



ADMIRALTY & MARITIME LAW



Admiralty & Maritime Law Committee



St. Thomas University Maritime Law Society



ADMIRALTY & MARITIME LAW

The Florida Bar Admiralty Law Committee

Winter Meeting Friday, January 22, 2016 9AM to 10:00 AM

Followed By:

A MARITIME STATE OF DISFORMITY

Friday, January 22, 2016

10:00 AM – 3:50 PM

Presented By: The Florida Bar Admiralty Law Committee, The American Bar Association TIPS - Admiralty and Maritime Law Committee, St. Thomas University Maritime Law Society, and The University of Miami Maritime Law Society and PREP.

Location: St. Thomas University School of Law

Mock Trial Court Room

16401 NW 37th Ave, Miami Gardens, FL 33054

CONFERENCE CALL-IN NUMBER:

U.S. CALLS: (712) 770-4010

International Call-In #'s Available – Please inquire.

CONFERENCE CODE: 659-340 (Followed by #)

THE *McCORPEN* DEFENSE, THE STATE OF *UBERRIMAE FIDEI*, SHIP OWNER'S DUTY TO PROVIDE MEDICAL CARE, ARBITRABILITY OF SEAMEN'S CLAIMS IN CERTAIN FORUMS and PREP - THE UNIVERSITY OF MIAMI MARITIME LAW SOCIETY PRESENTS "ETHICS FOR THE MARITIME ATTORNEY"

Fla. Bar CLE Course No. [Pending] - Admiralty January 2016 Winter Meeting CLE Credits [Pending]: 6 General, 1.5 Ethics Included, 6 Admiralty & Maritime Certification Credits

8:50 - 9:00 AM

Coffee & Danish

9:00 - 9:10 AM

Florida Bar Admiralty Law Committee General Meeting and Introductions: Chair: *Lindsey Brock, Esq.*; Vice Chairs: *Captain Alan S. Richard, Stephen M. Moon, Esq., Scott A. Wagner, Esq., Ryan Eslinger, Esq., and Raul J. Chacon, Jr.*

9:10 – 9:20 AM

General Business and 2015 Chair & Vice-Chair Recognition

9:20 – 9:50 AM

Discussion of Florida Bar Admiralty Law and Practice Book update/rewrite. *Lindsey Brock, Esq., Raul J. Chacon, Jr., Esq. & Robert L. Gardana, Esq.*

9:50 – 10:00 AM

Admiralty Law Certification Committee Report/ Update: *Allan R. Kelley, Esq.*

CLE/CERTIFICATION SEMINAR ADMIRALTY PROGRAM

“A MARITIME STATE OF DISFORMITY”

- 10:00–10:50 AM** RETRACTION OF *UBERRIMAE FIDEI* in Admiralty under the UK Insurance Act of 2015. Is reasonable disclosure the new test? By: *Professor Attilio Costabel*. The Act’s distinction between consumer and non-consumer contracts by *Robert L. Gardana, Esq.* and the current state of the Eleventh Circuit Cases on *uberrimae fidei* by *Michelle Otero Valdés, Esq.*
- 10:50-11:00 AM** Morning Break – *Soft Drinks*
- 11:00-11:50 PM** THE *McCORPEN* DEFENSE IN LIGHT OF *MECHE*:
On October 5, 2015, the U.S. Supreme Court denied the petition for certiorari in *Meche v. Doucet*, 777 F.3d 237 (5th Cir. Jan. 22, 2015). The denial of cert in *Meche* has confirmed the widely adopted defense to an employer’s obligation to pay maintenance and cure to an injured seaman known as the *McCorpen* defense. In *Meche*, the Fifth Circuit applied *McCorpen* to deny maintenance and cure benefits to a seaman who failed to disclose prior, similar injuries on his employment application. The twist in *Meche* was that the Fifth Circuit allowed the employer to rely on its predecessor’s employment application that the plaintiff completed to deny the benefits. *Steven Moon, Esq. and Ryon Little, Esq.*
- 11:50-12:00 PM** Questions & Answers
- 12:00-1:00 PM** Lunch
- 1:00-1:50 AM** *ARBITRABILITY OF CREW CLAIMS IN ITALY AND THE PHILIPPINES*:
Does the inadequacy of a “chosen forum” in a seafarer’s employment contract render the arbitration provision’s enforcement fundamentally unfair and unenforceable?
Speakers: FROM ITALY: *Stefano Ghibellini, Esq.* via Skype
FROM THE PHILIPPINES: *Luis Ayala, Esq.*
Live FROM MIAMI: *Carlos Felipe Llinás Negret, Esq.*
- 1:50-2:40 PM** *SHIP OWNERS’ DUTY TO PROVIDE MEDICAL CARE*:
The impact of *Franza v. RCCL* (11th Circuit and other circuit conflicts.) *Andy Waks, Esq.*
- 2:40-3:00 PM** Afternoon Break –
- 3:00-3:50 PM** *ETHICS UPDATES FOR THE ADMIRALTY ATTORNEY*:
This presentation by Miami Law’s award winning Professional Responsibility & Ethics Program (PREP) will review recent ethics opinions and case law regarding the practice of law in the digital age. Topics will include insights as to how to avoid ethical land mines in the new terrain of online blogging and social media discovery. The materials provided will also address updates to the traditional areas of attorney fees and the return of client files.
Speakers: *Sarah J. Bujold*, PREP Intern
Danielle T. Gauer, PREP Intern & President, University of Miami Maritime Law Society
Jan L. Jacobowitz, Lecturer in Law & Director, PREP
- 3:50 PM** Adjourn