



American Conference Institute's 4th 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 4 – 5, 2015 | Hilton Houston Post Oak Hotel | Houston, TX

A unique opportunity to network with in-house, insurance carriers, and many others. Hear from and meet speakers from:

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Calif. Super. Ct.

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Louisiana Sup. Ct.

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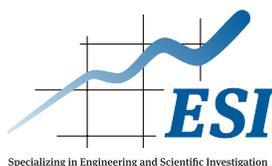
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Chief ALJ, U.S. Coast Guard

 **Hon. Robert Collings**
U.S. Dist. Ct., D. Mass.

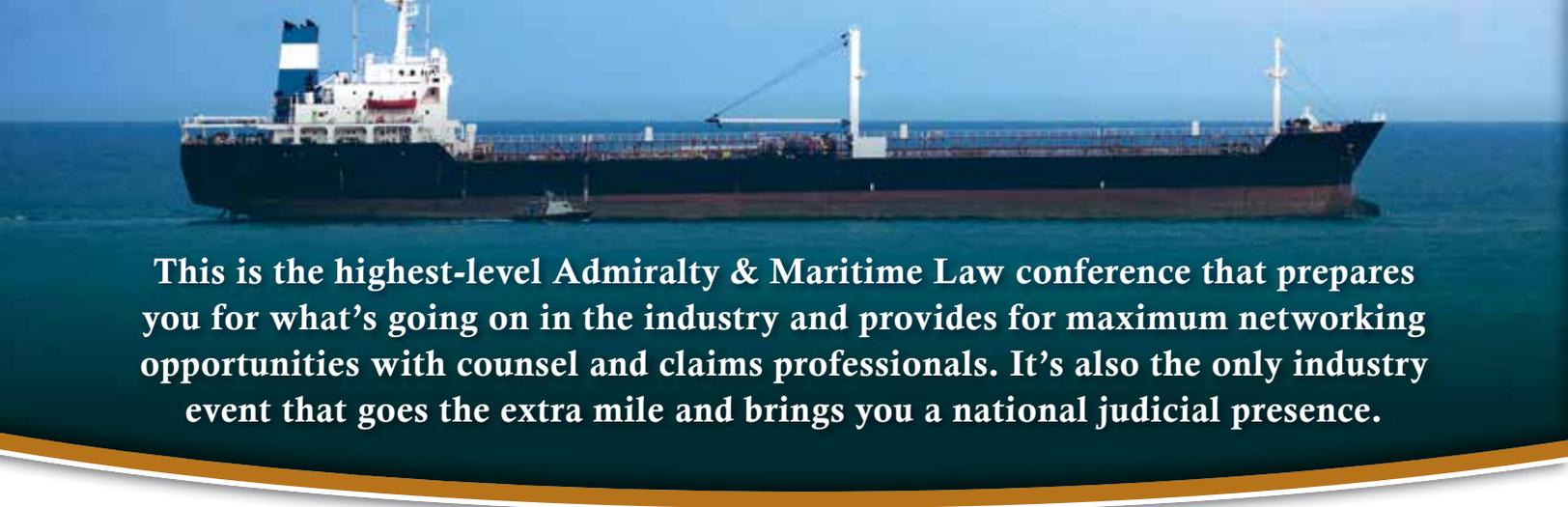
New sessions this year include:

- Key Case Law Developments from 2014 and What They Mean for 2015
- In-House Views on Personal Injury Claims and Labor & Employment Disputes; Compliance With International Local Laws and Using Local In-House Country Resources; New Piracy Issues; Domestic and Global Contract Review; Charter Party Negotiation and Management
- Maritime Torts and *Lozman*: Jones Act Seamen Claims, Maintenance and Cure and the Risk of Punitive Damages, and the Latest on Regulation of Vessels Post-*Lozman*
- *Jaldhi* at 5 Years and the Latest on Forum Selection and Arbitration Clauses
- Novel Issues With Respect to Limitation of Liability
- Insurance Roundtable: The Latest on Books of Business, Underwriting, Claims, Recovery, Litigation and Subrogation Management, New Coverage Nuances, and Ensuring Necessary Coverages Are in Place, and How a Firm Can Get Pre-Approved for Purposes of an Insurer Assigning the Defense of Insureds
- Marine Insurance and Indemnity Issues: Good and Bad Faith and the Duty to Defend/Indemnify; the Enforceability of Indemnity and Additional Assured Provisions; and the Latest Nuances in Cargo Claims
- Vessel Responses to Emergencies on Board or Casualties
- Environmental Controls: Practical Issues Surrounding Compliance, How Low Sulfur Fuel Regulations Are Impacting the Industry, Environmental Impact Concerns and Increased Litigation, and More
- Industry Effects of U.S. Sanctioning of Trade With Iran and Russia
- Maritime Bankruptcy and Creditors' Rights

