

18th Annual Admiralty and Maritime Law Conference

October 23, 2009 • Four Seasons Hotel • Houston, TX

Friday Morning, Oct. 23, 2009

Presiding Officer:

Julia M. Adams, Sedgwick, Detert, Moran & Arnold LLP - Houston, TX

7:45 am	Registration Opens Includes continental breakfast.
8:30 am	Welcoming Remarks
8:45 am 1.50 hrs	Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits 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, The University of Texas School of Law - Austin, TX Michael F. Sturley, The University of Texas School of Law - Austin, TX
10:15 am	Break
10:30 am 0.75 hr 0.25 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, Gardere Wynne Sewell LLP - Houston, TX John P. Melko, Gardere Wynne Sewell, LLP - Houston, TX
11:15 am 0.50 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 Kay Trahan, Gardere Wynne Sewell LLP - Houston, TX
11:45 am 0.75 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, The Bale Law Firm, PLLC - Sugar Land, TX John C. Schwambach Jr., Stevenson & Murray - Houston, TX

Friday Afternoon, Oct. 23, 2009

Presiding Officer:

David R. Walker, Royston, Rayzor, Vickery & Williams LLP - Houston, TX

12:30 pm	Pick up Box Lunch Included in conference registration fee.
	LUNCHEON PRESENTATION
12:45 pm 0.50 hr	Twenty Five Years on the Fifth Circuit Hon. Edith H. Jones, Fifth Circuit Court of Appeals - Houston, TX
1:15 pm	Break
1:30 pm 1.00 hr	Dealing with Piracy in the 21st Century This panel addresses three aspects of piracy. From a ship operator's perspective: prevention, preparedness, and response. From an owner's perspective: how it is handled through marine insurance. 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., Phelps Dunbar LLP - Houston, TX Panelists: Dennis L. Bryant, Bryant's Maritime Consulting - Gainesville, FL Panelists: Ann E. Chapman, Aon Risk Services Southwest, Inc. - Houston, TX
2:30 pm 0.50 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, The University of Texas School of Law - Austin, TX
3:00 pm 0.50 hr	Punitive Damages in Maritime Law <i>Miles v. Apex Marine Corp.</i> (1990) was widely read to preclude injured seamen from seeking punitive damages, but <i>Exxon Shipping v. Baker</i> (2008) affirmed an award of punitive damages to commercial fishermen suing for loss of livelihood, and <i>Atlantic Sounding Co. v. Townsend</i> (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 <i>Townsend</i> 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 explains the confusion and tries to predict what the Fifth and other Circuits are likely to do with <i>Townsend</i> . David W. Robertson, The University of Texas School of Law - Austin, TX
3:30 pm	Break

3:45 pm 0.50 hr	<p>It's a Pirate's Life for Me, or How to Seize a Ship in the Southern District of Texas</p> <p>Judge Johnson discusses current issues arising under Supplemental Rules B and C.</p> <p>Hon. Nancy Korte Johnson, U.S. District Court, Southern District of Texas - Houston, TX</p>
4:15 pm 0.75 hr ethics	<p>Going for the Gold: Attorneys' Fees Under the LHWCA</p> <p>How to ethically apply for and obtain fees in longshore cases.</p> <p>Thomas C. Fitzhugh III, Fitzhugh, Elliott & Ammerman, P.C. - Houston, TX Lewis S. Fleishman, Lewis S. Fleishman PLLC - Houston, TX</p>
5:00 pm 0.50 hr ethics	<p>Ethical Issues for the Online Lawyer</p> <p>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.</p> <p>Laura M. Merritt, Wilson Sonsini Goodrich & Rosati - Austin, TX</p>
5:30 pm	<p>Adjourn</p>