

**Houston Marine and Energy Insurance
Conference, Fifth Circuit Panel**

Allocating Risk In Marine Contracts

THOMPSON

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Fifth Circuit Panel

Allocating Risk in Marine Contracts

- Moderator – Kelly Haas, Mills Shirley
- Mark Clark – Thompson Coe, Houston
- Hon. Gregg Costa – Judge U.S. Fifth Circuit
- John Henderson –Liberty International Underwriters, London

Mark Clark – Maritime Attorney Thompson Coe, Houston, Texas

- Historical treatment of *Davis & Sons* six factor test.
- Factual and procedural background for *In Re Doiron*.
- Underlying opinions leading up to *En Banc* Ruling from U.S. Fifth Circuit .

Hon. Gregg Costa, U.S. Fifth Circuit Judge

The *Doiron* Test

- New test for maritime contracts in exploration and production contracts as expressed in *In re Larry Doiron, Incorporated*, 879 F.3d 568 (C.A.5 (La.), 2018)
- Elaboration of “substantial” role of a vessel as discussed in *In re Crescent Energy Services, L.L.C. for Exoneration from or Limitation of Liability*, 896 F.3d 350 (C.A.5 (La.), 2018)

John Henderson, Underwriter
Liberty International Underwriters, London, England

- The practical implications of indemnity obligations on underwriting risks.
- The problem with uncertain indemnity obligations.
- Underwriting insights on the *Doiron* test.

U.S. Fifth Circuit Panel

Allocating Risk in Maritime Contracts

- Questions and Answers