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## The Use of Evidence in Admiralty Proceeding (4th Biennial Maritime Law Symposium) (August 15-17, 2002)

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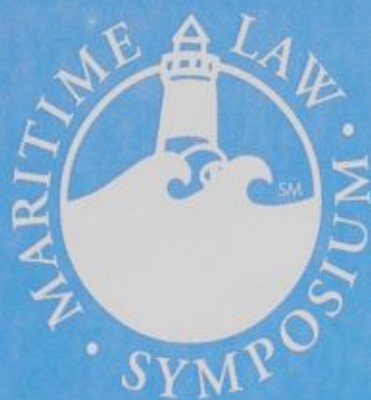
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*4th Biennial Maritime Law Symposium*

# The Use of Evidence in Admiralty Proceeding

*August 15-17, 2002 • Newport & Bristol, Rhode Island*



Sponsored by the Maritime Affairs Institute of  
Roger Williams University School of Law and the  
*Journal of Maritime Law and Commerce*



*On the Cover:*

The photograph reveals the extensive damage sustained after the Fall River Line *Commonwealth* struck the United States Battleship *New Hampshire* in the early morning hours of July 7, 1912, while the battleship was anchored off of Gould Island in thick fog. The Sound steamer, after determining that neither vessel was in danger of sinking, returned quickly to Long Wharf in Newport, Rhode Island.

Photograph provided by the Marine Museum of Fall River, Massachusetts.





# Agenda & Presentations

## Thursday, August 15, 2002

- 3:00-5:00 p.m.      *Registration*
- 5:30-7:00 p.m.      *Opening Reception* - Newport Marriott Hotel

## Friday, August 16, 2002

*All Friday sessions will be held at Roger Williams University in Bristol, in the Engineering Building, Rooms 125 and 126.*

- 8:15 a.m.      *Transportation* - The bus departs for Roger Williams University, Bristol Campus, from the main entrance of Newport Marriott Hotel.
- 9:00- 9:30 a.m.      *Continental Breakfast*
- 9:30- 9:40 a.m.      *Welcome* - George Jay Joseph, Publisher, *Journal of Maritime Law and Commerce* and Bruce I. Kogan, Interim Dean, Roger Williams University School of Law
- 9:40- 10:40 a.m.      *Recent Developments in Federal Evidence Law*  
Professor Robert L. Birmingham (University of Connecticut, Storrs, Conn.) and Carolyn J. Shields, Esq. (Bailey & Partners, Santa Monica, Calif.)  
Professor Birmingham and Carolyn Shields will survey and analyze recent developments in the federal rules of evidence affecting admiralty cases, including the following: interpretations of the 2000 amendments to Rules 701, 702, and 703 of the Federal Rules of Evidence, and applications of the rules of the Daubert, Joiner, Kumho cases; Rule 103's elimination of the requirement that objections to evidentiary rulings be renewed in order to preserve the issue for appeal; authentication of business records through declarations satisfying 28 U.S.C. § 1746 and amended Rules 902(11) and (12), in lieu of calling foundation witnesses; presumptions under the PENNSYLVANIA, OREGON, and LOUISIANA Rules (topical, given current events and such statistics for a single Mississippi River bridge of 83 allisions in 10 years and 204 in 24 years), including cases in which two of the rules apply and would give conflicting results and cases that consider the PENNSYLVANIA Rule outside its paradigmatic context of collision; and brief mention of the applicability of the Federal Rules of Evidence in the courts' special maritime and territorial jurisdiction, and the inapplicability of the Federal Rules of Evidence to claims filed by owners of property confiscated as assets of suspected international terrorists under the USA Patriot Act.
- 10:40 - 11:00 a.m.      *Break*
- 11:00 - 11:45 a.m.      *Recent Developments in Arbitral Evidence Law*  
Bruce A. McAllister, Esq. (Alley, Maass, Rogers, & Lindsay, P.A., Palm Beach, FL)  
Mr. McAllister will discuss rules of evidence in arbitrations held in the United States, or where the law of the United States is specifically agreed to control the procedures of the arbitration (as opposed to the substantive law controlling the contract or the merits of the dispute). Generally speaking, the law governing arbitral procedures, including the admission of evidence, is the law of the situs of the arbitration.
- Noon- 1:15 p.m.      *Lunch* - Bay View Room, 2<sup>nd</sup> Floor, School of Law building.

