

Current Issues in Maritime Law 2025



ORIGINAL PROGRAM DATE

September 17, 2025

AVAILABLE MEDIA TYPES

Video & Audio MP3

REPORTING YOUR CREDIT

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DESCRIPTION

Join us on-demand for the biennial CLE sponsored by the Federal Bar Association of the Western District of Washington about current issues in maritime law. Hear from esteemed faculty joining us from around the nation and presenting on a wide scope of maritime law topics.

AGENDA

1 The Ironic Non-Uniformity of Pattern Jury Instructions for Maritime Cases

There are a variety of pattern jury instructions for maritime personal injury and wrongful death cases. Not all federal circuits have such instructions and all of them are generated and maintained differently. Some are similar but most are different in sometimes significant ways. There are no pattern instructions for maritime cases being tried in Washington state courts. This panel will provide insight into how pattern instructions are created, who creates and maintains them, what type of authority they are (binding or persuasive) and how to ask for existing pattern instructions to be reviewed in light of developments in the case law. The panel will provide recent examples from experiences of the panelists in assembling jury instructions using patterns from various circuits in cases recently tried in Western Washington, as well as insights and lessons learned about working with courts and counsel on assembling instructions.

Nathan Beard - LeGros Buchanan & Paul, Seattle, WA

Svetlana Spivek - Holmes, Weddle, & Barcott, Seattle, WA

Doug Williams - Boatlaw, LLP, Bellingham, WA

Moderator: Chris Nicoll - Nicoll Black Altenburn & Feig, PLLC Seattle, WA

2 Where is Money? with Prof. Davies

The presentation will deal with whether and how debts and bank accounts - particularly foreign debts and foreign bank accounts - can be attached pursuant to Supplemental Admiralty Rule B.

Professor Martin Davies - Tulane University, School of Law, New Orleans, LA

Agenda continues on the next page.

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3 Knock 4 Knock Clauses in Tow Contracts

Maritime industries run on knock-for-knock (K4K) agreements—mutual indemnity/risk allocation mechanisms found in maritime (and maritime-adjacent) contracts for shipyard and maritime operations, where parties agree to be responsible for their own losses and damages based on ownership and control, rather than fault. This means that each party agrees to bear the cost of any damage to their own property or personnel, and also to indemnify the other party for claims arising from their losses.

When drafted and used properly, they can simplify risk identification, reduce insurance cost, reduce the potential for costly litigation, and simplify claims handling. But K4K agreements can be subject to legal limitations, particularly regarding gross negligence or willful misconduct. Clear and careful drafting is needed to specify the scope of K4K coverage, the parties included, and compliance with applicable statutory and judge-made law. We'll do our best to cover all of that, clearly and carefully.

David Boyaijian – Schwabe, Williamson & Wyatt, Portland, OR

4 Charting Risk: Navigating Insurance and Vessel-Owner Liability in the Shift to Alternative Marine Fuels

With growing regulatory pressure, on the maritime sector to meet carbon-reduction goals, our presentation explores the emerging liability risks and operational challenges posed by alternative fuels including Ammonia, Hydrogen, LNG and Biofuels. We'll cover key concerns for insurers and vessel owners—including cleanup costs, environmental and public health implications, and the evolving IMO and U.S. regulatory landscape—along with potential mitigation strategies.

Camille Zuber – Kennedys CMK LLP, Los Angeles, CA

Lawrence Malizzi – CTEH, LLC, Elkton, MD

5 Status and Jurisdiction: Beware of Ice, Drydocks, and Tunneling

In maritime personal injury litigation, the issues of status and jurisdiction must be carefully evaluated at the commencement of a case by both plaintiff and defense counsel because they relate to important issues of immunity, forum, statutes of limitation, available causes of action, and available remedies. The presenters will address the statutory and common-law criteria that inform whether the injured worker is a seaman, or a longshore worker or neither. The presenters will compare the situs elements of the Longshore and Harbor Worker Compensation Act vs. the situs element of general maritime law. By examining several specific scenarios involving injuries that were incurred on ice, on a vessel being repaired, and in a pressurized tunnel, the presenters will apply status and jurisdiction concepts to tease out important lessons for any maritime personal injury litigator.

Chris Reilly – Nicoll Black Altenbrun & Feig PLLC, Seattle, WA

6 Ethics of AI Use in the Legal Profession

This professional responsibility presentation addresses crucial ethical considerations arising from the increasing use of Artificial Intelligence and particularly generative AI in the legal profession. We will define key AI concepts and take a deep dive into the implications of generative AI and large language models. Explore how the Washington Rules of Professional Conduct apply to lawyers' use of legal AI, with a focused discussion on the duties of competence, confidentiality, communication, fees, and supervision. There will also be some examples of AI "gone rogue" and the ethical implications of over confidence and over reliance, and concerns regarding the duty of candor to the tribunal and diligence.

Jeanne Marie Clavere – WSBA, Seattle, WA

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7 Maritime Criminal Investigations: Red-flags and Responses

A panel discussion featuring prominent civil and criminal maritime specialists focusing on the identification of red-flags suggesting a possible criminal investigation arising from a vessel casualty and how to respond to such red-flags.

Aaron Brecher – Orrick, Herrington & Sutcliffe LLP, Seattle, WA

Carey Gephart – LeGros, Buchanan & Paul, Seattle, WA

Moderator: John Wolfe – Orrick, Herrington & Sutcliffe LLP, Seattle, WA