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**FEBRUARY 25–26, 2019 | WORKSHOPS: FEBRUARY 27, 2019**

**THE WESTIN OAKS HOUSTON | HOUSTON, TX**

7<sup>th</sup> Annual Forum on  
**ADMIRALTY & MARITIME**  
CLAIMS AND LITIGATION

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Featuring New Sessions for 2019,  
Which Will Help You:

- Utilize blockchain and autonomous technologies to optimize efficiencies and profitability
- Incorporate marine pollution and environmental protection initiatives to enhance your compliance plan
- Devise international business strategies to account for tariffs, trade wars and cross-border incidents

Industry Insights From:

- |  |                                       |
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# Prepare for The Latest Legal, Regulatory, and Technological Risks Facing the Maritime Transport Industry

Today, the maritime and admiralty communities face a variety of unprecedented and extraordinary threats. Risk in transport on the high seas is inherent and expected. However, new and emerging legal, regulatory, and technological paradigms on dry land could may unleash mayhem on the waters, if the industry does not understand and appreciate the nuances of this developing rubric.

## Benefit from “In-the-Know” Insights from Leading Maritime Practitioners and Claims Professionals

Esteemed members of the maritime bar and key industry authorities will discuss the challenges posed by sea change developments impacting admiralty law and regulation. at **American Conference Institute's 7<sup>th</sup> Annual Forum on Admiralty & Maritime Claims and Litigation**. Join us as they analyze the new risks as well as the opportunities for the maritime transport and insurance industries.

As you know, the International Maritime Organization's (IMO) new regulations to reduce emissions from international shipments will become law on January 1, 2020. The industry is still trying to determine the full impact of this regulation. However it is clear that stakeholders will need to adapt to the rule's new provisions, and adjust to its impact on the pricing and availability of compliant fuels.

Additionally, the increase in recent reports of bunker contamination incidences in the United States has ship-owners, time charters, bunker suppliers, and their outside counsel greatly concerned about impending monetary and enforcement consequences.

Finally, blockchain based platforms and remotely controlled autonomous ships are also changing the scope and shape of the shipping industry, and subsequently, claims and litigation.

These monumental changes in technology beg the question – *how prepared are you to navigate the challenges of this brave new world?*

## Cultivate the Skills You Need to Navigate These New Challenges.

Attend this conference and enhance and develop your litigation skills as well as your regulatory prowess. You will learn to identify the gaps between the law and technology and learn what measures you need to take to protect your clients and company's rights, avoid scrutiny, and preserve profits.

## Clearly, you cannot afford to miss this program.

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Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

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## DAY ONE

Monday, February 25,  
2019

7:45 | Registration and Continental Breakfast

8:45

### Opening Remarks from Conference Co-Chairs

Michael K. Bell  
*Partner*  
**Blank Rome LLP**

Gary English  
*Senior Counsel*  
**Maersk Line, Limited**

9:00

### Keynote Address on The Paymaster's Perspective: The Outlook for Marine Insurers in a Rapidly Evolving Landscape of Regulation, Risk and Reward

Joseph Hughes  
*Owner, Chairman and CEO*  
**The American P&I Club**

9:30

### International Marine Insurance Market Trends: Analyzing Claims, Coverages, and Liabilities

Boriana Farrar  
*Vice President-Counsel*  
*Senior Claims Executive*  
**American Steamship Owners Mutual  
Protection and Indemnity Association, Inc.**

Ted Dimitry  
*First Vice President*  
**Alliant Insurance Services**

John A. Miklus  
*President*  
**American Institute of Marine Underwriters  
(AIMU)**

Conor J. Murray  
*Head of Global Lines Claims – North America*  
**AXA XL**

Moderator:

Krista Fowler Acuña  
*Partner*  
**Hamilton, Miller & Birthisel LLP**

This session will provide practitioners with the vital information they need to understand the marine insurance industry's budding challenges. Points of discussion during this session will include:

- Evaluating key market trends and drivers
- Analyzing current challenges to market growth
- Assessing the effect of catastrophic losses on the insurers' bottom line

### Spotlight on Digital Disturbances on the High Seas

10:30

### Utilizing Blockchain Based Platforms in the Supply Chain to Promote Electronic Verification

Christopher Nolan  
*Partner*  
**Holland & Knight LLP**

Distributed ledger technology has disrupted the financial services industry, and is now rapidly changing business on the high seas. The shipping industry is no stranger to technological advancement, but the pace of acceleration has hastened so swiftly, that ship owners are struggling to keep up with these changes. Blockchain has the potential to have sweeping effects on maritime operations, from smart contracts, to cost reduction and increased security to name a few. This session will consider how blockchain technologies can be applied for businesses looking to launch major initiatives. Points of discussion will include:

