

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

## November 10, 2010 • South Texas College of Law • Houston, TX

### Wednesday Morning, Nov. 10, 2010

**Presiding Officer:**

**Harold K. ('Hal') Watson**, Locke Lord Bissell & Liddell LLP - Houston, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 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 eleventh 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
10:00 am 0.50 hr	<b>The More Things Change ... A Chronicle of Judicial Selections</b>  A review of federal judicial selection struggles, with an emphasis on the Fifth Circuit.  Hon. Leslie H. Southwick, United States Court of Appeals for the Fifth Circuit - Jackson, MS
10:30 am	<b>Break</b>
10:45 am 1.00 hr ethics	<b>The Ethics of Dealing with Mass Disasters in Maritime Law</b>  How to address internal relationships: What are the roles of in-house and outside counsel? Conflict issues, privilege issues and corporate disclosure. A battle plan list to refer to when issues arise, such as Deepwater Horizon, is included.  Moderator: Alan R. Crain, Baker Hughes Incorporated - Houston, TX Panelists: David Matthew Bates, Gardere Wynne Sewell LLP - Houston, TX Panelists: Robert H. Nicholas Jr., Phelps Dunbar LLP - Houston, TX
11:45 am	<b>Break for Lunch</b>  Included in conference registration fee.
	<b>Luncheon Presentation Introduction:</b>  Michael K. Bell, Bell, Ryniker & Letourneau, P.C., Houston, TX

12:00 pm 0.50 hr	<b>The Gulf Oil Spill</b>  Issues experienced among federal and state governments and private industry in connection with Deepwater Horizon incident.  Thad W. Allen, RAND Corporation - Arlington, VA
12:30 pm	<b>Break</b>

## Wednesday Afternoon, Nov. 10, 2010

### Presiding Officer:

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

12:45 pm 0.50 hr	<b>OPA 90 Primer</b>  This presentation describes and briefly analyzes the basic provisions of the Oil Pollution Act of 1990, including such issues as the role of "responsible parties," the allocation and limitation of liability, and the Act's relationship with state and general maritime law.  Andrew J. Garger, WQIS - New York, NY
1:15 pm 0.50 hr	<b>OPA Complexities</b>  Further discussion of the more complex aspects of OPA 90 including recent legislative developments.  Lawrence I. Kiern, Winston & Strawn LLP - Washington, DC
1:45 pm 1.00 hr	<b>Products Liability in the Offshore Oil Patch</b>  A panel discussion about the liability of product manufacturers for products used in offshore exploration and production. The panel covers competing definitions of a "product" in the offshore sector, and addresses issues of choice of law, where does strict products liability apply, whether drilling and completion is an ultra-hazardous activity, and liability through supply chain with respect to modifications and maintenance.  Panelists: Julia M. Adams, Sedgwick, Detert, Moran & Arnold LLP - Houston, TX Panelists: Anacarolina Estaba, Gardere Wynne Sewell LLP - Houston, TX Panelists: Mitchell S. Stoller, Rancho Santa Margarita, CA
2:45 pm	<b>Break</b>
3:00 pm 0.50 hr	<b>An En Banc OCSLA Decision: Be Careful What You Wish For</b>  In <i>Grand Isle Shipyard v. Seacor Marine</i> , the Fifth Circuit acknowledged the need for en banc clarification of tangled areas in the Circuit's OCSLA jurisprudence and addressed the recurrent problem of how to determine which OCS indemnity agreements are governed by federal maritime law and which by adjacent-state law. The Court divided 12-3-1. This presentation and accompanying paper discuss the problem area and consider whether the decision achieved any significant clarification.  David W. Robertson, The University of Texas School of Law - Austin, TX

3:30 pm 1.00 hr	<p><b>Motions to Dismiss in the Post-<i>Iqbal</i> Era</b></p> <p>Does <i>Iqbal</i> spell the death of contemporary notice pleading? The panel discusses how to present and survive motions to dismiss after the Supreme Court's decision in <i>Ashcroft v. Iqbal</i>.</p> <p>Panelists: Hon. Nancy F. Atlas, U.S. District Court, Southern District of Texas - Houston, TX</p> <p>Panelists: Kenneth G. Engerrand, Brown Sims, P.C. - Houston, TX</p> <p>Panelists: Kirk E. Karamanian, O'Bryan Baun Cohen Kuebler Karamanian - Birmingham, MI</p>
4:30 pm 0.50 hr ethics	<p><b>Practical, Legal and Ethical Issues that Arise During a Coast Guard Investigation</b></p> <p>You are called in the middle of the night about a casualty by a P&amp;I club and told to talk to the crew, find out what happened and "deal" with the Coast Guard. Who is your client? How do you proceed now?</p> <p>Patrick Bonner, Freehill, Hogan &amp; Mahar - New York, NY</p>
5:00 pm	<p><b>Adjourn</b></p>