

# Maritime Arbitration under SMA Rules



Houston SMA Seminar

April 11, 2019

# Recovery of Attorney's Fees

- Section 30 of the SMA Arbitration Rules (Amended in 1994) provides in part:
  - The Panel is empowered to award reasonable attorneys' fees and expenses or costs incurred by a party or parties in the prosecution or defense of the case.
  - Counsel should submit an affidavit describing the case activity and accounting for the hours and rates charged.
  - Any attorneys fees or party costs awarded shall be quantified in the Award

HOW MANY OF YOU HAVE EXPERIENCED  
UNDUE DELAY IN GETTING A FINAL AWARD ON  
A SUMMARY JUDGMENT MOTION IN FEDERAL  
COURT ? OR A FINAL VERDICT IN A BENCH  
TRIAL? FINAL AWARD IN INTERNATIONAL  
ARBITRATION?

# Timeliness of Award

- Section 28 of the SMA Arbitration Rules provides in part:
  - The Panel has the Collective duty to issue awards not later than 120 days after the final evidence or brief has been received and the parties have been notified that the proceedings have been closed.
- Most awards issued within 60 days of close of proceedings.
- Over 4300 published awards: transparency and insight
  - Available on WestLaw, Lexis/Nexis
  - Hard copy subscription available
  - Digest of 4,300 awards available

# Mediation

- Mediation program is a result of industry outreach
- SMA Mediation Rules and Code of Ethics (available on line/ and in Blue Book)
- Model Clauses
  - Full Arbitration and Shortened Arbitration
  - “Mediation then Arbitration” clause; and Agreement to Mediate
- SMA Website [www.smanv.org](http://www.smanv.org)
- Advanced Mediation Training organized with NY City Bar
- Membership Roster indicates those Members with mediation training. Allows parties to chose a mediator from a diverse mix of commercial shipping professionals with specific experience to suit broad array of disputes.

# Types of Disputes Ripe For Mediation Under SMA Rules

- Court-Ordered or Voluntary
- All forms of charter party and bills of lading
- Sale and purchase: commodities, vessels, bunkers
- Shipbuilding, conversion and repair contracts
- Agency agreements and liner service agreements
- Commercial and cruise ship management contracts
- Salvage disputes
- Yachts – charter and salvage agreements
- Insurance contracts
- Pool contracts
- Leasing agreements and other financial/commercial disputes

Thank You!



Questions?