*Note: Friday afternoon offers concurrent sessions. Attendees interested in issues related to witnesses should follow the (a) track (Engineering Room 125). Attendees interested in issues relating to other forms of evidence should follow the (b) track (Engineering Room 126).*

- 1:30 - 2:15 p.m. (a) *Departing, Departed and Unavailable Witnesses*  
David T. Maloof, Esq. (Maloof & Browne LLP, New York, NY)  
Mr. Maloof will cover how to obtain testimony immediately when a ship comes in to port after a casualty, the crew will be leaving shortly, and a lawsuit has not yet even been filed. He will also cover how to obtain immediate testimony after filing a lawsuit, when a witness may be departing a jurisdiction or on the high seas. The presentation will further cover how under certain new Federal Rules of Evidence - in an unavailable departure from long-established precedent—testimony authenticating foreign documents can be obtained via Affidavit and utilized at trial. The various methods to obtain testimony of departed witnesses from foreign jurisdictions will also be touched upon.
- (b) *The Use of United States Coast Guard and National Transportation Safety Board Accident Investigation Reports In Civil Litigation*  
LeRoy Lambert, Esq. (Healy & Baillie LLP, New York, NY)  
This paper discusses the use of United States Coast Guard (USCG) and National Transportation Safety Board (NTSB) accident investigation reports in civil litigation. Prior to 1996, controversy existed as to whether Coast Guard investigative reports should be admitted, in whole or in part, as evidence in judicial proceedings, and whether they were subject to discovery. In 1996, Congress enacted legislation (46 U.S.C. 6308) which provided that Coast Guard reports of marine casualties shall neither be admissible in civil litigation nor subject to discovery. This paper discusses court decisions since 1996 interpreting the 1996 statute. In addition, the paper discusses the use of NTSB reports in light of the analogous provisions precluding/restricting their use in 49 USC § 1154 (b).
- 2:15- 2:55 p.m. (a) *Eyewitnesses* - Professor David J. Sharpe's paper *Judges Evaluate Seafarers as Eyewitnesses* will be discussed.
- (b) *Proof of Foreign Law* - Professor Louise Ellen Teitz  
(Roger Williams University School of Law, Bristol, RI)  
This session will focus on proving foreign law in U.S. courts in the various contexts in which it arises, including procedural matters such as forum non conveniens motions; enforceability of contractual choice of law and choice of forum clauses; and determinations of the content of the underlying substantive law. As part of the selection of what law to apply, courts generally must ascertain the contents of the various potential substantive laws. Similarly, proof of foreign law may be an essential element for enforcement of a non-U.S. judgment in the U.S. Proof of foreign law may also be important in connection with litigation pending outside the U.S. Various courts have applied different approaches to insufficient proof and to the duties of court and litigant to ascertain foreign law. This session will also address the significance of court and circuit selection in appellate review.
- 2:55- 3:10 p.m. *Break*
- 3:10- 4:00 p.m. (a) *Expert Witnesses* - Paul M. Sterbcow, Esq.  
(Lewis, Kullman & Sterbcow, New Orleans, LA)  
Use of experts in admiralty cases will involve discussion of the decision to use experts in a given case, interview of experts, expert qualifications, and expert report preparation/trial testimony. Emphasis will be on the role of the expert and insuring that he/she will be permitted to fulfill this role adequately.



(b) *Use of Demonstrative Evidence in Admiralty Proceedings* - Michael J. McHale, Esq.  
(Michael J. McHale, P.A., Jensen Beach, FL)

Mr. McHale will focus on effective use and presentation of demonstrative evidence in maritime litigation.

4:15 p.m. *Transportation* - The bus will depart the campus and bring attendees to the Newport Marriott Hotel.

7:00- 10:00 p.m. *New England Lobster Dinner - Newport Marriott Hotel*

## Saturday, August 17, 2002

*Saturday sessions will be held at the Newport Marriott Hotel.*

8:30 - 9:30 a.m. *Continental Breakfast*

9:30- 10:20 a.m. *Virtual Cross-Examination: How Trial Lawyers Can and Should Impeach Hearsay*  
Professor John G. Douglass (University of Richmond, Richmond, Va.)

