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SECRETARY ERICA TINOCO

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Conte is partner in the litigation and arbitration team.

Conte focuses his practice on commercial, maritime, transportation and trade litigation, and providing corporate and legal advice to companies in these fields. He has extensive first-chair experience representing his clients at trial, arbitration and before government agencies and boards.

He has also counseled companies during merger discussions, government investigations, major contract negotiations, labor disputes, expansion into new modes of carriage and during other significant events. Conte sat on the Board of Directors of an international shipping line for almost a decade. He also served as a US Army Reserve officer for 15 years, much of which was spent with Transportation and JAG units.

Conte is a member of the BIMCO Documentary Committee and has been appointed to the MLA Nominations Committee. He has consistently been recognized for his experience in transportation and maritime law disputes. He is recognized by Chambers as one of the top lawyers in the Transportation: Shipping/Maritime: Litigation (outside of New York) category. Additionally, his achievements have been recognized by Super Lawyers, Best Lawyers and Legal 500.

Track record

Complex Commercial Disputes

Routinely advises and represent clients in arbitration and litigation through trial in connection with contract and business tort disputes, price fixing and competition disputes, labor and employment, real estate and land use.

Government Affairs and Advocacy

Advocate for clients in connection with rulemaking and decision-making before governmental bodies including the California Board of Equalization, the Ports of Los Angeles and Long Beach, the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo & Suisun, the Golden Gate Bridge, Highway and Transportation District, California Board of Parks and Recreation and various municipalities.

Governmental Investigations; Fine and Penalty Advice and Advocacy

Advise and represent corporate clients in response to notices of violation, fine and penalty proceedings before state and federal regulatory agencies and authorities including U.S. Customs and Border Protection, the Federal Maritime Commission, Cal OSHA, the United States Coast Guard, often securing mitigation, exoneration or withdrawal of proceedings.

Major Marine and Transportation Casualties

Represented carriers, equipment owners, government contractors and ports/terminals in connection with major casualties including oil spills, other pollution events, catastrophic personal injury and death, and property damage and loss. Litigation often spans multiple proceedings in state and federal courts concurrently with government investigations and regulatory proceedings. Experience includes the 2021 Orange County Oil Spill and the COSCO BUSAN.

Multi-Jurisdictional and Trans-National Disputes

Direct and coordinate with co-counsel around the country and world in connection with commercial disputes and in connection with locating, attaching/arresting and executing on assets. Closely coordinate with co-counsel in jurisdictions including the UK, Germany, Turkey, Hong Kong, China, Italy, Australia and Singapore. Participate in arbitration proceedings in London, Singapore and Taipei.

Public Trust Doctrine and Ports and Terminals

Advise and advocate in relation to the Public Trust Doctrine and related legal principles affecting use of tidelands, submerged lands and ports and terminals. Advise and represent clients in connection with negotiations with port authorities and affected by other regulatory bodies (including the California State Lands Commission).

Reported Opinions

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo & Suisun v. Superior Court, 218 Cal.App.4th 577 (2013); Mitsui O.S.K. Lines, Ltd. v. Seamaster Logistics Inc., 2013 WL 1191212, RICO Bus.Disp.Guide 12, 366 (N.D. Cal., March 21, 2013), 913 F.Supp.2d 780 (N.D.Cal. 2012), and 871 F.Supp.2d 933 (N.D. Cal. 2012); 913 F.Supp.2d 780 (N.D. Cal. 2012); and related rulings; Gemini Capital Group v. Yap Fishing Corporation, 150 F.3d 1088 (9th Cir. 1998); Genstar Container Corp. v. Certain Underwriters at Lloyd's, 2000 U.S. Dist. LEXIS 18741 (N.D. Cal. 2000); Seagate Corporation v. Dalian China Express Int'l. Corp., 169 F.Supp.2d 1142, 1146 (N.D. Cal. 2001); Barbara Lloyd Designs, Inc. v. Mitsui O.S.K. Lines, Ltd., 2003 A.M.C. 2608 (N.D. 2003).

