

Maritime Law Association Fall 2018 Meeting in Miami



Faculty Biographies



Rear Admiral Steve Andersen assumed duties as the Judge Advocate General and Chief Counsel of the Coast Guard in July 2016. He has the privilege to lead a dedicated group of legal professionals who are responsible for the delivery of all legal services in support of the Coast Guard's missions, its units and its people.

Andersen's previous assignment was the Assistant Commandant for Intelligence where he had the honor to serve with the Coast Guard's 1,100 intelligence professionals who were accountable for the Service's intelligence programs, to include counterintelligence, cyber, and cryptology. Prior to that he had the honor to serve four years as the Commanding Officer of Legal Service Command in Norfolk, Virginia, where he led the dedicated men and women of the Coast Guard's nationwide legal command.

Other rewarding assignments include: a one-year deployment at NATO Training Mission-Afghanistan where he served as chief of anti-corruption; three years in command of Coast Guard Base Portsmouth; Deputy Chief of the Maintenance and Logistics Command Atlantic Legal Division, military judge, operational law attorney for Atlantic Area and the Fifth District, and Assistant Legal Officer at the Seventh District Office in Miami.

Andersen began his career serving as student engineer aboard CGC STEADFAST, and as Commanding Officer on CGC CAPE KNOX and CGC STURGEON BAY. Andersen graduated from the U.S. Coast Guard Academy in 1985. He entered the Coast Guard legal program after receiving a Juris Doctor from George Mason University School of Law in 1997 and is a member of the Virginia Bar.

Andersen wears several decorations, which are all a direct result of the professionalism, loyalty, and excellence of the men and women with whom he served. His 2012 receipt of the ABA's Outstanding Military Service Career Judge Advocate Award is one such example.

Jeff Bray is the Deputy of the Office of Maritime and International Law at Coast Guard Headquarters in Washington, DC. This office is comprised of over 35 attorneys, both military and civilian, and provides legal advice and support in areas of prevention law, response law, environmental law, and international law. This office also provides legal support for Coast Guard's participation in IMO committees and subcommittees, as well as Arctic Council working groups and task forces. Mr. Bray has served in this position since 2017.

Prior to becoming the Deputy, Mr. Bray was the Chief, Environmental Law Division in the Coast Guard Headquarters office of Maritime and International Law. He directed the delivery of legal service, advice and guidance on Coast Guard environmental law and policy issues at the national level. He was responsible for providing advice on environmental compliance aspects of mission and facility planning to ensure successful mission execution and support and provides representation and litigation support on cases where the Coast Guard was either asserting or defending against environmental claims or demands. Mr. Bray also led the Coast Guard's legal efforts to enforce and hold violators responsible for violating environmental laws, and supported Coast Guard marine environmental response operations.

Prior to his retirement from active duty in January 2017, Commander Bray served as the Chief, Prevention Law Division in the Coast Guard Headquarters office of Maritime and International Law (CG-LMI-P), where he was responsible for providing legal advice to the Assistant Commandant for Prevention Policy. CDR Bray was also the Coast Guard liaison the DEEPWATER HORIZON Department of Justice Criminal Investigation Team; he has served in this capacity since September 2011. Prior to that assignment, CDR Bray served in the Office of General Law at Coast Guard Headquarters in Washington, DC from May 2012 to May 2015. As a staff attorney and team lead for the Administrative Law division, he provided legal advice on a wide variety of topics including military personnel law, fiscal law, ethics and administrative law to a multiple headquarters clients including the Commandant and Vice-Commandant and their staffs. CDR Bray served in the Office of Legislation from June 2011 to June 2012. He served as the Coast Guard attorney to the joint MMS-USCG Marine Board of Investigation established to investigate the explosion, fire, sinking and loss of 11 lives that occurred onboard the MODU DEEPWATER HORIZON in the Gulf of Mexico on April 20, 2010, he served in this role from April 2010 through the release of the Commandant's Final Action Memo in September 2011. CDR Bray also served in the Office of Environmental and Real Property Law from June 2007 to April 2010, in the Office of Claims and Litigation from June 2005 to April 2007, and in the Office of Regulations and Administrative Law from September 2003 to April 2005.

