PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

MARITIME CONTRACTS

Maritime contracts generally involve commerce or navigation on navigable waters and maritime employment. By way of example, shipping and logistics contracts, shipping and freight contracts, vessel repair contracts, vessel charter contracts, tug and tow contracts, wharfage contracts, salvage contracts, tariffs, bills of lading, seamen wage agreements, vessel financing agreements, preferred ship mortgages, and marine insurance policies all qualify as maritime contracts. Maritime contracts can involve activities performed offshore, ashore, and inland. An amalgamation of admiralty, maritime, and federal statutory legal principles govern these contracts and do not always jibe with the more familiar legal principles of land-based contracts. We regularly handle the drafting, reviewing, revising, and analyzing of maritime contracts as well as the defense and prosecution of maritime contract actions. Some examples of maritime contracts include:

Shipping Contracts, Freight Contracts, and Cargo Claims

Bills of Lading, tariffs, and the Uniform Intermodal Interchange and Facilities Access Agreement offered by ship lines, marine terminals, trucking, and other maritime centric businesses often govern the commercial relationship between parties involved with the shipment of ocean cargo. These agreements affect demurrage, detention, and damages, and the scope of these agreements often extend over inland transportation. Statutory authorities such as the Harter Act, COGSA, the Ocean Shipping Reform Act, and even the Carmack Amendment often come into play.

Charter Party Agreements, Towing Agreements, and Salvage Contracts

A charter party is a very specialized contract for the full or partial use of a vessel. Demise, time, voyage, and slot charters have their distinct characteristics and purposes. Towage agreements, like charter parties, are governed by maritime and not state law and should not be confused with contacts of affreightment. Towage generally involves movement of another vessel by the tower or tug. The diversity of towage situations often requires careful drafting and analysis of the towage agreement. Salvage contracts involve the saving of maritime property including cargo and treasure by an agreement, which is also governed by maritime law and sometimes by international law and conventions.

Fisheries

The Exclusive Economic Zone, the Magnuson-Stevens Fishery Conservation and Management Act, the Sustainable Fisheries Act, the Small Business Regulatory Enforcement Act, the Equal Access to Justice Act, the Administrative Procedure Act, and the Code of Federal Regulations are some of the laws that create the highly specialized practice of fisheries. In addition, contract law principles will apply in some cases. Whether dealing with the National Marine Fisheries Service, the Atlantic States Marine Fisheries Commission, the Virginia Marine

Resources Commission, other federal or state agencies, or permit owners, our attorneys have the experiences to handle fishing quota and fishing permit disputes at the federal and state levels.

We regularly handle the drafting, reviewing, revising, and analyzing of maritime contracts as well as actions involving the prosecution and defense of contract claims. We have experience in matters involving marine terminals, stevedores, international ship lines, shippers, shipyards, boatyards, marine railways, marinas, marine engineering and construction companies, insurance carriers, commercial fishing interests, and salvage companies. Contact us for help with a maritime contract.