

Tulane Maritime Law Center

Newsletter • Spring 2006

The hurricane, the flood, and after...



Back row (L to R): Hongjun Shan, Alfonso Carmona, Hari Gopala Krishna, Prof. Davies, Ling Li, Anna Burghardt, Lieven van Lint, Hassan Khalilieh, Zineb Afify, Patty Cooper
Front row (L to R): Chul-Hong Park, Shuhei Iida, Ai Yoshida, Paula Carvajal, Han Deng, Robert Cwinya-ai

The Fall 2005 issue of the Tulane Law School Maritime Alumni Newsletter was printed and ready to be mailed out on August 22nd, 2005, the first day of the Fall 2005 semester. Because of the usual hurly-burly of the first week of semester, the mailing labels were not attached and the mail-out had not been completed by the end of the first week. On the Friday of the first week of semester, August 26th, I hosted a welcome luncheon for our Admiralty LL.M. students. At that time, none of us had yet heard of Hurricane Katrina or, if we had, we still thought it was a storm threatening the Atlantic coast of Florida.

On the following Monday, August 29th, 2005, Hurricane Katrina crossed the coast of Louisiana just East of New Orleans. After

crossing Lake Borgne and Lake Pontchartrain, it made a second landfall near the Louisiana-Mississippi border. That night, the levees on the 17th Street Canal and the London Avenue Canal broke, inundating Lakeview, the levees on the Industrial Canal broke, inundating Gentilly and the Lower Ninth Ward, and the levees on the Mississippi River-Gulf Outlet (MR-GO or “Mr. Go”, as you may remember calling it) broke in almost 20 places, inundating almost of all of St. Bernard Parish and New Orleans East. Almost 80% of the city flooded, some to depths of up to 13 feet (4 meters).

Needless to say, we never did mail out our Fall 2005 Newsletter.

As most of our readers probably know, the Law School remained closed for the whole of the Fall semester. About half of Tulane's campus flooded, from Claiborne Avenue to Freret Street. There was flood damage to the first floor of Weinmann Hall, particularly in large classrooms 110 and 157, which descend below ground level, and there was wind and rain damage on the third floor.

Our students dispersed to the four corners of the country and some went further afield to other countries. Most spent the Fall 2005 semester studying as visiting students at other law schools, which graciously accepted them for no fee (where state law permitted that) in consideration of them paying their Tulane fees. Without that support from other universities, Tulane would not have survived. Many (but by no means all) of the students in the Admiralty program spent the Fall semester at the University of Texas at Austin. The stories of some of our Admiralty students are

gathered below, to give you some idea of what they went through. Everyone who was here in August 2005 has a Katrina story to tell.

I am delighted to tell you that, despite the profound difficulties we all encountered in Fall 2005 and despite the problems that New Orleans continues to face as it struggles to recover from the effects of the flood, about 85% of the Law School's students have returned for the Spring 2006 semester. Almost all of our international Admiralty LL.M. students found their way back to New Orleans. I cannot adequately express how proud I am of their courage and strength of character. I can say, however, that Tulane's Admiralty program is alive and well and thriving. The Uptown area around the University has largely returned to its pre-flood condition. All of the faculty who teach in the Admiralty program, regular and adjunct, have returned to teaching. Some details of our present activities are set out in this Newsletter.

Prof. Martin Davies
Director, Tulane Maritime Law Center

***Some LL.M. in Admiralty and Ph.D. student biographies
– and Katrina stories***

Zineb Afify is from Morocco. She obtained an LL.B. in International and European Law at the Université des Sciences Sociales, Toulouse, France and an LL.M. from the Graduate Institute of International Studies in Geneva, Switzerland. She has completed internships at governmental and non-governmental institutions, including the Institute of International Law, the United Nations and private law firms. She spent the Fall 2005 semester at the University of Texas in Austin. She says she is pleased to be back at Tulane because she finds maritime law “pure and fascinating” and because Tulane's program “covers it comprehensively”.

