

Dana S. Merkel | Partner
Maritime

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Dana Merkel focuses her practice on domestic and international marine transportation and environmental issues for clients worldwide. Clients include ship owners, operators, and managers; offshore construction companies; shippers, charterers; and terminals. Major areas of practice include:

- Compliance counseling under a myriad of international conventions and U.S. and foreign regulations
- Coastwise trade
- Offshore construction, oil & gas, and wind farm development
- Crew citizenship, including visa and entry issues
- Defense of administrative, civil, and criminal enforcement actions
- Internal investigations
- Pollution response
- Counseling on compliance and risk mitigation strategies
- Development of administrative and legislative solutions to maritime and environmental compliance challenges
- Vessel construction and flagging
- International trade and sanctions issues

Dana's passion for the maritime industry began as a child growing up on Lake Superior, where she worked in marinas and on private yachts and small passenger vessels. She went on to graduate from the U.S. Merchant Marine Academy and worked through the International Organization of Masters, Mates, and Pilots ("MMP") as a Third Mate and Qualified Member of the Engine Department ("QMED") on a variety of vessel types, including container, dry bulk, tanker, ro-ro, ice breaker, and research vessels. Dana also worked ashore managing crude and product transportation for a major U.S. oil company.

Dana conducts customized training sessions for clients and assists in creating and implementing effective compliance programs. She also writes and presents on issues impacting the maritime industry frequently, such as:

- “The Regulatory Landscape: Immigration & Employment for OSW,” at IPF Virtual, April 2020
- “The Broad Reach and Limitations of U.S. Forfeiture Law,” in *Pratt’s Energy Law Report*
- “Status of U.S. Jones Act and Its Implications to the U.S. Offshore Wind Industry,” at the 2020 U.S. Offshore Wind Round Table Discussion
- “Advances in Electronic Recordkeeping,” in *Maritime Reporter*
- “Opportunities and Challenges with Maritime Autonomous Surface Ships (MASS),” in *Maritime Reporter*
- “Let’s Talk Vessels (Construction and O&M),” at the 2019 Sea to Land Conference
- “New U.S. Effort in Strait of Hormuz Echoes Past Clashes with Iran,” in *USNI News*
- “MARPOL Compliance Alert: D.C. Court of Appeals Shuts the Door on APPS Relief,” in *Mainbrace*

Select Engagements

- Defense of vessel owners/operators after allegations of safety and environmental violations.
- Representation of the owner of the *Kulluk* in the Coast Guard and NTSB investigation of its evacuation and grounding in Alaska.
- Representation of the Captain of the *El Faro* in the Coast Guard and NTSB investigation of its sinking and loss of all 33 crew.
- Provide assistance in internal investigations, reports, and disclosures to government agencies.
- Conduct due diligence in preparation for company financing or purchase.
- Assistance in the successful removal of vessels and vessel owners from OFAC sanctions list.

Admissions

- New Jersey
- District of Columbia
- New York

Education

- U.S. Merchant Marine Academy, BS
- Roger Williams University School of Law, JD

Recognitions

- 2023–2024, Ones to Watch, Transportation Law, listed in *Best Lawyers in America*®
- 2021–2023, listed in *The Legal 500 United States*
- 2021–2023, Rising Star: Transport: Shipping - Litigation and Regulation, listed in *The Legal 500 United States*
- 2020–2021, listed in Capital Pro Bono Honor Roll

Professional Activities

Dana is engaged in a number of pro bono initiatives and is particularly involved in assisting with veterans' claims and services.