CDR Bray graduated *Cum Laude* from Brooklyn Law School in June 2003, and earned his undergraduate Bachelor of Science degree from the University of the State of New York in February 1997. LCDR Bray was commissioned in the Coast Guard in August 2003 through the Direct Commission Lawyer program.

CDR Bray entered the Coast Guard through Cape May, New Jersey in October 1992, his first assignment as a non-rate was aboard the USCGC ANVIL, then home-ported in Corpus Christi, Texas. LCDR Bray graduated from MST A-school at TRACEN Yorktown in March 1995, and was stationed as an MST at Group New York on Governor's Island, New York in the Pollution Response Office from April 2005 to April 2007, then at Sector New York on Staten Island, New York in the Marine Response Division from May 2007 to July 2003. He was an MST1 when he was selected for the DCL program.

CDR Bray's personal awards include the three Coast Guard Meritorious Service Medals, the Coast Guard Commendation Medal, the 9-11 Medal, two Commandant's Letters of Commendation, and three Good Conduct Awards.



M. Christina Cardenas attended University of Miami School of Law, 2004, LL.M., University of Florida, 2003, J.D., Assistant Editor in Chief of the Florida Journal of International Law and University of North Carolina, 1998, B.A. She focuses her practice on international arbitration and complex commercial litigation. She is a native Spanish speaker and has experience representing clients in a variety of complex international arbitrations and business disputes. Cristina has served as counsel, both in Spanish and in English, before many of the most important arbitral institutions, including the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), the American Arbitration Association (AAA), and the Inter-American Commercial Arbitration Commission (IACAC). She also coordinates and oversees work of local counsel in connection with litigation proceedings in Latin America.



Robert (Bob) Clyne is Senior Vice President and General Counsel at ABS. Clyne oversees the Legal Department that services ABS around the world.

Clyne began his career at ABS in technical and legal positions from 1982 to 1988. He then spent 24 years in private practice with Hill Rivkins LLP, where he last served as Co-Managing Partner. He rejoined ABS in 2012 as Vice President and Senior Deputy General Counsel.

Clyne served as President of the Maritime Law Association of the United States (MLA) from 2014-2016.

He has a bachelor's degree in marine transportation from the U.S. Merchant Marine Academy, and he earned his JD degree from New York Law School.

Thomas F. Fox, Born 1940. Maritime Consultant. President, Southold Maritime Services Corp. Previously associated with Sea Tow Services International, Inc. Formerly Chartering Manager at Philipp Brothers, Inc. and previously associated with M. Golodetz & Co., Inc. and Alcoa Steamship Co., Inc. Experienced in all phases of dry cargo voyage chartering, time chartering and operations as well as sale and purchase. Extensive sea service aboard tankers and dry cargo vessels and holder of valid unlimited Masters license. IGS/COW certification and Deepwater Horizon oil spill incident clean up contractor consulting experience. Familiar with small vessel salvage. Graduate of S.U.N.Y. Maritime College (B.S., Marine Transportation) and C.U.N.Y. Baruch College (M.B.A., International Business). Commander, U.S.N.R. (Retired).
Member: CAMM, CMA, NYMS

Captain Shannon Gilreath's currently serves as the Chief of the Office of Maritime and International Law at Coast Guard Headquarters in Washington, D.C., where he is responsible for mission law advice to the Deputy Commandant for Operations, other senior leaders, and field units, and coordination of Coast Guard maritime and international legal issues through the Federal interagency process. He leads the U.S. delegation to the International Maritime Organization (IMO) Legal Committee, and supervises a 38 member staff to provide legal advice and mission support across the range of the Coast Guard's eleven statutory missions. He received his Juris Doctorate degree with honors from Tulane Law School in 2001 and is a member of the Bar Association in the State of Louisiana.



Josh Gulbarnson, Raised in Southern New England in Massachusetts, Josh started his career in yachting, straight after the completion of his education at the New England Institute of Technology studying Marine Management. Now having spent nearly 30 years in the Marine industry, Josh's knowledge has great depth and is very wide spread.

His initial years were in yacht building, maintenance and the service sector. Josh spent 13 years operating private and charter yachts up to 150'. Some areas cruised include the Western Mediterranean, Western Atlantic, Caribbean Sea and the Eastern Pacific Ocean. After spending a great deal of his career in the service sector of yachting Josh has intimate knowledge of the industry and its expectations. This experience allows him to cater and adapt to every client's needs.