Anna Burghardt is from Berlin, Germany, where she graduated from Humboldt University having taken the First State Exam. During her time at Humboldt, she spent one academic year at King's College London and was awarded a Diploma in Legal Studies. She spent the past four years working as a research student at the Institute for Energy law at Humboldt University. She is one of two Maritime Law Center Fellows for 2005-2006. She spent the Fall of 2005 studying at both Pace Law School and Fordham Law School in New York. She says that the course offerings in Tulane's Admiralty program are unique and

“being taught by practitioners in combination with full-time professors is great”.

Paula Carvajal is a Chilean lawyer who graduated from Adolfo Ibañez University in Viña del Mar, Chile. Before coming to Tulane, she worked as a Supervisor and Claims Attorney in the international department of an insurance brokerage company. She spent the Fall 2005 semester as a visiting student at Georgetown University Law Center in Washington, D.C. She says that she is “very proud to be a Tulanian and it is a great honor to be part of this program”.

Han Deng is from Tianjin, China. She has an LL.B. degree from Dalian Maritime University, where she specialized in Maritime Law and International Economic Law. Her Katrina evacuation took her first to Jackson State University in Mississippi, then to Georgia Tech in Atlanta, before she settled for the Fall at the University of Texas in Austin. She says she was moved by what one of the adjunct professors said in class in Spring 2006: “We are here because of our love of this profession”.

Shuhei Iida is from Tokyo, Japan. He has a Bachelor of Laws degree from Keio University. In Fall 2005, he studied at the University of Texas in Austin.

Matt Innes is from the United Kingdom. He studied at Oxford University and City University, London, before being called to the Bar of England & Wales. He then practiced commercial and insurance litigation in London for three years, specializing in policy disputes and international arbitration. When Katrina hit, Matt evacuated with his wife and dogs to a variety of destinations in the Southern States, most of which were subsequently hit by Hurricane Rita. As a result, he returned to New Orleans, joined the animal rescue groups operating in the city, and spent several weeks pulling dogs, cats, goats, lizards and

turtles from flooded properties. Matt’s focus in the LL.M. is on training and security requirements, and he is currently researching the impact of international conventions on claims for unseaworthiness.

Hassan Khalilieh is a history professor from the University of Haifa, Israel, specializing in medieval Islamic maritime civilization with an emphasis on Islamic legal history at sea and marine archeology. He chose to study for Tulane’s LL.M. in Admiralty because he wants to broaden his understanding of contemporary maritime law. When Katrina hit, he and his family evacuated first to Jackson State University in Mississippi, where his wife gave birth to a baby daughter just five days after the storm. He spent the Fall semester at the University of Texas in Austin. While completing his studies in Spring 2006, he is offering a one-credit mini-course in Islamic Law at Tulane Law School.

Hari Gopala Krishna is from Vizag, India. He is one of two Maritime Law Center Fellows for 2005-2006 and is currently President of Foreign Lawyers at Tulane (FLAT). He graduated from the National Law School of India University in Bangalore with a B.A., LL.B. (Hons) degree. Prior to coming to Tulane he practiced as a maritime attorney in Mumbai in the chambers of Mr. S. Venkiteswaran. His Katrina evacuation took him through five states, six motels, three rental cars and three one-way flights before he found himself at the University of Texas in Austin, all just one month after leaving India for the first time in his life. He says that he is greatly impressed by the commitment of Tulane’s Admiralty faculty members and he intends to continue his Tulane experience by enrolling in the S.J.D. program starting in Fall 2006.

Ling Li is from China. She graduated with an LL.B. degree from Jilin University. She spent the Fall 2005 semester at the University of Texas in Austin, but she says she missed

Tulane and is glad to be back because the admiralty program is “really unique and excellent”.

Chul-Hong Park is from Seoul, South Korea. Before joining Tulane in 2005, he obtained an LL.M. degree from The University of Alabama School of Law and an M.A. in international trade from Kyunghee University. After graduating with an LL.B. degree from Korea Maritime University, he worked in several areas of international trade, including shipping, textiles, and semiconductors. During the Katrina evacuation, he was a visiting student at the University of Alabama School of Law.