- Understanding the elimination of the paperwork and processes embedded within global shipment and trade practices
- Analyzing the electronic ledger system that allows transactions to be verified autonomously
- Using blockchain technology to improve communication and border administration

11:00 | Morning Coffee Break

11:15

### Evaluating Potential Domestic and International Liabilities with Remotely Controlled and Autonomous Ships

Susan Dorgan  
*Specialty Lines Recovery Lead*  
*Global Recovery Services*  
**AIG**

Frank J. Gonynor  
*Senior Claims Adviser*  
**Gard (North America) Inc.**

We are still years away from widespread adoption of autonomous shipping. However, as autonomous technology is advancing more rapidly than predicted, its adoption by the shipping industry must be buoyed by the governing regulatory agencies, both nationally and internationally. This session will examine the technology fueling autonomous shipping, and consider the future of unmanned vessels as applied to admiralty and maritime claims.

- Understanding the groundwork and services that will design and operationalize remotely controlled vessels
- Evaluating the economic benefits autonomous vessels boast
- Considering the legal obstacles to autonomous shipping
  - » Appreciating the safe manning necessities applicable to vessels

12:00 | Networking Luncheon

1:15

### Adapting to Evolving Regulation and Enforcement Initiatives for Vessel Operations

Kathleen Charvet  
*Director*  
**Galloway, Johnson, Tompkins, Burr & Smith**

Conte Cicala  
*Partner*  
**Clyde & Co US LLP**

Katharine F. Newman  
*Senior Counsel – Maritime*  
**ConocoPhillips**

The shipping industry must navigate a tempestuous labyrinth of domestic and international regulations governed by various agencies. From the U.S. Coast Guard, to the Federal Maritime Commission, to the Environmental Protection Agency (and its state counterparts), to U.S. Customs and Border Protection, to Immigration and Customs Enforcement, to the Internal Revenue Service, to the Office of Foreign Assets Control, to the Departments of Homeland Security, Transportation, and State, to the International Maritime Organization, and regional port authorities throughout the globe. It is easy to see why an up-to-date compliance program is paramount to the health of an organization. This session will help you:

- Recognize the key challenges for shipping emissions regulations in 2019 and beyond
- Analyze safety legislation before Congress in the wake of El Faro
- Identify the implications of the "Delivering Government Solutions in the 21st Century" plan

Join the Conversation



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2:15

## Understanding the Continued Viability of the Jones Act and Addressing Its Current Obstacles to the Global Shipping Industry

**Michael K. Bell**  
*Partner*  
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**Joseph A. Devall**  
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*Senior Counsel*  
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**Hinshaw & Culbertson LLP**

The Jones Act was enacted in 1920 to maintain a strong merchant marine force for purposes of national security. The law affords national shipping companies with substantial fortification from foreign competition. However, the Act has also hindered the shipment of disaster relief supplies as was the case with Hurricanes Sandy and Maria.

This session will consider the impact of protectionist constructs in the 21st century, and corresponding business positions in response to legislative actions to bear the brunt of trade tariffs and cabotage rules. Points of discussion will include:

- What the repeal of the Jones Act would mean for the maritime industry, as it relates to national security and commerce.
- What policy proposals might be beneficial in producing a U.S. ship-building and shipping industry that is globally competitive
- Insights as to why the government affords governance support for maritime cabotage trades that favor domestic ships

3:15 | Afternoon Refreshment Break

3:30

## Establishing Effective Procedures for Alternative Dispute Resolution Relative to Marine Insurance Policies

**Alan G. Brackett**  
*Member*  
**Mouledoux, Bland, Legrand & Brackett LLC**

**Marcus R. Tucker**  
*Partner*  
**Phelps Dunbar LLP**

**Hon. Thomas W. Snook (Ret.)**  
*Former Staff Judge Advocate, U.S. Coast Guard Arbitrator-Mediator*  
**Snook Dispute Resolution**

The lion's share of marine insurance policies includes confidential arbitration clauses under the rules of an ADR. This panel will examine the typical ADR scenario in the world of marine claims. Points of discussion will include:

- Examining the use of ADR in the marine arena
- Reviewing a typical liability policy dealing with insurance defense, indemnity third party claims, and resolution
- Analyzing insurance coverage disputes between insurer and insured
- Pinpointing best ADR practices, including:
- Drafting an ADR clause
- Selecting the right Arbitrator
- Appreciating the importance of a Preliminary Hearing
- Learning how to reduce costs
- Understanding the flexibility of the process