The past decade has been solely devoted to brokerage and yacht sales. Josh's sales have soared with deals totaling in excess of half a billion dollars. Consistent deal movement keeps him sharp with ever changing market values, regulations and client expectations. Josh has truly become an expert in his field. Recent years have had additional focus on the highly detailed process of mega yacht new construction.



Jerry Hamilton, attended the University of Florida College of Law, J.D. and University of Miami, B.A.. Jerry is a Board Certified Civil Trial Lawyer. He has been nationally recognized as one of the Top Ten Defense Lawyers in the United States by one of the largest insurance companies in the world. He is a Fellow of the Litigation Counsel of America, an invitation-only trial honorary society composed of less than one half percent of lawyers in The United States.

Jerry is also Board Certified in Maritime Law, has been recognized as a “Super Lawyer” by Law & Politics every year since 2006 and is named as one of Florida’s “Legal Elite” by Florida Trend. He has been selected as one of America’s Top 100 High Stakes Litigators® for 2018— this is by invitation only and is reserved to identify the nation’s most exceptional trial attorneys in high value, high stakes legal matters. In 2016, he was selected by the Dade County Bar Association as one of Miami’s top 10 trial lawyers to present in its annual Super Lawyers CLE Mock Trial and also received the Anthony G. Marshall Award as Hospitality Lawyer of the Year. In 2017, he was a finalist for the Council on Litigation Management’s (CLM) Professional Outside Counsel of the Year Award and also nominated by his peers in the Dade County Bar Association as a Legal Luminary.



John (Jack) H. Hickey was born and raised in Miami, Florida. He graduated from Florida State University (*magna cum laude*, *Phi Beta Kappa*) and Duke Law School. For over 36 years, Jack has been trying personal injury and [wrongful death](#) cases in the areas of admiralty and maritime,

[cruise ship injury](#), railroad, medical malpractice, product liability, and general liability. For the first 17 years of his career, he represented cruise lines, railroads, and other self-insured corporations. Nineteen years ago, he made the transition to representing plaintiffs. Jack is one of the few attorneys in Florida who is Double Board Certified in Civil Trial and Admiralty and Maritime by The Florida Bar. He is also Board Certified as a Civil Trial Lawyer by the National Board of Trial Advocacy (NBTA). He is also a Past President of the Dade County Bar Association (DCBA), the largest voluntary bar association in Florida. Jack is a member of The Florida Bar Board of Governors, the governing body of all lawyers licensed to practice in Florida. He is currently on the Board of Directors of the Florida Justice Association (FJA) and a State Delegate of the American Association for Justice (AAJ). Jack is also the Secretary of the largest section of AAJ, the Motor Vehicle, Highway Safety, and Premises Liability Section. Jack is the Past Chair of 7 DCBA committees, Past Chair of 3 Florida Bar Committees, has received 17 Certificates of Merit from the DCBA "for outstanding and constructive service to the bench, the bar, and the public," has received 3 certificates from The Florida Bar "in recognition and appreciation of meritorious service to the public and legal profession in Florida, and has received a Certificate of Recognition from the Florida Council of Bar Association Presidents for "dedicated leadership to the members of the legal community during service as President." Jack is rated A/V by Martindale-Hubbell (the international listing of attorneys). He is also listed in Who's Who in America, Who's Who in American Law, and Who's Who in Emerging Leaders in America. He has been chosen by other lawyers as a: "DCBA Legal Luminary in Admiralty" (2016); "Top Lawyer in South Florida" in the areas of personal injury and maritime in the *South Florida Legal Guide (2004-Present)*; "Legal Elite" in *Florida Trend Magazine(top 1.7% of attorneys)* (2006-Present); and Superlawyer in the area of personal injury in Superlawyers.com (2006 -Present). Jack lectures frequently at meetings and conventions of lawyers nationwide and writes articles on trial practice and on substantive law including Admiralty and Maritime. He is a past Chair of The Florida Bar Admiralty Law Committee and is Past Chair of the Admiralty Section of the American Association for Justice.

