American Conference Institute’s 3rd Annual Forum on

ADmiralty & Maritime Claims and Litigation

The essential forum that shapes the future of defense and risk management strategies for the industry’s leading counsel and claims professionals

February 27–28, 2014 | Hilton Houston Post Oak Hotel | Houston, TX

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U.S. Coast Guard
Eighth Coast Guard District

CDR Jacqueline Twomey
U.S. Coast Guard

Robert Kirk
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Frank Gonynor
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Hon. F.A. Gossett, III

Sessions include:

- Corporate counsel, claims professional and engineer roundtable: insights into the evolution of maritime policies, coverage, litigation management and hiring law firms, and strategies for key issues including charter negotiations, shipyard contracts, Jones Act, cargo letters of indemnity, tankers, and more

- The implications of recent admiralty & maritime case law (including from the Supreme Court and U.S. Circuit Courts), other emerging trends, and what to expect for 2014

- Maritime bankruptcy: constitutional and jurisdictional issues, cross border (and Chapter 15) insolvency issues, Chapter 11 filings and seizure of assets

- Personal injury and wrongful death claims: defending and managing new and emerging claims including negligent infliction of emotional distress, negligence per se, physical stress, duty to warn, and more

- Medical expenses, MMI date determination, and the ship owner’s obligation to pay maintenance and cure

- Updates on federal rules, treaties, regulations, sanctions and more, including best practices on interaction between private practice lawyers and the government

- Procedural issues and considerations: jurisdiction, venue, pleadings, forum selection clauses, removal, juries and beyond

- ADR benefits of arbitration and mediation to manage risk in cruise ship and other litigation

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This is the highest-level Admiralty & Maritime Law conference that prepares you for what’s going on in the industry and provides for maximum networking opportunities with counsel and claims professionals. It’s also the only event that goes the extra mile and brings you a national judicial presence.

The law governing admiralty and maritime claims is evolving like never before. Several Supreme Court and Circuit Court cases on important maritime issues have created broad sweeping implications for the future of the law. There has never been a more important time to convene and exchange insights and strategies with colleagues and experts in the field.

In response, American Conference Institute is proud to bring you its 3rd Annual Forum on Admiralty & Maritime Claims and Litigation. The program has been updated to provide crucial developments and winning strategies to overcome the most current and complex issues surrounding admiralty and maritime litigation. Get effective tactics and insights from an unparalleled faculty of the most experienced in-house counsel, top claims officers & risk managers, insurance professionals, leading outside counsel and renowned federal judges. This year’s conference features:

- **A must-see in-house roundtable**: Corporate counsel and claims professionals speak out on the evolution of maritime policies, coverage, litigation management and hiring law firms and strategies for key issues including charter negotiations, shipyard contracts, Jones Act, cargo letters of indemnity, tankers, and more.

- **Unique insurance nuances**: Recent trends affecting marine insurance, principal maritime risks and exposures, new developments in hull and machinery and cargo insurance, and pollution coverage issues, just to name a few.

- **Discussions with distinguished jurists**: Get valuable insight on recent developments in admiralty & maritime law, judicial perspectives on punitive damages, effective approaches to trial and case management and avoiding common mistakes made by litigators from state and federal judges that have presided over these suits.

- **Narrowly tailored panels**: Our narrowly tailored, comprehensive panels will shed light on the most effective ways to manage and defend new and emerging theories of liability, use arbitration and settlement to effectively avoid costly litigation, respond to punitive damages claims, and incorporate recent Supreme and Circuit Court cases and lessons learned from recent catastrophes into your defense strategy and much, much more.

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- Admiralty and maritime counsel
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Day 1 | Thursday, February 27, 2014

7:30 Registration and Continental Breakfast
8:10 Co-Chairs’ Welcoming Remarks

Christopher R. Nolan
Partner
Holland & Knight LLP

Robin Minturn
Senior Counsel
Chevron Shipping Company LLC


Frank Gonynor
Senior Claims Adviser, Lawyer
Gard (North America), Inc.

Robin Minturn
Senior Counsel
Chevron Shipping Company LLC

George Tsimis
Senior Vice President - Head of Claims/General Counsel
American-Club

Susan M. Dorgan
Complex Director - Recovery
Marine | AIG Specialty Lines
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Richard Preston
Managing Counsel
BP Shipping

Michael F. Vitt
Vice President & General Counsel
E.N. Bisso & Son, Inc.

Joseph G. MacDonald
Senior VP, Marine Claims Manager
Hugh Wood Inc.

Kenneth M. Smith, Jr., P.E.
Senior Managing Consultant, Manager of California Operations Engineering Systems Inc.