4:30

## A View from the Admiralty Bench

**Hon. Carl J. Barbier**  
*District Judge*  
**U.S. District Court,**  
**Eastern District of Louisiana**

**Hon. Walter Burdzinski**  
*Chief Administrative Law Judge*  
**U.S. Coast Guard**

**Hon. David Hittner**  
*District Judge*  
**U.S. District Court,**  
**Southern District of Texas**


**Moderator:**

**Marios J. Monopolis**  
*Partner*  
**Simms Showers LLP**

Distinguished jurists having experience with Admiralty and Maritime matters will examine decision-making practices in these cases and provide sage advice for both in-house attorneys and their outside counsel. These judges will discuss the impediments to resolving such complex contests and offer insights to your most unyielding dilemmas.

5:30

## Conference Adjourns to Day Two

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**DAY TWO**

**Tuesday, February 26, 2019**

8:00 | Continental Breakfast

8:45

## Co-Chairs' Opening Remarks

9:00

## Tariffs, Trade Wars, and Maritime Disasters: Strategies for Conducting Business in the Difficult World of Maritime Commerce

**Kenneth G. Engerrand**  
*President*  
**Brown Sims**

**Alexander C. Papandreou**  
*Supervising Counsel,*  
*Enterprise Contracts Law Group*  
**Chevron Upstream**

Escalating trade wars, higher fuel costs, and growing regulatory burdens are only some of the mounting concerns for shipping industry executives. For example, maritime disasters like the Deepwater Horizon are capable of causing the complete shutdown of an industry. During this session, we will explore these disruptions. Points of discussion will include:

- Responding to a trade war
- Making the necessary updates to all existing sales contracts to:
- Define force majeure
- Allow for renegotiation when there is a change in circumstances
- Consider international arbitration
- Understand choice of law and jurisdiction
- Preparing for disaster, tragedy, and consequential disruption

9:45

## In-House Perspectives on the Legalities and Economic Realities of the Shipping Industry

**Gavin R. Black**  
*Corporate Counsel*  
**Moran Shipping Agencies, Inc.**

**Gary English**  
*Senior Counsel*  
**Maersk Line, Limited**

**Moderator:**

**Marc C. Hebert**  
*Partner*  
**Jones Walker LLP**

Seasoned corporate counsel from across the country will discuss how they manage admiralty and maritime claims and litigation and determine trial candidacy. These in-house attorneys will categorize the obstacles to resolving such complex challenges and also evaluate the economic considerations prior to trial. During this session, points of discussion will include:

- Examining how corporate counsel manages risk mitigation
- Reviewing compliance challenges from various regimes and regulatory frameworks
- Selecting and working with outside counsel to enhance the client-attorney relationship
- Achieving efficiencies with reduced budgets and smaller staffs

10:45 | Morning Coffee Break

#### Spotlight on Marine Pollution and Environmental Protection Initiatives: Strategies for Maintaining and Adapting Compliance Programs

11:00

## Part I: Addressing and Implementing Ballast Water and Sulfur Cap Requirements on the Horizon

**Daniel Carr**  
*Assistant General Counsel*  
**Stolt-Nielsen**

**Utsav Mathur**  
*Attorney*  
**Norton Rose Fulbright US LLP**

**Captain P.J. McGuire (ret.)**  
*Senior Coast Guard Liaison,*  
*U.S. Department of State*  
**U.S. Coast Guard**

**Carleen Lyden Walker**  
*Co-Founder/Executive Director*  
**The North American Marine Environmental Protection Association (NAMEPA)**

**Moderator:**

**Allen Black**  
*Partner*  
**Winston & Strawn LLP**

It is unavoidable...ships generate various forms of waste as they journey from point A to point B. Their ballast tanks can introduce invasive species of marine life into the ecosystem and their passengers and crew produce sewage. The industry must do its part to preserve and maintain the marine environment, while avoiding penalties as well. This session will address:

- New requirements from the International Maritime Organization's on sulfur caps and related economic consequences
- The ballast water regulations and the looming cost of compliance

11:45

## Part II: Tips and Tactics for Implementing Strong Environmental Compliance Plans and Effective Assurances based on Current Enforcement Measures