Talks

- Kuehne & Nagel Industry Workshop - March 2020, legal panelist
- '*Adapting to Evolving Regulation and Enforcement Initiatives for Vessel Operations*,' 7th Annual Forum on Admiralty and Maritime Claims & Litigation - February 2019, co-presenter
- '*The Legal Implications of BWM (Ballast Water Management) Regulation Enforcement*,' BWMTech North America Conference, Miami - September 2018, presenter
- '*A Look At Some Developing Issues in Marina Liability*,' Association of Marine Underwriters of San Francisco - November 2017, presenter
- '*Fraud in Maritime Cases*,' Clyde & Co Seminar, Tokyo - September 2017, presenter
- '*The Collapse of Hanjin: Lessons Learnt*,' Clyde & Co Shipping Week, London - November 2016, panelist
- '*Maritime Arrests and Attachments in the United States*,' Clyde & Co Seminar, British Embassy, Tokyo - September 2016, presenter
- '*U.S. West Coast Port Slowdown*,' Clyde & Co Shipping Week, London - October 2015, panelist
- '*Things Worth Knowing about Non-Vessel Operating Common Carriers*,' Transportation Law Institute - November 2013, presenter
- '*A Punic Web: Statutes and Contracts Affecting the Container Trade*,' Pacific Admiralty Seminar - October 2012, presenter
- '*Bill of Lading Issues in the Container Trade*,' Thomas Miller Insurance Services - March 2012, presenter
- '*How California's Duty to Defend and Indemnify In Non-Insurance Contracts Affects Insurer Obligations Association of Marine*,' Underwriters of San Francisco - May 2011, presenter
- Pacific Admiralty Seminar - October 2010, seminar chair
- '*Maritime Environmental Law*,' Pacific Admiralty Seminar - October 2008, session chair
- '*Electronic Discovery in Maritime Law*,' Pacific Admiralty Seminar - October 2006, session chair

External Publications

- 'On the Move,' Daily Journal - January 17, 2025, featured
- 'On the Move: Tracking the Ins and Outs of California Lawyers,' The Recorder - October 9, 2023, quoted
- 'On the Move,' Daily Journal - October 6, 2023, featured
- 'Amplify Energy Orange County Oil Spill \$50M Class Action Settlement,' Top Class Actions (website) - October 2022, quoted
- 'FMC Agreements, Contracts and Regulation,' Swire Shipping - July 2021
- 'Legal Landscape of Bushfires/Wildfires,' Clyde & Co - December 2020/January 2021
- 'Overstaying Cargo Also a Risk, Clyde & Co Warns Squabbling Traders,' Lloyd's list - October 2019, quoted
- 'Piecemeal Regulation Hinders the Adoption of Green Technologies,' All About Shipping - June 2018, quoted
- 'Piecemeal Regulation Hinders the Adoption of Green Technologies,' Clyde & Co Technology in Shipping Series - June 2018, co-authored
- 'Shipping Organisations Laud IMO GHG Decision,' Tanker Operator - April 2018, quoted
- 'Wind Power On Course For Return To Cut Ship Pollution,' The Time (UK) - April 2018, quoted
- 'Lack of Uniform International Legal Framework Will Hinder and Fragment the Adoption of Green Technology in Shipping,' Ship Insight, Ship Management International; Imarest; Tanker Operator; Seatrade Maritime News; Shipping Online; Bunker Ports News; Inside Marine; The Motor Ship; Hellenic (and related headlines) - January 2018, mentioned
- 'Marina Risks Complicated By Nature of the Business,' Lexology, The Insurance Hub - September 2017, author
- 'Shipping Alliance Proposes Bankruptcy Safety Net on Back of Hanjin Global,' Restructuring Review - August 2017, quoted
- 'MOL Chases Blue Alliance Trio in California Lawsuit,' Tradewinds - June 16, 2017, quoted
- 'Tiburon Ferry Negotiations Set For Early Next Week,' Marin Independent Journal - February 2017, quoted
- 'US Judge Favours MOL Win in Fraud Case,' Tradewinds - December 2016, quoted
- 'Delivery under a 'Straight' Bill of Lading Under United States Law,' TT Talk Edition 127 - March 2010, author

Admissions

California

US District Courts for the Northern, Eastern, Central and Southern Districts of California

US District Court for the District of Hawaii

US Court of Appeals for the Ninth Circuit

Education

Tulane University Law School, JD, 1994

Senior Articles Editor of the Tulane Maritime Law Journal

Recipient of ABA Award for Excellence in Local Government Law

Yale University, BA, English, 1990

Languages

English

Memberships

BIMCO - Documentary Committee

Maritime Law Association - Former Board of Directors and Proctor Member

Pacific Admiralty Seminar - Board of Directors and Past Seminar Chair

Transportation Lawyers Association

Kentfield Schools Foundation - Past Member, Board of Directors (2013-2016)

Withers History

Joined 2023

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