

## **Michael A. Walters**

### **Experience**

December 1997 - present  
The Walters Nixon Group, Inc., Cranford, NJ  
President  
Marine claims investigating and adjusting  
Mediate and Arbitrate pending marine litigation

October 1990 - December 1997  
Lamorte Burns & Co., Inc., Clark, NJ  
Manager and senior adjustor  
Marine claims investigating and adjusting

January 1985 - October 1990  
Neare Gibbs & Co. (division of St. Paul Fire & Marine Insurance Co.), Cincinnati, OH  
(insurance carrier for river brown water marine risks)  
Marine claims supervisor/claims attorney

May-December 1984  
Fowler White Gillen Boggs Villareal & Banker, PA, Tampa, FL  
Associate attorney, admiralty department

### **Education**

University of Cincinnati College of Law  
JD degree, 1984

University of South Florida  
BS degree (English), 1979

### **Professional Associations**

Maritime Law Association  
(committee member: Maritime Personnel, Recreational Boating, Cruise Lines)

Member of Bar Association of Florida, Ohio (inactive status)

Association of Average Adjusters

NY Marine & Insurance Claims Assoc. (MICA)

U.S. Coast Guard operator's license (6-passenger, near coastal waters, FL, 1983-88)

# Private Practice Lawyer Profile for Stephen P. Kyne

Stephen P. Kyne

Member

[Burke & Parsons](#)

100 Park Avenue, 30th Fl.

New York, New York 10017-5533

Telephone: 212-354-3800

Facsimile: 212-221-1432

Practice Areas: Admiralty and Maritime Law; International Law;  
Environmental Law; Marine Collisions and Casualties; Charterparties;  
Arbitration; Litigation

Admitted: 1974, New York and U.S. District Court, Southern and Eastern  
Districts of New York; 1975, U.S. Court of Appeals, Second Circuit; 1981,  
U.S. Court of Appeals, Fifth Circuit; 1988, U.S. Supreme Court

Law School: Fordham University School of Law, J.D., 1973

College: Villanova University, B.S., 1968

Member: The Association of the Bar of the City of New York (Committee  
on Admiralty, 1987-1990); New York State and American Bar Associations;  
The Maritime Law Association of the United States; Resident Associate  
Member, Association of Average Adjusters of the U.S.

Military: U.S. Army, 1968-1970

Born: Brooklyn, New York, September 19, 1946

ISLN: 905692898



**JOHN DEVEREUX KIMBALL**

Birth: Orange, New Jersey; March 18, 1949

Education: Duke University (B.A. 1971);  
Georgetown University Law Center (J.D. 1975)

Occupation: Chairman, Healy & Baillie, LLP, New York City  
Adjunct Professor, New York University  
(September 1986 - present)

Outside

Director: Director, Christiania Re (1995-1996)

Books: Co-author, Time Charters (5th Ed.) (LLP 2003);  
Co-author, Voyage Charters (2<sup>nd</sup> Ed) (LLP 2001);  
Co-author, The Law of Salvage, 3A Benedict on Admiralty  
(2004 revision); and  
Editor, The Healy Lectures, (LLP 2005)

Chapters

In Books: Griggs & Williams, "United States Law,"  
Limitation of Liability for Maritime Claims  
(4th Ed. 2005);  
"United States Law", 29 Moore's Federal Practice,  
(3d Ed. 1997) § 707.05 "Charter-Party Disputes"

Papers: The Mainstreams of American Maritime Law,  
23rd Donald O'May Lecture in Maritime Law  
Institute of Maritime Law, University of Southampton,  
November 16, 2005;

Termination Rights Under Time and Voyage Charters,  
Japan Shipping Exchange Seminar  
November 2004;

Shipping and the Fight Against Terrorism,  
Fifth Cadwallader Annual Memorial Lecture  
The London Shipping Law Centre, October 24, 2002;

Sanctions, Money Laundering . . . and Charter Hire, Connecticut Maritime  
Association, March 20, 2002;