Michael Holt was the General Counsel, Senior Vice President, and Chief Ethics Officer at TOTE, Inc., f/k/a American Shipping Group, Inc. in Princeton, New Jersey, at the time of the "EL FARO" casualty. He previously was employed by TOTE, Inc., formerly known as American Shipping Group, Inc., a division of Saltchuk Resources, Inc., NYK GROUP AMERICAS INC., NYK Line (North America) Inc., O'Halloran, Holt and Associates, Carroll & Holt, Michael B. Holt, Esq., He obtained his J.D. degree from Seton Hall University School of Law.



David J. Horr, Esq., is a partner in the firm of Horr, Novak & Skipp, P.A., in Miami, Florida. He graduated from the University of Notre Dame and the University of Miami School of Law. Mr. Horr has practiced in the admiralty and maritime law field since 1980. Horr, Novak & Skipp, P.A. has an active trial practice. Mr. Horr tries cases regularly throughout the State of Florida and his experience focuses on personal injury defense (crew and passenger claims) and marine insurance. Mr. Horr is AV rated by Martindale-Hubbell. Mr. Horr is a member of the Maritime Law Association of the United States, the Southeastern Admiralty Law Institute, the Defense Research Institute, American Board of Trial Advocates (ABOTA) America's Top 100 Civil Defense Litigators and the Admiralty Law Committee of The Florida Bar. He has been selected to Super Lawyers annually since 2007. He has also lectured on admiralty and maritime law topics for SEALI, The Florida Bar, Miami Marine Council, South Florida Claims Association, among other entities sponsoring seminars.



Michael R. Karcher is a member of the South Florida law firm of Karcher, Canning & Karcher. Mr. Karcher practices in the area of admiralty law, concentrating in maritime litigation, recreational vessels and insurance issues. His undergraduate degree was from the University of Miami majoring in marine affairs and economics and is a graduate of the University of Miami School of Law. He is a member of the Florida Bar, the 11th Circuit Court of Appeals, the U. S. District Courts for the Northern, Middle and the Southern Districts of Florida. He has been designated as a Proctor in Admiralty by the Maritime Law Association of the United States. He is a member of the Southeastern Admiralty Law Institute, and is the past President, and Program Chairman of the Marine Council of Greater Miami.

He is the current chairman of the Miami Maritime Arbitration Council. He served as General Counsel for the United States Super Yacht Association. He is currently an adjunct professor at the University of Miami, School of Law teaching Admiralty Law, and Marine Ecology and the Law.



Allan R. Kelley attended the University of Miami School of Law, J.D. and Duke University, B.A. *Magna Cum Laude*. He has practiced maritime law with the Fowler White Burnett P.A. firm for 38 years. He has served on the firm's Management, Hiring, Long Range Planning and Pension Committees. He regularly represents all areas of the marine industry, including major cargo carriers, cruise lines, commercial vessel owners, operators and charterers, pleasure vessel owners, marina operators, terminal operators, related marine interests and their insurers and the insurance industry, protection and indemnity, hull and machinery, legal liability, cargo and inland marine policies.

Allan handles both litigation and transactional matters. He has defended catastrophic injury and wrongful death claims, substantial loss or property damage claims, and insurance coverage issues involving all kinds of vessels. He has handled limitation of liability actions involving vessel sinkings, collisions, multiple claimants with serious injuries, wrongful death and property damage, and the defense and prosecution of vessel arrest proceedings. He represented the vessel owners and operators and their insurers in connection with the tragic loss of the SS "El Faro," her crew, and cargo. He has obtained million dollar recoveries in charter party disputes, product liability and subrogation actions. He has also handled the purchase and sale of vessels, the formation of cruise and cargo lines and negotiated and drafted the contracts related thereto, including purchase and sale agreements, charter parties, management, crew, concessionaire, construction and repair contracts.

He has served on the Board of Directors of the Maritime Law Association and as Chair, Vice Chair and Member of the Florida Bar Admiralty Law Committee and Admiralty and Maritime Law Board Certification Committee. He is Board Certified in Admiralty and Maritime Law. He has been recognized by *Best Lawyers*, *Florida Super Lawyers*, *South Florida Legal Guide Top Lawyers*, and the *International Who's Who of Shipping & Maritime Lawyers* for more than ten (10) years. He was named the Miami Admiralty and Maritime Law "Lawyer of the Year" three (3) times, including 2018.