George Tsagaris
Vice President
Liberty International Underwriters

Co-Moderators
Robert Kirk
VP, Maritime Legal & Medical Services
Carnival Cruise Lines

Stephen Rible
Managing Counsel
Mendes & Mount, LLP

- Principal maritime risks and level of exposure
- Additional complications in marine insurance
- Insurance coverage controversies regarding pollution coverage
- Managing compliance with increased regulatory scrutiny
- Identifying trends and preventing future lawsuits
- Weighing when and whether to utilize outside counsel
  - Working with outside counsel and ensuring proper communication
  - Perspective on new and emerging defense strategies
- Policies and procedures that have been implemented to prevent spoliation of evidence claims and preserve of electronic data
- Handling sensitive client requests and ensuring ethical compliance
- Managing potential problem employees and whistleblowers

10:30 Morning Coffee Break

10:45 Hot Topics in Admiralty & Maritime Law: The Implications of Recent Case Law (Including from the Supreme Court and U.S. Circuit Courts), Other Emerging Trends, and What to Expect for 2014

Robert B. Hopkins
Partner
Duane Morris LLP

Joseph G. Grasso
Partner
Wiggin and Dana LLP

Patricia A. Krebs
Member
King, Krebs & Jurgens, PLLC

Steven L. Roberts
Partner
Sutherland Asbill & Brennan LLP

US Supreme Court and Circuit Court Cases
- Examining the Pappadakis case and its implications: Angelex Ltd. v. United States of America, United States Coast Guard, United States Customs and Border Protection Agency
  - Types of penalties the US Government can levy regarding oil pollution
  - Oily water separator issues
- Assessing the Athos I Third Circuit Court case: Frescati v. Citgo
  - Who is responsible for damage to hull and the resulting oil spill caused by an anchor in the seabed?
  - Ship owner? Pier owner? Terminal owner?
  - What is the approach to the berth?
  - Obligations of the charter party
  - Safe berth issues
• Lozman v. City of Riviera Beach
  - Examining the U.S. Supreme Court’s decision regarding the status of a vessel
• 5th Circuit Court in Deepwater Horizon certifying two questions to the Texas Supreme Court
  - How does additional insurance fit within the indemnity scheme?
  - Indemnity between contractor and employer
  - Allocating risks in drilling contracts
• Economic loss rule in maritime law
  - Examining the implications of the rule set forth in State of Louisiana ex rel. Guste v. M/V TESTBANK
• Inland navigation rules in the 5th Circuit Court’s decision in Mike Hooks Dredging Company v. Marquette Transportation Gulf-Inland, LLC
• Estis Rig 23 case (recoverability of punitive damages under maritime law)

Emerging Trends
• Latest Developments in the BP oil spill litigation
• Anticipating the opening of the Panama Canal
  - Increase in number of container shipping, vessels
  - Anticipating increase in casualty
  - Dealing with ports which may not have the infrastructure for bigger ships
  - Increased activity on the east coast
• Explanation of the decline in piracy
  - Role of government officials
• Salvage
  - Dealing with wrecks
  - Recent developments on right to treasure
  - How ships are rescued
• Examining the rise in public/private port partnerships
• Development of technology and use of AIS

12:30 Networking Lunch for Speakers and Delegates

1:35 Maritime Bankruptcy: Constitutional and Jurisdictional Issues, Cross Border (and Chapter 15) Insolvency Issues, Chapter 11 Filings and Seizure of Assets

Christopher R. Nolan
Partner
Holland & Knight LLP

Stewart F. Peck
Senior Partner
Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

• The complex jurisdictional relationship between Admiralty and Bankruptcy
  - U.S. Constitutional problems
  - Bankruptcy Stay of arrest proceedings
  - In rem vessel sales
• Companies filing bankruptcy overseas and filing for Chapter 15 in the US
  - United Nations Commission on International Trade Law model rules
  - Border insolvency issues
  - Ancillary support proceedings
• STX Pan Ocean bankruptcy
  - Attachment of assets
  - How creditors can find a way to get assets before a company goes bankrupt
  - Filing the foreign equivalent of Chapter 11
  - Creditors prevented from seizing assets of a bankrupt company
• Chapter 11 filings
  - Ranking of maritime mortgages and liens
  - Charters and vessel construction and repair contracts as executing contracts
  - Valuation issues/what is a “vessel”
  - Classification of Claims/Plan of Reorganization
• Taiwanese Marine Transportation (TMT) bankruptcy and limited contacts with bankruptcy forum
• Seizing assets
  - Significance of arbitration clauses
  - Acquiring security for your claim

2:40 Afternoon Break

2:55 Recent Developments in the Law of Seamen

Pamela L. Schultz
Special Counsel
Severson & Werson

Philip C. Brickman
Partner
Fowler Rodriguez

W. Brett Mason
Partner
Breazeale, Sachse & Wilson, L.L.P

Grady S. Hurley
Partner
Jones Walker LLP

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James W. Bartlett, III  
Vice Chairman  
Semmes, Bowen & Semmes

- Recent trends and updates in personal injury litigation
- Determining whether the Jones Act or the Longshore Act applies
  - Crew member status issues
  - Attributes of a crew member for purposes of the Jones Act
  - Determination of a vessel in order to be a seaman under the Jones Act
  - How a seaman can sue for negligence in federal court or workers compensation dependent on the determination of a vessel
  - Proving that a claim should be handled under the Jones Act
  - When an employer can still be sued if the injured party files a suit under the Longshore Act
- Vessel owners and limitations of liability
- Defending against personal injury claims arising from oil spills and pollution based occurrences

4:30  
Medical Expenses, MMI Date Determination, and the Ship Owner’s Obligation to Pay Maintenance and Cure

John Scalia  
Senior Claims Adviser  
Gard (North America) Inc.