Trial lawyers are accustomed to contesting the admissibility of hearsay. But what about attacking the credibility of hearsay after it is admitted in evidence? This lecture will address the legal basis for impeaching hearsay, and discuss techniques for conducting "virtual cross-examination" of the hearsay declarant.

10:20- 11:00 a.m. *Appealing Evidentiary Rulings*  
Alfred E. Yudes, Jr., Esq.  
(Watson Farley & Williams, New York, NY)

The focus of the presentation is preserving evidentiary issues for appellate review, whether the ruling is based on a pretrial motion or made during the trial. This includes the nature of the error that will give rise to an appeal and the techniques available to protect the right to appeal. There will also be a discussion of rulings that may be reviewed on appeal despite a failure to take the necessary steps to preserve that right at the trial level.

11:00- 11:15 a.m. *Break*

11:15- Noon *Should We Trust Juries with Admiralty Cases?*

George J. Koezler, Esq. (Coudert Brothers, Los Angeles, CA) (*Pro*)

Yes, we should trust juries with admiralty cases. Experience has shown that juries can grasp and decide properly a well-trying case. Rarely do we find in the United States trial judges with experience in admiralty law and cases. A skillful presentation of an admiralty case to a jury is always preferable to a bench trial.

Gary T. Sacks, Esq. (Goldstein and Price, L.C., St. Louis, MO) (*Con*)

The historical reasons for denying the right to trial by jury in admiralty cases remain viable today. The complexities and nuances of admiralty matters are ill-suited to jury trials because, among other reasons, most jurors cannot draw on personal experiences to assist them in determining the facts of a maritime casualty or contractual dispute, and maritime law is foreign to even a layman's understanding. For example, limitation of liability is a counter-intuitive concept to judges, let alone most laymen. Justice and judicial economy will be best served by the continued use of bench trials to resolve admiralty disputes, including those involving personal injuries.



# Meet The Speakers



**Robert Birmingham**

Robert Birmingham has published several works including: *From Odysseus to Capgras: Seven Episodes of Personal Identity in Law*, *Holmes on 'Peerless': Raffles v. Wichelhaus and the Objective Theory of Contract*, *Legal Remedies for Overurbanization: The Ghanaian Experience*.

Mr. Birmingham earned a Juris Doctor from the University of Pittsburgh School of Law, Pittsburgh, Pa., and was editor-in-chief of the *University of Pittsburgh Law Review*, an LL.M. from Harvard Law School, Cambridge, Mass., and a Doctorate in Economics and Philosophy from the University of Pittsburgh.

Mr. Birmingham teaches admiralty law at the University of Connecticut School of Law, Storrs, Conn.



**John Douglass**

John Douglass is a Professor of Law at the University of Richmond, Richmond, Va., where he teaches criminal law and criminal procedure and manages a program in litigation skills and trial advocacy. Before joining the faculty in 1996, he practiced law for 15 years. He served for eight years as an Assistant United States Attorney in Baltimore and Richmond, and was Chief of the Criminal Division of the United States Attorney's Office in Richmond from 1992 to 1996. He also served on the staff of Independent Counsel Lawrence Walsh in the Iran-Contra investigation. As a partner in a Richmond law firm, he specialized in commercial litigation, insurance defense, construction litigation and white collar criminal defense. He is a faculty member of the Virginia State Bar's Course in professionalism, an instructor in trial advocacy and other litigation skills for the National Institute for Trial Advocacy, and a frequent lecturer at continuing legal education programs. Mr. Douglass serves as a mediator of commercial disputes through the McCammon Group in Richmond. He is a graduate of Dartmouth College, Hanover, N.H., and Harvard Law School, Cambridge, Mass.



**George J. Koelzer**

George J. Koelzer is a partner with Coudert Brothers' Los Angeles and London offices. Mr. Koelzer has practiced as a trial and appellate lawyer in federal and state courts for over 37 years. He has tried to a verdict several hundred jury trials. His practice today is mainly in commercial litigation and insurance coverage and defense for Lloyd's and London Market insurers, for whom he has over many years tried or settled many complex defense and coverage cases. He is recognized as an expert in insurance law. A former Assistant United States Attorney, he tried many noted organized crime cases for the federal government. Mr. Koelzer also has had long experience in white collar criminal defense, including a trial in 1981 in Brooklyn, N.Y., where he represented a United States Senator in the ABSCAM cases. Mr. Koelzer was also a law professor for several years at Seton Hall University Law School, Washington, D.C.



