington, D.C., and is a graduate of Cornell College of Arts & Sciences and Cornell Law School.

IADC Webinars are made possible by a grant from The Foundation of the IADC.

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