PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW



OF COUNSEL

THOMAS S. BERKLEY

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EDUCATION

William & Mary Law School, 1996

University of Virginia, 1991

ADMISSIONS

Supreme Court of Virginia, 1996

United States District Court for the Eastern District of Virginia, 1996

United States Fourth Circuit Court of Appeals, 1997

United States District Court for the Western District of Virginia, 2004

OVERVIEW

For decades Tom has represented a variety of maritime and waterfront centric businesses, government entities, and individuals in Virginia and North Carolina including public and private marine terminals, shipyards and custom boat builders, international ship lines, salvors, stevedores, intermodal cargo interests, commercial fishing companies and associations, tug and barge companies, marine construction, engineering, manufacturing, and transportation companies, municipalities, recreational boaters, and several insurance companies and P&I Clubs.

His practice includes federal and state litigation and appeals as well as administrative hearings and their associated appeals. He has prevailed in cases before the Virginia Supreme Court and the United States Fourth Circuit Court of Appeals. He has handled matters involving maritime, admiralty, employment, environmental, government contract, corporate, personal injury, and federal and state workers compensation issues. He has drafted and revised preferred ship mortgages, private dredging contracts, towing contracts, and freight contracts for his clients. He has also handled matters involving the Magnuson-Stevens Fishery Conservation and Management Act, Ocean Shipping Reform Act, Federal Maritime Commission regulations, and Custom and Border Protection regulations. He currently serves as general counsel for some of his maritime clients.

The Maritime Law Association of the United States has designated Tom as a Proctor in Admiralty. He currently serves on the Board of Colonna's Ship Yard Incorporated, on the Board of the Norfolk Propeller Club, as the Chair of the Events Committee of the Virginia Maritime Association, as a member of the Offshore Wind Committee of

the Virginia Maritime Association, and as a member of the National Maritime Day Committee of the Norfolk Propeller Club.

During his high school and undergraduate years, Tom served as a deckhand on tugboats working the James River, the Chesapeake Bay, and the Atlantic Coast. In college, he also took opportunities to live and study in London and to operate a campus wide vending machine business. Upon graduating from the University of Virginia, he completed the McIntire Business Institute program offered by his alma mater. During law school at the College of William & Mary, he served as a law clerk for the Honorable Lydia C. Taylor of the Norfolk Circuit Court, wrote for the Environmental Law Journal, and interned for the Environmental Protection Agency in Washington, D.C.

REPRESENTATIVE CASES & TRANSACTIONS

- Successfully represented international ship lines in demurrage and detention litigation involving the Ocean Shipping Reform Act and the Uniform Intermodal Interchange Agreement.
- Successfully represented marine salvage company in vessel arrest litigation.
- Successfully represented private custom boat yard in multi-million dollar marine insurance and allision litigation in Caribbean.
- Successfully represented private marine railway in historic presidential yacht preservation litigation.
- Successfully represented private shipyard in multi-million dollar 905(b) wrongful death litigation.
- Successfully represented public marine terminal in several multi-million dollar personal injury liability actions involving the cross roads of state common law and federal and state worker's compensation jurisdictions.
- Successfully represented public marine terminal in multi-million dollar railway operation claim.
- Successfully represented public marine terminal in cargo litigation involving COGSA and Carmack Amendment.
- Successfully represented international marine construction company in multiple Jones Act, Longshore, and Virginia Workers' Compensation claims over a six-year bridge construction project.
- Successfully represented marine terminal drayage company in several multi-million dollar personal injury actions.
- Successfully represented commercial fishing association in several actions involving the Magnuson-Stevens Fishery Conservation and Management Act.
- Successfully represented commercial fisherman in retainage of exclusive fishing permit.

- Successfully represented marine engineering and transportation company in multiple marine towing and maritime contract negotiations involving public and private marine terminals and marine terminal operators along the East Coast and throughout the Caribbean.
- Successfully represented marine dredging company for maintenance and cure and Jones Act matters.
- Successfully represented marine towing company in contract negotiation matters.
- Successfully defended developer in federal court wetlands litigation delaying flood prevention improvements to municipal and private subdivision project affecting hundreds of private homes.
- Successfully defended a property owner in a tenant's multi-million dollar lead paint exposure case.
- Successfully defended a national property manager in a tenant's multi-million dollar mold exposure claim.
- Successfully represented private property landowner along the Little Wicomico River navigate the federal Wreck Act and state vessel abandonment laws to secure hundreds of thousands in Virginia Marine Resources Commission funding for the removal of a partially sunk and abandoned 82 foot navy minesweeper with two diesel engines and lead ballast.

MEMBERSHIPS

- Colonna's Ship Yard Incorporated, Board of Directors
- Maritime Law Association of the United States, Proctor in Admiralty
- South Eastern Admiralty Law Institute
- Virginia Maritime Association, Chair of Events Committee and Member of Offshore Wind Committee
- Hampton Roads Global Commerce Council, Past Board Member and Past President
- Norfolk Propeller Club, Board Member and National Maritime Day Committee Member
- Virginia Bar Association
- Norfolk-Portsmouth Bar Association

HONORS & AWARDS

- AV® Preeminent™ Rated, Martindale-Hubbell® Peer Review Ratings™
- Best Lawyers In America, Admiralty and Maritime, 2012-2027

- Coastal Virginia's Top Lawyers, Aviation, Admiralty, Maritime, & Transportation, 2016–2026
- Inside Business Top 40 Under 40, 2008
- Walter E. Hoffman Community Service Award, 2008
- Leadership Hampton Roads, 2004

COMMUNITY INVOLVEMENT

- Elizabeth River Project, Volunteer and Past Board Member
- Lynnhaven River Now, Volunteer
- Chesapeake Bay Foundation, Volunteer
- The Virginia Zoo, Past Board Member