**John C. Cox**  
*Owner*  
**Law Offices of John Cox**

**James Sanislow**  
*Vice President and Chief Compliance Officer*  
**Noble Drilling Services, Inc.**

- Analyses of current trends in MARPOL enforcement
- How to fortify your MARPOL compliance program under APPS and PWSA
- Auditing current safety management systems and risk minimization tools to ensure that they adequately protect your business
- Exploring practical examples of third-party assurance services to optimize reporting practices

12:15 | Networking Luncheon

1:15

## Maritime Personal Injury: Rules Relating to Jurisdiction and Procedures Peculiar to Admiralty and Maritime Law

**Kalliopi Michalopoulou**  
*Director, Claims & Insurance*  
**Guardian Navigation Services Inc.**

**Miles C. Thomas**  
*Shareholder*  
**Lugenbuhl**

- Reviewing recent claims and common dangers that lead to personal injuries
- Analyzing the vessel owner's or operator's duty of care
- Examining statutory liability and general maritime law
- Establishing jurisdiction and filing of maritime personal injury claims

2:15

## Developing Strategies for Avoiding Arrests and Attachments Following OW Bunker

**Keith W. Heard**  
*Partner*  
**Lennon, Murphy & Phillips LLC**

**Christopher Raleigh**  
*Member*  
**Cozen O'Connor**

**Bruce G. Paulsen**  
*Partner*  
**Seward & Kissel LLP**

The *OW Bunker* tale continues to sail through the Second Circuit causing disorder in the shipping industry with respect to acceptable attachment processes. Above all else, the case exemplifies the need for owners to take every step imaginable to avoid allowing any lien for bunkers attached to its vessel. During this session, points of discussion will include:

- Reviewing the Second Circuit's demand for specific information on assets and whether it will impact Rule B attachments nationally
- Understanding the appellate courts' analyses of lien rights and repercussions throughout the country

3:15 | Afternoon Refreshment Break

3:30

## ETHICS & PROFESSIONALISM Think Tank

**Jason Harris**  
*Partner*  
**Cranfill Sumner & Hartzog LLP**

**Erik D. Garza**  
*Associate General Counsel*  
**American Bureau of Shipping**

This session will provide you with best practices for managing effective investigations, as well as considering ethical dilemmas that arise during admiralty and maritime proceedings.

4:30

## Conference Ends

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# Post-Conference Workshops

## Wednesday, February 27, 2019

9:00 – 12:00 | (Registration begins at 8:00 – continental breakfast will be served)

### WORKSHOP A

#### Admiralty and Maritime Boot Camp

Utsav Mathur

Attorney

Norton Rose Fulbright US LLP

Whether you're a new practitioner or you're a young professionals making a transition to an in-house role, this boot camp will provide you with a crash course on the conceptions and theories in Maritime and Admiralty law. Led by industry thought leaders, the boot camp will analyze aspects of the practice such as personal injury claims, including, Jones Act, maintenance and cure, portions of the Longshore Act as well as commercial aspects of maritime law such as vessel seizures, arrests and more. It will also address the emerging epidemic of the lack of succession planning, and provide attendees with a checklist for expected transitions. Attend this boot camp and fill your tool box with the following "how to" skills:

- Defend against enforcement actions and criminal prosecutions
- Approach the array of international, federal, state, and local environmental regulations
- Evaluate cross-bored and domestic transactions for vessel and corporate finance
- Assess Bankruptcy, tax, insurance and reinsurance considerations

Luncheon will be served at 12:00 for registrants attending both workshops.

1:00 – 4:00 (Registration begins at 12:30)

### WORKSHOP B

#### What Keeps You Up At Night: Working Group on Analyzing the Risks of IMO 2020 for Shipping and Energy Industry Stakeholders

Miles C. Thomas

Shareholder

Lugenbuhl

With IMO 2020 fast approaching, companies are starting to analyze the unique risks they face as a result of this change in emission regulation. New emission standards with uneven enforcement mechanisms present new and different risks, and industry participants are beginning to think through modifications to contracts—both industry standard agreements and bespoke contracts—to allocate new risks. This workshop will dive into the new contractual risk allocation schemes that owners, bareboat charters, time charterers, voyage charterers, and bunker suppliers are contemplating in advance of January 1, 2020. Points of discussion will include:

- Analyzing unique risks to owners, charterers, and bunker suppliers related to IMO 2020
- Considering risks arising from the carriage ban and concerns with uniform enforcement
- Evaluating whether current industry contracts address all such risks
- Reviewing proposals being considered by industry participants to address new risks
- Identifying sources of potential litigation and analysis of legal principles governing such disputes

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**The American P&I Club**