Mr. Koelzer received his Juris Doctor from Rutgers University School of Law, New Brunswick, N.J., and his A.B. from Rutgers University. He is admitted to practice in New Jersey, the District of Columbia, New York and California, and is a Registered Foreign Lawyer in the United Kingdom.

Mr. Koelzer is a member of the Judicial Conference of the United States Court of Appeals for the Third Circuit, 1971 to date; and a Delegate to the Judicial Conference of the United States Court of Appeals for the Second Circuit, 1987, 1988 and 1989, and Vice Chairman (1986) and Chairman (1987), Lawyers Advisory Committee of the United States Court of Appeals for the Third Circuit.



#### LeRoy Lambert

LeRoy Lambert is a partner at Healy & Baillie, LLP, New York. His legal experience includes a judicial clerkship with Chief Justice John A. Dixon, Jr., Louisiana Supreme Court, New Orleans, Louisiana. Mr. Lambert is admitted to the New York Bar, New Jersey, and Louisiana Bars. His areas of practice include: charter parties; bills of lading; liens; prejudgment remedies; arbitration; general commercial litigation; international law; Foreign Sovereign Immunities Act; Multiemployer Pension Plan Amendments Act of 1980.

Mr. Lambert's professional associations involvement is widespread; Proctor, Maritime Law Association of the United States, Arbitration and Mediation Committee and SMA-MLA Liaison Committee; Member, American Bar Association, Litigation Section, Torts and Insurance Practice Section, Business Torts Committee; Member, New York State Bar Association, International Law and Practice Section.

Mr. Lambert received his Juris Doctor cum laude from Tulane University School of Law, New Orleans, La. He was editor in chief, *The Maritime Lawyer* (now *The Tulane Maritime Law Journal*).



#### David Maloof

David Maloof earned a Bachelor of Arts degree in History from Columbia University, New York, N.Y., and his Juris Doctor from the University of Virginia, Charlottesville, Va. At Columbia, he graduated *Phi Beta Kappa* and *magna cum laude*, and was elected Student Council Chairman. He founded a non-profit book co-op, which allowed the student body to purchase discount books for their studies. On graduation day, he received more awards than any other graduate, and was voted both the most "faithful and deserving" and the most "outstanding" member of his class. He interned at the United States Supreme Court in the office of the administrative assistant to then Chief Justice Warren Berger.

Mr. Maloof's first career was as an on-air investigative television reporter. His reports concerned New Jersey and specialized in uncovering corruption and waste in government. He also uncovered and reported on brutality and abuse in New Jersey prisons. He received a number of major journalistic awards from the Associated Press, The Society of Professional Journalists, and others for his investigative work.





# Meet The Speakers

Mr. Maloof is now the senior partner of Maloof & Browne LLP specializing in international shipping litigation. He is known worldwide as an advocate for the rights of shippers against shipowners, and his work has been profiled in the magazine *American Shipper*. He has lectured on three continents, and at numerous national conventions, on shippers' rights, and has personally won many of the leading court decisions expanding their rights in recent years. His most prominent case involved the mysterious sinking of the vessel M.V. Elma Tres, with 21 of its 22 crew members, wherein Mr. Maloof's painstaking two-year investigation uncovered the true causes of the tragic event.

## Bruce A. McCallister

As of January 2002, Bruce McAllister joined the firm Alley, Maass, Rogers & Lindsay, Pa. as "Of Counsel." Alley Maass was founded in Palm Beach, Fla. in 1950 and maintains offices at 321 Royal Poinciana Plaza. The firm also has a Fort Lauderdale, Fla. office to serve its expanding maritime practice.

Mr. McAllister has a variety of experience in the marine industry, practicing law in New York, Washington, D.C., and for the last ten years, in Miami and West Palm Beach. McAllister has also been Chief Executive Officer of a large marine transportation company and has served as Deputy Assistant United States Secretary of Commerce for Maritime Affairs. He is currently Chairman of the Boards of Governors of Nova Southeastern University Law School in Fort Lauderdale. He and his wife Susan reside in Palm Beach and Mr. McAllister serves on the Town's Strategic Planning Board. Mr. McAllister is a graduate of Harvard Law School, Cambridge, Mass.



