



FULL NAME: Florian Max Hardberger

AGE: 58

BORN: Baton Rouge, Louisiana

LIVES: Lacombe, Louisiana

FAMILY: Ex-wife and one son

EDUCATION: University of New Orleans – BA in English
University of Iowa – master of fine arts
Remote degree from Northwestern California
University School of Law

RENAISSANCE MAN: vessel extraction specialist, tramp steamer captain, port captain, surveyor, lawyer, adjuster, author, certified scuba diver, high school English teacher, private and commercial aircraft pilot, cropduster and flight instructor

CURRENT JOBS: Attorney – Hardberger Law Firm and Bynane & Co
Operations manager – vessel extractions
independent surveyor and adjustor

PASTIMES: Scuba diving, flying, riding motorcycles, watching foreign films (Fellini is a favourite)

Just what the witch doctor ordered

Max Hardberger specialises in extractions, but dentistry this isn't – although it can be painful. Meet a seagoing repo man who won't shrink from brinkmanship when negotiation fails



By Will Watson
Senior Americas Correspondent

Max Hardberger's favourite role, since transforming himself from a freighter skipper into a maritime lawyer, is 'vessel extraction specialist'. Perhaps the reason why is such chores can lead to shenanigans of Indiana Jones proportions.

Yet when asked by *Fairplay* about ship repossessions, he calls extractions "last resorts", which he carries out only

after all other avenues have failed. "Negotiations are the key in returning vessels to their rightful owners," Hardberger explains, in view of the risk and complexity of repossessing a commercial vessel from what can be a hostile environment.

Derring-do one Haitian night

While that is undoubtedly true, *Fairplay* readers have come to expect hairy-chested sagas in full. Hardberger says his most flamboyant extraction – and one that points to the futility of seeking official help in some cases – occurred in Haiti in April 2004.

The case was handled by New Orleans-based Vessel Extractions, where Hardberger directs operations. It involved a 500-vehicle ro-ro whose owner died. Then its \$3.3M mortgage went unpaid. When the mortgage-holder moved to seize the ship, the charterer defaulted on fees and then reportedly colluded with corrupt officials on Hispaniola to rig an auction where the charterer himself won ownership.

As a landowner on Haiti and a former ship's master who often called there, Hardberger knew the only course was to spirit the ship away to a jurisdiction where legally constituted courts might

recognise the mortgage holder's claim. So Hardberger and a small crew slipped into the Haitian port of Miragoane with an oceangoing tug standing by.

Knowing that watchmen aboard the ship were selling its fuel on the black market, he lured them ashore by posing as a potential customer.

Then off-duty Haitian police, hired by Hardberger, held the watchmen while the repo man's crew went to work cutting the anchor chains with acetylene torches.

A bit of voodoo on the pitch

"We thought cutting the chains would take about 45 minutes," he tells *Fairplay*. "But it took hours, and the torches lit up the entire town."

Also, Hardberger was worried that the port manager – the only one in town with a cellular phone – would find them out and call the charterer or the Haitian government to stop the extraction.

So Hardberger called on an old friend – a witch doctor (see box below) – to cast a spell on the football pitch, the only place nearby flat enough to make calls, so bumpy is the rest of the terrain.

It worked a peach. Hardberger and his crew cut the chains and secured lines to the tug, which towed the ro-ro out to sea. But as they headed for the Bahamas, a second tug neared and radioed that it had been sent to take over the tow. Checks with the towing company revealed that the second tug had actually been sent by the charterer, so Hardberger radioed the Bahamian coastguard, which detained the second tug.

Once in the Bahamas, a court quickly ruled for Hardberger's client, and the ro-ro was transferred to the mortgage holder.

He is prevented from divulging the ship's true name because of client confidentiality, but *Fairplay* has learned independently that the ro-ro was *Maya Express* – the ill-fated ship that new owners renamed *Dayana*. It sank in August while hauling scrap from Hispaniola to Central America.

Hardberger tells *Fairplay* that situations such as this are particularly acute in Haiti because of its general lawlessness. He adds that even now the central Haitian government controls just two of the island's dozen ports.

"The others are little city states or



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fiefdoms," he explains, noting that local political figures control the ports, collect fees and never send any money to Port au Prince. Hardberger holds that the Caribbean, while not rife with corruption on a Haitian scale, still remains largely an "old boys' network", where visiting ships often face extortionate fines and fees.

With the exception of island governments that remain British crown colonies – such as Bermuda and the Caymans – and a few that remain in the Commonwealth, many islands are procedural minefields for foreign ship-owners, mortgage holders and their

lawyers, he maintains. For example, he points to Trinidad & Tobago, where "odds are, you won't be able to hire a local lawyer who isn't related to the opposing counsel."

Things are getting better on many islands, and in Jamaica the lawyers are fine, Hardberger declares, but even its courts can be a problem. Venezuela he calls an "outlaw state".

On many Caribbean islands, it is understood that police and other officials augment their pay with capriciously levied fines, which becomes clear when a loaded vessel preparing to depart will be visited by an official who demands cash fines, he adds.

Cheaper to pay and take the cargo

"There's no choice but to pay up because it would cost more to allow the cargo to remain," Hardberger explains.

Still, he would never initiate "a surreptitious extraction [where] a legitimate system of laws is in place". And he notes that he might perform just one or two such operations a year.

Hardberger is now working with agents and producers in Hollywood, where plans are afoot to turn his novel *Freighter Captain* into a movie.

Harrison Ford is surely now too old, but Max Hardberger – the real deal – certainly isn't. **F**



I put a spell on you

Handy, that witch doctor. Years before, when Max Hardberger had called at the port as a tramp freighter captain, he employed the same shaman.

The medicine man spread voodoo powder on his ship to keep thieves away. But this worked not only with thieves, but also with his crew's girlfriends and local businessmen.

As for the \$100 he paid to his Haitian 'fixer' both times for the spells, he recalls his client saying: "That's the only time I've paid an expense for a witchdoctor."