Redelivery, Bimco Tanker Seminar, October 31, 2000;

The Proposed Amendments to U.S. COGSA: A Storm in a Teacup?, presented at ICML IV 2000, October 24, 2000, in Shenzhen, China;

Apples, Apples & Oranges, presented at Shipping Federation of Canada seminar on "Time is Money," October 21, 1999;

Miles: "This Much and No More . . .", presented at MLA Meeting in Bermuda, October 26, 1993, reprinted in 25 J. Mar. L. & Comm. 319 (1994) and in Jarvis, An Admiralty Law Anthology (Anderson 1995);

OPA: The Hairy Palm of Chartering, presented at a Hellenic-American Chamber of Commerce Conference in New York, October 18, 1993;

Protecting P & I Clubs in Maritime Bankruptcies, presented at 1st International Conference of Maritime Law, Piraeus, Greece, May 29, 1992;

Current Topics of Interest in New York Arbitration, presented at Japan Shipping Exchange, Tokyo, Japan, June 25, 1991;

Discovery and Evidence Issues in Arbitration, presented to Society of Maritime Arbitrators, New York, April 10, 1991;

Bareboat Charterparties: Allocation of Risks and Costs, presented at CMI Seminar at Knokke-Zoute, Belgium April, 1989

- Associations:
- Titulary Member, Comite Maritime International
  - Fellows of the American Bar Foundation
  - Maritime Law Association of the United States [Executive Committee 1990-1993]
  - American Bar Association
  - Association of the Bar of the City of New York
  - Phi Beta Kappa

Associate

- Editorships:
- Board of Editors, Journal of Maritime Law & Commerce (1977 - present) and Case Editor (1977-1988);
  - Editorial Board, The International Journal of Shipping Law (1998 - 2000);
  - Member, Executive Board and case and Note Editor., Law and Policy in International Business (1974-1975)

Other:

- Listed in: *Who's Who in America* and *Who's Who in American Law*
- Chambers Global, *The World's Leading Lawyers (2005)*
- Euromoney, *The Best of the Best*

- Pro Bono Panel, U.S. Court of Appeals for Second Circuit
- Member of United States Delegation, the Meetings of Governmental Experts concerning negotiation to Convention on the Protection of Underwater Cultural Heritage, July 2000 and July 2001
- Lecturer, Shanghai Maritime University, Winter 1988
- John W. Sims, Distinguished Admiralty Practitioner in Residence, Tulane University Law School (November 2003)

Expert  
Witness:

- Animalfeeds International Corp. et al. v. Stolt-Nielsen S.A., et al., Washington, D.C., November 21, 2005;
- King v. Brandywine Reinsurance Company; High Court of Justice, Queen's Bench Division, Commercial Court; (2004);
- Jiangsu Province Light Industry Merchandise Export & Import Co. Ltd. v. Brilliant International Corp.; Wuhan Maritime Court, (1999) Wu Maritime Law Ning Shang Zi No. 80;
- Ocean Merchant, High Court of Justice, London, England, Oct. 1997;
- Cascade Pacific Marine, Inc. v. Sea-Land Service, Inc., et al. (United States District Court for the District of Washington) November 18-19, 1993; and
- Stena Concordia (London Arbitration) - December 14, 1992.

Volunteer  
Activities:

- Board of Directors, Madison Area YMCA
- Advisory Board, North American Maritime Ministry Association (2005- )
- Trustee, Kent Place School, Summit, NJ (1987-1999);
- Elder and Trustee, Presbyterian Church, Madison, NJ (1993-1995)

Clubs: Baltusrol Golf Club; India House

Partial List Of Articles: Case Note, R.M.S. Titanic, Inc. v. Haver, 30 J. Mar. L & Comm. 691 (1999);

"The United States Legal System: Better and Less Crazy Than You Might Think!," 1998 Bimco Review 148 (1998);