## Michael J. McHale

Michael McHale, received his Bachelor of Arts degree from the University of the South, Sewanee, Tenn., and his Juris Doctor from the Cumberland School of Law, Birmingham, Ala. He is "Of Counsel" to DeOrchis, Corsa & Hillenbrand, LLP, Miami and is Board Certified in Admiralty and Maritime Law by the Florida Bar. With offices located in Fort Lauderdale, West Palm Beach and Jensen Beach, Florida, his maritime practice consistently involves issues concerning maritime collision and limitation of liability, personal injury, cargo, savage, liens and LHWCA.

Mr. McHale is the author of several national and international publications and treatises, including: *Strategic Use of Circumstantial Evidence*, 2d Ed. (Michie, 1991); *Evaluation and Settling Personal Injury Claims*, (Wiley, 1991). Supplements from 1992 through 1997; *Making Trial Objections*, (Wiley, 1988). Supplements 1992-1994; *Expert Witnesses: Direct and Cross Examination*, (Wiley, 1987). Supplements 1993-1997; *Author/Editor: Litigating TMJ Cases*, (Wiley, 1993), including supplements through 1998; *Civil Jury Selection*, (Wiley, 1990).

Mr. McHale is an active participant in the Maritime Law Association of the United States (Proctor), Salvage and Limitation of Liability Committees, Southeastern Admiralty Law Institute, Admiralty Law Committee of the Florida Bar, Board of Editors,

Florida Maritime Practice and Procedure Manual and the Certification Committee. He is a licensed U.S. Coast Guard Master and subject of a biographical reference in *Who's Who in American Law*.



#### Gary T. Sacks

Gary Sacks is a member of Goldstein and Price, L.C. in St. Louis, Missouri, where his practice focuses on admiralty and maritime law, and both commercial and general litigation. He received a Bachelor of Arts and Bachelor of Science degree from the University of Missouri, St. Louis, and graduated with the honor of Order of the Coif from Washington University School of Law, and was a member of the Board of Editors of the *Washington University Law Quarterly*. Mr. Sacks is admitted to practice in the state of Missouri and the U.S. Supreme Court, and various district and circuit courts of appeal. He is a member of the Bar Association of Metropolitan St. Louis and served as the Admiralty Committee Chairman of the association from 1994 to 1996. He is also a member of the Missouri Bar, American Bar Association, and is a Proctor for the Maritime Law Association of the United States. Mr. Sacks is an adjunct Professor of Admiralty Law at the St. Louis University School of Law, St. Louis, and serves as Permanent Advisory Board Member to The Admiralty Law Institute at Tulane University School of Law, New Orleans, La.



#### Carolyn Shields

Carolyn Shields has a wealth of maritime experience. Ms. Shields currently practices with Bailey & Partners, Santa Monica, Calif., on maritime-related aviation cases and maritime liens. Shields was also employed with Lane Powell Spears Lubersky LLP, Los Angeles, Calif., where her focus was maritime personal injury, maritime products liability. In earlier years, her private practice, Williams Woolley Cogswell Nakazawa & Russell, Long Beach, Calif., dealt with vessel oil spill limitation of liability act proceeding, maritime personal injury, cargo, and maritime liens. Ms. Shields was an adjunct professor of law, Loyola Law School, Los Angeles, teaching admiralty law and is a member of the Maritime Law Association of the United States.

Ms. Shields' publications include: *Spoliation of Evidence; Joinder and Jury Trial*, Lane Powell Spears Lubersky LLP Admiralty News, *Sovereign Immunity in Connecticut: Survey and Economic Analysis*, *Legal Remedies for Overurbanization: The Ghanaian Experience*.

Ms. Shields received a Juris Doctor from the University of Connecticut School of Law, Hartford, Conn., where she was editor-in-chief of the *Connecticut Law Review*, and an LL.M. (Admiralty), from Tulane Law School, New Orleans, La.





# Meet The Speakers



Paul M. Sterbcow

Paul Sterbcow is a partner with the firm of Lewis, Kullman, & Sterbcow. Mr. Sterbcow attended Tulane University, New Orleans, La., where he received his Bachelor of Arts and his Juris Doctor. Mr. Sterbcow emphasizes his practice in the areas of admiralty law, medical malpractice, and civil litigation.