He is a frequent speaker and author on maritime law and practice topics, including The Florida Bar and the Southeastern Admiralty Law Institute. He is the author of the Limitation of Liability Chapter for The Florida Bar *Maritime Law Manual*.



Molly McCafferty, General Counsel, TBS Shipping Services. Previously employed as Senior Manager, Insurance and Claims, Clipper Bulk, LLC. and with Thomas Miller Americas, Managers for UK P&I Club. Over 20 years of experience in the Maritime Industry handling charter party disputes (both as Owner and Charterer), marine casualties, cargo and bodily injury claims, insurance coverage and other maritime disputes. Trained mediator. Graduate of Tulane University (1990) with a B.A in International Relations and a minor in Economics. Graduate of the University of Miami School of Law (JD 1993).



G. Geoffrey Robb attended Hastings College of the Law, University of California, J.D. and Wesleyan University, B.A., East Asian Studies and History. His 27 years of trial, appellate and arbitration experience emphasizes marine and landside insurance defense as well as cargo and property subrogation claims. Mr. Robb is frequently called upon to advise insurers on coverage questions and investigation. He has advised marine insurers on issues related to Cargo, Yacht, Hull, P&I, Ship Repairers and Marine General Liabilities, and he has defended coverage and bad faith litigation arising under those coverages. He has advised non-marine insurers on issues related to CGL coverage, including broad form coverage for personal and advertising injury, and has litigated related disputes. He has represented several companies from the Peoples Republic of China regarding commercial disputes in the United States. Mr. Robb has an AV-Preeminent rating with Martindale-Hubbell and was named as one of Northern California's Super Lawyers by Super Lawyer Magazine. This honor is awarded to those lawyers who are among the top five percent of Northern California attorneys based on input by their peers and review by a Blue Ribbon Panel.



Panos Pourgourides attended the University of Chester Law School and Aberystwyth University (LLB). He is a partner in the London office of the Hill Dickinson law firm. He has extensive experience acting for yacht owners and almost all of the major banks involved in the provision of finance for new build projects and second-hand yachts and is an acknowledged leader in this field. He also advises on the negotiation of construction agreements, sale and purchase work and other ship and yacht related regulatory issues.



John Rooney, since January 1, 2011, has practiced law as shareholder of John H. Rooney, Jr., P.A., a Florida professional association with its registered place of business in Miami, Florida. He continues to represent clients in international business matters, including international arbitrations and insurance matters. His new, more efficient structure allows him to continue to provide personalized advice for complex commercial transactions and disputes.

Prior to January 1, 2011, John Rooney was a partner in the Miami office of Shutts & Bowen, where he was a member of the firm's International Litigation and Arbitration Practice Group. He is admitted to practice law in Florida, Louisiana (the only state of the United States with a civilian system of private law), and Texas.

As an arbitrator, Mr. Rooney has resolved disputes under the rules of the Inter-American Commercial Arbitration Commission (IACAC, or CIAC), the International Centre for Dispute Resolution (ICDR or CIRD), the International Centre for the Settlement of Investment Disputes (ICSID), and the International Chamber of Commerce (ICC or CCI). He has chaired arbitral tribunals in both English and Spanish. He has arbitrated a wide range of disputes, including hotel operating agreements, ship construction agreements, international distribution agreements, stock purchase agreements, and foreign investment disputes, and shareholder agreements.

In addition, he has served as counsel in arbitrations under the rules of many arbitral institutions, and represented clients in arbitration-related litigation. As an advocate in arbitrations, he has handled disputes involving international reinsurance, international insurance policies, international distribution agreements, stock purchase agreements, and international telecommunications. He has first chaired arbitrations in Spanish and English.

Mr. Rooney has handled arbitration-related litigation in both United States federal and state courts, and coordinated cross-border enforcement efforts of international arbitration awards. Representative matters have included the removal of an international health insurance dispute from state to federal court and enforcement of an international arbitration agreement and jurisdictional matters involving the ability of a federal court to hear an action to set aside an arbitration award issued in an arbitration involving two foreign parties.

Handling a dispute subject to an arbitration clause is only one element of the advice that a client should expect. He has also advised clients on the use of arbitration in the context of either the negotiation of a complicated business arrangement, such as a stock purchase agreement or in the effectuation of an international insurance policies.

