

# 2003 Admiralty and Maritime Law Conference

## September 26, 2003 • InterContinental Hotel • Houston, TX

### Friday Morning, Sep. 26, 2003

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| 8:45 am<br>0.75 hr  | <p><b>Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits</b></p> <p>An overview of recent maritime law decisions in the Supreme Court, the federal courts of appeals and selected district courts, and selected state courts, with emphasis on the Fifth and Eleventh Circuits.</p> <p>Michael F. Sturley, University Of Texas School Of Law - Campus Mail, D1800</p>   |
| 9:00 am<br>1.00 hr  | <p><b>Optional Luncheon with Speaker</b></p>  |
| 9:30 am<br>0.75 hr  | <p><b>Clearing the Fog of Words: Writing for Effect and Efficiency</b></p> <p>A guide to clear and precise writing that will help you prepare papers for greater effect in less time than the usual forms.</p> <p>Lynn N. Hughes, United States District Court - Houston, TX</p>  |
| 10:30 am<br>0.50 hr | <p><b>I. The Valuable Rule 9(h) Designation: Who Can Claim It?</b></p> <p>Think of Fed.R.Civ.P. 9(h) as the tip of an iceberg. The structure beneath includes the statutes granting admiralty jurisdiction to the federal courts (28 U.S.C. § 1333 and 46 U.S.C. app. § 740), the saving-to-suitors clause (28 U.S.C. § 1333), and the constitutional grant of admiralty and maritime jurisdiction to the federal judicial power (Art. III § 2). It's a powerful picture.</p> <p>A. Glenn Diddel III, Attorney at Law - Houston, TX</p> |
| 11:00 am<br>0.50 hr | <p><b>II. Rule 9(h): Being Careful About What You Ask For</b></p> <p>The plaintiff's lawyer should evaluate each item in the package of admiralty practices before using Rule 9(h) to identify admiralty jurisdiction.</p> <p>David J Sharpe, Baltimore, MD</p>   |
| 11:30 am<br>0.50 hr | <p><b>III. Was It Really Worth It? The Substantive Law Consequences of a Rule 9(h) Designation</b></p> <p>A consideration of whether there are any substantive law consequences resulting from a Rule 9(h) designation including its effect on the availability of substantive maritime remedies.</p> <p>James Patrick Cooney, Royston Rayzor Vickery &amp; Williams, L.L.P - Houston, TX</p>   |

### Friday Afternoon, Sep. 26, 2003

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| 12:00 pm<br>0.50 hr | <p><b>Ten of the Supreme Court's Stupidest Admiralty Pronouncements: It's Those Pesky Law Clerks</b></p> <p>David W. Robertson, Austin, TX</p>  |
| 1:15 pm<br>0.50 hr  | <p><b>Has Comparative Fault Swallowed Ryan? The Future of Implied Contract/Tort Indemnity in Maritime Law</b></p> <p>Did the 1972 revision of the Longshore and Harbor Workers' Compensation Act (LHWCA) make Ryan indemnity "a dead letter?" Can the old all-or-nothing Ryan regimen continue to exist in light of the Court's application of percentage-based comparative fault for loss-sharing among tortfeasors?</p> <p>Julia M. Adams, Westmoreland Hall PC - Houston, TX</p>         |
| 2:00 pm<br>0.50 hr  | <p><b>I. Damages in Maritime Personal Injury and Death Toxic Tort Claims</b></p> <p>Maritime damages for emotional distress, medical monitoring, future risks, and fears involving seamen, longshoremen, and others subjected to toxic exposures.</p> <p>Kenneth G. Engerrand, Brown Sims - Houston, TX</p>   |
| 2:30 pm<br>0.50 hr  | <p><b>II. Shock and Awe-Nowhere to Hide? A View from the Other Side</b></p> <p>Insurance aspects of trying to respond to long tail toxic torts in the USA.</p> <p>Michael C. Dean, Charles Taylor Consulting PLC - London</p>   |
| 3:15 pm<br>0.75 hr  | <p><b>The Admiralty Extension Act Solution: A New Look at a Long-Neglected Panacea</b></p> <p>The best way to clear up the mess the Supreme Court has made of admiralty jurisdiction and choice of law would be overruling <i>Executive Jet</i> and everything in its wake. Since that's not going to happen, we provide another answer.</p> <p>David W. Robertson, Austin, TX</p>  |
| 3:45 pm<br>0.25 hr  | <p><b>I. State Prosecution: Can Someone Go to Jail for This?</b></p> <p>While investigators primarily search for intentional or knowing violations, an "accidental" discharge does not preclude criminal liability or jail time.</p> <p>Roger A. Haseman, Harris County District Attorney's Office - Houston, TX</p>  |
| 4:00 pm<br>0.25 hr  | <p><b>II. The Potential Impact of ISO 14001 on the Maritime Industry-What Difference May it Make?</b></p> <p>The international standard, ISO 14001, may have the potential to lessen the environmental burden on the maritime industry. This section provides a brief overview of the standard; a discussion of its potential impact (e.g., reduction of fines and fast-track permitting); and a look at several case studies.</p> <p>W. M. Von Zharen, Texas A &amp; M - Galveston, TX</p> |
| 4:15 pm<br>0.25 hr  | <p><b>III. Practitioner's Guide to Surviving an Environmental Inspection: What to do When the Inspector Shows Up</b></p> <p>General guidelines for successfully navigating an inspection by environmental regulatory agencies of your client's facility.</p> <p>Jennifer Flatten Gallagher, Adams And Reese, LLP - Houston, TX</p>  |

4:30 pm  
0.75 hr

### **Old Wine in New Bottles and Old Wine in New Bottles Revisited**

Reflections upon ethical changes during the last forty-five years as a maritime attorney and twenty-five years as an adjunct professor at the University of Texas and the University of Houston.

Gus A. Schill Jr., Royston Rayzor Et Al - Houston, TX

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