Mr. Sterbcow is admitted to practice law before the United States District Court of Appeals; Fifth Circuit; United States District Court; Eastern and Western Districts of Louisiana; and Southern District of Alabama. He is a former member of the Board of Governors for Louisiana Trial Lawyers Association and a member of the New Orleans Bar Association; the American Bar Association; the Maritime Law Association, the Federal Bar Association; and the Association of Trial Lawyers of America (ATLA). Mr. Sterbcow is also the chair of the Admiralty Section of ATLA. He addressed the Admiralty Section of ATLA on use of experts in maritime cases at their 1999 annual convention and on handling Longshore Act cases at the 2001 Winter Convention. He is on the Advisory Board and is an annual speaker at the Tulane Law School Maritime Seminar. Mr. Sterbcow has spoken at a number of Louisiana Trial Lawyers Association and the Louisiana Bar Association-sponsored programs.



Louise Ellen Teitz

Louise Ellen Teitz is a graduate of Yale College, New Haven, Conn., with distinction in the History of Art. She graduated from Southern Methodist University School of Law, Dallas, Texas, *cum laude*, and was invited to the Order of the Coif. She was an editor of the *Southwestern Law Journal*. After law school, she clerked for the Honorable John R. Brown of the United States Court of Appeals for the Fifth Circuit. Professor Teitz practiced law in both Dallas and Washington, D.C. Professor Teitz grew up in Rhode Island and returned to be a founding member of the law school.

Professor Teitz is an expert in the field of federal procedure and international litigation. She is the author of two books and numerous articles on these subjects. Currently, Professor Teitz is a member of the Council of the ABA Section of International Law and Practice and is a member of the ABA Task Force on E-commerce and Alternative Dispute Resolution. She was elected to membership in the American Law Institute and the International Association of Procedural Law. She serves on the American Law Institute's Members Consultative Group for the Transnational Rules of Civil Procedure and for the International Jurisdiction and Judgements Project.

In addition, to her teaching experience at several prestigious American law schools, she frequently lectures abroad and has been a visiting professor at the University of Konstanz, Germany and the University of Bern's Institute for International Procedure and Private International Law in Switzerland. She has also been a visiting scholar at the United Nations Commission on International Trade Law (UNCITRAL) in Vienna, Austria and at the International Institute for the Private Clarification of Law

(UNIDROIT) in Rome, Italy. Professor Teitz was also a member of the U.S. delegation to the Hague Conference on Private International Law in connection with the Convention on Jurisdiction and Foreign Judgements in Civil and Commercial Matters.



#### **Alfred Yudes, Jr.**

Alfred Yudes is one of seven partners who, in 1990, founded the New York office of Watson, Farley & Williams. In addition, to heading the New York Litigation Group, he is the head of the New York office. Mr. Yudes' litigation practice is concentrated in maritime, commercial, insurance and bankruptcy litigation and arbitration. His experience includes charter party disputes, shipbuilding and conversion contracts, vessel sales, container manufacture, purchase, leasing; vessel casualties (collisions, sinkings, groundings, fires, general average events, salvage), foreclosures and enforcement of security instruments (ship mortgages and UCC security), trading and sales (bills of lading, letters of credit disputes, and lightering contracts), securities and derivatives litigation, insolvencies and workouts.

Prior to joining Watson, Farley & Williams, Mr. Yudes was a partner at the law firm of Burlingham, Underwood & Lord in New York City. He is a Bachelor of Science graduate of the United States Naval Academy, Newport, R.I., earned his Juris Doctor with great distinction from the McGeorge School of Law, University of the Pacific, Sacramento, Calif.

He is a member of the New York State Bar Association (Delegate to the New York State Bar Association (1996 - 1997); Chair of the International Law and Practice Section, 1995-1996) and a fellow of the New York State Bar Foundation. He is also a member of the Maritime Law Association of the United States participating in the Practice and Procedure Committee and Maritime International Committee.





# General Information

## Badges

All registrants must present the official Maritime Law Symposium badge to be admitted to the Symposium events. Lobster Dinner tickets are behind your badge holder. Badges have been provided for guests and should be presented at Symposium events.

