

18TH ANNUAL
ADMIRALTY AND MARITIME
LAW CONFERENCE



October 23, 2009
Four Seasons Hotel ▫ Houston, Texas

Earn up to 7.75 Hours of Credit including 1.50 Hours of Ethics Credit
Specialization Credit Expected for Civil Trial Law and Personal Injury Trial Law

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FRIDAY MORNING, OCT. 23, 2009

Presiding Officer:
Julia M. Adams, Houston, TX

7:45 a.m. Registration Opens
Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:45 a.m. 1.50 hrs

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuit

This paper is the tenth 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, Austin, TX
Michael F. Sturley, Austin, TX

10:15 a.m. Break

10:30 a.m. .75 hr including .25 hr ethics

**Heavy Seas and Gale Force Winds:
When Ships and Rigs Sail into Bankruptcy**

Financially troubled companies frequently seek shelter from the storm in the safe harbor of bankruptcy, sometimes in concurrent filings in the U.S. and a foreign jurisdiction. Admiralty law provides secured creditors with substantial lien rights and self-help remedies, including arrest of the vessel. These rights can be severely impacted or reversed in a bankruptcy case. Practitioners unfamiliar with the waters can easily run aground on bankruptcy substantive and procedural law, exposing their clients, and sometimes themselves, to a variety of penalties. This presentation charts a safe course through frequently encountered obstacles.

David Jungman, Houston, TX
John P. Melko, Houston, TX

11:15 a.m. .50 hr

Offshore Oil and Gas Contracting

Contractual indemnities provide valuable protection...when they work. This session provides an overview of current judicial interpretations of indemnity rights with practical techniques for strengthening contractual provisions.

Samantha Trahan, Houston, TX

11:45 a.m. .75 hr

Two Perspectives on the Changed Landscape of Maintenance and Cure

Traditionally, a seaman's maintenance and cure claim played second fiddle to his Jones Act and unseaworthiness claims. Times have changed. Two adversaries search for an explanation.

Jeffrey Ross Bale, Sugar Land, TX
John C. Schwambach Jr., Houston, TX

FRIDAY AFTERNOON

Presiding Officer:
David R. Walker, Houston, TX

LUNCHEON PRESENTATION

12:30 p.m. Pick up Box Lunch

Included in conference registration fee.

12:45 p.m. .50 hr

Twenty-Five Years on the Fifth Circuit Court

Hon. Edith H. Jones, Houston, TX

1:15 p.m. Break

1:30 p.m. 1.00 hr

Dealing with Piracy in the 21st Century

This panel addresses three aspects of piracy. 1) From a ship operator's perspective: prevention, preparedness, and response. 2) From an owner's perspective: how it is handled through marine insurance. 3) From an impact perspective: where will we be in counter-piracy a year from now? Are there any critical trades that are, or can be, damaged? Will there be more "Somalias"?

Moderator:

Robert H. Nicholas Jr., Houston, TX

Panelists:

Ann E. Chapman, Houston, TX
Charles N. Dragonette, Washington, DC
Stuart W. McRobbie, Houston, TX

2:30 p.m. .50 hr

The U.N. Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea: The Top Ten Ways that the Rotterdam Rules Will Change U.S. Law

Last December, the United Nations approved a new multilateral treaty (to be known as the Rotterdam Rules) to replace the existing cargo liability regimes—including the 1924 Hague Rules, on which the U.S. Carriage of Goods by Sea Act (COGSA) is based. The U.S. government intends to sign the Rotterdam Rules on September 23, 2009. Thus, changes are coming in the U.S. law governing cargo loss and damage cases. In this presentation, the senior adviser on the U.S. delegation that negotiated the new treaty explains the ten principal ways in which the Rotterdam Rules differ from U.S. law under COGSA.

Michael F. Sturley, Austin, TX

3:00 p.m. .50 hr

Punitive Damages in Maritime Law

Miles v. Apex Marine Corp. (1990) was widely read to preclude injured seamen from seeking punitive damages, but *Exxon Shipping v. Baker* (2008) affirmed an award of punitive damages to commercial fishermen suing for loss of livelihood, and *Atlantic Sounding Co. v. Townsend* (2009) has now held that injured seamen are entitled to seek punitive damages against employers who willfully or wantonly flout their obligation to provide maintenance and cure. The 5-4 decision in *Townsend* explicitly leaves open whether seamen can seek punitive damages in Jones Act actions, and it implicitly leaves open a number of other newly pressing questions. This presentation provides an explanation for the confusion and tries to predict what the Fifth and other Circuits are likely to do with *Townsend*.

David W. Robertson, Austin, TX

3:30 p.m. Break

3:45 p.m. .50 hr

It's a Pirate's Life for Me, or How to Seize a Ship in the Southern District of Texas

Judge Johnson discusses current issues arising under Supplemental Rules B and C.

Hon. Nancy Korte Johnson, Houston, TX

4:15 p.m. .75 hr ethics

Going for the Gold: Attorneys' Fees under the LHWCA

How to ethically apply for and obtain fees in longshore cases.

Thomas C. Fitzhugh III, Houston, TX
Lewis S. Fleishman, Houston, TX

5:00 p.m. .50 hr ethics

Ethical Issues for the Online Lawyer

Discussion of internet ethics issues, including firm website content, communication with clients, witnesses, and third parties, legal blogging and social networking, discovery, the problem of the online juror, and internet advertising.

Laura M. Merritt, Austin, TX

5:30 p.m. Adjourn

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HOUSTON

October 23, 2009

CONFERENCE LOCATION



Four Seasons Hotel
1300 Lamar St
Houston, TX 77010
713-650-1300

Special Rate: \$230
good through October 1, 2009
(subject to availability)

Parking:
Valet Only: Daily \$13, Overnight \$27

KEY DATES

October 14, 2009
last day for early registration

October 16, 2009
last day for full refund

October 19, 2009
last day for partial refunds

October 23, 2009, 8:45 a.m.
conference begins

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ABOUT THE COVER

Docks in Casablanca, original photograph by Bill Bruzy.

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