

# **17<sup>th</sup> Annual Admiralty and Maritime Law Conference**

## **October 24, 2008 • Four Seasons Hotel • Houston, TX**

### **Friday Morning, Oct. 24, 2008**

**Presiding Officer:**

**Steven L. Roberts**, Sutherland, LLP - Houston, TX

7:45 am	<b>Registration Opens</b>  Includes continental breakfast.
8:45 am 1.50 hrs	<b>Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits</b>  This paper is the ninth of an annual series that tries to flag everything of genuine importance nationally and everything of significant interest from the Fifth and Eleventh Circuits.  David W. Robertson, University of Texas School of Law - Austin, TX Michael F. Sturley, University of Texas School of Law - Austin, TX
10:15 am	<b>Break</b>
10:30 am 0.50 hr	<b>Perspective from the Bench</b>  Judge Elrod will discuss her work on both the state district court and on the United States Court of Appeals for the Fifth Circuit and will provide practice tips for state and federal practitioners.  Hon. Jennifer Walker Elrod, U.S. Court of Appeals, Fifth Circuit - Houston, TX
11:00 am 1.00 hr	<b>So Your Platform Disappeared in the Hurricane</b>  Current insurance issues arising from hurricane damage to offshore oil & gas facilities, including property damage and business interruption, wreck and debris removal, control of wells and making wells safe.  J. Clifton Hall III, Westmoreland Hall PC - Houston, TX Moderator: John R. Pearson, Gardere Wynne Sewell LLP - Houston, TX Claude L. Stuart III, Phelps Dunbar LLP - Houston, TX Samantha Kay Boutte Trahan, Gardere Wynne Sewell LLP - Houston, TX Harold K. Watson, Locke Lord Bissell & Liddell LLP - Houston, TX

### **Friday Afternoon, Oct. 24, 2008**

**Presiding Officer:**

**Stephen M. Vaughan**, Tucker, Vaughan, Gardner & Barnes, P.C. - Houston, TX

#### **LUNCHEON PRESENTATION**

12:00 pm	<b>Pick up Box Lunch</b>  Included in conference registration fee.
12:15 pm 0.50 hr	<b>History of Offshore Drilling and Why We Drill in Deep Water</b>  Overview of an industry that has ordered over \$100 billion of new assets in the last two years.  W. Dennis Heagney, Viking Offshore - Houston, TX
12:45 pm	<b>Break</b>
1:00 pm 1.00 hr	<b>International Choice of Law</b>  The panel will discuss proof of foreign law and choice of law in absence of contract, with an in-house perspective on what a client looks for when choosing a jurisdiction, whether for contract or following an incident, as well as any concerns with the “usual suspects”—reflecting some of the changes in local legislation.  Julia M. Adams, Sedgwick Detert Moran & Arnold LLP - Houston, TX Anne Liversedge, Teekay Corporation - 1017 AZ, Netherlands Eugene Joseph Silva II, Vinson & Elkins L.L.P. - Houston, TX
2:00 pm 0.75 hr	<b>Forum Selection and Arbitration Clauses in Seamen’s Injury Claims</b>  Forum selection and arbitration clauses in employment contracts and post-injury agreements involving foreign and domestic seamen and injuries; validity under the general maritime law, Jones Act, Federal Arbitration Act, and Convention on the Recognition and Enforcement of Foreign Arbitral Awards; and procedural and unconscionability issues for enforceability.  Michael P. Doyle, Doyle Raizner LLP - Houston, TX Monica Fekete Markovich, Brown Sims PC - Houston, TX
2:45 pm	<b>Break</b>
3:00 pm 0.50 hr	<b>New Developments and Issues as High Technology Impacts the Offshore Sector</b>  This session will discuss the current Jones Act application to offshore rigs and shuttle tankers as well as new technology and its consequences on anchoring issues.  Anacarolina Estaba, Gardere Wynne Sewell LLP - Houston, TX
3:30 pm 0.50 hr	<b>Avoiding Medicare Land Mines in Maritime Personal Injury Settlements</b>  The Medicare Secondary Payer Statute poses land mines to completing a maritime personal injury settlement. This is an update to discuss strategies to handle Medicare lien claims and satisfy the Medicare set-aside requirements to finalize your settlement.  Matthew H. Ammerman, Fitzhugh, Elliott & Ammerman, P.C. - Houston, TX

4:00 pm 0.50 hr	<p><b>The State of Texas' Expanding Role in Maritime Matters</b></p> <p>The State of Texas is increasing its involvement in maritime matters. From 2003-2007 Ed Burbach served as Texas' Deputy Attorney General for Litigation and, thus, had responsibility for all civil litigation involving the State of Texas, its agencies, and leadership. He will discuss how the State affects the maritime industry and legal community through its increasing involvement in environmental, homeland security, Public Information Act, energy, litigation, and other areas.</p> <p>Edward D. Burbach, Gardere Wynne Sewell LLP - Austin, TX</p>
4:30 pm 0.50 hr ethics	<p><b>Other People's Money</b></p> <p>The ethical challenges of <i>Excess Underwriters v. Frank's Casing Crew</i>, 246 SW3d 42 (Tex. 2008)—How insurance coverage issues affect counsel's duties regarding settlement of underlying substantive disputes.</p> <p>W. Robins Brice, W. Robins Brice - Houston, TX</p>
5:00 pm 0.50 hr ethics	<p><b>Criminal Law Sets Sail on U.S. Waters</b></p> <p>It used to be that maritime lawyers only had to figure out whether a worker aboard a ship was a seaman or not. Now the maritime lawyer must also decide whether the seaman is a criminal or not? A discussion of the murky legal waters seamen now find themselves in when they negotiate administrative agency processes that may lead to their criminal prosecution for pollution, navigation or recordkeeping violations. When does the mariner's cooperation with an administrative process jeopardize their Fifth Amendment right to remain silent during a criminal investigation? How murky are the waters that surround the demarcation line between an administrative investigation and a criminal investigation? What are some of the ethical considerations a maritime lawyer must navigate when representing the ship owner, the seaman or the vessel manager when they are sailing in to the treacherous waters of criminal prosecution?</p> <p>Reginald E. McKamie, Attorney at Law - Houston, TX</p>
5:30 pm	<p><b>Adjourn</b></p>