

# Port Administration and Legal Issues Seminar

April 9-11, 2013

Boston, MA

(Business casual attire)

## Tuesday, April 9

8:30 – 9:00 a.m.  
(Martha's Vineyard Foyer –  
3<sup>rd</sup> floor)

### Registration and Continental Breakfast

Sponsored by  
**Saul Ewing LLP**

**Saul Ewing**  
LLP

9:00 – 9:15 a.m.  
(Cape Cod – 3<sup>rd</sup> floor)

### Welcome and Opening Remarks

*Jean C. Godwin*  
Executive Vice President and  
General Counsel  
American Association of Port Authorities  
Alexandria, VA

*Tom Tanaka, Esquire*  
Senior Port Counsel  
Port of Seattle  
Chairman, AAPA Law Review  
Committee

*Deborah Hadden*  
Interim Port Director  
Massachusetts Port Authority

9:15 – 10:30 a.m.  
(Cape Cod)

### Issues in Real Estate

*Speakers will address a variety of real estate issues including MOUs and LOIs, maintenance clauses, damage and destruction, force majeure, tenant labor problems, lease security, evidence of adequate insurance, eminent domain and rent escalations and arbitrations.*

**Discussion Leader:**  
*Mr. Tanaka*

*Peter Friedenberg*  
Sherin and Lodgen LLP  
Boston, MA

**Speakers:**  
*John N. Affuso*  
Senior Transactions Counsel  
Massachusetts Port Authority

10:30 – 10:45 a.m.  
(Martha's Vineyard Foyer)

### Break

Sponsored by  
**Thompson Coburn LLP**

**THOMPSON**  
**COBURN** LLP

10:45 a.m. – Noon  
(Cape Cod)

### Intellectual Property Issues

*The speakers will cover trademark and copyright basics. They will discuss the value of protecting IP created by a port of business, such as logos and marketing materials, as well as protection through licensing for using materials (movies, music, etc.) for websites, community events, etc.*

**Discussion Leader:**  
*Heather M. McCloskey*  
Deputy City Attorney  
Port of Los Angeles

**Speaker:**  
*Phil Lam*  
Deputy City Attorney  
City of Los Angeles

Noon – 1:30 p.m.  
(Nantucket – 3<sup>rd</sup> floor)

### Lunch

**Tuesday, April 9** *(continued)*

1:30 – 3:00 p.m.  
(Cape Cod)

**Risk Management Issues: Climate Change, and the Future of Federal vs. Commercial Insurance Solutions**

*The session will address natural catastrophe issues with a focus on climate change, flood, and named storms; FEMA and the commercial insurance marketplace.*

**Discussion Leader:**  
Carly List, CPCU, ARM  
Senior Vice President  
Hugh Wood Inc.  
Seattle, WA

**Speakers:**  
Vince Cozzolino  
Claims Manager  
Hugh Wood Inc.  
New York, NY

Gregory Karales  
Senior Property Claims Specialist  
Hugh Wood Inc.  
New York, NY

3:00 – 3:15 p.m.  
(Martha's Vineyard Foyer)

**Break**

Sponsored by  
**Lewis, Longman & Walker, P.A.**



3:15 – 4:45 p.m.  
(Cape Cod)

**Employment and Human Resources Issues**

*The panelists will discuss current issues including port employee background checks, policies on the use of social media, and the impact of the Affordable Health Care Act.*

**Discussion Leader:**  
Thomas G. Schroeter  
Associate General Counsel  
Port of Houston Authority

William V. Hoch  
Associate Chief Legal Counsel,  
Ethics and Employment  
Massachusetts Port Authority

**Speakers:**  
Christopher B. Kaczmarek  
Shareholder  
Little, Mendelson P.C.  
Boston, MA

Catherine Boutch  
Human Resources Director  
Port of Houston Authority


5:30 – 6:30 p.m.  
(Martha's Vineyard)

**Welcome Reception**

Hosted by  
**Massachusetts Port Authority**



**Wednesday, April 10**

<p>8:00 – 8:30 a.m. (Martha's Vineyard Foyer)</p>	<p><b>Continental Breakfast</b></p>
<p>8:30 – 9:45 a.m. (Cape Cod)</p>	<p><b>The Shipping Act and Federal Maritime Commission Regulation</b>  <i>The panelists will discuss the regulation of marine terminal operators under the Shipping Act and the impact of several recent cases brought against ports.</i></p> <p><b>Moderator:</b>  <i>Michael K. Dees                  General Counsel                  Lake Charles Harbor and Terminal                  District</i></p> <p><b>Speakers:</b>  <i>John Longstreth                  Partner                  K&amp;L Gates LLP                  Washington, DC</i></p> <p><i>Jonathan Benner                  Chairman, Maritime Reg. Practice Group                  Thompson Coburn LLP                  Washington, DC</i></p>
<p>9:45 – 10:45 a.m. (Cape Cod)</p>	<p><b>Ethics Issues</b></p> <p><b>Moderator:</b>  <i>Mr. Tanaka</i></p> <p><b>Speakers:</b>  <i>Ms. Hadden</i></p> <p><i>David Mackey                  Chief Legal Counsel                  Massachusetts Port Authority</i></p>
<p>10:45 – 11:00 a.m. (Martha's Vineyard Foyer)</p>	<p><b>Break</b></p> <p><i>Sponsored by</i>  <b>K&amp;L Gates LLP</b></p> 
<p>11:00 a.m. – 12:15 p.m. (Cape Cod)</p>	<p><b>A Primer on Labor Issues</b>  <i>Labor issues have been a big concern for ports during the last year. The speaker will provide a primer on port and maritime labor issues and the latest information on potential issues/concerns.</i></p> <p><b>Speakers:</b>  <i>Paul M. Heylman, Esq.                  Partner                  Saul Ewing LLP                  Washington, DC</i></p> <p><i>Frank Randolph, Esq.                  Shareholder                  Walstead Mertsching PS                  Longview, WA</i></p>
<p>12:15 – 1:30 p.m. (Nantucket)</p>	<p><b>Lunch</b></p>