"Choice of Law Issues in Contracts for the International Sale of Goods: Getting What You Bargained For in the Courts in the United States" 1 Int'l Trade Law Quarterly, 28 (Nov. 1997) (with Simon Harter);

"Developments in United States Maritime Law, 1995-1996," XIV Anuario de Derecho Maritimo (with E. Fitzgerald);

"The Sky Reefer: Foreign Arbitration Clauses in Bills of Lading are Enforceable," 1 Int'l J. of Shipping Law 51 (1996);

"Developments in United States Maritime Law 1994-1995," XIII Anuario de Derecho Maritimo (co-author with E. Fitzgerald);

"United States Maritime Law 1988," VIII Anuario de Derecho Maritimo (1990);

"United States Maritime Law 1987," IV Yearbook of Maritime Law (Kluwer 1990);

"The Validity of Letters of Indemnity Given for the Issuance of Clean Bills of Lading," in Miscellanea of Maritime Law (Athens 1988);

"New Developments in United States Maritime Law 1986," III Yearbook Maritime Law (Kluwer 1988);

"New Developments in United States Maritime Law 1985," II Yearbook Maritime Law (Kluwer 1987);

"New Developments in United States Maritime Law 1984," I Yearbook Maritime Law (1984);

"Protecting Against Maritime Liens for Supplies and Services on Chartered Ships Calling at United States Ports," (with John D. Love) 1984 Lloyd's Mar. & Com. L.Q. 290, May 1984;

"Developments in United States Law 1982-1983," III Anuario de Derecho Maritimo 453 (1985);

"Vacating Maritime Arbitration Awards: Is it really possible?," 13 J. Mar L. & Comm. 71 (1981);

"Shipowner's Liability and the Proposed Revision of the Hague Rules," 7 J. Mar L. & Comm. 217 (1975);

NOTE: Ray v. Atlantic Richfield Company, II Diritto Maritimo (1979);

NOTE: "Shipowner's Liability Not Limited By Limitation of Liability Act," 6 J. Mar. L. & Comm. 661 (1975);

NOTE: "Letter of Credit Automatically Renewable Beyond One Year Held To Be Valid," 10 J. Mar. L. & Comm. 270 (1978);

NOTE: "Shipowner's Liability on Pollution Removal Expense Under a State Statute Limited By Federal Limitation Act But Not Limited by Federal Water Pollution Control Act," 10 J. Mar. L. & Comm. 393 (1978);

NOTE: "Pre-emption of State Laws," 10 J. Mar. L. & Comm. 289 (1979);

NOTE: "Taxation of Foreign-Owned Containers by State Government Unconstitutional," 11 J. Mar. L. & Comm. 145 (1979);

NOTE: "Arbitration: Appearance Of Bias Is Not A Basis For Vacating An Award," 12 J. Mar. L. & Comm. 407 (1981);

NOTE: "Arbitration: Arbitrators Do Not Have Power To Award Attorney's Fees Unless The Arbitration Agreement So Provides," 14 J. Mar. L. & Comm. 370 (1982).

## **RHYS CLIFT – PEN PORTRAIT**

Rhys qualified as a solicitor in 1983 and is a partner in Hill Taylor Dickinson based in London. He has 20 years of commercial litigation experience, in particular in a wide range of marine and non-marine insurance and reinsurance disputes (including hull, cargo, energy, mortgagee interest and general coverage disputes), in maritime casualties, charterparty and bill of lading disputes and in fraud investigation.

Hill Taylor Dickinson publish free of charge a large number of At a Glance Guides (generic Guides on particular topics), largely on matters relating to Shipping law. These include two Guides on Insurance; the first comparing the ITC Hulls 1983 with the ITC Hulls 1995 and the second comparing the ITC Hulls 1983 with the IHC 2003.

Hill Taylor Dickinson also publish shorter Bulletins, largely on specific topics or cases mainly on Shipping and Marine Insurance topics. Rhys is the author/editor of the Insurance & Reinsurance Bulletins and Mediation FAQs (which are published in 12 languages).

