

# NOTICE OF AN OPEN MEETING

## Canadian Maritime Law Association



L'Association Canadienne de Droit Maritime

### **WILL U.S. LAW CLAUSES SURVIVE? CONSEQUENCES OF THE RECENT *NORDEMS* RULING.**

**The Canadian Maritime Law Association will be holding an open meeting on Thursday, May 20, 2010 in the Stephen A. Scott Seminar Room (Room 16) of the Faculty of Law of McGill University, 3644 Peel Street in Montreal, commencing at 12:00 noon.**

Justice Harrington's recent ruling in *World Fuel Services v. The Nordems*, 2010 FC 332, presently under appeal, joins a long list of Federal Court rulings on U.S. law clauses purporting to create maritime liens, including *Imperial Oil v. Petromar*, *Kirgan Holdings v. The Panamax Leader* and *Kent Trade v. J.P. Morgan*. The new ruling comes as Parliament has amended the *Marine Liability Act* to grant maritime liens to Canadian necessities suppliers servicing foreign ships. Where section 139 does not apply *ex proprio vigore*, the debate on the effectiveness of incorporating U.S. law or Canadian law into foreign supply contracts continues. How is the proper law determined, and can either the Canadian or the U.S. lien statute grant a maritime lien without the shipowner's consent and without applying *ex proprio vigore*?

We are pleased to have Mr. **Marc De Man** of De Man Pilotte and Mr. **Jean-Marie Fontaine** of Borden Ladner Gervais give their views on this most elusive aspect of private international maritime law. Mr. De Man argued in support of the lien in *The Nordems* and Mr. Fontaine argued in support of similar liens in *The Lanner*.

The entrance fee will be \$20.00 and sandwiches and refreshments will be served. Please bring your friends and colleagues. Members of the Quebec Bar in attendance will receive one credit of continuing education for having participated. Members of the Law Society of Upper Canada will receive one credit for CMLA open meetings as of January 1, 2011. For catering purposes, please confirm your attendance to **Robert Wilkins** at [rwilkins@blgcanada.com](mailto:rwilkins@blgcanada.com) before May 14, 2010.