Hongjun Shan is from Dalian, China. He is studying for a Ph.D. degree at Tulane, specializing in the law of marine pollution. He graduated with an LL.M. in Admiralty from Tulane Law School in 2004. Before

coming to Tulane, he was an associate professor at Dalian Maritime University Law School and also a practicing lawyer in China. He spent the Fall 2005 semester as a visiting student at the University of Texas in Austin.

Lieven van Lint graduated from Katholieke Universiteit Leuven in Belgium but is a native of the Netherlands. He worked in the maritime industry, mainly for shipowners, for nearly 20 years in Asia, Canada and Australia. He says that the only reason he was not born below sea level was that the hospital delivery room was on the third floor so he was not particularly worried about the geography of New Orleans. However, he has a healthy respect for hurricanes so he evacuated to his landlord’s ranch in Texas with his landlord and his landlord’s wife, dog, cat and turtle. He spent the Fall semester with his family in Chile.

Admiralty courses in Spring 2006

We are pleased to report that all members of the teaching faculty in the Admiralty program, full-time and adjunct, have returned to New Orleans and are either teaching or preparing to teach in the Fall when the normal schedule of classes resumes. The offerings this Spring include some courses, such as Admiralty I and Marine Insurance I, that are normally taught in the Fall. Thus, for the first time ever, Admiralty I and Admiralty II are being offered in the same semester. The Admiralty courses on offer in Spring 2006 are as follows:

- Admiralty I – Force
- Admiralty II –Davies
- Admiralty: Carriage of Goods by Sea –Butterworth
- Admiralty: Collision Law & Limitation of Liability – Rodriguez
- Admiralty: Marine Insurance I – de Klerk
- Admiralty: Towage & Offshore Services - Sharpe
- Admiralty: Vessel Documentation & Finance – Porteous
- Admiralty: Charter Parties - Waguespack

Spring 2006 Activities

John W. Sims Distinguished Admiralty Practitioner in Residence

The John W. Sims Distinguished Admiralty Practitioner in Residence program was established by an anonymous donor to honor the late John Sims, who was formerly chair of the Planning Committee of the Admiralty Law Institute. The program also receives support from the Phelps Dunbar firm, where Mr. Sims was head of the admiralty section. The Sims bequest enables the Maritime Law Center to bring a distinguished admiralty practitioner to

Tulane to speak to students about the nature of maritime law practice and to share the fruits of his or her practical experience.

The 2006 Practitioner in Residence was **John Woods**, who is a partner in the New York office of Thacher, Proffitt and Wood and Chair of the Litigation & Dispute Resolution Practice Group. He spent two days in residence at Tulane in mid-March 2006.

William Tetley Maritime Law Lecture Series – and William Tetley himself

The Tetley Lecture for 2006 was delivered on Wednesday, March 22nd at 6:15 p.m. at the Law School by **Mary Helen Carlson**, who is Senior Attorney, Office of the Assistant Legal Adviser for Private International Law at the U.S. Department of State and Head of the U.S. Delegation to the UNCITRAL Negotiation of a Draft Convention on the Carriage of Goods by Sea. Ms. Carlson's lecture was entitled "A U.S. Perspective on

the International Unification of Private Law: The Making of the Draft UNCITRAL Negotiation of a Draft Convention on the Carriage of Goods by Sea".

Professor Tetley visited the Law School for the Lecture and gave a lunchtime seminar on March 21st, entitled "How to Write an Opinion in a Marine Cargo Case".



Professor William Tetley talks to students during his visit for the annual Tetley Lecture.

Symposium and book of essays to honor Prof. Robert Force

One item of news contained in the ill-fated Fall 2005 Newsletter that deserves to be retained, although now somewhat dated, concerned a symposium and book of essays in honor of Prof. Robert Force, now Director Emeritus of the Tulane Maritime Law Center.

