ST. ANDREW BAY PILOTS' REQUEST TO BE REPRESENTED
BY QUALIFIED REPRESENTATIVE PAXTON N. CREW

To the Pilotage Rate Review Committee:

Pursuant to section 120.62(2), Florida Statutes, and rule 28-106.106, Florida Administrative Code, St. Andrew Bay Pilot Association. ("SABP" or the "Pilots") files this Request To Be Represented by Qualified Representative and states:

1. The Board of Pilot Commissioners ("BOPC") is set to hold a hearing on August 8th, 2019 to determine the pilotage rates charged by SABP in Panama City by the Pilotage Rate Review Committee ("PRRC"), a subset of the BOPC. § 310.151, Fla. Stat.

2. In accordance with section 120.62, Florida Statutes, and rule 28-106.106, Florida Administrative Code, the Pilots wish to be represented at the hearing by Paxton Crew, a member of the State Bar of Texas. Because Mr. Crew is not a member of the Florida Bar, the Pilots request that he be designated as a qualified representative. A sworn affidavit from Mr. Crew, setting forth his qualifications, is attached as Exhibit A.

3. Section 120.62(2), Florida Statutes, provides in relevant part:

Any person compelled to appear, or who appears voluntarily, before any presiding officer or agency in an investigation or in any agency proceeding has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or by other qualified representatives.

(Emphasis supplied).

5. Rule 28-106.106(1), Florida Administrative Code, provides in relevant part:

Any party who appears in any agency proceeding has the right, at his or her own expense, to be represented by counsel or by a qualified representative.

(Emphasis supplied).

7. The Pilots seek the designation of Mr. Crew as a qualified representative so that SABP may present its case without concerns that Mr. Crew may be accused of the unauthorized practice of law. Id. at 417 ("In the absence of legislative authorization for lay representation, there would be no question that conduct which constitutes the practice of law, wherever performed, is subject to our constitutional responsibility to protect the public from the unauthorized practice of law.") (emphasis supplied).

8. As demonstrated by Mr. Crew’s affidavit (Exhibit A), he meets the requirements to be designated as a qualified representative. He has read section 310.151, Florida Statutes, and understands the role and jurisdiction of the PRRC in connection with applications for changes in the rates of pilotage. Accordingly, he has read the Florida Rules of Civil Procedure to familiarize himself with relevant discovery requirements; the Uniform Rules of Procedure, which will govern any proceeding at DOAH; and sections 120.569 and 120.57, Florida Statutes. Specifically, he understands the evidentiary requirements that apply in administrative proceedings, i.e., that “[i]relevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.” § 120.569(2)(g), Fla. Stat. He understands that in proceedings conducted pursuant to section 120.57(1), Florida Statutes, hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to
support a finding unless it would be admissible over objection in civil actions." § 120.57(1)(c), Fla. Stat.

9. In addition to familiarizing himself with Florida’s statutory procedures concerning changes in the rates of pilotage, Mr. Crew has read the applications of both FCCA and SABP that are at issue in these proceedings. He has substantial familiarity with pilots and piloting and the issues raised in the competing applications. As explained more fully in Exhibit A, Mr. Crew is a maritime lawyer who has represented pilots in both Florida and other jurisdictions. He is a member of the Maritime Law Association of the United States and a former port director for Houston’s branch of the Southeast Admiralty Law Institute, and has handled multiple maritime cases. See Exhibit A.

10. Finally, Mr. Crew has read and understands the Standards of Conduct for Qualified Representatives in rule 28-106.107, Florida Administrative Code, and has agreed to adhere to them. See Exhibit A.

For the reasons expressed, SABP respectfully requests that the PRRC designate Mr. Crew as a qualified representative in connection with these consolidated proceedings.

Respectfully submitted,

[Signature]

Capt. Zachary J. Condon
St. Andrew Bay Pilot
Affidavit of Paxton N. Crew,

My name is Paxton N. Crew. I am a lawyer who practices primarily in Texas, but have done so elsewhere throughout the United States. My office is at 303 E. Main St. Suite 260, League City, Texas 77573. My office number is 713-955-0909. My email address is Paxton@theCrewLawFirm.com. I am preparing this affidavit in support of the St. Andrews Bay Pilot Association application for a rate increase, currently set for August 8th and 9th in Panama City, Florida and requesting to be deemed a Qualified Representative under Rule 28-106.106 of the Florida Administrative Code. That is the purpose of this affidavit and includes a list of my qualifications.

