



**Federal Court of Appeal and Federal Court Education Seminar
Maritime Law**

**Sponsored by the National Judicial Council and The Canadian Maritime Law
Association**

Friday, May 23, 2014

Chateau Laurier, Ottawa

REGISTRATION FEE – FOR CMLA MEMBERS - \$200.00; Non-Members \$250.00

As seating is limited, please pre-register with David Colford's assistant, Laurie Neysmith by fax at 514-393-1211 or by e-mail at general@brissetbishop.com. Priority is given to registrants who submit payment. See registration form attached.

The Principles of Maritime/Admiralty Law – A Back to Basics Guide

INTRODUCTION AND WELCOME: 09:00 – 09:15

**[Federal Court of Appeal Chief Justice Pierre Blais + CMLA
President John O'Connor]**

The Admiralty Jurisdiction 09:15 – 09:45

THEME – Why did *Isen v Simms* present “a problem”?

- Canadian Maritime Law
- Statutory Framework
- Recent Case Law - *Isen v. Simms* (and others)

Speaker – David Henley of Stewart McKelvey, Halifax, NS

Unique Aspects of Admiralty Procedure 09:45 – 10:45

THEME – Federal Court Act, section 43 and Rules 477 to 489

– the Action in Rem and the Arrest Remedy

- The procedural rules
- *in rem* actions and arrest of the *res* (*Phoenix Bulk*) “subject of the action” “beneficial ownership”

Speaker - Doug Schmitt of Alexander Holburn, Vancouver, BC]

**THEME – Limitation of Liability Action – Rule 496, Salvage and
General Average actions – rights and remedies unique to Maritime
Law**

Speaker – Leona Baxter of Oland & Co., Kelowna, BC

BREAK	10:45 – 11:00
Maritime Mortgages, Liens and Claims	11:00 – 11:45
THEME – Dividing Up the Proceeds of Sale – Rule 490	
<ul style="list-style-type: none"> • the judicial sale • Differences between a mortgage and other personal property security charges • What is a maritime“lien” • Differences between a maritime lien, a statutory in rem lien, a contractual maritime lien – priority in ranking 	
Speaker – Graham Walker of Borden Ladner Gervais, Vancouver, BC	
Carriage of Goods by Water	11:45 – 12:30
THEME – Cargo Damage Claims – The Key Issues	
<ul style="list-style-type: none"> • The applicable law • interest to sue • who is the carrier • due diligence and excepted perils • recoverable damages and mitigation issues 	
Speakers – Dr Vanessa Rochester, of Norton Rose Fulbright, Montreal, Que. (presently in the Singapore office) + David Colford of Brisset Bishop, Montreal, Que.	
LUNCH BREAK	12:30 – 14:00
Luncheon Speaker – to be confirmed (hint: someone we all know)	
Evidentiary issues in Admiralty Law	14:00 – 15:30
THEME – Maritime Casualties – the Action for Collision (Rule 498) and the Collision Rules	14:00 – 14:45
Speaker – Jean Gregoire, Langlois Kronstrom Desjardins, Quebec City, Que.	
THEME – Transport Safety Board – confidentiality, protection of witnesses, rights to counsel, relative immunity (professional ethics)	14:45 – 15:30
Speaker – Jack Buchan of Cohen, Buchan Edwards, Vancouver, BC	
CLOSING Speech followed by CMLA Sponsored Reception [Federal Court Chief Justice Crampton]	



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REGISTRATION

As seating is limited, priority is given to registrants who have submitted their applications together with payment (to CANADIAN MARITIME LAW ASSOCIATION) of \$200 for members, constituent members and MLAUS members and \$250 for non-members. Accreditation is being sought from various provincial law societies.

Please indicate your interest in attendance by fax to David Colford's secretary, Laurie Neysmith, by fax at 514-393-1211 or by e-mail at general@brissetbishop.com and forward payment by cheque or money order (credit/debit cards are not accepted) to Laurie Neysmith, Brisset Bishop, 2020 University, Suite 2020, Montreal, Qc H3A 2A5

Name: _____

Firm/Company/Government Department: _____

Address: _____

Telephone: _____ Email: _____

Special Dietary Needs: _____

The CMLA has obtained a special rate of **\$239** plus taxes per night at the Chateau Laurier which is available up **until April 21, 2014**. The time of year is 'high season' in Ottawa. To book a reservation, call Fairmount's Global Reservations Centre at 1-800-441-1414 and mention that you are attending a "CMLA event". Please note that registrants are responsible for making their own hotel arrangements.