

# Maritime

Anyone can hold the helm when the sea is calm, but Cozen O'Connor's renowned maritime practice helps its sophisticated clients navigate all types of weather. Our team relies on years of industry-specific experience and knowledge to provide regulatory, litigation, and business counsel to a diverse range of global clients across the maritime industry. The firm's team has been recognized as a Band 1 firm for Shipping/Maritime: Regulatory by *Chambers and Partners USA*. The Legal 500 United States has recognized Cozen O'Connor as a Tier 2 Firm for Shipping: Litigation and Regulation.

Cozen O'Connor's maritime team represents major global and U.S. liner, roro, bulker, and tanker carriers and shipowners; ocean carrier alliances and associations; equipment pools and vessel sharing agreements; maritime-related investors and financial institutions; international and domestic cruise lines; marine terminal operators; offshore energy operators; ports, terminals, and their operators; entities involved with offshore wind turbines and other marine construction projects; ocean transportation intermediaries; and dredging, towage, and other industrial vessel operators.

The expansive range of skills, knowledge, and experience within the team includes:

- Regulatory
- Litigation
- Corporate and Finance
- Antitrust

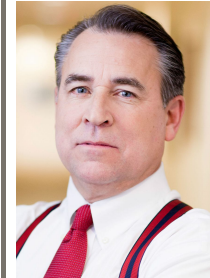
**Regulatory.** Our attorneys counsel on regulations enforced by the U.S. Federal Maritime Commission (FMC), including tariffs and service contracts, discussion agreements, vessel sharing agreements, and niche or specialty agreements. We advise clients on the flagging or reflagging of vessels according to the maritime laws of the United States, the Republic of Vanuatu, the Republic of the Marshall Islands, and the Republic of Liberia. We help clients comply with a litany of other U.S. maritime laws (e.g., Jones Act, Towing and Salvage Statute, Dredging Statute, Passenger Vessel Services Act, and American Fisheries Act) and the requirements of maritime promotional programs (e.g., cargo preference programs and the Maritime Security Program). We also provide clear guidance on environmental and offshore energy regulations, sanctions, and embargos.

**Litigation.** Cozen O'Connor handles complex commercial disputes arising from agreements unique to the maritime industry as well as marine casualty, personal injury, wrongful death, loss of cargo, and pollution claims. We respond to government investigations, resolve administrative and criminal enforcement actions and defend criminal and civil litigation. We also handle coverage disputes with regard to cargo, hull, and marine general liability insurance on behalf of marine insurers.

**Corporate & Finance.** Our finance practice covers traditional asset-backed ship finance, leasing transactions and other custom-tailored financings, as well as capital raised in the public and private markets, all valued in the billions of dollars. We provide ongoing counsel on charter parties, citizenship requirements, restructuring, workouts, and maritime lien enforcement. Our attorneys serve as special counsel in mergers and acquisitions involving foreign and domestic maritime-related assets. We also advise on ship construction and repair contracts, as well as vessel sale and purchase matters.

**Antitrust.** Our attorneys are exceptionally knowledgeable about the application of U.S. and non-U.S. antitrust and competition laws to the maritime industry. We advise on all matters of antitrust compliance, review M&A and joint venture transactions, and defend clients in private antitrust class actions and U.S. and multi-jurisdictional government antitrust and enforcement proceedings.

Cozen O'Connor's maritime practice is made up of acknowledged leaders of the maritime bar,



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## Related Practice Areas

- Infrastructure
- Maritime Antitrust & Competition
- Maritime Corporate & Finance
- Maritime Litigation
- Maritime Regulatory
- Transportation & Trade

including several former presidents of the Maritime Administrative Bar Association. Our attorneys have testified before Congress on dozens of critical legislative reforms and served on U.S. delegations to negotiate and implement bilateral and international transportation and security agreements. The team includes contributing authors to numerous publications, including Schoenbuam's *Admiralty & Maritime Law* and Wolters and Kluwer's *Maritime Law Handbook*.

## Experience

Secured an important victory before the Federal Maritime Commission ("FMC") on behalf of Hyundai Merchant Marine ("HMM") in a case publicized in the New York Times alleging violations of the Shipping Act and breach of contract. Discovery revealed that not only had HMM acted in a reasonable manner and committed no violations of the Shipping Act, but that it had in fact granted very favorable terms to the complainant in the midst of the 2021-22 supply chain crisis. The judge cited this evidence three times in her decision denying all claims.

Secured a complete victory for defendant insurers in a 12-year dispute centering on a marine protection and indemnity policy. The insured vessel sank in 2007, and the client denied coverage on various grounds, including for unseaworthiness. The client also denied the insured's request for indemnification to cover various claims brought against it by cargo interests. The client sought a declaration of non-liability from a London arbitrator at that time. In 2017, after concluding various satellite cases, the insured again brought a claim against the client, which we argued should be struck out due to inordinate and inexcusable delay. The arbitration panel accepted this argument, dismissing the claim and awarding costs to our client. This victory was affirmed on appeal to the Queen's Bench.

Acted as special U.S. maritime counsel to a bank in connection with a new Senior Secured Term and Revolving Credit Facilities Agreement for \$1 billion, including preparing mortgages on the U.S. flag vessels owned by U.S. vessel trusts where the borrow was the beneficial owner; negotiating tripartite agreements among agent and trustee, U.S. vessel trust owners, and U.S.-bases bareboat charterers; and obtaining other U.S. security.