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NAVIGATING MARITIME ARBITRATION: THE EXPERTS SPEAK

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This book brings together a collection of essays concerning virtually all aspects of maritime arbitration which will be of assistance to those who are engaged in the process. It will be helpful to parties who participate in the process, as well as their counsel and other advisers and by the courts.

A wide range of experienced arbitrators and attorneys who are recognized as being among the leading experts in maritime arbitration contributed to this publication. The focus of this book is maritime arbitration in the United States, with a strong tilt towards New York since that is where by far the greatest number of arbitrations are heard and decided. New York maritime arbitration has a worldwide reputation of being fair and supported by laws and courts which fully encourage arbitration and other alternative forms of dispute resolution.



Praise for Navigating Maritime Arbitration: The Experts Speak

“Arbitration has been employed in the resolution of maritime disputes from the earliest times. The enormous complexities of building, operating and chartering modern vessels and trading arrangements and the disputes which often ensue require that arbitrators and counsel draw upon deep wells of practical experience and specialist knowledge. In *Navigating Maritime Arbitration: The Experts Speak*, indeed the experts have spoken. The collected essays and articles, many by stalwarts of The Maritime Law Association, address today’s most important substantive areas of maritime dispute resolution, in the context of complex technical operations. This volume belongs within easy reach of any lawyer, arbitrator or commercial manager engaged in or affected by maritime arbitration.”

—**Francis X. Nolan, III**, President, *The Maritime Law Association of the United States*

“*Navigating Maritime Arbitration: The Experts Speak* provides the most up-to-date and comprehensive guidance on the law and practice of maritime arbitration in the United States. Those needing to navigate these particular swirls and eddies of dispute resolution can have no better company than the distinguished authors of this magisterial commentary on current issues in this important field of commercial jurisprudence.”

—**Joe Hughes**, Chairman and CEO, *Shipowners Claims Bureau, Inc., Managers for The American P&I Club*

“Whether embarking on one’s maiden voyage through maritime arbitration or sailing as an old hand, legal practitioners should chart their course using *Navigating Maritime Arbitration: The Experts Speak*. Practical and well-organized, this work will prove itself essential to inside counsel and their representatives. Unique features and pitfalls of this specialized field are called out usefully by subject matter.”

—**David H. Burt**, *DuPont Company Corporate Counsel (retired), International Commercial Arbitrator*

“This book is a comprehensive guide to the most frequently recurring legal topics in maritime arbitrations in the U.S. The authors are among the most experienced arbitrators and lawyers specializing in this area of dispute resolution. The chapters are all informative and well-written and should be a standard reference work for any professional interested in maritime arbitration.”

—**Robert Shaw**, President, *Society of Maritime Arbitrators*

“This is a book that all arbitrators involved in maritime matters need to read! David and John are outstanding arbitrators in maritime matters and it is a privilege to learn from their knowledge in this book.”

—**Camila Mendes Vianna Cardoso**, Partner at *Kincaid Mendes Vianna Advogados, Rio De Janeiro, Brazil*

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(Praise continued from previous page)

“David Martowski and John Kimball, both distinguished maritime practitioners with vast arbitration experience, have edited *Navigating Maritime Arbitration*, a uniquely valuable collection of essays by the experts – those of us who have the knowledge and expertise to teach what they have learned in their multiple lives. My immediate reaction was: “Wow... I wish this book had been available in my long-ago years as a novice admiralty lawyer!” One of many factors that favor New York maritime arbitration, under the rules of the Society of Maritime Arbitrators, is the availability of the process at a reasonable expense to the parties, the technical knowledge of the arbitrators themselves, and the speed and efficiency of the entire process. *Navigating Maritime Arbitration*, by some of the experts themselves, discusses many of the “what you should know” issues of importance in modern maritime arbitration here in New York and, indeed, elsewhere. It is a “must read” and “must have” reference work for the parties’ to any arbitral proceeding involving our industry.”

—**Clay Maitland**, Managing Partner, International Registries, Inc. and Chairman, NYMAR

“Navigating Maritime Arbitration brings together an impressive cast of maritime arbitrators and counsel to provide a tour d’horizon of the field. With its practical insight on issues unique to maritime practice (like “tanking and terminal vetting”), and coverage of thorny matters of arbitral practice (such as the arbitrator’s subpoena power), this book is sure to appeal to the seasoned maritime arbitrator or counsel and the uninitiated alike.”

—**Stephanie Cohen**, FCI Arb, ICC/ICDR/AAA Arbitrator, Vice-Chair of the Chartered Institute of Arbitrators New York Branch

“Written by key and prime players in international maritime arbitration, this book will be a valuable and practical guide to all practitioners involved in this area. The insight, guidance and tactical considerations provided, covering the arbitration process from cradle to grave, from a client’s, lawyer’s and arbitrator’s perspective, make this book essential reading for everyone involved in maritime arbitration.”

—**Magne Andersen**, Advokat M.N.A., Nordisk Legal Services

Editors

John D. Kimball is Partner of Blank Rome LLP. He also is an Adjunct Professor at New York University Law School. Mr. Kimball is a co-author of *Time Charters* (7th ed. 2014) and *Voyage Charters* (4th ed. 2014). In addition, he is a co-author of 3A Benedict on Admiralty, *The Law of Salvage* (2017) and has served as an arbitrator in several cases. For more information and contact details, see www.blankrome.com.

David W. Martowski is the former President of the Society of Maritime Arbitrators (2001-2005) and currently serves on its Board of Governors. He is retired as Chairman of Thomas Miller (Americas) Inc. (1996-2004), where he served as a Miller partner and previously as President of TMA’s predecessor, Transport Mutual Services, Inc. (1979-1996). In addition, Mr. Martowski is a former partner in the New York admiralty firm Kirlin Campbell & Keating. He graduated from Boston College, Fordham School of Law and New York University Law School (LL.M. International Law). Mr. Martowski trained as a mediator at Harvard Law School and the Straus Institute of Dispute Resolution at Pepperdine University School of Law. He is co-author of *Voyage Charters* (4th ed. 2014).

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