

22ND ANNUAL

ADMIRALTY AND MARITIME LAW CONFERENCE



iStockphoto/jorgenjacobsen

October 18, 2013
South Texas College of Law ▪ Houston, Texas

Earn up to 8.00 Hours of Credit Including 1.75 Hours of Ethics

TX Specialization Credit Approved for Civil Trial Law, Oil, Gas and Mineral Law, and Personal Injury Law

22ND ANNUAL
ADMIRALTY AND MARITIME LAW CONFERENCE

October 18, 2013 ▪ South Texas College of Law ▪ Houston, TX

Earn up to 8.00 Hours of Credit Including 1.75 Hours of Ethics

TX Specialization Credit Approved for Civil Trial Law, Oil, Gas and Mineral Law, and Personal Injury Law

FRIDAY MORNING, OCT. 18, 2013

Presiding Officer:

David Walker, Royston, Rayzor, Vickery & Williams LLP, Houston, TX

7:45 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. 1.50 hr

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

This paper is the thirteenth 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 a.m. Break

10:15 a.m. 1.50 hr

Judicial Panel

Discussion by the judges on current issues of maritime law.

Moderator:

Kenneth G. Engerrand, Brown Sims, P.C., Houston, TX

Panelists:

Hon. Gray H. Miller, U.S. District Court, Southern District of Texas, Houston, TX

Hon. Gregg Jeffrey Costa, U.S. District Court, Southern District of Texas, Houston, TX

Hon. Frances H. Stacy, U.S. District Court, Southern District of Texas, Houston, TX

11:45 a.m. Pick Up Lunch

Included in registration.

**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 8.00 hours, of which 1.75 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

FRIDAY AFTERNOON

Presiding Officer:

Claude Leroy Stuart III, Phelps Dunbar LLP, Houston, TX

LUNCHEON PRESENTATION

12:00 p.m. .75 hr

Every Description of Watercraft

A photographic review and discussion of the legal concept of a vessel vs. a non-vessel as applied to the watercraft currently used by the offshore oil and gas industry.

Robert H. Nicholas Jr., Phelps Dunbar LLP, Houston, TX

12:45 p.m. Break

1:00 p.m. .50 hr

Vessel Status under *Lozman v. City of Riviera Beach*: The "Reasonable Observer" Test

The meaning of "vessel" is significant throughout maritime law. The Supreme Court apparently settled the issue in *Stewart v. Dutra Co.* (2005), but *Lozman* (2013) now provides a new formulation.

Michael F. Sturley, The University of Texas School of Law, Austin, TX

1:30 p.m. .50 hr

Fifth Circuit Vessel Status Cases Including *Barker v. Hercules Offshore, Inc.*

The Supreme Court's decisions in *Stewart* (2005) and *Lozman* (2013) presage new wrinkles in the Fifth Circuit's vessel-status jurisprudence. Meanwhile, courts in the Fifth continue to crank out decisions addressing the vessel status of new types of offshore oil patch apparatus. The Fifth Circuit's March 2013 decision in *Baker* is a potentially important related development. Hear a critical analysis of these cases.

David W. Robertson, The University of Texas School of Law, Austin, TX

2:00 p.m. .50 hr

Adjoining Navigable Waters: Circuit Conflicts on LHWCA *Situs*

Overruling *Winchester*, the Fifth Circuit, agreeing with the Fourth, now says "adjoining" is just that: physically contiguous to navigable water. This session explores the implications of this dramatic shift with the "adjoining area" definitions in other circuits and explains the sharp distinctions that now exist.

Thomas C. Fitzhugh III, Attorney at Law, Houston, TX

2:30 p.m. .75 hr | .25 hr ethics

Insurance Coverage in the Oil Patch

This session covers the latest developments in the *In Re Deepwater Horizon Ranger Insurance Ltd. v. Transocean Offshore Deepwater Drilling Inc.* case, including the pending petition for rehearing *en banc*, related case law, the effect on risk allocation and additional insured provisions in offshore contracts and insurance policies, and the practical and ethical implications of the Fifth Circuit's ruling for insureds, additional insureds, and insurers.

Julia M. (Adams) Palmer, Looper Reed & McGraw, P.C., Houston, TX
John M. Elsley, Royston, Rayzor, Vickery & Williams LLP, Houston, TX

3:15 p.m. Break

3:30 p.m. .50 hr

The New Removal Regime

Is removal to federal court easier now? Discussion of revisions to Title 28's removal statutes from defense and plaintiffs' perspectives and tips on seeking remand.

Matthew H. Ammerman, Law Office of Matthew H. Ammerman, P.C., Houston, TX
John C. Schwambach Jr., Stevenson & Murray, Houston, TX

4:00 p.m. 1.00 hr ethics

What to Do If Your Client Is Misbehaving, Part III

Real-world questions regarding ethics, the law, and what your client has asked you to do—or hide—are discussed using a question-and-answer format. Submit your questions, comments and/or experiences in advance to service@utcle.org or bring them to the conference. This ethics session is designed to be interactive. Audience participation is encouraged!

