



# DELIVERING FOR THE 'OPPRESSED CLASSES'

*Stephen Simms, a founding partner in US law firm Simms Showers and IBIA board member, talks to David Hughes*

**S**imms Showers is now a significant name on the US maritime law scene but I wondered how it had all come about.

## **Why did Steve get into law and, moreover, specialise in bunker disputes?**

He replies: "I got into law because my father was a chemist. When my high school chemistry teacher asked me what I was going to do after I graduated college, I responded that since my father was a chemist (after all it was my chemistry teacher asking the question), I was going to be a chemist. My teacher responded, 'Steve, I like you, I think you should find another career.' So, with that, I moved toward law."

Steve continues: "Along the way I had become interested in international studies, attending Johns Hopkins and getting a Masters degree in an accelerated program at Hopkins' Advanced International Studies school in Washington DC. I continued the interest at Northwestern Law School in Chicago, where I served as Editor-in-Chief of its international law journal. After law school I was selected for the United States Attorney Generals Program for Honor Law Graduates, serving as a prosecutor in its international antitrust section. I'd always been drawn back to Baltimore, though, where I had started at Johns Hopkins, and so when I entered private practice,

the way into international law in Baltimore – which is one of the US's major ports - was through maritime law. I was fortunate enough to join a firm which practiced maritime law and then, from that firm, founded Simms Showers, our own firm now about 20 years ago."

"Working in maritime law I developed an expertise helping what I call the 'oppressed classes' of the maritime industry, suppliers including bunker traders and suppliers, tug companies and container lessors. Each of those suppliers tend to find themselves the last paid when there is an insolvency or an economic downturn. It was serving them that I learned about the many maritime remedies available across numbers of jurisdictions to use to successfully recover."

## **DH: Your website shows that marine is only one of several areas of law that you deal with. Do you have a particular interest in marine?**

**SS:** I have a particular interest in marine because, well, it's simply interesting and also working with people across many time zones, keeps you from getting too much sleep and gives you even more reason to find better coffee to drink. Marine is interesting because there's always something different; every situation involves a different collection of people, places and law, and presents a different challenge. There's also nothing

like crawling around the ship engine room, figuring out how to use navigation and weather data to determine the cause of an accident, or finding new effective ways to recover for our clients. I've never been bored working in the maritime field, and I particularly have enjoyed the people I've met along the way, both those we've served and those we have faced off against. The maritime world gathers many courageous, entrepreneurial and forward-looking people, who also are frequently a lot of fun.

## **DH: Going on from that, why an interest in bunkering, and why is it worth getting involved in IBIA, to the extent of being on the Board?**

**SS:** I have an interest in bunkering because there are all sorts of elements which come together in a bunker transaction, from simply the pricing transaction of the delivery of bunkers, to the formation of the contract, to questions about bunker quality and quantity delivery. Bunkering is necessarily the centerpiece of maritime commerce, because without bunkers or fuel generally, of course, there would not be commerce. IBIA board involvement gives me the opportunity to share thoughts about the present and future of the industry with other leaders in the industry, who also think about the arcane aspects of bunkering.



The members of the Board are drawn from a range of expertise in the bunkering industry, who have deep and long experience with the industry's development. I was grateful to be invited to join the Board and certainly look forward to contributing and learning from my fellow Board members and IBIA members.

**DH: Do you think it is important to have a North American input into IBIA's Board discussions?**

SS: North American input into IBIA's Board decisions is essential because first, the size of the US economy, second because of US and generally North American influence in the economic world, and third because of US enforcement involving bunkering and issues of ocean pollution. It is also important to continue to encourage greater participation of North American companies in IBIA, especially as the maritime world continues to move toward international standards of fuel content and quality, and pollution reduction.