Rhys is a CEDR Registered Mediator. He has taken part in mediations in the UK and overseas. He has spoken on mediation in the UK, Europe, Scandinavia, South America and Cyprus. He is a co-founder member of the Maritime Solicitors Mediation Service.

Rhys graduated in law in 1979, passed Solicitors' Finals with honours and was awarded the Alfred Syrett Prize in 1980. He obtained a post-graduate degree from the University of Aix-en-Provence, France in 1981.

**Rhys Clift**

**Hill Taylor Dickinson**

**Partner**

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CASPAR F. EWIG  
196 LITTLETON ROAD  
MORRIS PLAINS, NJ 07950

**Background:**

Born: Düsseldorf, Germany, August 8, 1942  
Citizenship: U.S.A., June, 1967

**Employment:**

Partner	Hill Rivkins & Hayden LLP
1977 - 2001	45 Broadway, Suite 1500
Of Counsel	New York, New York 10006
2001 - Present	(212) 669-0600

**Admitted to Practice Law before the Bar:**

September, 1968	Supreme Court of the State of New York
December, 1970	USDC, Southern District of New York
October, 1977	USCA, Second Circuit
October, 1978	USDC, Eastern District of New York
June, 1988	Supreme Court of the United States
July, 1991	USCA, Fourth Circuit
January, 1994	USCA, Eleventh Circuit

**Education:**

Cornell Law School, L.L.B. 1967  
Princeton University, B.A. 1964  
Hackley School, Tarrytown, New York 1960

**Other Affiliations:**

1968 – Present	Proctor, Maritime Law Association of the United States of America (Committee on Arbitration and Alternate Dispute Resolution, 1992- Present) (Committee on Practice and Procedure, 1980-1984)
1992 - Present	Mediator - United States District Court, Southern District of New York

1993 – Present Mediator, Neutral, Evaluator and Arbitrator -  
United States District Court, Eastern District of New York

1995 – Present Mediator –  
Supreme Court, New York, Commercial Division

2003 – Present Mediator Private

**Specialties:** Admiralty and Maritime, Insurance, General Commercial

**Miscellaneous:**

Drafter of Rules of Mediation of the Maritime Law Association of the  
United States (1995)

Average 4 mediations annually in each of the USDC SDNY and  
NYSC Comm. and 3 mediations and non binding arbitrations annually for USDC EDNY;  
for USDC EDNY.

Conducted a number of private mediations, both formally and  
informally

Appointed co-lead counsel in the *In re: Horizon Cruises Legionnaire's  
Disease Litigation*, 101 F.Supp. 204 (S.D.N.Y. 2000)

## MAX HARDBERGER



Max Hardberger has been an English teacher, commercial airplane pilot, ship captain, port captain and marine surveyor. He is a member of the California Bar and a Proctor Member of the Maritime Law Association. He has 35 years of nautical experience in vessels ranging from sailboats to oceangoing freighters, and is a court-recognized maritime expert and marine

projects manager. He is the author of a maritime textbook, *Deadweight: Owning the Ocean Freighter* (1994), and a novel, *Freighter Captain* (1998). He has written hundreds of maritime and legal articles for leading magazines, including *WorkBoat* and *Marine Money*.

Formerly a partner in Schodowski Hardberger LLC and Admiralty Associates LLC, Mr. Hardberger now heads The Hardberger Law Firm of Van Nuys, California, representing shipowners and other international maritime interests. He is also of-counsel to [Bynane & Co. PC](#) of Houston and Van Nuys.

To view Mr. Hardberger's personal webpage, click [here](#).

In keeping with the diverse nature and jurisdictional requirements of a worldwide maritime practice, The Hardberger Law Firm often contracts outside counsel to assist in representing its clients. Among the attorneys on whom the firm relies for their special expertise are Proctors and LLM's in Admiralty and P&I correspondents in major ports around the world.