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**Wednesday, April 10** *(continued)*

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1:30 – 3:00 p.m.

(Cape Cod)

**Legal Issues in Port Economic Development and Public-Private Partnership Finance**

*The speakers will discuss the roles of various types of agreements in port development projects, current issues with public-private partnerships, and rating agency views on port financings.*

**Moderator:**

*David O. Thompson  
Partner  
K&L Gates LLP  
Seattle, Washington*

*Kurt Kruppenacker  
VP-Senior Analyst  
Moody's Investors Service  
New York, NY*

**Speakers:**

*Donnell W. Choy  
Deputy Port Attorney  
Port of Oakland*

*John D. O'Neill, Jr.  
Partner  
Hunton and Williams LLP  
Richmond, VA*

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3:00 – 3:15 p.m.

(Martha's Vineyard  
Foyer)

**Break**

*Sponsored by  
Anderson Kill & Olick, P.C.*



3:15 – 4:45 p.m.

(Cape Cod)

**Risk Management Issues: Loss Mitigation Strategies for Port Authorities**

*While insurance protection is important for any business, it is particularly important for port authorities due to the many and varied risks of their daily operations. This session will explain what port authorities should look for in their insurance programs and will provide practical tips about how to maximize recovery of insurance claims.*

**Speakers:**

*Rhonda D. Orin, Esq.  
Managing Partner  
Anderson Kill & Olick, P.C.  
Washington, DC*

*Darin J. McMullen  
Of Counsel  
Anderson Kill & Olick, P.C.  
Philadelphia, PA*

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**Thursday, April 11**

8:00 – 8:30 a.m. **Continental Breakfast**  
(Martha's Vineyard Foyer)

8:30 – 10:00 a.m. **By Land, by Sea, and by Air....**  
(Cape Cod)

*Environmental issues are coming at ports from every direction, and this panel will discuss several critical environmental risks and legal issues that have broad application today. Topics will include: (1) the environmental impacts and implications under federal and state laws for the remediation and natural resource damages of contaminated sediments and navigable waterways; (2) effectively managing legal exposure under the Clean Water Act (strategies for port multi-tenant storm water management, the new NPDES general permit for pesticides, and other recent CWA developments); and (3) significant air and climate change issues impacting ports today and in the future.*

**Moderator:**

Krista Koehl  
General Counsel  
Port of Portland, OR

John L. Fiveash  
Of Counsel  
Lewis, Longman & Walker, P.A.  
Tallahassee, FL

**Speakers:**

Brenda L. Enos, CHMM, REM  
Assistant Director, Capital Programs  
and Environmental Management  
Massachusetts Port Authority

William J. Jackson  
President  
Jackson Gilmour & Dobbs, PC  
Houston, TX

10:00 – 10:15 a.m. **Break**  
(Martha's Vineyard Foyer)

Sponsored by  
**Jackson, Gilmour & Dobbs, PC**



10:15 – 10:45 a.m. **Recent Legal Developments in International Law**  
(Cape Cod – 3<sup>rd</sup> floor)

*This session will address recent legal developments of interest to ports and marine terminal operators, including the proposed Rotterdam Rules (cargo liability treaty).*

**Speaker:**

Warren Dean  
Partner  
Thompson Coburn LLP  
Washington, DC

10:45 – 11:30 a.m. **Creating Chassis Pools**  
(Cape Cod)

*As ocean carriers are getting out of the business of providing chassis, terminal operators and ports are stepping in. The speaker will address ownership and liability issues, interchange agreements, how to meet Shipping Act requirements, and the advantages and disadvantages of creating regional chassis pools.*

**Moderator:**

Charles E. Klug, Jr.  
Deputy Port Director of Administration &  
Port Counsel  
Tampa Port Authority

**Speaker:**

Don Kassilke, Esq.  
Member  
Cozen O'Connor  
Washington, DC

11:30 a.m. – Noon **Interactive Discussion on Other Topics of Interest**  
(Cape Cod)

Noon **Seminar Adjourns**