On September 30 and October 1, 2004, a distinguished group of maritime lawyers from five continents visited Tulane for a symposium to honor the 70th birthday of Prof. Robert Force. The visitors were (in alphabetical order):

- **Prof. John Hare**, Professor of Shipping Law, University of Cape Town, South Africa and author of *Shipping Law and Admiralty Jurisdiction in South Africa*
- **Prof. Hannu Honka**, Chair of Department of Law, Åbo Akademi University, Finland and President of the Finnish Maritime Law Association, who delivered the Tetley Lecture at Tulane Law School in 2001
- **Mr Nigel Meeson Q.C.**, Barrister, Quadrant Chambers, London, U.K., author of the Lloyd's of London Press book *Admiralty Jurisdiction and Procedure* and counsel in many well-known English maritime cases
- **Mr Peter Murray**, Partner of Ince & Co., Shanghai, China, Visiting Professor at Dalian Maritime University, Dalian, China and international arbitrator of the Shanghai Arbitration Commission
- **Mr Paul Myburgh**, Senior Lecturer, Faculty of Law, The University of Auckland, New Zealand, author of the New Zealand monograph in the *International Encyclopaedia of Transport Law* and editor of the website *New Zealand Maritime Law*
- **Prof. Hilton Staniland**, Deputy Vice-Chancellor, University of KwaZulu-Natal, South Africa, Director of that University's School of Maritime Studies and Chair of the South African Maritime Safety Authority (SAMSA)
- **Prof. Bill Tetley Q.C.** of McGill University, Montreal, Canada, long-time friend of the Tulane Maritime Law Center and author of many well-known maritime law books and articles, including *Maritime Liens and Claims*, *International Maritime and Admiralty Law*, *Marine Cargo Claims* and *International Conflict of Laws, Common Civil and Maritime*
- **Dr Alexander von Ziegler**, Partner of Schellenberg Wittmer, Zurich, Switzerland, Associate Professor at the University of Zurich and former Secretary-General of the Comité Maritime International (CMI) (and LL.M. alumnus [don't know year])

These distinguished visitors were joined by Professors Davies and Yiannopoulos from Tulane Law School and, of course, Professor Force himself.

Each participant had prepared a draft paper on some aspect of jurisdiction and forum selection in maritime cases. Each gave an oral presentation to the group, which then discussed the views presented. The sessions were not open to the public. They were attended only by the eleven participants (and two very fortunate LL.M. students, Matt Guy and Julie Batt, who are the Maritime Law Center Fellows for 2004-2005, and who performed research work for Profs Force and Davies).

The general theme of jurisdiction and forum selection was chosen because it combines difficult theoretical issues with great practical significance. Much attention has recently been given in

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international forums to substantive maritime law, particularly in relation to carriage of goods, and the organizers thought it better to focus on a subject that has been less thoroughly explored but which is the first (and sometimes only) point of engagement in international maritime litigation.

All of the participants reveled in the closed-session format, which was a rare treat for a group accustomed to delivering presentations to sometimes large audiences. The select nature of the audience meant that there was very little need for any participant to engage in basic exposition of his views. Sessions moved quickly onto an invigorating discussion of the core issues raised by each speaker. The result was a uniquely enjoyable experience for the participants. For all his vast experience, Prof. Tetley declared it to be the best academic conference he had ever attended.

Each participant revised his draft paper in the light of the discussion in New Orleans. The final papers were published by Kluwer International as a book of essays in 2005, edited by Prof. Davies, bearing the title *Jurisdiction and Forum Selection in International Maritime Law: Essays in Honor of Robert Force*.

Stop Press



We are very sad to report that **Prof. Bill Porteous** died on March 30th, 2006. He had served the Admiralty program long and loyally as an adjunct professor. We will miss him greatly. Former students of Prof. Porteous will not be surprised to hear that he volunteered to teach Vessel Documentation and Finance this semester, despite battling cancer of the oesophagus, and that he continued to give his classes, as cheerful and knowledgeable as ever, until his health finally failed.

Forthcoming events

- The Annual New Orleans Fall Maritime Law Seminar, entitled “Anatomy of a Maritime Casualty”, will be held on September 28th and 29th, 2006.
- The 2007 Admiralty Law Institute will be held at Tulane Law School on March 14th, 15th and 16th, 2007 at Dixon Hall on the Tulane Campus.

Note: The Maritime Law Center is in the process of updating its website. One of the proposed additions is an online database of Admiralty alumni, searchable by year of graduation and by location. Please forward your contact details to Patty Cooper at pcooper@law.tulane.edu for inclusion.