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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 industry event that goes the extra mile and brings you a national judicial presence.

Twenty-five years after the enactment of the Oil Pollution Act and five years after Deepwater Horizon, 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 **4th 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 sessions on:

- Key Case Law Developments from 2014 and What They Mean for Your Practice in 2015
- In-House Views on Personal Injury Claims and Labor & Employment Disputes; Compliance With International Local Laws and Using Local In-House Country Resources; New Piracy Issues; Domestic and Global Contract Review; Charter Party Negotiation and Management
- Jones Act Seamen Claims, Maintenance and Cure and the Risk of Punitive Damages, and the Latest on the Impact of *Lozman* on Vessels
- *Jaldhi* at 5 Years and the Latest on Forum Selection and Arbitration Clauses
- Novel Issues With Respect to Limitation of Liability
- Insurance Roundtable: The Latest on Books of Business, Underwriting, Claims, Recovery, Litigation and Subrogation Management, New Coverage Nuances, and Ensuring Necessary Coverages Are in Place
- Marine Insurance and Indemnity Issues: Good and Bad Faith and the Duty to Defend/Indemnify; the Enforceability of Indemnity and Additional Assured Provisions; and the Latest Nuances in Cargo Claims
- Vessel Responses to Emergencies on Board or Casualties
- Environmental Controls: Practical Issues Surrounding Compliance, How the Low Sulfur Fuel Regulations Are Impacting the Industry, Environmental Impact Concerns and Increased Litigation, and More
- Industry Effects of U.S. Sanctioning of Trade With Iran and Russia
- Maritime Bankruptcy and Creditors' Rights

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WHO YOU WILL MEET

- In-house counsel from across the maritime industry
- Marine insurance professionals including brokers, carriers, adjusters and underwriters
- Admiralty and maritime counsel
- Consultants and service providers





7:15 Continental Breakfast and Registration

7:55 Co-Chairs' Welcome

Christopher Nolan

Partner
Holland & Knight LLP

Pamela Annette Palmer

Partner
Morris Polich & Purdy LLP

8:00 Admiralty & Maritime Case Law Year in Review: An Examination of the Key Case Law Developments from 2014 and What They Mean for Your Practice in 2015, and the Current State of the Law 25 Years After the Enactment of the Oil Pollution Act and 5 Years After Deepwater Horizon

Shawn A. Voyles, Esq.

Shawn A. Voyles, PLLC
(former SVP and Practice Leader, Marine and Logistics Division, USI Insurance Services, Inc.)

Giuseppe Lorenzo Rosa

Founder & Owner
Giuseppe Lorenzo Rosa, Esq. & Associated Counsels

W. Brett Mason

Special Counsel
Stone Pigman Walther Wittmann L.L.C.

David H. Sump

Member
Willcox & Savage, P.C.

Joseph G. Grasso

Partner
Wiggin and Dana LLP

Messrs. Voyles, Rosa, Mason, and Grasso will provide you with a comprehensive review of the year's most important admiralty & maritime cases. Follow along as counsel well versed in the new developments in case law over the past year engage you in an in-depth examination of the real-life impact of each case on your practice. Participants will learn what these cases reveal about trends in admiralty and maritime litigation as well as recommendations for how practitioners can update their litigation strategies in response to recent developments going forward. (Please note that the cases covered during this session will be updated to include all high profile cases resolved by end of January 2015.)