William J. Chriss, Gravely & Pearson, L.L.P., Austin, TX
Bradley A. Jackson, Jones Walker L.L.P., Houston, TX

5:00 p.m. .50 hr ethics

Ethical Issues in BP Oil Spill Plaintiffs' Steering Committee (PSC) Settlement

An overview of the approach, implementation, and administration of the settlement, plus coverage of the Seafood Compensation Program and issues regarding trial.

Stephen J. Herman, Herman Herman & Katz, LLC, New Orleans, LA

5:30 p.m. Adjourn

HOW TO REGISTER

Register online:
www.utcle.org

Or mail your registration to:
The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Or fax to:
512.475.6876

Questions? Call us at 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

Bonus eCourses: Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit you may have missed at the conference. Available in *Your Briefcase* 6-8 weeks after the conference.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

Your Account: Create *Your Account* online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

IN-HOUSE AND CONFERENCECOMPLETE MATERIALS

In-House
Bring the conference in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

ConferenceComplete Materials
ConferenceComplete. Comprehensive Audio and Binders from live conferences—for research and self-study. Available for download and shipping.

REGISTRATION FORM

PLEASE PRINT CLEARLY

AM13

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials and Luncheon Presentation

For Group registration, call 512.475.6700.

1. Select Registration Type

- Registration by Wednesday, October 9, 2013 \$350
 Registration after Wednesday, October 9, 2013 \$400

2. Select Course Materials Format

- Electronic Materials on USB Key ONLY
 Printed Course Binder ONLY

IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3-5 weeks after conference date. Shipping included.

- In-House CLE for 2 \$550
 _____ Additional participant(s) for \$175 each \$ _____

CONFERENCECOMPLETE MATERIALS[†]—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 3-5 weeks after conference date. Shipping included.

- eBinder Download (PDF) \$125
 Printed Binder \$175
 Audio Download (MP3) \$75
 Audio CD Set \$125

[†]Texas customers—add 8.25% sales tax, or include an Exemption Certificate \$ _____
Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

TOTAL \$ _____

METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)
 VISA MasterCard AMEX

Card number _____

X _____
 Authorized Signature

Exp. Date (mm/yy)

Visit

www.utcle.org

Email

service@utcle.org

Call

512.475.6700

for more information

HOUSTON

October 18, 2013

CONFERENCE LOCATION



South Texas College of Law

1303 San Jacinto Street
Houston, TX
713.659.8040

Parking:

Various parking garages and surface lots in the area.

KEY DATES

October 9, 2013

last day for early registration
Add \$50 for registrations received after this time

October 11, 2013

last day for full refund

October 14, 2013

last day for partial refunds
\$50 processing fee applied

October 18, 2013, 8:20 a.m.

Conference begins

Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org

CONFERENCE FACULTY AND PLANNING COMMITTEE*

DAVID W. ROBERTSON—CO-CHAIR*
The University of Texas School of Law
Austin, TX

MICHAEL F. STURLEY—CO-CHAIR*
The University of Texas School of Law
Austin, TX

MATTHEW H. AMMERMAN*
Law Office of Matthew H. Ammerman, P.C.
Houston, TX

W. ROBINS BRICE*
Brice Mediation
Houston, TX

WILLIAM J. CHRISS
Gravely & Pearson, L.L.P.
Austin, TX

HON. GREGG JEFFREY COSTA
U.S. District Court, Southern District of Texas
Houston, TX

JOHN M. ELSLEY
Royston, Rayzor, Vickery & Williams LLP
Houston, TX

KENNETH G. ENGERRAND*
Brown Sims, P.C.
Houston, TX

THOMAS C. FITZHUGH III*
Attorney at Law
Houston, TX

STEPHEN J. HERMAN
Herman Herman & Katz, LLC
New Orleans, LA

BRADLEY A. JACKSON*
Jones Walker L.L.P.
Houston, TX

PETER A. MCLAUCHLAN*
Gardere Wynne Sewell LLP
Houston, TX

JOHN J. MICHAEL*
Vinson & Elkins LLP
Houston, TX

HON. GRAY H. MILLER
U.S. District Court, Southern District of Texas
Houston, Texas

ROBERT H. NICHOLAS JR.*
Phelps Dunbar LLP
Houston, TX

JULIA M. (ADAMS) PALMER*
Looper Reed & McGraw, P.C.
Houston, TX

JOHN R. PEARSON*
Brown & Kornegay LLP
Houston, TX

STEVEN L. ROBERTS*
Sutherland Asbill & Brennan, LLP
Houston, TX

JOHN C. SCHWAMBACH JR.*
Stevenson & Murray
Houston, TX

EUGENE J. SILVA II*
Exxon Mobil Corporation
Houston, TX

EUGENE J. SILVA SR.*
Vinson & Elkins LLP
Houston, TX

HON. FRANCES H. STACY
U.S. District Court, Southern District of Texas
Houston, TX

CLAUDE LEROY STUART III*
Phelps Dunbar LLP
Houston, TX

WYNDYLYN M. VON ZHAREN*
Texas A&M University at Galveston
Galveston, TX