

Businesses continually strive to strike a balance between furthering their objectives and managing the accompanying risks. Yet, even with the soundest strategies, this delicate equilibrium can be jarred by a sudden catastrophe that threatens business momentum, customer confidence and even a company's financial foundation.

Combining proactive defense capabilities with years of proven litigation experience, Wilson Elser handles crisis management and emergency response for countless clients. Specifically with respect to **transportation accidents, product contamination and recalls, cyber-attacks** and other **catastrophic events**, we offer the highest-caliber representation in the industry and among insurance markets.

For several of our practice areas and in many key venues nationwide, we assemble "go teams," comprising combinations of attorneys, accident reconstructionists, independent adjusters, investigators, forensic experts, diagnostic engineers, criminal defense attorneys, public relations experts and other specialists. They typically are on site and fully engaged within hours – or even minutes – of an event. As best serves our clients' needs, we also draw on the vast resources of the broader firm, including 39 offices in the United States, another in London and dozens of key international locations afforded by our founding membership in Legalign Global™.



Maritime Crisis Management & Emergency Response

Catastrophic maritime incidents present especially complex challenges that without swift and appropriate handling can inflict substantial damage on an organization's business model and reputational standing. Multiple parties, jurisdictions and stakeholders – typically with overlapping roles and responsibilities – can create a bewildering set of issues. Moreover, incidents often take place in remote, hostile environments, generating significant risks and hampering investigations.

It's crucial for companies with maritime interests to have comprehensive crisis management and emergency response plans in place and to notify counsel during the critical first few hours, or even minutes, following a catastrophic incident.

For these express purposes, Wilson Elser maintains a dedicated Maritime Crisis Management & Emergency Response Team comprising attorneys and professionals with combined decades of related experience.

CASUALTY RESPONSE MANAGEMENT

When contacted by a client to help respond to a marine casualty, our focus is on minimizing any liability exposure and maximizing recovery potential. We interact with crew members, government investigators, responders and surveyors, asking the right questions and beginning to amass the information that could bolster a potential defense. Our work focuses on casualty investigation, evidence collection and preservation, media relations and government agency interaction.

Investigation

We assemble appropriate legal, technical and operational personnel quickly, along with any other resources required to assist those on the scene. We establish attorney/client privilege – of particular importance in protecting owners/operators – and help prevent potentially damaging admissions in written statements, press releases and other communications.

Evidence Preservation and Review

Following an incident, we preserve all critical evidence, establishing a chain of custody by carefully tagging and logging physical evidence. We immediately investigate any indication of spoliation or fabrication and help secure the scene of the casualty to the fullest extent possible.

Witnesses

Witness testimony – including that of unbiased third parties – is of critical importance following a major casualty and is often given considerable weight in subsequent litigation or trial. We review relevant electronically recorded data, conduct witness interviews and, where appropriate, obtain written statements that are admissible in court.

Experts

Successful litigation of maritime-related cases largely relies on relationships with a limited pool of experts. We have strong, long-standing relationships with a cadre of authoritative expert witnesses in their respective fields, one or more of which can be deployed as circumstances dictate. Conversely, we enjoy proven success in cross-examining and challenging the testimony of experts presented by opposing parties.

Adverse Parties

Our investigation includes a complete analysis of possible third-party liability. We consider all possible legal theories, including negligence, unseaworthiness, product liability, breach of warranty, intentional torts and others in determining whether a third party may be liable for causing or contributing to a catastrophic maritime incident.

Government Agencies

We understand the importance of maintaining credibility with the government agencies investigating a catastrophic incident. Our team proactively engages federal and state authorities regarding the methods and extent of response actions to be taken. Acknowledging that statements made can be used as evidence, we also serve as the owner/operator's representative when interacting with the U.S. Coast Guard, the National Transportation Safety Board, and city and state agencies, among others.

Media Relations

In the immediate aftermath of a catastrophic event, it is critical to establish a positive relationship with the media and the public. We collaborate with our clients to provide as much information as can be released reasonably and safely, following basic tenets of crisis management. The net effect is to help prevent inaccurate and hostile reporting and otherwise preempt or reduce reputational damage.

CASUALTY RESPONSE PREPARATION

Minimizing liability exposure in the aftermath of a catastrophic maritime incident is largely a function of having a workable, comprehensible response strategy in place beforehand – one that conforms to the company's distinct needs, addressing such efforts as:

- Protecting human life and safety
- Mobilizing pollution cleanup responders
- Minimizing environmental and natural resources damage
- Appointing outside counsel
- Retaining experts to advise on technical aspects of the investigation and response
- Notifying and advising insurers
- Investigating the causes of the incident
- Collecting and preserving critical evidence or data on the ship and ashore
- Managing the interface with and requests for information from governmental entities
- Preparing shipboard witnesses to respond to government inquiries
- Maintaining positive public relations and managing media inquiries
- Managing personal injury or death issues.

Drawing on Wilson Elser's vast risk management and maritime-related experience, we assist in the development and maintenance of these plans, and in the event of a catastrophic incident we play an integral role in their successful implementation.

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Case Studies

- **Following fire onboard a luxury cruise ship** in the Gulf of Mexico, acted as lead liaison with USCG/NTSB/Flag State regulatory investigation; coordinated and led full investigation of incident on behalf of the vessel owner.
- **Served as lead pollution response counsel** throughout all Gulf of Mexico states following Deepwater Horizon oil spill and acted as co-lead counsel for Marine Board of Investigation inquiry into the incident, the largest oil pollution incident in U.S. history.
- **Served as lead counsel for a multinational oil company** following casualty on world's largest floating drilling facility; led the company's investigation of the casualty and represented the company through an extensive governmental inquiry and the resulting London-based salvage arbitration.
- **Following major passenger ship fire** off San Juan, Puerto Rico, represented and supported owners in Joint Marine Board of Investigation (USCG/NTSB) and related public hearings.
- **Served as counsel to a major cruise line** following collision of one of its ships with tug/tow on Mississippi River.
- **Handled complex litigation on behalf of a major cruise line** following multiple failures of pod propulsion systems on four of its ships; our efforts contributed to a multimillion-dollar settlement in our client's favor.
- **Led response, served as litigation counsel** and resolved federal/state NRD claims on behalf of a major oil company following an oil spill in Louisiana coastal marshes.
- **On behalf of major cruise line**, mounted a concerted global defense in multiple jurisdictions arising out of bankruptcy of the world's largest bunker supplier