Mr. Sump will show you the areas that have been changed both from the perspectives of the general maritime law as well as pollution regime of 1990, and will dissect the lasting effect of Deepwater Horizon, including the interpretation of additional insured clauses in maritime and off shore energy contracts and the state of indemnity law as a result of Judge Barbier's rulings.

Whether you are new to the practice or a senior practitioner in need of a refresher, you will find this session invaluable for getting up to speed on the latest developments, while maximizing your opportunity to engage in the advanced discussion that will be the hallmark of the main conference.

9:05 Insider Perspective: In-House (Non-Insurer) Views on Selecting and Managing Outside Counsel; Personal Injury Claims and Labor & Employment Disputes; Regulatory Compliance (Including International Adherence to Local Laws and Using Local In-House Country Resources); New Piracy Issues; Domestic and Global Contract Review; Charter Party Negotiation and Management; and New Vessel Sale, Purchase & Finance Brokerage Issues

Skip Volkle

Vice President and General Counsel
Foss Maritime Company

Daniel Carr

Assistant General Counsel
Stolt-Nielsen USA Inc.

Alexander C. Papandreou

Supervising Counsel,
Deepwater Exploration and Projects
Chevron North America Exploration
and Production Company

Michael J. Nicaud

Senior Counsel
Hornbeck Offshore

Michael F. Vitt

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

Gavin R. Black

In-House Counsel
Moran Shipping Agencies, Inc.

Bob Kirk, Esq.

Vice President, Maritime Legal and Medical Services
Carnival Cruise Lines

Robert Pierot

President
Pierot Shipping

Moderator

Pamela Annette Palmer

Partner
Morris Polich & Purdy LLP

10:30 Morning Break

10:40 **Maritime Torts and *Lozman*: Jones Act Seamen Claims, Maintenance and Cure and the Risk of Punitive Damages, and the Latest on Regulation of Vessels Post-*Lozman***

Rod Sullivan

Program Director, Logistics and Transportation LLM
Associate Professor of Law
Florida Coastal School of Law

Douglas W. Truxillo

Shareholder
Onebane Law Firm

Lindsey C. Brock III

Attorney
Rumrell, McLeod, and Brock P.A.

Miles C. Thomas

Shareholder
Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

- New case law and a focus on how it is changing who is considered a Jones Act seaman
- Evolving seamen's claims and remedies
- How is the context of punitive damages changing with regard to M&C and/or unseaworthiness?
- Maintenance and cure: specter of punitive damages have brought M&C issues into the forefront of US Seaman Claims; meeting M&C obligations to avoid claims for punitive and attorneys fees
- *McBride v. Estis Well Service, LLC*
- Will punitive damages be insurable and possible impact on premiums

Defining a Vessel

- Impact of the definition of a vessel on who is considered Jones Act seaman
- What is a vessel post-*Lozman*?
- 5th Circuit's "overbroad" look at what a vessel is
 - Special purpose vehicle, hybrid working platforms, boats vs. barges

11:45 ***Jaldhi* at 5 Years — Arbitration, Attachments, and Arrests of Assets Post-*Jaldhi*; and the Latest on Forum Selection and Arbitration Clauses**

Christopher Nolan

Partner
Holland & Knight LLP

David B. Sharpe

Shareholder; Lugenbuhl, Wheaton, Peck,
Rankin & Hubbard
Adjunct Professor; Tulane University Law School

Lizabeth L. Burrell

Counsel
Curtis, Mallet-Prevost, Colt & Mosle LLP

***Jaldhi* and Arbitration, Attachments and Arrests of Assets**

- 5 years after *Jaldhi*, how are parties in the industry enforcing arbitration awards, judgments, seizure of assets?

- Enforcement of international arbitration agreements and arbitral awards
- Practical aspects of arresting a ship
- Rule E application in government arrest/attachment cases

Forum Selection and Arbitration

- Maritime forum selection clauses: what to now expect
- Interplay of forum selection and arbitration clauses in contracts
- Choice of law and forum selection

12:50 **Networking Luncheon for Speakers and Attendees**

1:50 **Novel Issues With Respect to Limitation of Liability: Can Vessel Owners Limit Liability to a Certain Value?**

James D. Jones, ARM

Executive Claims Examiner – Global Marine
Markel Claims

Pamela L. Schultz

Special Counsel
Severson & Werson

Paul J. Kozacky

Shareholder
Kozacky & Weitzel, P.C.

