Current Issues in Maritime Law 2018

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REPORTING YOUR CREDIT
This on-demand seminar was originally presented as a live seminar on May 18, 2018, in Tacoma, WA. If you attended the live seminar and reported CLE credits, you cannot also report credits from watching or listening to this recording.

DESCRIPTION
Faculty from across the northwest present a comprehensive program of updates, ethics, insights and predictions. If any part of your practice touches maritime law, this on-demand seminar is for you.

AGENDA

1. Big Changes in the Law of Personal Jurisdiction: a Survey of Recent Supreme Court Opinions Goodyear to Bristol-Myers Squibb
   In a series of decisions starting with Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915 (2011) and ending most recently with Bristol-Myers Squibb Co. v. Superior Court of Cal., San Francisco Cty., 137 S. Ct. 1773 (2017), the Supreme Court has been steadily reshaping personal jurisdiction jurisprudence. These decisions are widely recognized as tightening rather than expanding the power of state and federal courts to exercise jurisdiction over foreign defendants. This session focuses on revisions to the doctrines of general jurisdiction and case-specific jurisdiction, both of which are significant to admiralty practitioners who are frequently called upon to sue or to defend foreign companies in Washington state and federal courts.
   Chris Nicoll – Nicoll Black and Feig PLLC, Seattle, WA

2. Not a Puny Concern: The Pursuit and Defense of Punitive Damages Claims in Maritime Actions - From the Practical to Predictions
   Panel discussion of emerging issues and strategic considerations in the prosecution and defense of maritime punitive damage claims
   Joe Stacey – Stacey & Jacobsen PLLC, Seattle, WA
   Larry Altenbrun – Nicoll Black & Feig PLLC, Seattle, WA
   Moderator/Panel Chair: Jess Webster – Miller Nash Graham & Dunn LLP, Seattle, WA

3. Alphabet Soup: A Practical Guide to Arrests and Attachments under the Supplemental Admiralty Rules
   Molly Henry – Keesal Young & Logan, Seattle, WA

Agenda continues on the next page.
4 Enforcement of US Maritime Liens “Created” in Foreign Jurisdictions
The United States gives “maritime lien” status to many claims that do not have that status in foreign countries. Is there a way for contracting parties to take advantage of U.S. law and give priority “maritime lien” status to contract claims they may have, even when the only connection that claim has to the U.S. is that the liened ship is present in the U.S. for arrest? Update your knowledge of the relationship between U.S. maritime liens and foreign law with this presentation.

*Erica Clausen – Miller Nash Graham & Dunn, Portland, OR*

5 Justice for Wards Cove
*Doug Fryer – Holmes Weddle & Barcott, Seattle & Anacortes, WA*

6 A State Court Judge’s Perspective on Maritime Trials
In the brief time allotted, a former Alaska state court judge offers his perspective on trial of maritime cases in state court. The discussion includes procedural differences in state versus federal court, possible application of substantive state law in the jury/non-jury context, and suggestions for getting along with the court and opposing counsel in both case preparation and presentation.

*Hon. Charles W. Ray, Jr. – Judge of Bethel AK Superior Court (ret’d), Anchorage, AK*

7 Competence, Use of Technology, and Client Confidentiality
- A look at the virtual world and the ethics of online communication
- The ethical impact of social media and our cases - “friending”, connecting and recommending
- Real world issues - communications with judges, clients, prospective clients
- Your ethical responsibility for understanding the impact of technology
- Protecting client information in the digital world

*Jeanne Marie Clavere – Professional Responsibility Counsel, Washington State Bar Association, Seattle, WA*

8 Best Practices in Drafting Marine Contracts
This session highlights some of our better, and worse, practices and language in commonly used marine contracting clauses. Also discussed are the pros and cons of online terms and conditions, and best practices for incorporation of same.

*David Boyajian – Schwabe, Williamson & Wyatt, Portland, OR*

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9 **Cyber Security Issues in the Marine Industry: A Rapidly Evolving Standard of Care**
The marine sector is not immune to cyber-attack...in fact, according to a recent Alert issued joint by the US Department of Homeland Security and FBI, shipping may very well be within the cross-hairs of those who wish to cause harm or do mischief. While many countries have adopted domestic laws to protect individual privacy and to protect national interests against cyber threats, what laws govern ships engaged in international trade? What is the expected standard of care for industry? This presentation highlights existing threats and those actions that executive management and legal counsel for maritime interests should consider in assessing corporate vulnerability with respect to cyber risk management against the legal and financial implications for failing to do so.

*Joe Walsh – Clyde & Co, Long Beach, CA*

10 **Autonomous Vessels: Legal Issues on the Horizon**
Smart phones, smart cars, smart homes, and...smart ships? Innovative technologies are transforming industries across the globe, including the maritime industry. Unmanned Surface Vessels (“USVs”) are attracting increasing attention in the maritime community as a way to cut costs, increase efficiency, and enhance safety. Ambitious projects include the Yara Birkeland, a container vessel being developed in Norway, which will operate autonomously by 2020 and will function with zero emissions and no ballast as it navigates Norwegian waters. This presentation discusses the benefits and practical uses of USVs as well as challenges to implementing USVs more broadly across the maritime industry.

*Amy I. Paden – Bauer Moynihan & Johnson, Seattle, WA*

11 **Judicial Settlement Conferences: What Works, What Doesn’t and Why**
Hon. J. Richard Creatura – Magistrate Judge, United States District Court, Western District of Washington, Tacoma, WA