## Food & Beverage

Symposium registration includes: admission to all symposium programs, opening reception on Thursday evening, luncheon on Friday, lobster dinner, Saturday morning breakfast.

*There is a separate fee for guests attending the lobster dinner.*

## Continuing Legal Education (CLE) credit

The Rhode Island MCLE Commission has granted 7.5 credits for this Symposium. All CLE forms will be handed out at the conclusion of the Saturday sessions.

## Directions to Roger Williams University School of Law

After exiting the Newport Marriott parking lot, cross America's Cup Avenue straight through the traffic light onto Marlborough Street. Turn left onto Broadway. Follow Broadway - it turns into Route 114 North (West Main Road). Follow for 5-6 miles - until you reach a fork - stay left and continue on Route 114. At light, turn left onto Turnpike Avenue, (Route 114 North). At next light, turn left onto the Mount Hope Bridge. Roger Williams University is to your right at the base of the bridge. The main gates will be approximately 500 yards ahead on your right. Security will direct you to the reserved parking area.

## Parking

For those registrants who arrive at Roger Williams University campus in their own cars, parking has been reserved. Identify yourself to Security as a registrant of the Maritime Law Symposium and you will be directed appropriately.

## No Smoking

Roger Williams University has a no smoking policy in effect within all buildings.

## Telephones

There are three public telephones located in the School of Law; two located on the main floor next to the elevators and one on the lower level far side of the cafeteria near the mailboxes.



# Acknowledgments

The Maritime Law Symposium would like to acknowledge the generous support of George Jay Joseph, Publisher, of the *Journal of Maritime Law and Commerce*.

## 2002 Symposium Committee

John Paul Jones  
Editor, *Journal of Maritime Law and Commerce*  
Professor, University of Richmond School of Law

Matthew P. Harrington  
Assistant Dean for Administrative Affairs  
George Washington University Law School

Jonathan Gutoff  
Professor of Law  
Roger Williams University School of Law

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Director of Alumni, Programs & Events  
Roger Williams University School of Law

Stacy Hart  
Communications & Event Coordinator  
Roger Williams University School of Law

Irene Roux  
Administrative Assistant  
Office of Alumni, Programs & Events





# Marine Affairs Institute

The Marine Affairs Institute at Roger Williams University Ralph R. Papitto School of Law is recognized as a distinguished focal point for the exploration of legal, economic, and policy issues raised by the development of the oceans and coastal zones. The institute serves both the legal education and practicing professional communities.

Students interested in acquiring a specialty in marine affairs take the institute's elective course offerings in traditional admiralty law and practice, pollution and environmental regulation, coastal zoning, fisheries, and the international law of the sea.

The institute sponsors a variety of programs of interest to academics, members of the bench and bar, and policy-makers. These include a lecture series, an annual international symposium, faculty exchanges, and scholarly publications.

The institute and the *Journal of Maritime Law and Commerce* jointly sponsor the Biennial Maritime Law Symposium exploring current issues. These programs and symposia attract leading practitioners and academics from the national and international maritime legal communities as speakers and participants.



ROGER WILLIAMS UNIVERSITY RALPH R. PAPITTO SCHOOL OF LAW  
BRISTOL, RHODE ISLAND

Founded in 1992, the Roger Williams University School of Law is a young, dynamic institution that has made its mark in the professional and educational legal communities in an unprecedented short period of time. The School of Law earned full accreditation approval from the American Bar Association by February 1997, the earliest possible time under ABA rules and procedures. Also in 1997 the University Board of Trustees voted to honor the Board Chairman whose vision led to the law school's creation. It was rededicated as the Roger Williams University Ralph R. Papitto School of Law.

With students from throughout the United States and other nations, the School of Law is rapidly building a diverse and multicultural community—a dynamic community of rigorous, spirited legal analysis and scholarly debate. Approximately 400 students from 23 states are currently enrolled, in both Day and Extended (Evening) Divisions. Essentially half (over 48 percent) of our students are women, and 11 percent are members of minority groups. Over the past three years, our students have come to us from an average of 103 different colleges and universities worldwide. The manageable size of the enrollment enables us to provide an optimal faculty-student ratio that, for the current academic year, has averaged approximately 17 to 1.





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