I graduated from the University of Houston Law School in 2007. I have been licensed to practice law in Texas since 2007. Since that time I have worked almost exclusively on maritime matters. I began my career with the law firm of Legge, Farrow, Kimmitt, McGrath & Brown in Houston, Texas where I practiced for three years. During my time at Legge, Farrow, Kimmitt, McGrath & Brown, I represented most of the major Protection and Indemnity clubs in purely maritime matters occurring in the U.S. Gulf of Mexico and ports of Texas. I have also been engaged in a number of international maritime collision cases and London arbitrations. I also had the opportunity to defend shipowners in Jones Act personal injury cases, and also to defend harbor pilots before state pilot boards and before the National Transportation Safety Board and U.S. Coast Guard marine casualty investigations. It would be accurate to say that the bulk of my career has focused on collisions and property damage cases, often involving compulsory harbor pilots. I have by my latest count been involved in over two-hundred claims involving the navigation of a vessel (or mechanical failure or loss of propulsion or pollution) when a compulsory pilot was on board. The bulk of these claims resolved prior to any U.S. Coast Guard casualty investigation, but these were all files that were opened and required my involvement. In short, I have an extensive background in the nature of pilotage as it relates to marine casualties.

In 2010 I began my own law firm, The Crew Law Firm, P.C., where I continue to represent maritime interests, both plaintiff and defense. I have tried a number of cases to the bench and to the jury, some of which are highlighted on my attached curriculum vitae. I have also been engaged as an expert in maritime law, in particular maintenance and cure cases, maritime law malpractice claims and collision cases.

With regard to my experience in pilot rate hearings and negotiations, I have been personally involved in seven rate negotiations in Texas. Three for Galveston-Texas City, one for Matagorda, one for Freeport, and two for Aransas-Corpus Christi. In addition, I was deemed a qualified representative of the Biscayne Bay Pilots during the 2017 hearing held in Miami, Florida in May of 2017. Of these, two have gone beyond the administrative level to a judicial review stage. I believe my insight into the relationships between shippers and pilots and experience in these rate proposals will be helpful in presenting the St. Andrews Bay Pilots during the August 2019 hearing.

Although I am enrolled in the State Bar of Texas, and the Federal Bars for the Western, Southern and Eastern Districts of Texas as well as the Federal Fifth Circuit Court of Appeals, I am not licensed to practice in Florida. Therefore, with regard to Florida’s statutory requirements for Pilot Rate
applications, I have read section 310.151 of the Florida Statutes and I am familiar with the requirements stated therein. Likewise, I am familiar with the Administrative Procedures Act and the rules regarding hearsay. I agree to be bound by the Standards of Conduct for Qualified Representatives.

Signed this 16th day of July, 2019.

[Signature]

Paxton N. Crew

Sworn to and subscribed before me on this 16th day of July, 2019, to certify that Paxton N. Crew, who is known to me and identified himself did sign the foregoing document.

[Stamp: Stacy M. Morris, Notary Public-State of Texas]
Mr. Crew was born and raised in Orange, Texas and is a seventh generation Texan. He lives in Friendswood, Texas with his wife and three children. Mr. Crew obtained his B.A. in History from the University of Houston in 1996, and his J.D. from the University of Houston Law Center in 2007. Prior to attending law school, Mr. Crew owned a satellite entertainment company that serviced bars and restaurants throughout Southeast Texas and South Louisiana. He also worked for six years at NASA’s Johnson Space Center-Aircraft Operations Division for a contractor involved with integrated projects to NASA’s support and training aircraft, including the Boeing 747 Shuttle Carrier Aircraft (“SCA”), the Super Guppy Transport (“SGT”), WB-57 wide wing high altitude research aircraft, T-38 astronaut trainers, and Gulfstream Shuttle Training Aircraft (“STA”).

As a lawyer, Mr. Crew has represented a wide array of plaintiffs and defendants, ranging from Jones Act seamen, longshoremen, to vessel owners and financial institutions involved in fleet and vessel mortgage foreclosures, collisions, and complicated charter party disputes. Mr. Crew has represented mariners in regulatory proceedings all over the country and been retained as an expert witness in cases involving the substantive maritime law of the United States and the Law of the Sea, as well as punitive damages and maintenance and cure violations. Mr. Crew also serves as outside house counsel to maritime and energy companies in South Texas. He is a member of the Fifth Circuit Federal Bar Association, the Maritime Law Association of the United States and the South Eastern Admiralty Law Institute.