Peter G. Pamel

Partner
Borden Ladner Gervais LLP

- Can limitation of liability be extended to people on the dock? How far can this limitation be extended?
- Vessel owner's burden to limit liability
- Stipulation issues and requirements with regard to Single Claimant, Multiple Claimants/Adequate fund, and Multiple Claimants/Inadequate fund
- Sufficiency and adequacy of claimants' stipulations

2:50 **Afternoon Break**

3:00 **Insurance Roundtable: The Latest on Books of Business, Underwriting, Claims, Recovery, Litigation and Subrogation Management, New Coverage Nuances and Ensuring Necessary Coverages Are in Place as well as Best Practices for How Outside Counsel Can Get on a Pre-Approved Panel**

Anthony Cowie

Hub Head Marine Americas,
Senior Vice President, Reinsurance
Swiss Re America Holding Corporation

Boriana Farrar

Vice President – Senior Claims Executive – Counsel
American Steamship Owners Mutual Protection and
Indemnity Association, Inc.

Elizabeth Breton
Ocean Marine Claims Manager, Vice President
Gen Re

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

George Boothby
Global Head Marine Claims
AIG

Harry J. Diamond
Vice President, Claims
Water Quality Insurance Syndicate

Kevin King
Vice President
Thomas Miller (Americas) Inc.

Sean M. Dalton
Head of Marine Underwriting
Munich Re

Steven P. Weiss
Senior Vice President, Project Cargo
Latin American Marine Manager
Liberty International Underwriters

Susan M. Dorgan
Specialty Lines Recovery Lead,
Global Recovery Services
AIG

Moderator

Stephen Rible
Managing Counsel
Mendes & Mount, LLP

4:45 **Marine Insurance and Indemnity Issues: Good and Bad Faith and the Duty to Defend/Indemnify; the Enforceability of Indemnity and Additional Assured Provisions; New Developments in Surveying, General Average Adjusting and Loss Control Engineering; and the Latest Nuances in Cargo Claims**

Gregory T. Davis
Sr. Managing Consultant
Director Marine Practice Group
Engineering Systems Incorporated

Bob Furjanic
Four Anchors Worldwide LLC

Jorge Pecci
Regional Executive Americas, Global Marine
AIG

Joseph MacDonald
Associate Director
Pequod Associates (USA) LLC

Michael J. Daly
Partner
Pierce Atwood LLP

Patricia Krebs
Member
King, Krebs & Jurgens, PLLC

- Surveying, general average adjusting and loss control engineering
- Marine insurance and the obligation of utmost good faith
- Causations giving rise to “Bad Faith” allegation
- Policy exclusions
- Limits of liability for coverage
- Duty to defend and duty to indemnify
- Duty to defend after the limit of liability is exhausted by payment of settlements or judgments
- Exhaustion of policy limits through a settlement or payment of a judgment
- Depositing policy limits with the court
- Reservation of rights issues
- “Wasting” or “eroding” or “single limit” policy, whereby defense costs erode the single limit of liability of the policy
- Nuances with marine cargo insurance policy claims:
 - Exclusions under an “All Risks” marine cargo insurance policy
 - Losses in transit and their causes
 - Claim procedures/presentation for reporting and handling a loss

6:15 **Conference Adjourns**

Day Two: Thursday, February 5, 2015

7:15 **Continental Breakfast**

8:00 **Government Panel: Speakers from Various Agencies on the Latest Regulatory and Enforcement Priorities, Investigations, Prosecutions, Initiatives, and Practices**

Captain Patrick J. McGuire
Judge Advocate
Chief, Office of Maritime and International Law
U.S. Coast Guard Headquarters

R. Michael Underhill
Attorney in Charge
West Coast and Pacific Rim Office
Torts Branch, Civil Division (Admiralty)
U.S. Dept. of Justice