Michael J. Daly  
Partner  
Pierce Atwood LLP

Charles G. De Leo  
De Leo & Kuylenstierna P.A.

Kathleen K. Charvet  
Partner  
Lewis Brisbois Bisgaard & Smith LLP

- Can medical costs be managed/contained?
  - When does responsibility for payment of M & C begin?
  - When does it end?
  - What are the criteria for determining MMI?
- Under what circumstances can an employer deny M & C benefits?
  - Do contracts of indemnity that cover M & C also cover punitive damages?
  - Can an employer recover M & C payments?
  - If so, what are the conditions for recovery?
- Examining case law:
  - Boudreaux v. Transocean
  - McBride
  - Manderson v. Chet Morrison Contractors

5:45  
Conference Adjourns

Day 2 | Friday, February 28, 2014

7:30  
Continental Breakfast

8:00  

CDR Scott Herman, J.D., LL.M.  
Deputy Staff Judge Advocate  
Eighth Coast Guard District

CDR Jacqueline Twomey  
Chief, Prevention Department  
United States Coast Guard

Gina M. Venezia  
Partner  
Freehill Hogan & Mahar LLP

Gordon D. Schreck  
Senior Partner  
Womble Carlyle Sandridge & Rice, LLP

Laurie J. Sands  
Counsel  
Riker Danzig Scherer Hyland & Perretti LLP

- OFAC Sanctions
  - Prohibiting trading with countries such as Iran
  - Recovering assets
- Jones Act
  - Requirement of having certain crew members as American if trading in the US
  - Preventing inter coastal trade by foreign flag vessels
  - Controversy of re-flagging
- EPA
  - Emission Control Act
  - General permit for all incidental discharges for any vessels
  - Record keeping
- US Coast Guard
  - Recent US Coast Guard enforcement priorities
  - Violations of environmental law
  - Inspection of regulations for towing vessels
  - Oily water separator investigation/prosecution
- Federal Maritime Commission priorities
- Rotterdam Rules
  - Application of the Rotterdam Rules
  - Carriage of transportation
    - Limitations on ship owners with respect to cargo damage
  - Determining whether US will become a signatory to the Rotterdam Rules
  - Changes in the liability regime

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• The New Maritime Labour Convention: Implementation and Implications
• International Safety Management
  - Having a certificate in place
  - Subject to Coast Guard's inspection if conditions are substandard

9:30 Morning Coffee Break

9:40 View From the Bench: Judicial Perspectives on the Latest Plaintiff’s Theories, Emerging Defense Strategies, Recent Developments in the Law, Damages, Settlement Considerations, and More

Honorable David Hittner
United States District Court Southern District of Texas

Honorable Lance Africk
United States District Court Eastern District of Louisiana

Honorable F.A. Gossett, III
United States District Court District of Nebraska

Honorable Mildred Methvin
United States District Court Middle District of Pennsylvania (recall)

Honorable Juan Ramirez
Florida Third District Court of Appeal (retired)

Moderator
Michael J. Frevola
Partner
Holland & Knight LLP

11:10 Procedural Issues and Considerations: Jurisdiction, Venue, Pleadings, Forum Selection Clauses, Removal, Juries and Beyond

James N. Hurley
Shareholder
Fowler White Burnett, P.A.

Kenneth G. English
President and Director
Brown Sims, P.C.

Douglas W. Truxillo
Shareholder
Onebane Law Firm

Pamela A. Palmer
Partner
Morris Polich & Purdy

• How and when do you get a jury?
  - Luera v. Samos Shipping
• Federal Rules of Civil Procedure on removal
  - Removal based on separate issues of jurisdiction

12:25 ADR Benefits of Arbitration and Mediation to Manage Risk in Cruise Ship and Other Litigation

Bruce G. Paulsen
Partner
Seward & Kissel LLP

James F. Moseley
Sr. Shareholder
Moseley Prichard Parrish Knight & Jones

Katie Matison
Shareholder
Lane Powell PC

• Assessing the growing trend in seaman’s contract to require arbitration
  - Arbitration of crew personal injury claims
  - Countering plaintiff attorney’s opposition to ADR
• Procedure during arbitration: contractual considerations, limited statutory right of appeal, single arbiter, limited discovery
• Contractual arbitration provisions
  - Contractual arbitration provisions
  - Perceptions and realities of the perception of benefits of arbitration and the cost
  - Enforceability

1:30 Conference Ends

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