**DH: What are your views on the OW Bunker collapse?**

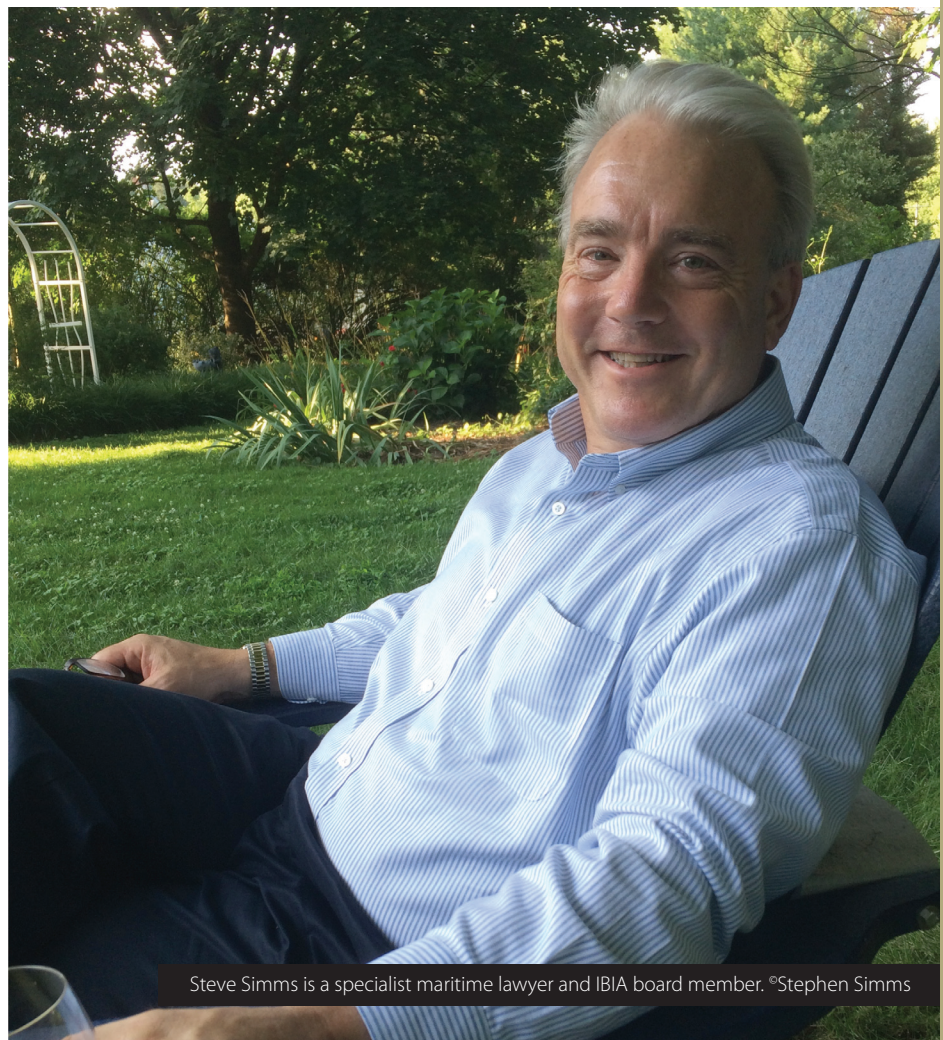
The OW Bunker collapse is going to change the face of the industry over the next 10 years or more, and probably already has changed it. The fundamental question that has to be answered is how do the various trading and supplying entities in a bunkering transaction assure that they will be paid, and how is financing going to be done of those entities' businesses? Already, the primary question asked in every bunker transaction is "have you paid your supplier?" The industry will have to develop reliable mechanisms to assure that suppliers, who are providing the bulk of the value to every bunker transaction, are paid. Because of the sheer number of litigations and arbitrations now going forward and the OW situation, there will be a great amount of law developing which will be what the industry looks to regulate its transactions for years to come. which will be how the industry looks to regulate its transactions for years to come.

**DH: What other issues concern you at present?**

SS: The main issue that concerns me presently, if concern is the right word, is the impending worldwide reduction in sulphur content for marine fuels, that likely will take place in 2020. This raises issues of worldwide supply, as well as enforcement, and also will further 'fuel' development of LNG for marine propulsion. Also, coming out of OW, there does need to be further, reliable ways that bunker physical suppliers can assure that they are paid, and that vessel owners and charterers can be assured they will not have to pay twice or more for the same supply.

**DH: How would like to see IBIA develop? Do think there is much enthusiasm for joining IBIA among North American suppliers and owners?**

SS: IBIA is developing fabulously and I am humbled to be invited to serve further with that. I would like to see IBIA develop, and I know my fellow board member share this, providing further services to members and also continuing coordination and communication across the international and individual governmental bodies that regulate the maritime industry. In the next year and more, IBIA members will see even further involvement of IBIA in intergovernmental and international agency deliberations, as well as educational efforts for members, including webinars and podcasts. I do think that North American suppliers and owners are continuing to be interested in becoming involved in IBIA, for all the reasons I've mentioned, and it's important that they do that. That will be one of my primary commitments as a Board member in the coming months.



Steve Simms is a specialist maritime lawyer and IBIA board member. ©Stephen Simms