The Honorable Walter J. Brudzinski
Chief Administrative Law Judge
U.S. Coast Guard

Brian P. Hill
Western Gulf Gateway Director
U. S. Maritime Administration (MARAD)

Moderator:

Gregory G. Barnett
Partner
Casey & Barnett LLC

9:20 **View From the Bench: Maritime Case Considerations; Views of Arrest/Attachment of Vessels; Advantages to Bench Trials; Recent Developments in the Law, Removal Issues, Damages, Settlement Considerations, and More**

The Honorable David Hittner
U.S. Dist. Court, S.D. Tex.

The Honorable George Caram Steeh
U.S. Dist. Court, E.D. Mich.

The Honorable Richard S. Schmidt
U.S. Bankr. Ct., S.D. Tex.

The Honorable Robert Collings
U.S. Dist. Ct., D. Mass.

The Honorable Richard Kramer
Complex Litigation
Calif. Super. Ct., San Francisco Co.

The Honorable Mildred Methvin
Recent former U.S. Magistrate Judge
Current Judge Pro Tempore of Division D of the 27th
Judicial District, Louisiana Supreme Court

The Honorable Walter J. Brudzinski
Chief Administrative Law Judge
U.S. Coast Guard

Moderator

Michael J. Frevola
Partner; Holland & Knight LLP
Special Professor of Law; Maurice A. Deane School
of Law at Hofstra University

10:45 **Morning Break**

10:50 **Vessel Responses to Emergencies on Board or Casualties**

Lieutenant Brendan Sullivan
Judge Advocate
Chief, Prevention Law Branch
U.S. Coast Guard District Seven

CDR Jackie Twomey
Executive Officer
Marine Safety Unit Port Arthur

Capt. David G. Marsh
3D Marine USA Inc.

Leanne O'Loughlin
Claims Director
The Standard P&I Club

Raymond T. Waid
Attorney
Liskow & Lewis APLC

Philip C. Brickman
Attorney
Fowler Rodriguez

- How to respond once the casualty takes place
 - Does one file a limit of liability action to limit the damage?
 - Discovery process
- Recent litigation in large casualties: Costa Concordia; MSC Flaminia; Sewol
- Legal issues concerning quarantines or port closures with charter parties and governmental agencies

12:05 **Economics With Respect to Meeting Environmental Controls: Practical Issues Surrounding Compliance With Environmental Standards, How the Low Sulfur Fuel Regulations Are Impacting the Industry, Environmental Impact Concerns and Increased Litigation, and More**

James R. Sanislow
Vice President and Chief Compliance Officer
Noble Drilling Services Inc.

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

- How difficult is it to comply?
 - Answering DOJ inquiries
- Emission control areas
- USEPA Vessel general permit
- Environmental issues, port facilities, and port state control inspections
- Security requests related to APPS/MARPOL violations
- Regulations with respect to ship ballast water treatment
- Salvage operations and environmental aspects of it

12:45 **Industry Effects of U.S. Sanctioning of Trade With Iran and Russia**

Wook Chung
General Counsel
Hanjin Shipping America, LLC

Robin C. Minturn
Senior Counsel
Chevron Shipping Company LLC

Bruce G. Paulsen
Partner
Seward & Kissel LLP

- Charter party agreements
- What to do when the ship is on the way to the country against which sanctions have just been imposed?

1:35 **Maritime Bankruptcy and Creditors' Rights: Complex Legal Issues, Jurisdictional Conflicts and Lessons Learned From Recent Maritime Bankruptcies**

John R. Ashmead
Partner
Seward & Kissel LLP

- The 2015 landscape for maritime insolvency and Chapter 11 and Chapter 15 maritime bankruptcy
 - LESSONS LEARNED: Excel Maritime bankruptcy; TMT bankruptcy; OSG bankruptcy
- Disposition of collateral in different jurisdictions around the world while bankruptcy in the U.S. is taking place
- Cases ancillary to foreign bankruptcy proceedings
- Constitutional issues with respect to bankruptcy judges adjudicating certain admiralty matters

2:00 **Conference Ends**

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