He has been chosen by his peers as a Texas Rising Star and a Superlawyer in the publication SuperLawyers in the areas of maritime and transportation law consecutively since 2011 and as a Powerlawyer as named in Houstonia magazine for 2016 and 2017. He is also a member of the Order of the Barristers and has served as a coach for the University of Houston Admiralty Law Moot Court Team. Besides Texas, Mr. Crew is admitted to practice before the Fifth Circuit Court of Appeals, the United States District Courts for Southern, Eastern and Western Texas.

Professional Experience:

**The Crew Law Firm, P.C.**

2011 to present  
Owner

**Legge, Farrow, Kimmitt, McGrath & Brown L.L.P.**

2007 to May 2011  
Attorney

**Stolt-Nielsen Transportation Group**

Summer 2006  
Norwalk, Connecticut/Houston, Texas

**Science Applications International Corporation (SAIC)**

October 2000-May 2006  
Technical Lead-Functional Analyst
Education:

**University of Houston Law Center-J.D. 2007**
- Gus Schill, Jr. Maritime and Professionalism Scholarship Award
- Order of the Barristers
- John R. Brown Admiralty Moot Court Competition,
  National Finalist 2007, National Semi-Finalist 2006

**University of Houston-Clear Lake-B.A. History, 1996**

Representative Published Affirmative Decisions and Verdicts:

**Desmond Clophus v. Cal-Dive International, Inc.**
- Cause No. 2012-05338, in the 61st Judicial District Court of Harris County, Texas,
  Hon. Al Bennet presiding. Represented Jones Act seaman. Jury verdict of
  $891,000 for dislocated wrist.

**Geneve Butane, Inc. v. Nat’l Oil Corp. of Libya,**
- No. 12-20756 (5th Cir, 2012)(unpublished)
  Represented Hess Corporation in Rule B asset seizure involving oil royalties in
  Libya. Affirmed at Fifth Circuit.

**Clipper Bulk Shipping, Ltd. v. Sun Coast Resources, Inc.**
- Cause No. 09-12-00478-CV, in the Ninth Judicial Court of Appeals.
  Affirmed Jury Trial verdict and award of attorney’s fees in fuel dispute.

**One Beacon Insurance Co. v. Crowley Maritime Corp.**
- 648 F.3d 258 (5th Cir, 2011)
  Creating new rule for contract interpretation allowing a website’s terms and
  conditions to be a valid incorporation by reference in an invoice’s terms and
  conditions.

**Ondimar Transportes v. Beatty Street Properties, Inc.**
- 555 F.3d 184, 187 (5th Cir. 2009)
  Created new rule of law in Fifth Circuit of a settlement bar to non-settling joint
  tortfeasors.

**Lance Campbell v. Royal Caribbean Cruises, Ltd.**
- Cause no. 08-41343 (5th Cir. Sept. 9. 2009) (unpublished)
  Summary judgment involving seaman status.

**Flame S.A. v. M/T Lynx**
- Cause no. 1:10-cv-278, in the U.S. District Court for the Eastern District of
  Texas. Vessel arrest case involving Mexican national cargo of feedstock being
  wrongfully detained during an arrest in Beaumont, Texas.
**Regions Equipment Finance Corp. v. AT 2400 et al.**
Cause no. 1:10-cv-215, in the U.S. District Court for the Eastern District of Texas. Fleet Mortgage Foreclosure action. Lead counsel. Appealed adverse ruling to Fifth Circuit Court of Appeals and U.S. Supreme Court. Obtained very favorable settlement for principals and guarantors and reduction of almost $25,000,000.00 in judgments.

**In re: Sanco Holding, A.S.**
Cause no. 1:07-cv-161, in the U.S. District Court for the Southern District of Texas.
Limitation of Liability Action involving Gal-Tex Pilots pilot boat, the “GalTex” that capsized and sank at the mouth of the Galveston jetties. Represented Galveston-Texas City Pilots in multi-party limitation action involving numerous personal injuries and the death of the pilot boat operator.

**In re: Seatrout GmbH & Co. KG**
Cause no. 1:08-cv-3715, in the U.S. District Court for the Southern District of Texas.
Limitation of Liability Action, successfully defended client in case where co-defendant settled for $15,000,000.

**Galtex Pilots Service Corp. v. Great American Insurance Co.**
Cause no. 1:09-cv-100, in the U.S. District Court for the Southern District of Texas.
Declaratory judgment action involving insurance companies’ failure to defend and indemnify its assured.

**Publications and Presentations:**

*Limitation of Liability: Practical Considerations for Trial, South East Admiralty Law Institute, June 2015 Summer Meeting.*