Mr. Rooney is also involved in academic activities involving international arbitration. He teaches the international commercial arbitration seminar and the international business transactions class at the University of Miami School of Law, where he also coaches the law school's Vis International Arbitration Moot, held in Vienna, Austria every spring. For the Loyola University of the South School of Law, he conducts a course called, "International Arbitration" at the law school's international summer program, which alternates between San José, Costa Rica and Rio de Janeiro. He also conducts an internet course for Georgetown Law CLE on the drafting of contracts in English, which is directed to attorneys in Latin America.



Robert Shaw, born 1955. Since 2007, managing director, Mystras Ventures LLC, a privately held shipping industry investment fund. From 2000 to 2006 a director, president and previously executive vice president, Navios Maritime Holdings Inc. From 1980 to 2000, a partner and an associate of Healy & Baillie. Experienced in all commercial and legal aspects of vessel operations, charterparties, contracts of affreightment, ship purchase and sale and newbuilding contracts, freight derivatives, ship finance and shipping joint ventures. Law graduate of Oxford University, 1977. Admitted to the Supreme Court of England and Wales, 1980 and the New York Bar, 1981. Fluent in Spanish and Greek.

James (Jim) Shirley, Jr., Born 1943. Maritime Consultant with JTS Marine LLC. Graduate of USMMA (B.S.), Rutgers School of Law (J.D.), and USN School of Diving and Salvage. 1965-1981: Blue water shipping and marine salvage with service as a deck officer and salvage master on all types vessels and in shore side management. 1981-2009: Maritime litigation practice with Haight Gardner Poor & Havens and Holland & Knight LLP and partner in both firms. 2009-present: Owner/Principal Consultant in JTS Marine LLC. Unlimited USCG Master's License with service at sea in that capacity, and experience at sea and/or ashore with most maritime contract types and forms, ship handling and navigation, casualty investigations, cargo handling, and ship management. Member: CAMM, SNAME, MLA, CMA, and MSNYC.



Nicholas Charles Smith attended Thurstable School, Tiptree. He joined Charles Taylor Adjusting in February 2007 as a Director of the Yacht Practice. Between 1986 and 1999, Nick became Head of Yacht Claims at Lloyd's Claims Office. In 1999, he formed Global Claims and Co. with offices in London, Tortola, Fort Lauderdale and San Diego. The business serviced both London and US domestic yacht insurers. Nick lectures on matters relating to yacht insurance claims and writes extensively for the trade press and international media. Nick joined Lloyd's Underwriters Claims and Recoveries Office (LUCRO) in 1986 as a trainee marine claims examiner in the Hull department. LUCRO was a department of the Corporation of Lloyd's. Between 1986 and 1992 he was trained as a claims adjuster in Hull and Machinery claims, marine liabilities and some energy claims. From approximately 1992 onwards he began to specialize in yacht insurance claims mainly arising in Europe, United Kingdom and Florida. In 1998 Nicholas was appointed Head of Yacht claims at the Lloyd's Claims office (LCO) which was the successor to LUCRO. The role involved management of the most complex yacht claims and advising the Lloyd's underwriters on yacht insurance matters generally.

In 2013, Nicholas convened the first meeting of the Superyacht Claims Adjusters Association SCAA. The purpose of the association is to bring together all of those involved in superyacht claims whether they are owners, captains or insurers. The membership now stands at three hundred professionals worldwide.



G. Robert Toney, Chairman - TCH Holdings Inc. G. Robert Toney is the founder of Toney Capital Holdings, a marine related holding company headquartered in Fort Lauderdale, Florida. Noted holdings include National Liquidators, the leading pleasure yacht recovery and remarketing firms in the nation; National Maritime Services a global leader in commercial vessel custody, arrest and government asset seizures and various other marine related companies.

Financial backing from Toney Capital Holdings has made it possible for WatchStander, a one-of-a-kind antipiracy and countermeasure system, to debut in the commercial shipping market. The diversification into piracy was a watershed for TCH, as this was the group's first investment in a start-up operation with no existing revenue stream.

Toney is an active speaker at conferences throughout the world involving vessel financing, international ship foreclosures and maritime legal matters. He also serves as an investor and board member of a South Florida community bank, and is on the board of the Port Everglades Association. He is a non-lawyer member of the Southeast Admiralty Law Institute and the Maritime Law Association.